AGENDA

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AGENDA

REPORTS

CORPORATE SERVICES COMMITTEE MEETING
HELD ON 17 FEBRUARY 2020

DEVELOPMENT SERVICES COMMITTEE MEETING
HELD ON 18 FEBRUARY 2020

CHIEF EXECUTIVE OFFICER’S REPORT
NOTICE OF MEETING AND AGENDA

CR ______________________________________

PLEASE TAKE NOTICE that the next ORDINARY MEETING OF COUNCIL will be held in the Council Chambers, Orchard Avenue, Armadale at **7.00pm**

**MONDAY, 24 FEBRUARY 2020**

JOANNE ABBISS  
CHIEF EXECUTIVE OFFICER

20 February 2020

1  DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2  RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Leave of Absence previously granted to Cr K Busby  
Apology received from Cr M S Northcott and Cr C M Wielinga

3  ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4  PUBLIC QUESTION TIME

*Public Question Time is allocated for the asking of and responding to questions raised by members of the public.*

*Minimum time to be provided – 15 minutes (unless not required)*  
*Policy and Management Practice EM 6 – Public Question Time has been adopted by Council to ensure the orderly conduct of Public Question time and a copy of this procedure can be found at [http://www.armadale.wa.gov.au/PolicyManual](http://www.armadale.wa.gov.au/PolicyManual).*

*It is also available in the public gallery.*

*The public’s cooperation in this regard will be appreciated.*
5      APPLICATIONS FOR LEAVE OF ABSENCE

5.1   Request for Leave of Absence – Cr Donna Shaw
Request for leave of absence received from Cr Donna Shaw for the period
Wednesday 1 July 2020 to Friday 31 July inclusive.

RECOMMEND

That Council grant leave of absence to Cr Donna Shaw for the period
Wednesday 1 July 2020 to Friday 31 July 2020 inclusive. (Includes 2
Ordinary Council meetings – 13 July and 27 July 2020).

6      PETITIONS

7      CONFIRMATION OF MINUTES

7.1   PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 10 FEBRUARY 2020...................................................... (ATTACHED)

RECOMMEND

That Council:

1. confirm the Minutes of the Ordinary Council Meeting held on 10 February
   2020 as a true and accurate record; and
2. note the consequential correction that was made to the Community
   Services Committee meeting minutes of 4 February 2020 to include the
   CEO’s non-financial interest declaration on Recommendation C4/2/20
   relating to the Roleystone Theatre Group.

8      ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT
DISCUSSION

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

Nil
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BUSINESS ARISING FROM REPORT

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

13 MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

15 CLOSURE
PRESENT: Cr JH Munn CMC (Chair)
Cr CA Campbell JP (Deputy Chair)
Cr H Jones
Cr E Flynn
Cr G Smith Deputy to Cr Busby
Cr C Frost
Cr G Nixon

APOLOGIES: Cr K Busby (Leave of Absence)

OBSERVERS: Cr S Peter

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
Mrs Y Loveland Executive Director Community Services
Mrs F Baxter Executive Manager Corporate Services
Mrs J Sutherland Executive Assistant Corporate Services

PUBLIC: 2

“For details of Councillor Membership on this Committee, please refer to the City’s website – www.armadale.wa.gov.au/your council/councillors.”
DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was read.

DECLARATION OF MEMBERS’ INTERESTS

Cr G Smith  Recommendation CS5/1/20 – List of Accounts Paid January 2020

QUESTION TIME

Nil

DEPUTATION

Rates Exemption Application - Request For Review of Determination - Access Housing Australia Ltd - Multiple Properties

Mr Duane Moroney (General Manager Property Assets) and Mr Neil Starkie (Executive General Manager) – Access Housing, addressed the Committee at 7.03pm and provided the following main comments:

- On the 23 September 2019 Council determined rates exemption approval for a portion but only commencing from the date of approval and not from the application commencement date. Further, most applications were declined on the basis the properties were either not used for a charitable purpose or not exclusively used for a charitable purpose.
- Access Housing contested this determination and provided supporting argument inclusive of legal precedents which are contained within the agenda information.
- We are appreciative of the City’s reconsideration and proposed recommendation to Council following receipt of further legal advice.
- Confirmation is sought on the matter of exemption approval commencement date which is not clear within the agenda. As argued, the properties (Land) were being used exclusively for charitable purposes as at the 1st July 2018 and as such exemption commencement is from this date.

Committee discussed the above comments as well as the State Government’s cost shifting onto local government and how rates exemptions across the City have been increasing rapidly over the past five years.

Chair thanked Mr Moroney and Mr Starkie for their attendance.
Deputation retired at 7.10pm.
CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Corporate Services Committee Meeting held on 20 January 2020 be confirmed.

Moved Cr C A Campbell
MOTION CARRIED (7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

If any of the items from the Information Bulletin require clarification or a report for a decision of Council, this item to be raised for discussion at this juncture.
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CORPORATE SERVICES COMMITTEE

17 FEBRUARY 2020

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Committee agreed to bring forward Item 1.3 to this juncture of the meeting in the interests of the public gallery.

**1.3 - RATES EXEMPTION APPLICATION - REQUEST FOR REVIEW OF DETERMINATION - ACCESS HOUSING AUSTRALIA LTD - MULTIPLE PROPERTIES**

WARD : ALL  
FILE No. : M/791/19  
DATE : 1 February 2020  
REF : SW  
RESPONSIBLE MANAGER : Executive Director Corporate Services

**In Brief:**
- On 23 September 2019, Council determined to grant rates exemption on 24 of 110 properties applied for by Access Housing Association (AHA).
- AHA have responded by resubmitting their claim for reconsideration by Council.
- This report provides two recommendations for Council to consider based on further legal advice:
  - Council to set aside the previous decision and approve all rates exemptions application; or
  - advise that the September decision stands and any further objection is required to be completed through SAT.

**Tabled Items**
Nil

**Decision Type**

☐ Legislative  
The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

☐ Executive  
The decision relates to the direction setting and oversight role of Council.

☒ Quasi-judicial  
The decision directly affects a person’s rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

**Officer Interest Declaration**
Nil

**Strategic Implications**
4. Leadership  
4.1.2 Make decisions that are sound, transparent and strategic
Legal Implications

Local Government Act 1995

S6.26 Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land —
   (g) land used exclusively for charitable purposes;

Charities Act 2013

12 Definition of charitable purpose

(1) In any Act:

   charitable purpose means any of the following:
   (a) the purpose of advancing health;
   (b) the purpose of advancing education;
   (c) the purpose of advancing social or public welfare;
   (d) the purpose of advancing religion;
   (e) the purpose of advancing culture;
   (f) the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;
   (g) the purpose of promoting or protecting human rights;
   (h) the purpose of advancing the security or safety of Australia or the Australian public;
   (i) the purpose of preventing or relieving the suffering of animals;
   (j) the purpose of advancing the natural environment;
   (k) any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs (a) to (j);

Section 7 of the Charities Act provides that certain purposes presumed to be for the public benefit:

(7) In the absence of evidence to the contrary, a purpose that an entity has is presumed to satisfy the requirements of paragraphs 6 (1) (a) and (b) (purposes for the public benefit), if the purpose is any of the following purposes:

   (a) the purpose of preventing and relieving sickness, disease or human suffering;
   (b) the purpose of advancing education;
   (c) the purpose of relieving the poverty, distress or disadvantage of individuals or families;
   (d) the purpose of caring for and supporting:
      (i) the aged; or
      (ii) individuals with disabilities;
   (e) the purpose of advancing religion.

This matter requires a quasi-judicial decision of Council based on an assessment of the organisation (AHA) and the organisation’s charitable purpose against the Local Government Act provisions. The assessment is supplemented by advice on legal precedent contained in the confidential attachment.
Council Policy/Local Law Implications
Current practice is to apply the rate exemption, if approved, from the date of the Application.

Budget/Financial Implications
- If the rate exemptions are approved, the City will forgo $154,000 p.a. in rate revenue.
- Legal fees for further advice and representation at State Administrative Tribunal may be incurred.

Consultation
McLeods Barristers & Solicitors

BACKGROUND
Within the City there are two hundred and one (201) properties meeting the criteria for non-rateable land, in accordance with section 6.26 of the Local Government Act 1995. Notionally, the value of rates forgone is $1.195M.

Cumulatively, approvals under section 6.26(2)(g) relating to charitable purpose for 2019/20 have been granted on eighty eight (88) properties with the equivalent rates totaling $614,805.

Applications under section 6.26(2) (g) of the Act have increased over the past few years as indicated in the table below.

<table>
<thead>
<tr>
<th>Year</th>
<th>Properties</th>
<th>Estimated Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014/15</td>
<td>36</td>
<td>$332,366</td>
</tr>
<tr>
<td>2015/16</td>
<td>38</td>
<td>$355,612</td>
</tr>
<tr>
<td>2016/17</td>
<td>44</td>
<td>$416,030</td>
</tr>
<tr>
<td>2017/18</td>
<td>51</td>
<td>$462,258</td>
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<tr>
<td>2018/19</td>
<td>64</td>
<td>$583,000</td>
</tr>
<tr>
<td>2019/20</td>
<td>88</td>
<td>$614,805</td>
</tr>
</tbody>
</table>

Last year, AHA submitted rates exemption applications for 110 properties used for a variety of purposes including the provision of disability housing, crisis care accommodation and providing housing to moderate to low income tenants. The properties comprise residential accommodation owned by AHA and residential accommodation leased from the Housing Authority for specific purposes (such as rental accommodation to low income tenants).

On 23 September 2019, Council determined that it:
1. approves a rates exemption on the twenty-four properties which have demonstrated how the use meets the requirements of Section 6.26 (2)(g) of the Local Government Act 1995 and Charities Act 2013, effective from 18 March 2019, on the basis that:
   (a) the land is and continues to be used exclusively for housing persons with disabilities and mental illness;
   (b) an annual statutory declaration and other supporting documentation is received in July each year confirming the use of the property being exclusively used for housing persons with disabilities and mental illness;
2. does not approve a rates exemption on the remaining properties, as the Applicant has not demonstrated how the use meets the requirements of Section 6.26 (2)(g) of the Local Government Act 1995 and Charities Act 2013
The basis of the refusal of the remaining 86 properties was that:

- 78 properties are low income and it was not demonstrated how the use meet the requirements of s6.26(2)(g) of the LGA;
- Three properties have multiple units which are used for Community Disability Housing Program, however this is not the exclusive use of the land;
- A further five properties have been disallowed for a rates exemption on the basis that they are not exclusively used for charitable purposes, only a portion of the ratable properties are used for Mental Illness Independent Living Program.

DETAILS OF PROPOSAL

AHA was advised of the Council’s decision on 7 October 2019. In response, AHA has submitted a request for Council to reconsider the matter based of the following information:

“Charitable Purpose
Whilst the Local Government Act does not define what constitutes a ‘charitable purpose’, case law has established that ‘charitable’ in a statute should be understood in its technical legal sense by reference to the spirit and intendment of the preamble to the Statute of Elizabeth 43 Eliz I c 4 (Charitable Uses Act 1601) or the categories of charity set out in Commissioners for Special Purposes of Income Tax v Pemsel [1891] AC 531’. The relief of the aged, impotent or poor are each a charitable purpose as precedent within City of Mandurah v Australian Flying Corps & Royal Australian Air Force Association (WA Division) Inc [2016] WASCA 185 at [60].

Exemption Approval Commencement Date
The core question is whether the land is ‘rateable land’ because liability to pay rates stems from the rates notice, which can only be issued upon ‘rateable land’ as described in the Local Government Act ss 6.32(1)(a) and (b), s 6.41 and s 6.50. Further, Section 6.53 of the Local Government Act supports this by determining an owner’s liability based on when land becomes ‘rateable land’, rather than when an exemption application is made or approved:

Section 6.53. Land becoming or ceasing to be rateable land Where during a financial year —
(a) land that was not rateable becomes rateable land; or
(b) rateable land becomes land that is not liable to rates, the owner of that land —
(c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or
(d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land, as the case requires.

The properties (Land) were being used exclusively for charitable purposes as at the 1st July 2018.

Properties contained within complexes
Each property contained within the applications is used “exclusively” by Access Housing for charitable purposes. Access Housing may manage a portion of properties contained within a complex on a single title owned by the Housing
Authority with the Housing Authority managing the balance. However, pursuant to s 6.76(1)(a)(ii) of the Local Government Act, a person may lodge an objection to the rate record on the basis that ‘the land or part of the land is not rateable land’ 1. Therefore, Access Housing managed land can be separately rated to the rest of the land in the title. Additionally, the use of the Land is not determined by who is the owner of the Land as that term is defined in s 1.4 of the Local Government Act but is determined by the actual use of the Land during the rating period and if the use is exclusively for charitable purposes.2

We therefore seek approval of the applications as a matter of priority. Should approval not be provided, we reserve our right to seek resolution of this matter through the State Administrative Tribunal.”

Whilst there is no obligation for Council to reconsider the matter, there is a right of appeal available to the Applicant to the State Administrative Tribunal, under the Local Government Act 1995. It seems reasonable that Council consider the further information, acting in its quasi-judicial capacity.

In its original decision, Council determined the 24 approvals based on both “Disability Housing – Charitable Purpose” and “Land used exclusively for this purposes”. Council also determined that the 86 properties used for “Low income – Charitable purpose” and/or “Land not exclusively for this purposes” were not granted a rates exemption.

Based on the Applicant’s request, the City has sought further legal advice on the interpretation of charitable purpose in the context of very-low to low income housing and also the nature of exclusive use in the context of exclusive used on only part of a property. The advice is provided in the confidential attachment to this report.

Case law, which has been established on the notion of charitable purpose, provides some clarity to both the circumstances and the characteristics that give rise to a charitable purpose. It is generally a matter of fact, pertinent to the both the entity (the “Applicant”) and the entity’s scheme arrangements. Importantly though, it is not a consequence of providing affordable housing alone, although it may arise in some circumstances.

On the second matter of exclusive use of land, case law has established that it is indeed open to consider part of land to be of a different status to the balance of the land. Again, this is not an absolute rule, as the particular circumstances of each case are required to be evaluated, with consideration around a broad definition of land, which includes buildings that are situated on land.

A final issue that has arisen is whether AHA can request a rates exemption on property owned by the Housing Authority, without the expressed consent of the Owner. It seems that the Housing Authority should confirm that AHA is acting as an agent on its behalf.

In this particular instance, having objectively assessed the advice and the particulars of the application, it is now recommended that Council approve the applications referred to in the attachment for low-income housing. The particulars of the low-income category of the AHA’s scheme arrangements is also attached for your reference.

The rates foregone will be $43,687 for 2018/19 for 105 days and $153,918 per annum for 2019/20. There are an additional six properties partially used for the purpose of community disability housing, independent living program, disability independent living or crisis care,
which the financial impact is not known due to partial use. A separate valuation will need to be obtained.

Notwithstanding the request from AHA to apply the exemption from 1 July 2018, the City would amend its rate book in accordance with its established procedure from the date of the application.

**COMMENT**

Historically these properties were owned and managed by the Department of Housing (DoH), who met payment on all Local Government rates and charges. In recent years DoH, whilst maintaining ownership, have moved towards a model of contracting out the property management of these properties to charitable organisations, like AHA or selling the properties to these charitable organisations. Through property management agreements, the DoH has passed on the liability for outgoings which includes Local Government Rates.

Under the “Charitable Purposes” provisions of the Act, these organisations are then applying for rates exemptions under section 6.26 (2)(g) of the Local Government Act 1995.

It appears on the face of it that there has been an implicit shift in policy by the DoH with respect to the payment of Local Government rates. If not, DoH ought to have required the payment of rates for its leased properties.

If approved, the majority of housing stock owned by AHA, totalling 63 properties, will be rates exempt under S.6.26(2)(g). This represents an estimated $109,000 per annum in rate revenue foregone.

The total of residential properties leased by DoH and receiving rate exemption is 46, which will increase to 73 if this application is approved. This represents an estimated $207,000 per annum in rates foregone.

DoH have a further 452 properties owned and managed by DoH for residential purposes. The rate received total $855,000 per annum.

Irrespective, this matter further highlights the vertical fiscal imbalance and cost shifting between the tiers of government. It is a matter not lost in other jurisdictions and it is of interest to note that the current Victorian Rating System review has highlighted similar issues [https://engage.vic.gov.au/rating-review](https://engage.vic.gov.au/rating-review).

In Western Australia, WALGA have also taken a position that:

> “the sphere of government that determines that exemptions should be granted should fund the exemption. This will ensure that funding the revenue shortfall will be equitably and appropriately distributed amongst taxpayers. For example, the State Government have a compensatory fund of this nature relating to pensioner discounts for the payment of rates.

> The Local Government Act 1995 needs to be amended to provide clarification on rating of land used for charitable purposes.”

WALGA’s submission regarding rates to the Select Committee into Local Government (2019) is provided as an attachment.
OPTIONS

It is open to the Council to consider the following options to deal with the current matter:

1. Not determine the matter again and let the applicant proceed with an appeal of the decision to the State Administrative Tribunal; or
2. To set aside the previous decision and approve a rates exemption on the remaining properties in accordance with Section 6.26 (2)(g) of the Local Government Act 1995 and Charities Act 2013

ATTACHMENTS

1. Legal Advice Access Housing - This matter is considered to be confidential under Section 5.23(2) (d) of the Local Government Act, as it deals with the matter involves legal advice obtained or which may be obtained by the City of Armadale
2. Access Housing Related Properties - This matter is considered to be confidential under Section 5.23(2) (e iii) of the Local Government Act, as it deals with the matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person
3. Income and Asset Limits - Access Housing - This matter is considered to be confidential under Section 5.23(2) (e iii) of the Local Government Act, as it deals with the matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person
4. Rates Exemption - Select Committee into Local Government

Committee Discussion

Committee agreed to amend the officer recommendation in accordance with legal advice received to be effective from 1 July 2018 and to be voted by absolute majority due to a revision of a previous Council decision (in part).

Committee discussed that whilst they have no issue with the work undertaken by not for profit agencies such as Access Housing they are aggrieved that the ratepayers throughout the City are subsidising an ever increasing amount due to rates exemptions. The State Government are continually cutting costs and passing the burden onto local governments.

The CEO advised that the mid-year budget review process will address the amount forgone from these rates exemptions (in the vicinity of $300,000). In addition, it is hoped the Local Government Act review, currently underway will result in a change to the rates exemption provisions of the Local Government Act 1995 to ease the burden or compensate local governments in some way.

RECOMMEND

That Council set aside the previous decision* (CS83/9/19 Part 2) and approve a rates exemption on the 86 properties as attached to this report in accordance with Section 6.26 (2)(g) of the Local Government Act 1995 and Charities Act 2013 effective from 1 July 2018.

*BY ABSOLUTE MAJORITY

Moved Cr J H Munn
MOTION CARRIED
1.1 - LIST OF ACCOUNTS PAID - JANUARY 2020

Cr Smith declared a financial interest in the List of Accounts Paid namely payments No. 2445.1404-01 and 2452.1404-01 to his business. – Cr Smith left the meeting at 7.23pm.

WARD : ALL
FILE No. : M/60/20
DATE : 6 February 2020
REF : FB
RESPONSIBLE MANAGER : Executive Director Corporate Services

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In Brief:
- The Report presents, pursuant to Regulation 13(1), (3) and (4) of the Local Government (Financial Management) Regulations 1996, the List of Accounts paid for the period 1 January to 31 January 2020 as well as the credit card statements from 1 December to 31 December 2019.

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Tabled Items
Nil

Decision Type

☐ Legislative
The decision relates to adopting/changing local laws, town planning schemes, and City policies.

☒ Executive
The decision relates to the direction setting and oversight role of Council.

☐ Quasi-judicial
The decision directly affects a person’s rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration
Nil

Strategic Implications
4. Leadership
   4.3.1.1 Implement the Annual Budget as derived from the Corporate Business Plan

Legal Implications
Section 6.10 (d) of the Local Government Act 1995 refers, i.e.

6.10. Financial management regulations
Regulations may provide for —
   (d) the general management of, and the authorisation of payments out of —
      (i) the municipal fund; and
      (ii) the trust fund,
   of a local government.
Regulation 13(1), (3) & (4) of the Local Government (Financial Management) Regulations 1996 refers, ie.

13. Lists of Accounts

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
(a) the payee’s name;
(b) the amount of the payment;
(c) the date of the payment; and
(d) sufficient information to identify the transaction.

(3) A list prepared under subregulation (1) is to be —
(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
(b) recorded in the minutes of that meeting.

(4) After the list referred to in subregulation (1) has been prepared for a month the total of all other outstanding accounts is to be calculated and a statement of that amount is to be presented to the council at the meeting referred to in subregulation (3)(a).

Council Policy/Local Law Implications
Nil

Budget/Financial Implications
All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures.

Consultation
Nil

BACKGROUND

Pursuant to Section 5.42 of the Local Government Act 1995 (Delegation of some powers and duties to CEO), Council has resolved to delegate to the CEO (Primary Delegation No: 150 refers) the exercise of its powers to make payments from the municipal and trust funds.

COMMENT

The List of Accounts paid for the period 1 January to 31 January 2020 is presented as an attachment to this report as well as the credit card statements from 1 December to 31 December 2019.

ATTACHMENTS
RECOMMEND

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 $10,950,772.87 on Vouchers 32596–32722, Batch 2441-2454, Direct Debits and PY01.14-PY01.16

**Trust Fund**
Accounts paid totalling $2,900.00 on Vouchers 8018-8022 and Direct Debit.

**Credit Card**
Accounts Paid totalling $4,559.67 for the period ended 31 December 2019.

Moved Cr G Nixon
MOTION CARRIED (7/0)

7.24pm Cr Smith returned to the meeting
1.2 - Statement of Financial Activity - January 2020

WARD : ALL
FILE No. : M/65/20
DATE : 6 February 2020
REF : FB
RESPONSIBLE MANAGER : Executive Director Corporate Services

In Brief:
- This Report presents the City’s Monthly Financial Report for the seven (7) month period ended 31 January 2020.
- The Report recommendation is to accept the Financial Report noting there are reportable actual to budget material variances for the period.

Tabled Items
Nil

Decision Type
☐ Legislative
- The decision relates to adopting/changing local laws, town planning schemes, and City policies.
☒ Executive
- The decision relates to the direction setting and oversight role of Council.
☐ Quasi-judicial
- The decision directly affects a person’s rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration
Nil

Strategic Implications
4. Leadership
4.3.1.1 Implement the Annual Budget as derived from the Corporate Business Plan

Legal Implications

Council Policy/Local Law Implications
Nil

Budget/Financial Implications
The Statement of Financial Activity, as presented, refers and explains.
Consultation
Nil

BACKGROUND

A local government is required to prepare a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget for that month. The details in the statement are those as prescribed and the statement is to be reported to Council.

COMMENT

Presented as an attachment is the Monthly Statement of Financial Activity for the seven (7) month period ended 31 January 2020.

For the purposes of reporting material variances from the Statement of Financial Activity, indicators, as resolved by Council, have been applied.

These indicators are:

Revenue
- Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) $100,000 and in these instances an explanatory comment has been provided.

Expense
- Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) $100,000 and in these instances an explanatory comment has been provided.

For the purposes of explaining each Material Variance, a three part approach has been taken. The parts are:

1. **Period Variation**
   Relates specifically to the value of the Variance between the Budget and Actual figures for the period of the report.

2. **Primary Reason**
   Explains the primary reasons for the period Variance. As the report is aimed at a higher level analysis, minor contributing factors are not reported.

3. **Budget Impact**
   Forecasts the likely $ impact on the Annual Budget position. It is important to note that figures in this part are ‘indicative only’ at the time of reporting, for circumstances may subsequently change.

ATTACHMENTS
1. January 2020 - Monthly Financials
That Council:

(i) 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 2020; and

(ii) notes there are reportable actual to budget material variances for the period.

Moved Cr C A Campbell
MOTION CARRIED (7/0)
1.4 - RATE EXEMPTION APPLICATIONS - COMMUNICARE INC - S/L 6 - 6/42 FOURTH ROAD ARMALED

WARD : ALL

FILE No. : M/731/19

DATE : 1 November 2019

REF : SW

RESPONSIBLE MANAGER : Executive Director Corporate Services

In Brief:
- This Report presents rates exemption applications from Communicare Inc for the property at 6/42 Fourth Road Armadale, used for the delivery of Parents Next Program and Connect and Respect Program.
- The Report recommends that an exemption is granted on 6/42 Fourth Road Armadale whilst used for the Parents Next Program and Connect and Respect Program.

Tabled Items
Nil

Decision Type

☒ Legislative
The decision relates to adopting/changing local laws, town planning schemes, and City policies.

☐ Executive
The decision relates to the direction setting and oversight role of Council.

☐ Quasi-judicial
The decision directly affects a person’s rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration
Nil

Strategic Implications
4. Leadership
4.1.2 Make decisions that are sound, transparent and strategic

Legal Implications
Local Government Act 1995
s6.26 Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land —
   (g) land used exclusively for charitable purposes;
Charities Act 2013

12 Definition of charitable purpose

(1) In any Act:

charitable purpose means any of the following:
(a) the purpose of advancing health;
(b) the purpose of advancing education;
(c) the purpose of advancing social or public welfare;
(d) the purpose of advancing religion;
(e) the purpose of advancing culture;
(f) the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;
(g) the purpose of promoting or protecting human rights;
(h) the purpose of advancing the security or safety of Australia or the Australian public;
(i) the purpose of preventing or relieving the suffering of animals;
(j) the purpose of advancing the natural environment;
(k) any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs (a) to (j);

Section 7 of the Charities Act provides that certain purposes presumed to be for the public benefit:

(7) In the absence of evidence to the contrary, a purpose that an entity has is presumed to satisfy the requirements of paragraphs 6 (1) (a) and (b) (purposes for the public benefit), if the purpose is any of the following purposes:
(a) the purpose of preventing and relieving sickness, disease or human suffering;
(b) the purpose of advancing education;
(c) the purpose of relieving the poverty, distress or disadvantage of individuals or families;
(d) the purpose of caring for and supporting:
   (i) the aged; or
   (ii) individuals with disabilities;
(e) the purpose of advancing religion.

Council Policy/Local Law Implications
Current practice is to apply the rate exemption, if approved, from the date of the Application.
The completed application for rates exemption was received on 19 September 2019. The rates revenue reduction for 2019/20 if a rates exemption was granted would be:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRV General Rates</td>
<td>$2,844.50</td>
</tr>
<tr>
<td>Specified Area Rate (A)</td>
<td>$117.58</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,962.08</strong></td>
</tr>
</tbody>
</table>

For a full year this would equate to:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRV General Rates</td>
<td>$3,627.48</td>
</tr>
<tr>
<td>Specified Area Rate (A)</td>
<td>$149.95</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,777.43</strong></td>
</tr>
</tbody>
</table>

**Consultation**

Applicant – Communicare Inc

**BACKGROUND**

Within the City there are two hundred and one (201) properties meeting the criteria for non-rateable land, in accordance with section 6.26 of the *Local Government Act 1995*. Notionally, the value of rates forgone is $1.195M.

This year to date, approvals under section 6.26(2)(g) relating to charitable purpose have been granted on twenty four (24) properties with the equivalent rates totaling $31,805.

Cumulatively, approvals under section 6.26(2)(g) relating to charitable purpose for 2019/20 have been granted on eighty eight (88) properties with the equivalent rates totaling $614,805.

Applications under section 6.26(2) (g) of the Act have increased over the past few years as indicated in the table below.

<table>
<thead>
<tr>
<th>Year</th>
<th>Properties</th>
<th>Estimated Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014/15</td>
<td>36</td>
<td>$332,366</td>
</tr>
<tr>
<td>2015/16</td>
<td>38</td>
<td>$355,612</td>
</tr>
<tr>
<td>2016/17</td>
<td>44</td>
<td>$416,030</td>
</tr>
<tr>
<td>2017/18</td>
<td>51</td>
<td>$462,258</td>
</tr>
<tr>
<td>2018/19</td>
<td>64</td>
<td>$583,000</td>
</tr>
<tr>
<td>2019/20</td>
<td>88</td>
<td>$614,805</td>
</tr>
</tbody>
</table>

The Applicant, Communicare Incorporates currently has a rates exemption on another property owned at 25 Prospect Road Armadale. This was granted in November 2005, based on the use of the land being of beneficial nature to the community. None of the services from this property have been moved to the new premise.

Communicare has stated that the services provided at the property are for family, children and employment services. Further discussions with the applicant have identified that this
premises is used for Parents Next Program, Connect and Respect Program and provision of an administration desk for Inclusion Support Professionals.

Copies of the following documents in support of the Application have been provided and assessed by Officers:

- Constitution of Communicare Inc.
- Notice of Endorsement for Charity Tax Concessions.
- Certificate of Incorporation.
- Certificate of Registration of a Registrable Australian Body.

DETAILS OF PROPOSAL

Communicate Inc have applied for a rates exemption on a single property, 6/42 Fourth Road Armadale under the Local Government Act 1995 Section 6.26(g) “land used exclusively for charitable purposes”. Through discussions with the applicant it has been advised that the property is used for the following purposes:

- Parents Next Program, is for parents on Centrelink payments. The program works towards “helping eligible parents to plan and prepare for employment by the time their children go to school.” Services offered to achieve this are:
  - Psychological services – free to participant, which includes life-work balance and choices.
  - Careers counselling.
  - Provide fee assistance for studying a trade certificate III.
  - Creating resumes and applications with participant.
  - Providing in-house workshops to train participants in work skills.
  - Looking for work/work experience with a collaborative agency.
  - Providing emergency assistance relief to the needy.
  - One on one support sessions and group sessions; and

- Parent Next facilitators look for local services and agencies who can provide required services to their participants. In the Armadale area, this includes:
  - Local businesses,
  - Employment agencies,
  - Use of community facilities such as parks and playgrounds,
  - Armadale Family Community Centre and the Champion Centre.
  - Participants enrolled in education with local RTOs complete work placement training with local businesses and have the potential to be retained as workers.

- Connect and Respect Program, is for people who have been referred by their case manager from the Department of Justice. This program is “a behaviour change program, specifically working with men and women who have been charged with family and domestic violence offences against a partner, child or family member.” Services offered to achieve this are:
  - Individual and group sessions administered by trained professionals including psychologists.
  - Engagement of impacted family members directly impacted via outreach support to improve safety and connection to relevant services.
• Administrative desk, which is used by their Inclusion Support Professional, to provide support and assistance to ensure all children are catered for in early childhood and child care services.

Services offered to achieve this are:

• The employment of a full time inclusion professional who visits Early Childhood and Education Centre (ECEC) within the City of Armadale and surrounds providing hands on strategy support and assistance with applications for funded support. The main goal is to improve the ECEC’s capacity of educators in the ECEC’s ensuring they are able to support and include children who are at risk. This also involves linking services with other community programs and organisations.

COMMENT

To interpret the meaning of charitable purpose under section 6.26(2) (g) of the Local Government Act 1995, reference is made to the Charities Act 2013.

The Charities Act 2013 Section 7 “certain purposes presumed to be for the public benefit” has been reviewed in conjunction with this application. The elements of Section 7 of the Charities Act 2013 reviewed are:

(b) the purpose of advancing education; and
(c) the purpose of relieving the poverty, distress or disadvantage of individuals or families.

It has been assessed that the Parent Next Program and the Inclusion Support Professional service is for public benefit through advancing education. In addition to this it has been assessed that the Connect and Respect Program can assist in relieving the distress of individuals or families.

CONCLUSION

It is recommended that Council approve the application for 6/42 Fourth Road Armadale whilst used for the Parents Next Program and Connect and Respect Program.

ATTACHMENTS

There are no attachments for this report.
Officer’s Report Recommendation

That Council pursuant to Section 6.26(2) (g) of the Local Government Act 1995 approves a rates exemption on property assessment 185840 S/L 6, 42 Fourth Road Armadale, owned by Communicare Inc effective from 18 September 2019 on the basis the land is and continues to be used exclusively for the charitable purposes of the Parents Next Program and Connect and Respect Program.

Committee Discussion

Committee agreed to amend the officer recommendation in accordance with legal advice received to be effective from 1 July 2019.

Committee discussed the options available to the Council to seek information on the advocacy activities by WALGA regarding the Department of Housing’s current practice of disposing of its housing stock to charitable organisations to manage and shifting the State’s cost burden onto local government ratepayers. A new part 2 was proposed for the City’s delegates to the South East Metropolitan Zone to seek further information.

RECOMMEND

That Council:

1. pursuant to Section 6.26(2) (g) of the Local Government Act 1995 approves a rates exemption on property assessment 185840 S/L 6, 42 Fourth Road Armadale, owned by Communicare Inc on the basis the land is and continues to be used exclusively for the charitable purposes of the Parents Next Program and Connect and Respect Program effective from 1 July 2019

2. requests the City’s delegates to the South East Metropolitan Zone seek a report on the advocacy activities undertaken by WALGA in relation to the AGM motion relating to the Department of Housing practices of using not for profit charitable organisations to manage its housing stock.

Moved Cr C Frost
MOTION CARRIED (7/0)
2.1 - LOCAL CONTENT AND SUSTAINABLE PROCUREMENT

WARD : ALL
FILE No. : M/30/20
DATE : 17 January 2020
REF : NP/MD
RESPONSIBLE MANAGER : Executive Director Corporate Services

In Brief:
- This report provides an update on the implementation of initiatives relating to local content and sustainable procurement.
- Recommend that Council notes the updated status of the implementation of initiatives relating to sustainable procurement as contained within this report.

Tabled Items
Nil

Decision Type

☐ Legislative  The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
☒ Executive  The decision relates to the direction setting and oversight role of Council.

☐ Quasi-judicial  The decision directly affects a person’s rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration
Nil

Strategic Implications
2.1 The Natural environment is valued and conserved
3.1 Economic Growth
3.2 Diverse employment and Education opportunities
4.1 Visionary Civic Leadership and sound Governance
4.3 Financial sustainability

Legal Implications
Local Government Act 1995 1.3(3) Sustainable Procurement principles
Local Government (Functions and General) Regs 1996 Part 4A Regional price preference
Consumer and Competition Act 2010 (Cwlth)
Fair Trading Act 2010(WA)

Council Policy/Local Law Implications
Policy ADM 19 Procurement of Goods and Services
**Budget/Financial Implications**

The adoption of the recommendation within this report has no direct financial implication, however with effective implementation and governance it will result in medium to long term economic, social and environmental benefits.

**Consultation**

Western Australia Local Government Association (WALGA)

**BACKGROUND**

Council at its meeting on 27 August 2018 resolved (CS71/8/18):

“**That Council refers the following Councillor items:**

- Department of Housing Properties
- Committee Report Template Change
- Local Content Policy

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

Council at its meeting on 17 December 2018 resolved (CS95/12/18):

“**That Council:**

1. Notes the report on local content and sustainable procurement principles; and
2. Requires a further update to be submitted to Council in 2019 on the implementation of initiatives outlined in this report.”

**DETAILS OF PROPOSAL**

This report provides Council with an update on the implementation of the initiatives as contained within the report to Council on 17 December 2018 relating to local content and sustainable procurement.

**COMMENT**

**ANALYSIS**

The overarching objective of procurement is to achieve a “best value for money” outcome using a variety of qualitative and cost criteria. This does not necessarily mean obtaining the lowest price or selecting a company (local or otherwise) that rated the highest overall during the qualitative assessment but rather the best quality goods or services for a price that is reasonable, in line with market conditions and within budget.

*Local Government (Functions and General) Regulations 1996*, specifically regulation 24C permits **regional** local governments to apply a price weighting during their evaluation process (also known as a regional price preference) to suppliers of goods or services that either operate their business within their region (and have done so for at least 6 months prior); or some or all of the goods and services are to be supplied from regional sources.

As a metropolitan local government the City of Armadale is unable to apply a regional price preference for the purchase of goods or services to boost the local economy however, and arguably, a more effective method is to apply the principles of what has is known as sustainable procurement. This approach is more holistic and considers the overall and broader economic, environmental, social and governance factors when buying goods and services as opposed to simply awarding City contracts to local businesses.
In practice, Sustainable Procurement challenges traditionalist views around procurement i.e. cheapest is best with limited consideration to product/service quality, the environment or the actual and overall impact on the local economy etc.

Sustainable procurement also involves setting strategic sustainability objectives, the development of organisational sustainability educational programs, modifications to procurement processes and by entering into relationships with suppliers that are willing and capable of positively contributing to the holistic sustainability objectives and divesting from those unable or unwilling to.

The following table focuses on several aspects of sustainable procurement and provides Council with an update on initiatives previously reported.

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General</strong></td>
<td></td>
</tr>
<tr>
<td>The development of a sustainable procurement measurement system to assist the City monitor and determine if it is meeting or exceeding its sustainability targets.</td>
<td>Under development 2020.</td>
</tr>
<tr>
<td>The development of a comprehensive procurement framework to complement management practice ADM 19 and further support staff with their procurement obligations.</td>
<td>Under development 2020 as part of a complete procurement framework.</td>
</tr>
<tr>
<td>Online tendering (Currently being explored with OneCouncil system upgrade).</td>
<td>Consideration to an online tendering module as part of the OneCouncil system upgrade that is capable of meeting City and legislative requirements (Expected at final stage 3). As an interim investigations underway from other suppliers on the feasibility of alternative online tendering systems.</td>
</tr>
<tr>
<td>Updating the City’s Procurement Management Practice to promote increased sustainable procurement, including local economic benefits whilst still ensuring value for money</td>
<td>Currently being updated and to be introduced as part of the full review of the City’s policy manual (2020).</td>
</tr>
<tr>
<td>Increased training for City officers involved in tender and quotation evaluations in the area of sustainable procurement</td>
<td>Sustainability is now discussed in depth at early procurement planning stages and is included as a mandatory item on procurement meeting agendas.</td>
</tr>
<tr>
<td>Initiative</td>
<td>Status</td>
</tr>
<tr>
<td>------------</td>
<td>--------</td>
</tr>
<tr>
<td><strong>Economic</strong></td>
<td></td>
</tr>
<tr>
<td>Including selection criteria within request documents that; • result in more efficient use of public resources; • Encourage businesses and industry groups to demonstrate innovation in sustainability.</td>
<td>Introduced weighted selection criteria covering sustainable procurement for all Tender and Major Quote documents.</td>
</tr>
<tr>
<td>Request businesses provide more detailed price information to assist determine whole-of-life costs (value for money, including cost saving outcomes).</td>
<td>Tender and quotation documentation has been amended to request this information.</td>
</tr>
<tr>
<td>Ensuring officers consider the economic cost of all purchases over their whole of life to ensure best possible outcomes for the community.</td>
<td>Now an integral part of all tender and high value quote evaluation processes with concerted efforts underway by procurement to ensure where relevant the same principles apply to low value purchases.</td>
</tr>
<tr>
<td>Use of government common use contracts WALGA &amp; CUA (financial efficiencies).</td>
<td>The City continues to utilise these contracts with a comparison of the number of contracts entered into via this method over the past six (6) years detailed as follows: 2014 7 2015 21 2016 54 2017 77 2018 90 2019 138 This approach is currently under review to ensure WALGA’s sustainability provisions achieve the City’s objectives, if not alternate procurement methods will be used.</td>
</tr>
<tr>
<td><strong>Social</strong></td>
<td></td>
</tr>
<tr>
<td>Request information from businesses that; • Demonstrate fair work standards for employees. • Are WA Aboriginal accredited. • Are a registered Australian Disability Enterprise. • Detail the number of employees that</td>
<td>• Opportunity to quote for recent BBQ cleaning services contract was provided to disability enterprise in which they were successful in winning the contract. • Recent decisions made to encourage catering requirements of a low value (under $500 as a guide) to be sought</td>
</tr>
<tr>
<td>Initiative</td>
<td>Status</td>
</tr>
<tr>
<td>------------</td>
<td>--------</td>
</tr>
<tr>
<td>live within Armadale (Greater use of local content supplier’s particularly small and medium enterprises).</td>
<td>only from local businesses and excluded from the recently awarded catering panel of pre-qualified suppliers.</td>
</tr>
<tr>
<td>Request products that are made of recycled products (GECA) or environmental certified companies (ISO 10440), that are carbon neutral or energy efficient etc.</td>
<td>• Recent painting services tender had strong focus on recyclable materials and responsible disposal and clean-up of paint and materials.</td>
</tr>
</tbody>
</table>
| Informing and educating local business of the City’s procurement processes to assist attracting City contracts. | • On 26 February 2019 a presentation titled “City Contracts: The Tender Process” was successfully delivered to the Armadale business community as part of a joint initiative by the Governance & Administration and Economic Development departments. The evening was well attended by 46 attendees from 38 businesses.  
• A further workshop was conducted by Governance on 27 November 19 titled “City Contracts: Tender Applications”. The evening was attended by 13 attendees across 10 businesses with attendees providing extremely positive feedback.  
• The provision of constructive feedback to respondents by procurement on their tender and quote submissions following the award of a contract is providing higher quality responses and which is improving their chances of winning contracts. |
<p>| Information to be distributed to the business community how to access WALGA preferred supplier agreements. | Discussions at both the local business presentations has provided informal feedback that they are aware of opportunities through WALGA however concern was raised over the cost of being a part of the arrangements for given the current competition in the market in some cases it becomes financially unviable. This feedback has been provided to WALGA. |
| Development of online contract and internal supplier lists | Lists have been uploaded to the City’s Intranet and will be listed on the Internet by the end of January 2020. |</p>
<table>
<thead>
<tr>
<th>Initiative</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requiring businesses to supply evidence of their commitment towards reducing adverse environmental impacts.</td>
<td>Tender and quotation documentation has been amended to request this information.</td>
</tr>
</tbody>
</table>
| Selecting goods and services that can reduce costs through greater energy efficiency, reduced waste disposal, and reduced risk management. | • The main administration building has purchased environmentally friendly cups and moved away from single use plastic cups.  
  • Promotion of a sustainability tab through stationery ordering leading to further recyclable material being utilised.  
  • Tree Stock supply Panel asked contractors to demonstrate environmental benefits including reduction in waste and pollutants, water saving methods, carbon reductions and chemical use reduction etc. |

In addition to the above Technical Services through the “Switch Your Thinking” program have introduced initiatives such as:

- offering discounts on products and services to assist local residents reduce waste, energy and water use.
- Discounts on supply and installation of solar panels, battery, LED lighting and hot water systems.

**CONCLUSION**

Sustainable procurement is an increasing focus area for all levels of government heavily influenced by changing community needs and expectations, legislation and organisational strategic objectives.

In line with the above, the City’s procurement function and practices are changing to assist officers more actively and diligently consider sustainability (economic, social and environmental) whenever procuring goods or services for or on behalf of the City.

Procurement practices are only part of broader sustainability objectives with overall success heavily influenced by setting of strategic sustainability objectives and a whole of organisation coordinated approach to deliver effective outcomes. Two factors that are starting to appear at the City.

**ATTACHMENTS**

There are no attachments for this report.
Committee Discussion

Committee thanked officers for the comprehensive and informative report.

RECOMMEND

That Council notes the updated status of the implementation of initiatives relating to sustainable procurement as contained within this report.

Moved Cr G Nixon
MOTION CARRIED (7/0)
COUNCILLORS' ITEMS

Nil

CHIEF EXECUTIVE OFFICER’S REPORT

1 Review of Strategic Community Plan
A series of three Councillor workshops have already been held to review the Strategic Community Plan (SCP) and Corporate Business Plan. It has been an exhaustive but rewarding process to establish a blueprint for this essential document and it is anticipated that following another three workshops Council should be on track to adopt the SCP prior to commencing its budget discussions.

2 Meeting with Development WA
On 30 January along with the Acting Executive Director Development Services met with Development WA representatives to discuss the West of Rail project.

3 City of Bunbury Visit
On 31 January along with the Executive Leadership team met with the CEO and Executives from the City of Bunbury who were visiting LGs in the metro area for matters on knowledge sharing and networking.

4 City Audit Committee - External Member
During February have been involved with the process of appointing an external member to the City’s Audit Committee. Along with the Mayor, Chair of the Audit Committee and the Executive Director Corporate Services participated in the shortlisting process and interviews and it is anticipated the new member will be appointed prior to the next meeting of the Audit Committee scheduled for 10 March 2020.

5 South East Corridor - Advocacy Strategy
On 11 February along with our Economic Development Manager, Luis Puig attended the South East Corridor CEOs meeting to discuss the advocacy strategy for the south east metro region. This includes the Cities of Armadale, Canning, Gosnells and Town of Victoria Park.

6 External Audit Plan
On 12 February along with the Chair of the City Audit Committee and the Executive Director Corporate Services attended an initial meeting with the Office of the Auditor General and Macri Partners in regard to the External Audit Plan 2020.

MEETING DECLARED CLOSED AT 7.54PM
### SUMMARY OF ATTACHMENTS

**17 FEBRUARY 2020**

<table>
<thead>
<tr>
<th>ATT NO.</th>
<th>SUBJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>LIST OF ACCOUNTS PAID - JANUARY 2020</td>
</tr>
<tr>
<td>1.1.1</td>
<td>Monthly Cheque Listing Report-January 2020</td>
</tr>
<tr>
<td>1.2</td>
<td>STATEMENT OF FINANCIAL ACTIVITY - JANUARY 2020</td>
</tr>
<tr>
<td>1.2.1</td>
<td>January 2020 - Monthly Financials</td>
</tr>
<tr>
<td>1.3</td>
<td>RATES EXEMPTION APPLICATION - REQUEST FOR REVIEW OF DETERMINATION - ACCESS HOUSING AUSTRALIA LTD - MULTIPLE PROPERTIES</td>
</tr>
<tr>
<td>1.3.4</td>
<td>Rates Exemption - Select Committee into Local Government</td>
</tr>
</tbody>
</table>

The above attachments can be accessed from the Minutes of the Corporate Services Committee meeting of 17 February available on the City’s website.
PRESENT: Cr C M Wielinga (Chair)
Cr R Butterfield
Cr C Frost
Cr J Munn CMC
Cr G J Smith
Cr E J Flynn (Deputy to Cr Shaw)
Cr C A Campbell JP (Deputy to Cr Northcott)

APOLOGIES: Cr D M Shaw
Cr M S Northcott

OBSERVERS: Nil

IN ATTENDANCE: Ms J Abbiss Chief Executive Officer
Mr P Sanders Executive Director Development Services
Mr J Lyon Executive Director Corporate Services
Mr S Famiano Executive Manager Development Services
Mr A Beales A/Building Services Manager
Mr G Dine Health Services Manager
Mrs N Cranfield Executive Assistant Development Services

PUBLIC: 11

“For details of Councillor Membership on this Committee, please refer to the City’s website – www.armadale.wa.gov.au/your council/councillors.”
DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was read.

DECLARATION OF MEMBERS’ INTERESTS

Cr Butterfield
- *Champion Lakes Gateway Structure Plan Recommendation to DevelopmentWA - Lot 10 Lake Road, Champion Lakes*
- *Proposed Amendment to Local Planning Policy PLN 4.1 - The Design of Industrial Sites and Estates*

QUESTION TIME
Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 21 January 2020 be confirmed.

Moved Cr R Butterfield
MOTION CARRIED (7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 2 - 2020

**Outstanding Matters & Information Items**
   Report on Outstanding Matters - Development Services Committee
   Review before the State Administrative Tribunal (SAT)

**Health**
   Health Services Manager’s Report - January 2020

**Planning**
   Planning Applications Report - January 2020
   Town Planning Scheme No.4 - Amendment Action Table
   Subdivision Applications - WAPC Approvals/Refusals - January 2020
   Subdivision Applications - Report on Lots Registered for 2019/2020
   Compliance Officer’s Report - January 2020

**Building**
   Building Services Manager’s Report - January 2020
   Building Health/Compliance Officer’s Report - January 2020

*Committee noted the information and no further items were raised for discussion and/or further report purposes.*
DEPUTATION

1. Non-Conforming Use - Development Application - Harvey Fresh Cold Store - Lot 5 (747) Rowley Road and Lot 11 (737) Nicholson Road, Forrestdale

Ms Janis Cullen, neighbouring resident and representing other surrounding residents addressed the Committee at 7.04pm and provided the following main comments:

- Our main concern is that in 2002 there were supposed to be 3 b-double trucks using the driveway to Nicholson Road, but the amount of trucks have increased.
- The surrounding residents are continually impacted by truck noises, dust pollution, bright lights, reversing beepers, refrigeration unit noises and the lights from the facility etc.
- We have requested the timesheets/log books for all the b-double semi-trailer trucks for this business to show that the truck movements don’t comply with the 2002 conditions of approval.
- The surrounding residents do not want this proposal approved as they feel that the business will increase and there will be more b-double trucks, and as they are not following the conditions of approval from 2002 how will the City manage this?
- The surrounding residents feel that the business in an industrial type business and should be located in the Forrestdale Industrial Park.
- If this business is approved then we will require noise mitigating fences, dust mitigation, light reduction and better maintenance of the driveways etc.

Ms Cullen further advised Committee of two additional objections from nearby residents to this proposal.

The Committee discussed the consultation process, timesheet schedules and data collected by the surrounding residents of the truck movements to and from the facility.

Chair thanked Ms Cullen for her attendance.
Deputation retired at 7.13pm.

2. Non-Conforming Use - Development Application - Harvey Fresh Cold Store - Lot 5 (747) Rowley Road and Lot 11 (737) Nicholson Road, Forrestdale

Mr Kevin and Laurie Sorgiovanni, landowners addressed the Committee at 7.14pm and provided the following main comments:

- Harvey Fresh has been a family business since the 1980’s which began in Harvey. The site was previously an abattoir and then an apple juice manufacture. Harvey Fresh then purchased the property and the cold store warehouse activities have been in operation on the site since 1995.
- The stock is transported from Harvey in bulk to the Nicholson Road site and then distributed across the metropolitan area.
- The site consists of a number of buildings and the proposed development is to replace five existing buildings with one main warehouse facility.
- Nicholson Road is a MRWA gazetted main road for b-double semi-trailer trucks and our trucks come off that road into the driveway of the facility. Smaller trucks use Rowley Road to enter/exit the facility.
- In the last 8 or 9 years distribution to Perth has changed quite a lot with Coles and Woolworths having their own main distribution centres at Perth Airport so we have lost about 25% of volume at the Rowley Road facility. We are an agricultural business supporting dairy productions and fruit juice in WA and overseas. The Forrestdale facility
has been in operation for 25 years and performs a critical role in the Harvey Fresh distribution network.

- In 2014 we sold the company, Laurie and I still own the land and we want to improve and maintain the site. What was once an abattoir, apple crushing facility and now a warehouse, we now want a main distribution centre, improve the landscaping on the site, all service roads to be maintained/sealed, improve the carpark and truck parking bays and improving what’s already there.

Chair thanked Mr Kevin and Laurie Sorgiovanni for their attendance.
Deputation retired at 7.18pm.

3. **Non-Conforming Use - Development Application - Harvey Fresh Cold Store - Lot 5 (747) Rowley Road and Lot 11 (737) Nicholson Road, Forrestdale**

Ms Kareena May, Managing Director, Site Planning & Design (Applicant) thanked the Committee for the opportunity to speak on the proposed consolidation of the Harvey Fresh cold store facility at Rowley Road in Forrestdale. Ms May advised that Site Planning and Design is the town planning consultant acting on behalf of the landowners (Kevin and Laurie Sorgiovanni) and Harvey Fresh.

On behalf of our Client’s we support the Officer recommendation to approve the development subject to conditions and provide the following brief comments:

- The proposal seeks to replace the existing cold store/warehouse and associated buildings (which have been operated by Harvey Fresh for the past 25 years) with a contemporary, purpose-built facility to support the distribution of Harvey Fresh products to local and international markets.

- The proposed new facility will ensure that Harvey Fresh’s operations and the associated local jobs remain in the City of Armadale. Harvey Fresh have indicated that they will relocate to Perth Airport if the existing facility is not upgraded.

- The proposed consolidation of buildings will not change or intensify the existing use, activities, staff numbers or vehicle movements, which operate with existing approvals from the City.

- Acoustic and visual impact assessment reporting prepared to support the application demonstrate that the new facility will improve amenity for neighbouring properties and the rural streetscape. Improvements include:
  a. Consolidation of five (5) separate operational buildings across the site into a single facility, which will reduce light spill and noise impacts.
  b. Increasing the warehouse setback to Rowley Road from 72m to 93m and increased setback to the dwelling on the eastern boundary.
  c. The installation of new refrigeration plant and equipment, which will be quieter than the existing aging equipment.
  d. Increased vegetation and landscaped areas to screen the building, loading docks and vehicle parking from Rowley Road and adjoining residential dwellings.
  e. Warehouse design, materials and colours that reflect a rural shed aesthetic.

The Committee discussed the condition of the sealed driveway off Nicolson Road, b-double trucks turning into the Nicholson Road driveway and potential impacts from headlights, the Operational Management Plan and compliance issues.

Chair thanked Ms May for her attendance.
Deputation retired at 7.40pm.
1. DEVELOPMENT
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1.1 - NON-CONFORMING USE - DEVELOPMENT APPLICATION - HARVEY FRESH COLD STORE - LOT 5 (747) ROWLEY ROAD AND LOT 11 (737) NICHOLSON ROAD, FORRESTDALE

WARD :  LAKE
FILE No. : - M/9/20
APPLN NO. : 10.2019.410.1
DATE :  28 January 2020
REF :  PR
RESPONSIBLE MANAGER :  EDDS
APPLICANT :  Site Planning + Design
LANDOWNER :  Liase Pty Ltd
SUBJECT LAND :  Property size 4.1253ha and 4.5653ha (8.6906ha)
ZONING :  MRS / TPS No.4 : Rural
  : Rural Living 4

In Brief:

- The City received an application for consolidation of the existing Harvey Fresh cold store on the 20 December 2019.
- The application was advertised for a period of 4 weeks (extended due to the Christmas and new year period). A total of two (2) public submissions were received, objecting to the proposal.
- Recommend that the Council approve the application subject to appropriate conditions.

Tabled Items
Nil.

Decision Type
☐ Legal
☐ Executive
☒ Quasi-judicial

The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

The decision relates to the direction setting and oversight role of Council.

The decision directly affects a person’s rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration
Nil.

Strategic Implications
2.5.1 Implement and administer the City’s Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.
3.1.2 Encourage and facilitate public and private sector investment.
**Legislation Implications**
Planning and Development Act 2005  
Planning and Development (Local Planning Schemes) Regulations 2015  
Town Planning Scheme (TPS) No.4  
Local Planning Strategy 2016  
Metropolitan Region Scheme

**Council Policy/Local Law Implications**
PLN 2.9 Landscaping  
PLN 3.12 Percent for Public Art  
PLN 4.2 Advertisements (Signage)

**Budget/Financial Implications**
Nil.

**Consultation**
1. Advertised for Public Comment.  
2. City of Armadale Internal Business Units (DCU).  
3. Dept. of Planning, Lands and Heritage.  
4. Dept. of Biodiversity, Conservation and Attractions.  
5. Dept. of Water and Environmental Regulation.  
6. Dept. of Fire and Emergency Services.  
7. Dept. of Primary Industries and Regional Development.  
8. Main Roads Western Australia.  
10. Western Power.  

**BACKGROUND**

The application notes the site has been used since the mid-80’s for production/storage of rural product and from 1995 for cold storage. A search of prior approvals revealed:

- 1995 application for ‘Dairy Products Manufacture’;
- 1998 application for ‘Fruit Juice Manufacture (D418/98);
- 2002 application for the access driveway to Nicholson Road (D130/02);  
- 2004 application for a ‘Coolroom Extension’; and
- 2007 application for ‘Incidental Development’ for a 19x24 shed.

A ‘Milk Depot’ was a use class under the previous Town Planning Scheme (TPS) No.2 that was discretionary requiring advertising in the (then) ‘Rural’ zone. It is likely initial applications were considered along those lines. TPS No.2 operated from October 1985 to the introduction of TPS No.4 in November 2005.

Under TPS No.4 (still in operation) the subject site is included in the ‘Rural Living’ zone. The most relevant TPS No.4 land use definitions that could have been applied to the existing development on site at the 2005 transition appear to be ‘Industry-Rural’ or ‘use not listed’.
If the development was considered a ‘use not listed’ at the time TPS No.4 was gazetted, non-conforming use rights would have existed since 2005. If it were considered ‘Industry-Rural’, that land use was altered to not permitted (X) in the ‘Rural Living’ zone via town planning Scheme Amendment No.69, which was gazetted in December 2014. Therefore, either way, the site currently operates under non-conforming use rights.

DETAILS OF PROPOSAL

Harvey Fresh currently operates several buildings across the site which include:

- A small building containing a lunch room and facilities adjacent the existing dwelling;
- The main cold-store warehouse;
- Two storage sheds towards the rear of the lot; and
- Hardstand for vehicle manoeuvring and an unsealed parking area, with driveway access to both Rowley and Nicholson Roads.

There is a residence on each of the subject lots and some residential sheds on lot 11 that are rented separately and are not part of the application.

In order to improve operational efficiency, workplace amenity and the overall visual appearance of the site, the application proposes the demolition of the small facilities building and the two storage sheds and the staged demolition and construction of a new cold store warehouse and dedicated hardstand manoeuvring/parking area with new landscaping.

The scale and nature of the use, activities and vehicle movements is proposed to remain the same. The depot operates 7am-5pm Monday to Friday and 7am to 3pm Saturdays. B-Double semis deliver from Harvey to the site between 1pm to 9pm Monday to Saturday, and the smaller rigid trucks distribute from site to the metropolitan area between 1am and 2pm Monday to Saturday (excluding public holidays). The B-Double trucks may only use the Nicholson Road access as a previous application to use 300m of Rowley Road was declined by Main Roads Western Australia.

Staffing includes 2-3 office/warehouse staff per shift across 2 shifts for a total of 4-6 staff. Up to 30 truck drivers drive to site, park their vehicles then spend the day delivering in the rigid truck fleet.

COMMENT

Development Control Unit (DCU)

Engineering Services
No comments / standard conditions.

Building Services
Plans and details relative to demolition and building permit required.
Health Services
- Applicant to comply with the Food Act 2008 and to be registered as a food business with the City of Armadale.
- Applicant to comply with the Environmental Protection (Noise) Regulations 1997.
- Applicant to comply with the Environmental Protection (Unauthorised Discharges) Regulations 2004 in the advent of transport vehicle wash downs.
- Applicant to submit an application for the treatment of sewage in the advent of upgrading the existing onsite effluent disposal system.

Parks Services
Request additional trees be planted on the property along the driveway on the western side to protect the visual impact if the trees on adjoining property are lost in the future.

Environmental Services
Existing vegetation within the site should be retained where possible. In addition to proposed planting for screening purposes, appropriate native tree species should be planted (such as locally native Eucalyptus and Melaleuca species) where possible across the site (particularly in the northern portion, which is adjacent a Bush Forever Site and Local Natural Area) to increase the tree canopy of the local area, and provide habitat for local wildlife, particularly Threatened Black Cockatoo species, which are known to roost at nearby Forrestdale Lake.

Dept. of Planning, Lands and Heritage
No objection on regional transport grounds. The submission notes that a study is being undertaken considering the future of Rowley Road as a primary regional road and freight route. The submission also notes that 60m will be required along the frontage of Lot 5 for that purpose eventually (note: the proposed new building set back is 93m). DPLH notes that the future upgrade may impact longer term access to Rowley Road.

Dept. of Water and Environmental Regulation
No record of contamination on site. The site has a risk of acid sulfate soils occurring within 3m of natural ground level, so a condition and advice note are recommended to be imposed on any approval dealing with this matter.

Dept. of Primary Industries and Regional Development
Supports the proposal to modernise and consolidate the facilities, improving amenity for surrounding residents.

Main Roads Western Australia
MRWA had no comments on the proposal.

Shire of Serpentine-Jarrahdale
No objection.

At the time of writing the report, no comments were received from the Dept. of Biodiversity, Conservation and Attraction, the Dept. of Fire and Emergency Services, Western Power or the Water Corporation.

Public Advertising
The application was advertised for four weeks (extended due to the Christmas and new year period), closing on 20 January 2020. Advertising was carried out by way of letters to affected
and nearby landowners (in both the City and the Shire of Serpentine-Jarrahdale), and document availability on the City’s website and at the front counter.

Total No. of letters sent to residents/owners : 53
Total No. of submissions received : 7
No. of submissions of conditional support/no objection : 0
No. of submissions of objection : 2
No. of submissions of general advice by Service Agencies : 5

The main issues raised in submissions, together with a comment on each issue are outlined below.

**Key Issues**

**Issue 1 - We have been affected since operation began and we have had to take measures at our own expense to reduce day and night truck and light impacts. Loud crashing metallic sounds, reversing beepers.**

**Comment**
The acoustic assessment demonstrates noise is compliant with the Environmental Protection (Noise) Regulations 1997. It is noted that reversing beepers are specifically mentioned in the Regulations as being exempt if they are required by another written law, however the Acoustic Assessment does note the electric forklifts will be operating inside the new facility. Outdoor lighting must comply with Australian Standard 4282-1997 “Control of the obtrusive effects of outdoor lighting” or its equivalent and the City’s Environment, Animals and Nuisance Local Laws. These requirements would be outlined to the applicant in the event of any approval. In addition, further mature screen planting between the boundaries and driveways of sufficient height to assist mitigation of light impact is recommended, and the applicant has agreed to this measure.

The applicant also considers that the proposal will result in a reduction of noise and light pollution due to the activities currently associated with the two storage sheds at the rear of Lot 5 and the staff amenities building being relocated to the main building. In addition, the applicant notes ageing equipment will be replaced with new, quieter refrigeration plant and equipment, reducing noise impacts.

**Recommendation**
That the issue is supported in part.

**Issue 2 - Why is the business not located in the Forrestdale Industrial Business Park, the area is zoned rural for a reason.**

**Comment**
The applicant notes that the previous and current land use and activities undertaken on site operate in accordance with the statutory planning framework and approvals issued by the City of Armadale. The City concurs that the site has non-conforming use rights from a valid planning approval granted under the previous planning scheme. The City must consider the proposal on its merits.

**Recommendation**
That the issue is not supported.
Issue 3 - In 2002 there were supposed to be 3 semi-trailers using the access to Nicholson Road, but this has steadily increased and had a considerable negative impact on us. The current proposal says 96-101 vehicle movements per day leading to concern.

Comment
The report accompanying the application states “the proposed replacement and consolidation of existing buildings into a single warehouse will not change the use, the activities or staff employed on site from the current levels in the immediate term, but provides capacity for operational changes and growth in staff numbers in future that will create more efficient operations and reduced heavy vehicle movements to/from the site”.

During Council’s consideration and approval of an application for the driveway to Nicholson Road in 2002 (following MRWA’s refusal of the use of Rowley Road for B-Double semis) Harvey Fresh sought the use of three (3) B-Double semi-trailers between 3a.m. and 5a.m and for six (6) delivery vehicles to redistribute goods from the site once delivered.

This application anticipates two semi-trailers making two inward and two outward movements per day and 15 rigid trucks making approximately 20-25 movements per day. This varies depending on scale/frequency of orders (i.e. the Acoustic Assessment accounts for up to five B-Double movements per day). Therefore the increase referred to can be attributed to the small truck fleet, which has increased from six (6) to 15 over the course of 17 years (more vehicles than this are owned, but are not necessarily employed all at the same time), due to business growth.

In terms of impacts on the road network, the movement numbers are very small. In terms of operation of a business in an otherwise rural area, the numbers are above what would be considered typical for rural use. The compliance with TPS No.4 is discussed later in the report. If this application is refused, the site can carry on operating under the existing non-conforming use rights. If approved, the site carries on operating as well, but with modern facilities that are likely to assist in mitigating impacts.

Recommendation
That the issue is supported in part.

Issue 4 - Often trucks stop on the driveway, idling with refrigeration units running causing nuisance.

Comment
Trucks should only be stopping in proximity to the facility, not on the driveways. The applicant has indicated that Harvey Fresh’s internal and operational procedures can ensure that trucks accessing the site from Nicholson Road do not stop and idle on the internal access road to eliminate nuisance and disturbance to adjoining properties. The expanded hardstand area should assist to resolve this issue and the matter could be conditioned as part of any approval via an Operational Management Plan.

Recommendation
That the issue is supported.
Issue 5 - There seems a conflict of interest as the City’s environmental services just sent a letter asking that local rural properties participate in the Habitat Links program, implementing and managing ecosystems restoration projects that will enhance the natural environment. How does the proposal fit in with this?

Comment
There is no conflict of interest, as the program is entirely optional. As outlined, additional planting is recommended which would assist the project objective indirectly. The applicant considers that the proposal aligns with the program’s objectives as tree canopy will be increased via new planting, and has indicated that the proponent would welcome the opportunity to work with the City with the landscape proposal for the site in respect of native plant species selection and planting techniques to maximize survival rates.

Recommendation
That the issue is not supported.

ANALYSIS

PLN 2.9 Landscaping
The policy calls on the applicant to consider landscape guidelines for Industrial and Commercial premises, Screening and the Urban Forest Strategy. The Visual Impact Assessment includes a Planting Diagram, which a more detailed landscape proposal could be based on via a condition of any approval.

PLN 3.12 Percent for Public Art
Developments with a cost between $1 million and $2 million (proposal is $1.5 million) are required to make a monetary contribution to the City of Armadale Public Art reserve account equal to 1% of the estimated cost of development.

Whilst the option to provide art on site is available to developments estimated to cost $2 million or more, the applicant has requested that the development be allowed to provide art as opposed to making a monetary contribution. The difficulty with this proposal is that, as outlined by the Visual Impact Assessment, the site does not have any particularly prominent public viewing points where such art would be of benefit to the public passing the site at 80kph, unless it were on the front boundary. As such further discussion is recommended if the application is approved, so variation to the standard condition wording recommended by the policy would be appropriate.

PLN 4.2 Advertisements (Signage)
A single horizontal sign is proposed on the southern elevation of the warehouse, 1.5m high and 5m in length, which accords with the policy requirements. On site directional signage is also proposed which is appropriate.
## Town Planning Scheme No.4

<table>
<thead>
<tr>
<th>TPS No.4 Requirement</th>
<th>Application</th>
<th>Compliance</th>
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<tr>
<td>3.2 Objectives of the Zone (a) Provide for a variety of rural living environments based on defined lots sizes, land form and natural environmental characteristics. (b) To provide for a range of associated compatible development, consistent with the environmental opportunities and constraints applicable to individual sites. (c) To ensure development is sited, designed and managed in harmony with the natural environment and so as to protect the rural landscape and amenity.</td>
<td>Harvey Fresh have operated from the site for over 25 years. While now functioning under nonconforming use rights the activities have been appropriately managed on-site so as not to impact on the rural amenity of the area. The modifications to the existing activities proposed by this application will further reduce any impacts by consolidating activities into one warehouse that is setback further from Rowley Road (72.80m setback increased to 93.34m) with improved parking arrangements and landscaping to screen the development and the eastern boundary (8.50m to 18.40m).</td>
<td>Objectives (b) and (c) are relevant to the proposal, and as the proposal aims to reduce impacts on surrounding amenity, it can be seen as compatible.</td>
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<td>3.9 Extensions and Changes to non-Conforming Use – “must not alter or extend a non-conforming use; or erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use… without first having applied for and obtained development approval under the scheme”.</td>
<td>This application seeks that approval.</td>
<td>Noted.</td>
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<td>4.8 Management of Construction Sites. Sites are to managed to minimise soil erosion or the degradation of any water resource due to the action of wind or water and protect as far as practicable the natural resource values of the site and the adjacent area.</td>
<td>Not specifically addressed.</td>
<td>The City applies a standard condition on large development approvals for a construction management plan to address this scheme requirement.</td>
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<td>4.9 Drainage and Water Sensitive Design. Development increasing impermeable surfaces or which otherwise reduce</td>
<td>Stormwater is currently captured, detained and managed on-site via a small detention basin located to the north of the existing and</td>
<td>The City applies a standard condition on most development approvals for a drainage management plan to address this scheme requirement.</td>
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<td>stormwater recharge</td>
<td>proposed warehouse buildings. No changes are proposed to the current</td>
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<td>of groundwater</td>
<td>arrangements, there is sufficient land available to manage stormwater on-site</td>
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<td>systems is to utilise</td>
<td>and detailed design drawings and calculations will be prepared and submitted as</td>
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<td>best management</td>
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4.10 Effluent Disposal. Where access to reticulated sewer is not available, on-site effluent disposal facilities are to be provided to treat and dispose of any domestic effluent.

The area is not currently serviced by Water Corporations reticulated sewerage network. As the intensity of activities and staff on-site is not changing it is considered that the development can be adequately serviced by on-site wastewater disposal. The existing on-site effluent disposal system that services the staff amenities building fronting Rowley Road will be decommissioned and removed and replaced by a new system connected to the new warehouse building.

A standard advice note advising the applicant of the requirement to submit an application for the treatment of sewage to Health Services would be appropriate in the event of approval.

4.11 and Schedule 7B Bicycle Facilities.

Not specifically addressed.

There is no specific bicycle facility requirement for warehouse or office within the scheme, there are no public visitors, and the site is not likely to generate much bicycle traffic from staff given its location and separation from residential areas. As such it is believed rails / lockers are not necessary in this instance.

Part 4B Rural Living and General Rural Zone Requirements – 4BC.1 Setbacks. 15m required from all boundaries.

Cold store building: Front 93m, Side 18m east, 51m west, Rear 213m.

Car park 3m from east boundary.

Compliant.

Variation, but will be approx. 60m from nearest adjacent residence and separated by solid
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<th>TPS No.4 Requirement</th>
<th>Application</th>
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<tr>
<td>4B.2 Building Height. Wall height: 6m allowed.</td>
<td>8m proposed.</td>
<td>A variation, but is cited in the application as the same height to the existing structure. Acceptable. Compliant.</td>
</tr>
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<td>Roof height: 9m allowed.</td>
<td>8.5m proposed.</td>
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<td>4C.3 Building Coverage. 500m² allowed.</td>
<td>The existing outbuildings, sheds and warehouse are 3030m². The proposed cold store is 3045m², representing a similar site cover to that existing.</td>
<td>Given similarity to existing situation, variation is acceptable.</td>
</tr>
<tr>
<td>4B.4 and Schedule 7A Car Parking and Vehicular Access. Parking calculations are based on similar uses identified within Schedule 7A of TPS 4 as follows: A warehouse requires two spaces per 100m² storage area or one space per person employed, whichever is greater. An office requires three spaces per 100m² net lettable area, with a minimum 4 spaces per tenancy.</td>
<td>For the warehouse component there will be six on-site staff for the 2,945.40m² area, which equates to 58.9 (59) car parking spaces. The office is 17.20m², therefore requiring four car parking spaces. This equates to 63 car parking spaces required in total, which have been provided.</td>
<td>Compliant.</td>
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<td>4B.7 Remnant Vegetation Protection. The clearing of remnant native vegetation or the destruction or damage of native trees within the Rural Living Zone, shall not be permitted except as required to accommodate any approved development on the site, including the curtilages of any approved building; as necessary for the establishment of an approved vehicular access from the adjacent street to an approved building or development; as required to satisfy necessary bush fire protection measures as</td>
<td>Existing vegetation on site is proposed to be retained and additional landscaping is proposed.</td>
<td>Compliant.</td>
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<td>TPS No.4 Requirement</td>
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<td>determined by the local government or other relevant authority; or as otherwise approved by the local government in accordance with the provisions of clause 4.5.</td>
<td>These proposed consolidation and redevelopment of the existing facility will deliver a purpose built and contemporary cold store warehouse and distribution facility for Harvey Fresh that will achieve a number of site and operational efficiencies.</td>
<td>New stormwater management and effluent disposal will contribute to improvements in this area. Compliant.</td>
</tr>
<tr>
<td>SCA Map 2 – Catchment Protection Area. Peel Harvey Coastal Plain Catchment. Consideration of changes to land use within the Catchment to the Peel-Harvey Estuarine system to ensure they are controlled so as to avoid and minimise environmental damage.</td>
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**Amendment No.97**

In its current form Amendment No.97 aims to minimise amenity impacts within the Rural Living zone relative to discretionary land uses. Generally it asks for consideration of lot size, referencing 2ha (which the site would meet) and requires a number of reports to be submitted (Visual Impact Assessment, Traffic Impact Assessment and Acoustic Assessment). Whilst the amendment has not been finalised, the applicant has provided those reports for consideration.

**Bushfire Assessment / SPP 3.7 Planning in Bushfire Prone Areas**

The determined Bushfire Attack Level (BAL) is 12.5, and the recommendation is maintenance of an 18m Asset Protection Zone (APZ) along with standard firebreaks. The proposed setbacks to the boundaries mean that the APZ can be contained entirely on site and require no further clearing given the existing hardstand surrounding the main structure.

Conditions requiring the standard notification and implementation of the BAL Assessment recommendations would be appropriate in the event of any approval.

**Visual Impact Assessment (VIA)**

The VIA rates the site as having “high visual absorption capacity” given existing surrounding vegetation, with the construction area not easily seen from the broader public area. Long or mid-distance views are either not available or not easily discernible, given main views are from cars passing the site at up to 80kph.

The greatest visual impact will be to the property to the east, much as is the case with the existing development. Partial views from other adjacent dwellings are possible, and visual mitigation measures are deemed appropriate. The VIA notes the scale of the upgrade being similar to the existing development, is accommodated within existing local character.
A site inspection confirmed the main public view corridor is directly in front of the existing building on Rowley Road via the driveway, so will only be glimpsed in passing on the road. Existing vegetation otherwise largely screens other public viewing angles.

The VIA recommends retention of existing vegetation, planting of additional vegetation of middle to tall height, inclusion of a 1.8m solid fence along the eastern boundary to increase screening of the structure and proposed car park, colours to be sensitive to the locality, and signage kept to a minimum.

The City concurs with these points, but given concerns raised during public comment recommends further planting along the boundaries adjacent the driveways, and providing solid fencing to the western boundary adjacent to the main manoeuvring area as well.

**Transport Impact Assessment (TIA)**

The TIA lists the following anticipated movements:

- B-Double movements – twice per day;
- Rigid fleet – 20-25 movements per day;
- Staff 36 movements in, 36 out;
- Total of 96-101 movements per day.

For trip generation, the TIA estimates 39 trips in the a.m. peak hour and 39 in the p.m. peak hour (mostly staff arriving/leaving, with three other movements attributed to trucks). Given the site is currently operating, no traffic increase is proposed and the impact on traffic network remains as it currently stands. The City’s engineers and MRWA did not raise any particular issues with the TIA.

**Acoustic Assessment**

The Assessment shows that night time compliance is achieved and such compliance, being more restrictive than day time, enables full compliance for operations at all times. The acoustic assessment notes that truck engines and refrigeration units are to be switched off during loading/unloading in this regard. The Assessment acknowledges an existing colorbond fence on the eastern boundary and its extension, with the Planting Diagram best depicting extent (refer to attachment). It is noted that solid boundary fencing in rural areas represents a variation to the City’s Fencing Local Law that may not be permitted without first having sought approval of the local government. It would therefore be appropriate for a condition to deal with this matter as part of this application as allowed for by section 2.1(5), and the applicant is content to be guided by the City in this regard.

Any approval should require implementation of the measures recommended in the Acoustic Assessment.

**OPTIONS**

1. Council may approve the proposed consolidation of the existing non-conforming use for the Harvey Fresh Cold Store at Lot 5 (747) Rowley Road and Lot 11 (737) Nicholson Road, Forrestdale, subject to appropriate conditions.

2. Council may refuse the proposed consolidation of the existing non-conforming use for the Harvey Fresh Cold Store at Lot 5 (747) Rowley Road and Lot 11 (737) Nicholson Road, Forrestdale, giving reasons why.
CONCLUSION

The proposal will see impacts from the site such as moving between storage sheds and the staff amenities building to the main building eliminated, and will enable a greater degree of compliance with scheme requirements that affect surrounding properties (i.e. the 15m setback to the eastern property boundary). Intensification is not proposed, meaning there is no greater impact on the road network than exists at present. A more modern facility would also increase the quality of existing built form, formalise parking areas and improve landscaping, all of which would contribute positively to improving the amenity of surrounding residents. It is therefore recommended Council support the proposal in accordance with Option 1.

ATTACHMENTS
1. Site Plan - Lot 5 Rowley Road and Lot 11 Nicholson Road
2. Floor Plan - Lot 5 Rowley Road and Lot 11 Nicholson Road
3. Elevations Plan - Lot 5 Rowley Road and Lot 11 Nicholson Road
4. Landscape Concept Plan - Lot 5 Rowley Road and Lot 11 Nicholson Road
5. Zoning Plan - Lot 5 Rowley Road and Lot 11 Nicholson Road
6. Confidential Submitter Plan - Lot 5 Rowley Road and Lot 11 Nicholson Road - This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person

Committee Discussion

Committee discussed the truck deliveries and lighting from the buildings and trucks, noise mitigation, dust management, boundary fencing, sealing of existing driveways and the Operational Management Plan. Committee requested that additional conditions (16 and 17) be added to include modification to the proposal by relocating the 17 parallel bays abutting the eastern boundary to the rear of the shed and that only b-double truck movements be permitted from the crossover connecting to Nicholson Road. Accordingly the Recommendation was amended.

RECOMMEND

That Council:

A) Approves the application for Planning Approval for consolidation of the existing Harvey Fresh cold store on Lot 5 (747) Rowley Road and Lot 11 (737) Nicholson Road, Forrestdale, subject to the following conditions and advice notes:

1. An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Department of Water and Environmental Regulation before any subdivision works or development are commenced. Where an acid sulfate soils management plan is required to be submitted, all subdivision or development works shall be carried out in accordance with the approved management plan.

2. An Operational Management Plan is to be prepared, and lodged with the City for approval addressing matters such as (but not limited to) truck deliveries lighting from the buildings and trucks and noise mitigation to the satisfaction of the Executive Director Development Services. The plan shall be implemented to the satisfaction of the Executive Director Development Services thereafter.
3. A Construction Management Plan shall be prepared by the applicant and submitted to the Executive Director Development Services for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall be implemented by the applicant to the satisfaction of the Executive Director Development Services and detail how the construction of the development will be managed, including the following:

- Public safety and site security;
- Hours of operation;
- Dust management;
- Waste and material disposal;
- Traffic management plans for the various phases of the construction;
- Parking arrangements for contractors and sub-contractors;
- Delivery and access arrangements;
- The storage of materials and equipment on site (no storage of materials within the public realm will be permitted);
- Bonding and remediation arrangements; and
- Any other matters likely to impact upon the surrounding properties or public realm.

4. The Bushfire Attack Level Assessment Report submitted by WA Fire & Safety (29/10/2019 attached), shall be implemented including site preparation and establishment of the Asset Protection Zone prior to operation of stage 1.

5. Prior to occupation of the new buildings in this application, a notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). The notification is to state as follows:

“The subject lot(s) are subject to a bushfire management plan and are within a bushfire prone area. Dwellings and/or habitable buildings shall be designed/constructed in-accordance with Australian Standard 3959 – ‘Construction of Buildings in Bushfire-Prone Areas’ (or superseding standard) to minimise the risk of property damage”.

6. A schedule of external colours and materials shall be submitted to the City’s Planning Services and approved by the Executive Director Development Services. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.

7. External colours and materials shall be in keeping with the surrounding character/amenity of the locality and maintained to the satisfaction of the Executive Director Development Services.

8. Prior to occupation of the new buildings in this application, air conditioning units, compressors and other equipment related to utilities shall be screened from public view and positioned so as to avoid any adverse effects, including noise, on the occupants of nearby residential properties to the satisfaction of the Executive Director Development Services.
9. To meet drainage requirements, prior to occupation of the development the developer/owner shall, to the specifications and satisfaction of the Executive Director Technical Services:
   a) Submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan;
   b) Show any drainage easements as may be required on the Certificate of Title in favour of the City; and
   c) Relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development.

10. A landscape plan shall be submitted to and approved by the Executive Director Development Services, with the objectives of screening the development from public places and adjoining properties as well as improving the amenity of the site. The landscape plan shall include:
   a) Plant species (predominantly West Australian natives);
   b) Numbers, location, container size;
   c) Method of irrigation of the landscaped areas;
   d) The provision of shade trees within the car park at the rates of at least 1 tree per 10 metre interval along any line of car parking;
   e) Retention of existing trees as identified on the approved site plan;
   f) Additional tall planting between the driveways and side boundaries for the length of the driveways for screening purposes, and additional native species planting in the northern portion of the site adjacent bush forever site 345 to assist in maintenance of tree canopy and provide habitat for local wildlife.

All landscaping shall be installed prior to occupancy of the new buildings in this application and maintained as per the approved plan thereafter.

11. Noise mitigation measures recommended within the Acoustic Report submitted by Acoustic Engineering Solutions (dated 28/10/2019 attached), shall be implemented prior to operation of stage two to the satisfaction of the Executive Director Development Services.

12. Solid boundary fencing shall be maintained adjacent the main hardstand / manoeuvring / parking and driveway areas on the eastern (rear) boundary of Lot 12 (743) Nicholson Road and western (side) boundary of Lot 6 (757) Rowley Road, Forrestdale and the southern (side) boundary of Lot 13 (717 Nicholson Road in the vicinity of the existing dwelling from 120 metres to assist with managing the amenity (i.e. reduce noise and light impacts) of those properties to the satisfaction of the Executive Director Development Services.

13. Prior to occupation of the new buildings in this application, to meet vehicle manoeuvring space requirements the developer/owner shall, to the specifications and satisfaction of the Executive Director Technical Services:
   a) Construct/seal all such areas, including drainage and kerbing/marking where necessary, and resealing the existing driveways and connection
to Nicholson Road in accordance with the approved site plan;

b) Relocate/remove any services/infrastructure as necessary;

c) Reinstate all kerbing/footpaths/verge areas; and

d) Arrange for continuous maintenance of all such areas thereafter.

14. No materials shall be stored in car parking areas.

15. In accordance with the requirements of Local Planning Policy PLN 3.12 - Percent for Public Art, prior to the occupancy of the new buildings in this application, the applicant or landowner is to either make a monetary contribution to the City of Armadale Public Art Reserve Account or provide public art equal to one per cent (1%) of the estimated total development cost.

16. Prior to the submission of a Building Permit, revised plans shall be submitted to and approved by the satisfaction of the Executive Director Development Services, in accordance with Schedule 2, Part 9, Clause 74(1) of the Planning and Development (Local Planning Scheme) Regulations 2015 that modify the proposal by relocating the 17 parallel bays abutting the eastern boundary to the rear of the shed and the area formerly occupied for those bays shall be included in a landscaping plan.

17. Only 6 B-Double truck movements are permitted from the crossover connecting to Nicholson Road.

18. All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.

ADVICE NOTES:

A. Condition 1 makes reference to an “acid sulfate soils self-assessment form”. This form can be downloaded from the Department of Water and Environmental Regulation website at: www.dwer.wa.gov.au.

The “acid sulfate soils self-assessment form” makes reference to the former Department of Environment Regulation’s “Identification and investigation of acid sulfate soils and acidic landscapes” guideline. This guideline can be obtained from the Department of Water and Environmental Regulation website at: www.dwer.wa.gov.au.

B. With regard to Condition 6 requiring submission of a colour and material schedule, please be advised that the colours and materials noted on the elevation plan (sheet 3 of 3 revision 11) is acceptable (copy attached). Any amendments to the schedule should be resubmitted to Planning Services for consideration.

C. Compliance with the following or the equivalent standard is required:

a) Australian Standard 4282-1997 “Control of the obtrusive effects of outdoor lighting”;

b) Australian Standard 4970-2009 “Protection of Trees on Development Sites”;


c) The City’s Environment, Animals and Nuisance Local Laws;
d) The Food Act 2008 and registration as a food business with the City of Armadale;
e) The Environmental Protection (Noise) Regulations 1997;
f) The Environmental Protection (Unauthorised Discharges) Regulations 2004 in the event of transport vehicle wash downs.

D. Applicant to submit an application for the treatment of sewage in the advent of upgrading the existing onsite effluent disposal system.

E. With regard to the Condition requiring a Landscape Plan, please refer to the City’s Landscaping Guidelines – Screening, Landscaping Guidelines – Industrial and Commercial, Landscaping Guidelines – Plants to Avoid, the City’s Urban Forestry Strategy and Landscape Factsheet – Trees for Confined Spaces to assist you to formulate a satisfactory landscaping proposal. Copies of these documents are available on the City’s website at: https://www.armadale.wa.gov.au/planning-information-sheets

B) Advise the submitters of Council’s decision in this regard.

Moved Cr C Frost
MOTION CARRIED (7/0)
2.2 - CHAMPION LAKES GATEWAY STRUCTURE PLAN RECOMMENDATION TO DEVELOPMENTWA - LOT 10 LAKE ROAD, CHAMPION LAKES

Cr Butterfield declared a non-financial interest in this item as she is a member on the DevelopmentWA’s (MRA) Armadale Land Redevelopment Committee. As a consequence, there may be a perception that her impartiality on the following matter may be affected, but declared that she would disregard this association, consider the matter on its merits and vote accordingly.

WARD : HERON
FILE No. : M/843/19
DATE : 10 February 2020
REF : AR
RESPONSIBLE MANAGER : EDDS
APPLICANT : Taylor Burrell Barnett
LANDOWNER : DevelopmentWA
DETERMINING AUTHORITY : DevelopmentWA
SUBJECT LAND : Lot 10 Lake Road, Champion Lakes
MRS ZONING/ RESERVATION : Not Zoned
TPS No.4 ZONING : Not Zoned
TPS AMENDMENT : N/A

In Brief:
- The Structure Plan area is located within the Champion Lakes Precinct under the planning jurisdiction of DevelopmentWA.
- The Structure Plan application has been prepared for Lot 10 Lake Road, Champion Lakes on behalf of Yolk Property Group.
- The Structure Plan proposes the following:
  - Residential areas coded R30 to R80 through the centre and west of the site.
  - A Retirement Living area with a density coding of R160 in the north eastern portion of the site.
  - A Commercial area fronting Champion Lakes in the north eastern corner of the site.
  - Public Open Space is located within the south western portion of the site, abutting the Lake, and within the Commercial area.
- Recommend that Council resolve to recommend final approval to DevelopmentWA, subject to several modifications.

Tabled Items
Nil.

Decision Type
☐ Legal
☐ Executive
☒ Quasi-judicial

The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

The decision relates to the direction setting and oversight role of Council.

The decision directly affects a person’s rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration
Nil.
Strategic Implications
2.5.1.1 Implement the Local Planning Strategy recommendations through amendments to TPS No.4, Structure Plans, Planning Policies and strategies.
2.5.1.3 Deliver key strategic planning projects and strategies.

Legislation Implications
Metropolitan Redevelopment Authority Act 2011
Armadale Redevelopment Scheme No.2
Environmental Protection Act 1986

Regional Land Use Policy Implications
Perth and Peel @ 3.5 million - South Metro Peel Sub-regional Planning Framework (2018)
Liveable Neighbourhoods (WAPC 2009; 2015 draft)
State Planning Policy 2.10: Swan and Canning River System
State Planning Policy 3.0: Urban Growth and Settlement
State Planning Policy 3.7: Planning in Bushfire Prone Areas
Development Control Policy 1.3 – Strata Titles (WAPC)
Draft Position Statement: Residential Aged Care (WAPC October 2019)

Council Policy/Local Law Implications
Local Planning Strategy 2016
Local Biodiversity Strategy
Tourism Destination Marketing Strategy
Economic Development Strategy

Budget/Financial Implications
Nil

Consultation
1. Development Control Unit and City Directorates
2. Adjoining/nearby landowners – undertaken by DevelopmentWA
3. State Government Agencies and service providers – undertaken by DevelopmentWA
4. DevelopmentWA Design Review Panel

BACKGROUND

Lot 10 Lake Road, Champion Lakes, has a total area of 14.0097ha. The property is currently vacant and is bound by the Champion Lake Recreation Area to the west, Lake Road to the east, Henley Drive to the north east and future residential development to the south west. Champion Lakes recreation area is managed by VenuesWest for the operation of the Champion Lake International Rowing Course.

The subject site was historically used as a poultry farm that was later demolished for the construction of Champion Lakes in 2003. The Structure Plan Environmental Assessment and Management Strategy, identified no threatened ecological communities of vegetation within the site, or likely to occur due to the historical poultry farm and the construction of Champion Lakes.
The subject site currently consists of:

- Cleared areas of pasture grasses and patches of vegetation along the southern corner of the site, and the north and central portion of the southern boundary, which contains 1 potential Black Cockatoo habitat tree.
- The site typography is relatively flat, generally sloping down to around 24AHD along the western boundary from the highest point of 27AHD along the eastern boundary.
- Verge trees along the Lake Road and Henley Drive boundary (planted as part of the Champion Lakes construction works).

Given the land is currently owned by DevelopmentWA, the site was the subject of a DevelopmentWA Interest of Sale tender with Yolk Property Group being the successful proponent.

DETAILS OF PROPOSAL

The Structure Plan proposes residential and commercial development on the subject site, (refer to the attached Structure Plan Map), identifying the following zones and reserves:

- Residential land use, with densities ranging from R30 to R80, predominantly facilitating single dwelling development with one potential grouped/multiple dwelling site. The Structure Plan proposes to have an estimated dwelling yield of 160 to 210 dwellings.
- A Retirement Living Precinct with a residential density coding of R160 within the north-eastern portion of the site with the potential of being developed a combination of single, grouped and/or multiple dwellings.
- A mixed use commercial area with R80 residential density coding is proposed within the north-eastern corner of the site.
- Three Public Open Space Reserves are proposed in the south western portion of the site; abutting the Lake foreshore; and within the commercial area.

The Structure Plan application includes:

- Design Review Panel, City and DevelopmentWA preliminary feedback schedule
- Part One - Implementation
- Part Two - Explanatory Report
- Environmental Assessment Report
- Bushfire Management Plan
- Local Water Management Strategy
- Traffic Impact Assessment
- Engineering Servicing Report and Geotechnical Report
- Acoustic Report
- Retail Commercial Assessment
The following documents and decisions are relevant to the consideration and recommendation of the Champion Lakes Gateway Structure Plan:

**Metropolitan Region Scheme & Town Planning Scheme No.4**
The site is not zoned under the Metropolitan Region Scheme (MRS) or the City’s Town Planning Scheme No.4, and is instead annotated as being located within the Armadale Redevelopment Scheme Area.

**MRS Amendment No.1360/57**
MRS Amendment No.1360/57 covers the majority of the Armadale Redevelopment Area within the municipality of the City of Armadale, with the exclusion of the Wungong Urban Water Project Area, which will be the subject of a separate MRS amendment process. The subject site is part of MRS Amendment No.1360/57, which proposes to zone the site and the land south of the site to ‘Urban’, with Champion Lakes being reserved ‘Parks and Recreation’.

The WAPC advertised the MRS Amendment on 6 December 2019 to the City, State Government agencies, and surrounding landowners, with advertisement closing on 28 February 2020. Prior to advertisement concluding, the MRS Amendment was considered at Councils Meeting on 28 January 2020, recommending that Council supports the MRS Amendment subject to modifications.

**Metropolitan Redevelopment Act 2011**
Under Schedule 1 of the Metropolitan Redevelopment Regulation 2011, the subject site is located within the Armadale Redevelopment Area. In accordance with the Metropolitan Redevelopment Act 2011, DevelopmentWA is the responsible authority for Structure Planning within the area. As a referral agency, the City is to provide its comments to DevelopmentWA for their consideration.

**Armadale Redevelopment Scheme No.2**
Under the Armadale Redevelopment Scheme No.2, the site is located within the ‘Champion Lakes Project Area’ and is required to have a Structure Plan in place prior to any subdivision and development occurring on site. The site is also located within Precinct 3 - Champion Lakes Gateway, which is envisioned to provide:

- an attractive, liveable, neighbourhood centre;
- apartment style residential development;
- minor retail and commercial activities;
- key recreation and tourist ‘attractors’ that complement the existing rowing facility;
- compatible with existing residential development;
- effective transition from medium to high density development closer to the Champion Lake;
- tree lined pedestrian corridors;
- view corridors from main entry points to water bodies; and
- the incorporation of sound urban design principles to address streetscapes and solar design.
City of Armadale Local Planning Strategy (Approved December 2016)
The City’s Local Planning Strategy 2016 identifies the subject site as ‘Commercial Mixed Use Area’ (Mixed Business) and states that mixed business areas play a significant role by:
- providing some Shop/ Retail developments;
- a large variety of Other Retail activities within some large precincts; and,
- providing a considerable amount of employment.

The area is also identified as significant tourist destination due to the Champion Lakes International Rowing Course which is located approximately 500m north of the site. The Rowing Course provides a unique recreational and holiday opportunity within easy driving distance of most of Perth’s suburbs.

COMMENT

DevelopmentWA have advertised the application to the public, State Government agencies and the City for comment. DevelopmentWA will review all submissions prior to making a determination on the Structure Plan application. Given the City is a referral agency, all submissions are directed to DevelopmentWA. However, Yolk Property Group has had discussions directly with the City and have provided a copy of a signed petition in support of the application, which consisted of 130 signatures from landowners and interested parties. It is noted that the petition was directed to DevelopmentWA for its consideration. Refer to confidential petition letter in support of Champion Lakes Gateway Structure Plan attached to this report.

Prior to DevelopmentWA advertising the application, in July 2019 the application was reviewed as part of pre-lodgment application by the City and the DevelopmentWA Design Review Panel, which consisted of an Urban Designer, Architect and Project Manager. The Design Review Panel provides advice to DevelopmentWA on design quality to inform the assessment and determination of Structure Plans and other planning matters. The Design Review Panel and DevelopmentWA recommended a number of amendments to be made prior to the Structure Plan application being formally lodged for determination. The following key issues raised by the Design Review Panel and DevelopmentWA (italicised below) were not adopted as part of the current Structure Plan application. Refer to attached DRP and DevelopmentWA Schedule of Comments (with applicant’s response).

The City notes that the majority of the recommended changes that address the Key Issues below, can be dealt with by amending Part 1 of the Structure Plan report, which is the section of the report that requires due regard from the WAPC, DevelopmentWA and the City to help guide the subsequent Subdivision applications, Local Development Plan applications and Development applications.

Issue 1 - Commercial Precinct Layout
The Commercial Precinct should be amended to provide:
- The inclusion of a landmark building.
- A pedestrian friendly square around which uses are clustered with good linkages to the Retirement Living and surrounding area.
- The area and shape of the commercial site should be reviewed in order to better respond to existing roads and to provide a more functional use of space.
Recommendation

The above comments are partially supported. In relation to the overall shape and area of the Commercial Precinct, while the City would prefer to see the commercial area bounded by a straight road between the Retirement Living, rather than the proposed winding road, the City is supportive of the overall commercial area proposed. With regards to the Landmark building and square, it is recommended that these requirements be addressed by including the following LDP provisions under Part 1 of the Structure Plan report:

- A landmark building is to be located at the corner of the commercial lot which fronts the Retirement Living Precinct and the Residential R30 development. The landmark building will incorporate architectural design features and height differentiation to provide attractive and inviting building designs.
- A ‘public square’ to be provided in a location opposite the Retirement Living Precinct.

Issue 2 – Commercial Parking Area

The area for the commercial site is not considered appropriate given the space required for car parking and service areas for unloading and loading. Parking areas shall be located and designed to have parking that is not visually dominant and provide screened service areas.

Recommendation

The comment is not supported. The commercial precinct consists of 2 car parking areas which split the commercial buildings into 3 separate buildings. The car parking areas run parallel with the buildings, therefore reducing the width of the parking area visible along the street and the parking areas relate to the proposed uses. The design of the car parking can be further addressed at the subsequent Local Development Plan stage and Development application stage.

Issue 3 – Streetscape of Commercial and Retirement Living Precincts

The streetscape environment of the roads adjacent to the commercial site should create a legible, high quality street amenity with shade, shelter, trees, pavement treatment, street furniture, landscaping and public art. The road should be designed to ensure priority and comfort to pedestrians with road layout being designed to facilitate a low speed environment. The street verges must be of sufficient width to contain all the anticipated services, including the provision for street lighting, large canopy street trees of an appropriate species and, where appropriate, car parking, landscaping and footpaths, in accordance with the City requirements.

Recommendation

The City supports the comment and recommends the following requirements should be included under Part 1, Section 5.5 of the Structure Plan Report:

- At subdivision stage, raised cross walk(s) and central median strips with tree planting to be provided along the road between Commercial and Retirement Living Precincts to the City’s satisfaction, as shown on the Concept Commercial Plan.
- A Street Tree Planting Plan for is provided at subdivision stage, for all roads.
In addition, under Part 1 of the Structure Plan report, the following Commercial Precinct LDP provisions should be included:

- Buildings are to be level with the adjoining street to ensure universal access and maximise active street frontage.
- Buildings shall provide canopies and awnings over pedestrian footpaths to provide shelter from the weather and to encourage walking.
- All buildings shall be designed to incorporate Crime Prevention through Environmental Design (CPTED) principles to ensure adequate surveillance of the street and public realm and residence safety.

**Issue 4 – Liveable Street**

More information should be provided as part of the formal structure plan submission on how the Liveable Street will be delivered and maintained. This information is to confirm that there will be no conflict between services. The Structure Plan will need to discuss potential design standards and requirements, management obligations and operational costs in accordance with the City’s Technical Services team’s requirements.

**Comment**

The Liveable Street is a 15m wide loop road reserve located within the centre of the site. The Liveable Street will provide vehicle and pedestrian access to the residential lots directly abutting the road and seeks to increase verge landscaping areas in order to create a more pedestrian friendly environment. Wider landscaped verge areas will be implemented by reducing certain portions of the road pavement to a single lane. A section of the 15m wide loop road reserved is provided within the Engineering Servicing Report which indicates that underground infrastructure services will be located within the carriageway and not within the verge.

**Recommendation**

The comment is supported. The City recommends amending the Liveable Street so that all underground infrastructures is located within the verge. In addition, under Part 1 of the Structure Plan report, at subdivision stage, a Liveable Street Landscape Plan should be provided. The Landscape Plan should identify the irrigation connection points within the adjoining residential lots and it should be noted that watering and maintenance of the verge will be the responsibility of the adjoining lot owners.

**Issue 5 – Residential Lots along Lake Road**

The extent of solid fencing adjacent to Lake Road is not supported. A revised structure plan should consider measures to reduce the extent of solid fencing, and improve community interaction and pedestrian/cyclist movement by providing additional access to Lake Road and the surrounding community. It is recommended at a minimum the connection of a Public Access Way (PAW) be provided, aligning to the existing PAW between 47 and 45B Amanda Drive, Camillo (refer to the attached Aerial Plan). The fencing is to be broken up by heads of streets with sides of house lots to Lake Road replicating that pattern of the existing Champion Lakes Residential Precinct. The applicant is to include an open view at the head of the Living Stream on Lake Road. This can be provided through the provision of POS and additional parking.
Recommendation

The comment is partially supported. Further to the petition and letter of support from landowners and interested parties to DevelopmentWA, the letter requested that all pedestrian access be limited to the main entry at the proposed intersection with Lake Road and Kurrajong Way. The landowners cite that they are currently experiencing anti-social behaviour in and around the existing cul-de-sac heads that are 25m wide and open up to Lake Road (Bosbaan Place, Seine Mews, Rotsee Place, and Hazewinkel Gardens).

Accordingly, in order to reduce the walking distance from the Amanda Drive PAW and increase natural surveillance of the public realm to reduce anti-social behaviour, the City recommends the following modifications to the Structure Plan Map and Report:

- The northern most PAW along Lake Road should be removed as the new Access Road provides a suitable connection and the local centre is one of the main attractors.
- Increase the widths of the PAW from 6m to 15m (in line with the Liveable Street PAW’s) and provide landscaping, park furniture and lighting within the PAW’s along Lake Road and the Liveable Street.

Issue 6 – Commercial Land Uses

Consideration should be given to the location of the Child Care Centre and Tavern, in terms of traffic exposure, views to the lake and connectivity with surrounding land uses. The applicant is to consider the potential conflict of Tavern and nearby residential land uses.

Recommendation

The comment is partially supported. The location of the tavern and child care centre can be further addressed at Development Application stage. The land uses and design layout shown as part of the Structure Plan are only indicative and are shown for discussion purposes.

Issue 7 - Retirement Living Precinct

There is currently not enough information provided for the Retirement Living Precinct. DevelopmentWA requests that the formal structure plan submission include detail of the intended development and layout of the aged care site and controls regarding built form, public open space provisions and streetscape presentation. Development on the site should not turn its back to Lake Road and should allow for view corridors to Champion Lakes and the future commercial site.

Recommendation

The comment is partially supported. The application includes limited information on the Retirement Living Precinct. The concerns raised can be addressed through the subsequent Local Development Plan stage. To ensure that this occurs, it is recommended that Part 1 of the Structure Plan report be amended to include the following LDP requirements for the Retirement Living Precinct:

- Where applicable, the primary street entrance should be orientated towards the public road boundary.
- No vehicle access is permitted from Lake Road.
- At least one major opening from each unit to be orientated towards both the adjoining roads and communal open space.
Balconies to be orientated towards the adjoining roads and/or communal open space.

If fencing is installed, uniform semi-permeable fencing shall be provided along all road boundaries.

A landmark building to be located at the corner of the new Access Road (opposite Kurrajong Way) and Lake Road, and at the corner of Henley Drive and Lake Road. The landmark building should incorporate architectural design features and height differentiation to provide attractive and inviting building design.

All buildings shall be designed to incorporate Crime Prevention through Environmental Design (CPTED) principles to ensure adequate surveillance of the street, public realm and residence safety.

In addition to the Design Review Panel and DevelopmentWA comments, the City was provided with the Department of Water and Environmental Regulation (DWER) submission that raised the following issue with the LWMS:

**Issue 8 – Living Stream POS**

*DWER do not consider that the POS meets the requirements for a Living Stream as per Better Urban Water Management, and recommends that the applicant either:*

*a) widen the POS area to include a meander to the stream, similar to what is shown on the concept landscape plan, or*

*b) make it a basin purely for stormwater drainage purposes*

**Comment**

The Living Stream POS is proposed along the south western portion of the site and is designed for passive recreation with winding pathways mixed in with vegetated areas and small grassed areas, whilst managing stormwater. The Living Stream is the largest POS/drainage area within the site with an approximate total area of 0.62ha. From the total area, 0.1766ha is being proposed as restricted POS for stormwater drainage purposes only.

The POS Living Stream is proposed to manage stormwater flow from:

- the majority of the residential portion of the structure plan area (8.41 ha);
- a portion of the adjoining south western subdivision; and
- from the Ypres Road system which has a catchment area of 19.4ha and is located approximately 200m south west of the site.

Historically, the Ypres Road catchment drained into a former Road Reserve and an informal drainage basin within the adjacent south western Lot. Once Champion Lakes was created in 2003, the informal basin was removed and a temporary basin was later created in 2005 within the now Lot 9003 Langer Crescent, Champion Lake, which it is still being used today. Following consultation between the landowner of Lot 9003 (MRA and LandCorp – now forms part of DevelopmentWA) and the City, the preferred drainage solution for the external Ypres Road catchment was identified as extending the Ypres Road piped system to convey flows into the POS Living Stream.
The LWMS proposes for the first 15mm of runoff to be treated and infiltrated in a planted bioremediation area within the POS Living Stream. Larger rainfall events will be allowed to overflow into Champion Lakes to help improve the water quality of the lake, in accordance with previous agreement between VenuesWest (as the operator of Champion Lakes), DWER and DevelopmentWA.

Recommendation

The comment is supported. The LWMS plan and section of the living stream should be amended to reflect the landscape concept plan which shows a meandering stream with usable active and passive recreation areas. If the applicant is unable to achieve this, the City supports DWER’s comments and the POS area should be widened in order to retain the unrestricted POS credits. Refer to the attached Landscape Concept Plan.

ANALYSIS

Residential Zoning

Under Part 1, Section 5.1 of the Structure Plan Report, the R30 coded residential lots are proposed to be replaced with residential medium density coding of RMD-30 and the R40 coded lots are to be replaced with RMD-40 coding. The RMD-30 and RMD-40 are equivalent to R30 and R40 of the State Planning Policy 3.1 Residential Design Codes (R-Codes), with variations to setback and open space.

Retirement Living Precinct

The Retirement Living Precinct has an approximate area of 3.77ha and is anticipated to be developed as a retirement living/aged care development by a single aged care provider. The Retirement Living Precinct will consist of single, grouped and multiple dwellings for aged or dependent persons with the potential for five storey multiple dwelling developments in accordance with Part 2 of the R-Codes. The Retirement Living Precinct would also contain communal amenities such as communal open space and potentially, in accordance with the WAPC Draft Position Statement for Residential Aged Care (October 2019), ancillary commercial uses, which can only be used by residents of the Retirement Living development. As per the Draft Position Statement, the commercial uses could consist of; Medical Consulting Rooms, Pharmacy and Café’s. Communal amenities and building heights will be further addressed at the subsequent Local Development Plan and Development Application stages.

Retirement Living Precinct - Communal Open Space

As part of the proposed Structure Plan application, the Retirement Living Precinct does not form part of the estimated dwelling yield and is calculated as a deduction from providing 10% POS, as the Structure Plan report states that semi Communal Open Space will be provided through the Retirement Living Development Application. The applicant has advised the City that the semi-Communal Open Space will be open to the general public during certain times but will mostly be used by the residents of the Retirement Living Precinct.

However, in accordance with Liveable Neighbourhoods, given the Retirement Living Precinct is zoned Residential, the POS Schedule, under Table 7 of the Structure Plan report should be amended so that the Retirement Living Area forms part of the total 10% POS contribution area, which will result in a undersupply of POS, below the required 10% for the Structure Plan area.
In order to address the proposed Retirement Living Precinct Communal Open Space (COS) and the 10% POS shortfall, as per the WAPC Development Control Policy 1.3 - Strata Titles, a 50% reduction to the 10% POS requirement is possible in strata developments where up to 50% is developed as COS. As such, the COS calculations should be included under Table 7 – POS Schedule of the Structure Plan Report.

**Commercial Precinct**

The commercial area is proposed to provide a diverse range of commercial uses which will benefit the residents within the Structure Plan area and the surrounding existing areas. The concept Commercial Plan identifies a possible tavern, café, childcare centre and other commercial tenancies. The Local Planning Strategy Retail Floor Area Modelling does not provide an allocated retail floor area for the Champion Lakes Mixed Business area. However, the Structure Plans Champion Lakes Retail/Commercial Assessment demonstrates that there is an opportunity for the subject site to accommodate for the following uses:

- Tavern: 900m² (net leasable area)
- Cafè: 200m²
- Retail: 200m²
- Restaurant: 800m²
- Offices: 300m²
- Medical Centre: 6 consulting rooms
- Pharmacy: 250m²

The above mentioned uses, with the exception of Medical Centre and Pharmacy, were found to be undersupplied within Champion Lakes, Camillo, northern portion of Seville Grove and the western portion of Kelmscott. Uses like the Medical Centre and Pharmacy will be supported by the Retirement Living Precinct. The land uses proposed and built form outcomes will be further addressed during the Local Development Plan and Development Application stages.

**Nested Residential Lots**

R30 and R40 residential lots are proposed along the eastern boundary of the Living Stream POS. The landscape concept plan provides a footpath within the POS area that runs along the boundary of the residential lots, which will increase access to the POS area from the nested residential lots. In order to improve natural surveillance of the POS area from the residential dwellings, it is recommended that the following LDP provisions should be included for the nested lots under Part 1 of the Structure Plan report:

- At least one major opening should be orientated towards each of the POS, public road and PAW, where applicable.
- Primary street entrance of the dwelling to be orientated towards the public road, with the outdoor living area orientated towards the POS.
- Stair access and retaining wall with uniform open style fencing and gate to be provided along the POS boundary.
- Uniform semi permeable fencing to be provided along the PAW and/or POS boundary.
- Letter boxes to be located along the public road boundary.
Public Open Space
The Foreshore POS is proposed along the Champion Lakes boundary for passive recreation uses with seating areas and landscaping. At the widest section, the foreshore POS is 10m wide and provides pedestrian footpaths that connect to the adjoining existing footpath network within the Champion Lakes Reserve. The proposed Foreshore POS adjoins the existing Champion Lakes POS and will combined the two total foreshore widths, which could potentially increase to 30m at the widest point, making both reserves more usable to the local residents.

The POS adjacent to the Commercial Precinct area proposes a playground with a water feature and alfresco/plaza style space with a boardwalk and seating areas facing Champion Lakes. The Commercial POS area will be developed as part of the Commercial Development. The Commercial POS is however not shown on the Structure Plan Map. As such, it is recommended that the Structure Plan Map amend the POS area from being zoned Commercial to POS instead.

The percentage of total credited POS for the site is 10.19% which is above the 10% requirement of Liveable Neighbourhoods. However, the total amount of creditable POS could be subject to further review depending on the drainage design outcome of the Living Stream (as discussed under Issue 8 above) and on the recommended changes to remove the Retirement Living Precinct from the deduction area under the Table 7-POS Schedule of the Structure Plan Report. While the City is supportive of the overall design of the POS areas, the City is prepared to forward its Structure Plan recommendation to DevelopmentWA, and the City, applicant and state agencies can continue to resolve the outstanding technical LWMS issues and confirm the POS areas prior to the Structure Plan being approved.

Refer to Concept Public Open Space Plan

Black Cockatoos
The Fauna Survey (Emerge Associates 2019) and the Environmental Assessment and Management Strategy found evidence of foraging by Red Tailed Black Cockatoo’s, possible foraging evidence from Baudin’s Cockatoo’s, and considers that Carnaby’s Cockatoo’s could potentially be utilising the site. All three Black Cockatoo species are considered to be of conservation significant under the Federal Governments Environmental Protection and Biodiversity Conservation Act 1999.

The Fauna Survey and the Environmental Assessment and Management Strategy found one hollow within the north eastern portion of the site to be a potential black cockatoo habitat tree for foraging, breeding or roosting. However, the Environmental Assessment and Management Strategy considers it unlikely that the trees within the site would be considered to provide quality foraging, breeding or roosting habitat due to the small isolated areas of vegetation and therefore does not require referral to the Commonwealth Department of Environment and Energy for assessment.
Notwithstanding this, given the potential cockatoo habitat found on site, prior to any development and clearing occurring on site, the City recommends that the developer should consult with the Commonwealth Department of Environment and Energy, as per the Environmental Protection Biodiversity Conservation Act, and that the Environmental Assessment and Management Strategy be amended, accordingly. If any significant habitat trees are required to be retained, proposed lots, and road layouts can be adjusted at subdivision stage to suit the Commonwealth Department of Environment and Energy assessment.

**Bush Fire**
The subject site is located within bushfire prone area and the Structure Plan Bushfire Management Plan has identified bushfire risk coming from the vegetation to the north east and north west of the site. The Bushfire Management Plan will reduce the risk of bushfire to residents, the public and fire fighters through the implementation of the following:

- All new future habitable buildings will be sited so that BAL-29 or less can be achieved.
- The lots adjacent to the south-west boundary of the site will be subject to temporary BAL-ratings greater than BAL-29, however, once the development is progressed within the adjacent south western landholding, the lots will be subject to BAL-29 or less.
- 2 way emergency exits on to Lake Road to the south and Henley Drive to the north, with additional future roads being developed as part of the adjoining urban development to the south-west.
- The development will provide permanent and reticulated water supply for firefighting purposes.

The City is supportive of the Bushfire Management Plan subject to the Department of Emergency Fire Services comments.

**Acid Sulfate Soils**
The Department of Water Environmental Regulation mapping services indicates that the site is classified as having a ‘moderate to low risk’ of acid sulfate soils occurring within 3 m of the natural soil surface.

The geotechnical investigation by Galt in July 2019, found acid sulfate soils and potential acid sulfate soils at the site. The potential acid sulfate soils, however, was only localised to one test pit and is considered relatively easy to manage during earthworks. Given the acid sulfate soils identified, the geotechnical investigation by Galt recommends that a more detailed Acid Sulfate Soils Investigation be undertaken at subdivision stage to confirm whether an Acid Sulfate Soils Management Plan will be required prior to any site works. This is a common requirement for engineering assessment.

**Wetlands**
The Swan Coastal Plain Map identifies one multiple use wetland within the north and north western portion of the site. However, given the site has been historically used as a poultry farm and due to the construction of Champion Lakes, the Local Water Management Strategy identifies that the site has no ecological function and therefore the multiple use wetland has no impact on the proposed design of the Structure Plan.
Groundwater
The site is located in the Perth Groundwater Area and the City of Armadale Groundwater Sub-area. The groundwater levels measured under the LWMS in 2015 and 2016 demonstrates that there is reasonable clearance to the groundwater and that the groundwater will not have an impact on any future development of the site.

The City is supportive of the Environmental Assessment and Management Strategy findings, in relation to Acid Sulphate Soils, Wetlands and Groundwater levels and the Bushfire Management Plan.

OPTIONS

1. Council could resolve to recommend to the DevelopmentWA to approve the Structure Plan with or without modifications.

2. Council could resolve to recommend to the DevelopmentWA to refuse the Structure Plan and provide reasons for its decision.

CONCLUSION

The Structure Plan will guide further subdivision and development of the subject site, in accordance with DevelopmentWA and Council’s strategic planning framework. Subject to the LDP modifications to address built form outcomes, and the Living Stream POS investigation, the Structure Plan provides an attractive, liveable, neighbourhood centre, with the potential for apartment style residential development and minor retail and commercial activities that complement the existing rowing facility and the existing residential areas. The City will continue to liaise with DevelopmentWA, other agencies and the applicant to finalise any technical reports prior to the Structure Plan application being determined by DevelopmentWA.

It is recommended that Council recommend to the DevelopmentWA that it approve the Structure Plan subject to modifications. In accordance with the above report and attachments, Option 1 is recommended.

ATTACHMENTS

1. Structure Plan - Champion Lakes Gateway Structure Plan
2. Concept Public Open Space Plan - Champion Lakes Gateway Structure Plan
3. Concept Commercial Plan - Champion Lakes Gateway Structure Plan
4. Liveable Street Plan - Champion Lakes Gateway Structure Plan
5. Local Government Schedule of Modifications - Champion Lakes Gateway Structure Plan
6. DRP Schedule of Comments (with applicant's response)
7. Confidential petition in support of the Champion Lakes Gateway Structure Plan - This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person
RECOMMEND  
D13/2/20

That Council:

1. Pursuant to the DevelopmentWA referral letter to the City, recommend that DevelopmentWA approve the proposed Champion Lakes Gateway Structure Plan subject to the modifications listed in the Schedule of Modifications attached to this report.

Moved Cr C A Campbell
MOTION CARRIED  
(7/0)
LOCATION PLAN
Lots 1092 and 1751 Albany Highway, Kelmcott:
2.1 - LOT 1751 AND LOT 1092 ALBANY HWY, KELMSCOTT - AGREEMENT TO USE EXISTING RESERVES FOR TEMPORARY WORKS RELATED TO THE DENNY AVENUE LEVEL CROSSING REMOVAL PROJECT

WARD : RIVER
FILE No. : - M/819/19
DATE : 18 February 2020
REF : DS
RESPONSIBLE MANAGER : A/EDDS
APPLICANT : Public Transport Authority / Metronet
LANDOWNER : Crown Reserve
SUBJECT LAND : Lots 1751 and 1092 Albany Highway, Kelmscott.
ZONING MRS / TPS No.4 : DevelopmentWA

In Brief:
- The Public Transport Authority (PTA) is commencing works related to the Denny Avenue Level Crossing Removal Project in 2020.
- PTA will be utilising Lot 1091 Streich Avenue as a site for temporary works. The PTA is requesting to utilise two adjoining reserves managed by the City for temporary works to aid the Denny Avenue Level Crossing Removal Project.
- It is recommended that Council enter into a formal agreement with PTA for the temporary use of Reserves 22186 and 25940 (Lots 1751 and 1092) Albany Highway, Kelmscott.

Tabled Items
Nil

Decision Type
☑ Legal
The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
☐ Executive
☐ Quasi-judicial
The decision relates to the direction setting and oversight role of Council.
The decision directly affects a person’s rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration
Nil

Strategic Implications
2.2.3 Continue to support the planning operations of the MRA in preparation for the future gradual normalization of some of the MRA areas.
2.3.1 Provide supportive planning and development guidance and liaison on major land developments.
2.4.1 Implement townscape, streetscape and parkland improvements to enhance the instinctive character of the City.
2.5.1 Provide a safe and efficient movement network, including local and arterial roads and associated infrastructure.
2.5.3 Advocate for a flexible and efficient public transport system.
**Legislation Implications**
Railway (Metronet) Act 2018
Local Government Act 1995
Local Government (Functions and General) Regulations 1996
Metropolitan Redevelopment Authority Act 2011
Metropolitan Redevelopment Authority Regulations 2011
Metropolitan Redevelopment Authority’s Kelmscott Town Centre Design Guidelines
Planning and Development Act
Metropolitan Region Scheme

**Council Policy/Local Law Implications**
Nil.

**Budget/Financial Implications**
Nil.

**Consultation**
The Public Transport Authority (PTA) of Western Australia has conducted meetings with the City/briefings of Councilors to coordinate the Denny Avenue Level Crossing Removal Project, established a community reference group, and liaised with local businesses and local landowners/residents over the project.

**BACKGROUND**
The Denny Avenue Level Crossing Removal Project is part of a Metronet (a branch of the Public Transport Authority) program to reduce vehicle level crossings throughout the metropolitan area of Perth. The removal of the level crossings is required to improve safety and significantly increase vehicle access in addition to providing opportunities for improved land use planning and revitalisation of the surrounding area, which the City has been advocating for. The Midland and Armadale train lines have been evaluated with Denny Avenue being identified as the first to be removed.

In conjunction with the removal of Denny Avenue, Davis Road located approximately 150m to the south will be widened and sunk under the elevated train line. The DevelopmentWA (MRA) has acquired several properties to the west of the train line that will be converted to road reserve to allow Davis Road to extend directly through to Third Avenue. The grade separation at Davis Road will improve access in and around the Kelmscott town centre and provide safer and quicker access between Albany Highway and Railway Avenue. The timeframe for the works related to the project has commenced and will continue into 2021.

A summary of the Denny Avenue Level Crossing Removal Project is as follows:
- Permanently closing the level crossing at Denny Avenue;
- Constructing a rail-over-road underpass by raising the rail and sinking Davis Road under the elevated rail line;
- Extending Davis Road to Third Avenue to maintain the important east/west connection for motorists, cyclists and pedestrians;
- Widening Davis Road to accommodate up to four lanes of traffic (two in each direction);
- Installing traffic lights at the Davis Road intersections at Albany Highway, Streich and Railway Avenues;
- Removing the existing traffic lights along Denny Avenue at Albany Highway, Streich and Railway Avenues;
- Upgrading Albany Highway to include two new signalized intersections and provide new turning lanes for Davis Road and Streich Avenue;
- Heritage restoration for the Station Masters house;
- Creating a walk/cycle path over the new Davis Road underpass on the Railway Avenue side of the rail line;
- Turning sections of Third and Slee Avenues into cul-de-sacs; and
- Civic improvements and road landscaping to revitalise the Kelmscott town centre including refurbishing the Station Masters House, land development opportunities and establishment of Kelmscott Station Plaza.

Lot 1091 (Reserve 22555) Streich Avenue (2887m²) is managed by the PTA. To the southeast of the PTA site are smaller Reserves 22180 (472m²) and 25940 (655m²) Albany Highway. These Crown reserves are vested and managed by the City. Reserve 22186 was historically used as a library and Lot 25940 was historically used as an infant health clinic.

Denny Avenue and the surrounding parcels to the north and south (including Reserves 22555, 22186 and 25940) are located in the DevelopmentWA (MRA) area. The MRA’s Kelmscott Town Centre Design Guidelines defines the land uses in addition to different legislation used for assessment. Within this area, the DevelopmentWA (MRA) is the determining body for development applications.

Currently Reserves 22555, 22180 and 25940 are used for parking by railway commuters. There are mature aged trees both within the lots and the surrounding verges. Under the DevelopmentWA (MRA) Kelmscott Redevelopment Authority Town Centre Precinct Design Guides, the northern portion of Reserve 22555 is designated as a plaza, with the remainder of Reserves 22555, 22186 and 25940 designated as commercial development and associated parking.

**DETAILS OF PROPOSAL**

In order to conduct the works associated with the Denny Avenue Level Crossing Removal Project, the PTA will be utilising Reserve 22555 to conduct temporary construction works including office accommodation, construction laydown and stockpiling of materials for construction. The PTA will likely use this site for the entire length of the project works which is estimated to progress into 2021.

In order to maximise the temporary site laydown area on Reserve 22555, the PTA has approached the City with a request to extend the site laydown area by including Reserves 25940 and 22186, both of which abut Reserve 22555. These two Reserves are vested in the City for purposes of Library and Infant Health Clinic respectively. In the interim whilst waiting for the necessary procedures to occur to consider the request, the PTA will likely commence activities solely on Reserve 22555.
The PTA has detailed the following in a proposal to the City to utilise Reserves 25940 and 22186 on a temporary basis for the Denny Avenue Level Crossing Removal Project:

- The PTA will prepare a Construction and Environmental Management plan to ensure responsible operating procedures on site and a Communications Action Plan to ensure that stakeholders and the community are adequately informed of the project works.
- The PTA will ensure the existing mature aged trees will be provided the necessary tree protection to ensure they will not be damaged or degraded as a result of the site works.
- The PTA’s contractor will be required to photograph and document the current state of Reserves 25940 and 22186 to ensure that the reserves will be returned to their original condition.
- All access to the site (inclusive of Reserves 22555, 25940 and 22186) will be from Third Avenue or Railway Avenue and will not require any road closure (other than Denny Avenue).

Due to the Reserves being located within the Kelmscott DevelopmentWA (MRA) area, a development application shall be submitted and assessed by the DevelopmentWA (MRA) to use the sites temporarily for construction works. This application will require a signature on behalf of the City. The Minister for Lands must also be consulted and provide approval to any agreement between the City and the PTA for the use of the land. PTA are undertaking this action.

**COMMENT**

The City’s 2018/19 Advocacy Strategy details the importance of the extension of the Armadale line to Byford in connecting the suburbs and reducing traffic congestion. The Denny Avenue Level Crossing Removal Project forms part of these works and will reduce traffic congestion.

The Reserves are not currently being utilised for their original vesting, as the Kelmscott Library is located in the Stargate Shopping Centre and the Health Department closed the Child Health Clinic a number of years ago. The Reserves currently serve no purpose and use of these Reserves temporarily by PTA (and its contractors) will aid in works that will benefit the wider community.

Any agreement between the City and the PTA would detail project timing, use of the site, site handover, indemnity, insurance, tree protection (in accordance with the Australian Standards 4970 – 2009 Protection of Trees on Development Sites), costs and all matters contained within the PTA proposal as detailed earlier in this report. It should be noted that the operational area offered by the Reserves is limited due to the footprint of the existing trees on site that the City is requiring to be protected at this stage.

Whilst the Denny Avenue Level Crossing Removal Project is estimated to be completed by the conclusion of 2021, it would be recommended to extend the agreement into 2022 to account for any unforeseen circumstances or project delays.
OPTIONS

1. Council may decide to enter into an agreement for a period of 3 years with the PTA to allow Reserves 22186 and 25940 to be used to aid with the Denny Avenue Level Crossing Removal Project.

2. Council may decide to not allow the PTA to use Reserves 22186 and 25940 for the Denny Avenue Level Crossing Removal Project.

CONCLUSION

The PTA is commencing works related to the Denny Avenue Level Crossing Removal Project early in 2020, and will be utilising Reserve 22555 for construction purposes. The PTA has approached the City with a proposal to utilise two adjoining Reserves managed by the City to aid the construction process for a period of three (3) years. The reserves are currently being used for informal car parking and permitting an agreement between the City and the PTA should not negatively impact the City. The City can enter into an agreement with the PTA to cover issues such as site handover, indemnity and the protection of the existing mature trees on the reserves.

Given the overall benefit to the community of the project, the City should assist the PTA, therefore it is recommended that Council adopt Option 1.

ATTACHMENTS

There are no attachments for this report.

Cr Butterfield left the meeting at 8.29pm and returned at 8.31pm.

Committee Discussion

Committee discussed the existing trees on the reserves and requested that Part 1a) be amended to include the fencing of the trees prior to any parking and/or works occurring onsite to the satisfaction of Manager Parks. Accordingly the Recommendation was amended.

RECOMMEND

That Council:

1. Agree to allow the Public Transport Authority (and its contractors) the use of Reserves 22186 and 25940 (Lots 1751 and 1092) Albany Hwy, Kelmscott for the purposes of temporary construction works including office accommodation, construction laydown and stockpiling of materials for construction relating to the Denny Avenue Level Crossing Removal Project subject to the following basic conditions:
   a) Rent: Nil
   b) Term: 3 years with a possible extension to allow completion of the project
   c) Costs: All costs associated with the use of the reserves to be the Public Transport Authority’s responsibility
   d) The Public Transport Authority (or contractor) to prepare a Construction
and Environmental Management plan to ensure responsible operating procedures on site and a Communications Action Plan to ensure that stakeholders and the community are adequately informed of the project works.

e) The Public Transport Authority and contractor to ensure the existing mature aged trees will be provided the necessary tree protection to ensure they will not be damaged or degraded as a result of the site works, including the fencing of the trees prior to any parking and/or works occurring onsite to the satisfaction of Manager Parks.

f) The Public Transport Authority (or contractor) to photograph and document the current state of Reserves 22186 and 25940 to ensure that the reserves will be returned to their original condition.

2. Authorise the Chief Executive Officer to negotiate all other terms and conditions and execute an agreement with the Public Transport Authority to facilitate (1) above.

3. Authorise the Chief Executive Officer to sign a development application and any other required documentation for temporary construction works on Reserves 22186 and 25940 to be submitted by the Public Transport Authority for consideration by DevelopmentWA (MRA).

Moved Cr R Butterfield
MOTION CARRIED (7/0)
2.3 - KELMSCOTT DISTRICT ACTIVITY CENTRE STRUCTURE PLAN - ENGAGEMENT STRATEGY

WARD : RIVER
FILE No. : M/12/20
DATE : 29 January 2020
REF : SF
RESPONSIBLE MANAGER : EDDS

**In Brief:**
- Kelmscott is designated as a District Centre in State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2) and the preparation of an Activity Centre Structure Plan is required to guide future planning and development of the area.
- Recommendation ARC6 of the City’s Local Planning Strategy (2016) includes an action for the City to prepare an Activity Centre Structure Plan for the Kelmscott District Centre. The City is aiming to commence the preparation of the Activity Centre Plan in 2020.
- In accordance with the City’s Policy ‘COMD2 – Community Engagement’ a Community Engagement Strategy is required to be prepared to guide community and stakeholder engagement for the project.
- Recommend that Council adopt the recommended community and stakeholder Engagement Strategy attached to this report.

**Tabled Items**
Nil.

**Decision Type**
☑️ Legal
- The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

☐ Executive
- The decision relates to the direction setting and oversight role of Council.

☐ Quasi-judicial
- The decision directly affects a person’s rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

**Officer Interest Declaration**
Nil.
Strategic Implications

Corporate Business Plan - specifically the following objectives:
2.2.3.2 - Contribute to planning for re-invigoration of suburbs
2.5.1.1 - Implement the Local Planning Strategy recommendations through amendments to TPS No.4, Structure Plans, Planning Policies and Strategies
2.5.1.3 - Deliver key strategic planning projects and strategies
3.1.1.8 - Facilitate a strong working relationship with the MRA/LandCorp to progress planning of key areas and timely delivery of infrastructure
3.1.2.3 - Actively promote opportunities for Transit Oriented Development (TOD) in the ‘City West’ Precinct and Kelmscott in partnership with Development WA.

Strategic Community Plan 2016-2031 - specifically the following objectives:
1.4.1 - Consult the community in diverse ways
2.5.1 - Implement and administer the City’s Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes

Legislation Implications

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Town Planning Scheme No.4

Council Policy/Local Law Implications

Policy COMD2 – Community Engagement

Budget/Financial Implications

The Kelmscott Activity Centre Structure Plan Engagement Strategy if adopted will help to inform the project budget. The City will also be seeking the services of a suitably qualified lead Town Planning Consultant via tender process. The Engagement Strategy will help to inform the scope of the tender.

Consultation

The Kelmscott Activity Centre Structure Plan Engagement Strategy will involve a number of consultation methods including workshops and ‘briefings’ and will include a wide variety of stakeholders including the following:

- Elected Member(s)
- Members of Parliament
- City of Armadale Directorates and Executive Leadership Team
- Business owners, landowners and residents
- Government Stakeholders and Service Authorities
- Interest Groups (i.e. CHAG)
BACKGROUND

Local Planning Strategy (2016)
The City of Armadale’s current Local Planning Strategy (LPS) was approved by WAPC in 2016. One of the recommendations of the LPS is the need to prepare an Activity Centre Strategy for the Kelmscott District Centre (see recommendation below).

“ARC6. Prepare a Centre Plan for the Armadale Strategic Regional Centre in accordance with SPP 4.2 and a Plan for Kelmscott District Centre in conjunction with normalisation of the MRA Kelmscott Precinct”.

The Kelmscott District Centre is currently the second largest centre within the City (second to the Armadale Strategic Metropolitan Centre), and is one of three District Centres that exist or are planned for the Municipality. The two other District Centres are in Harrisdale (stage 1 completed with planning for future stages underway) and Hilbert (currently being planned). Kelmscott District Centre is the most mature of the District Centres with its urban morphology located along Albany Highway which is a significant regional road and adjacent to the Perth to Armadale passenger rail line with Kelmscott Train Station located at its centre.

Background to Project Area
The City of Armadale is forecast to continue to grow over the past decade up to and beyond 2036. ID Forecast estimates a population of 144,827 by 2036 which is a 76.04% increase on the 2015 population of 82,267. In respect to Kelmscott itself, the ID Forecast estimates that a combined Kelmscott East and West (of Albany Highway) population of 11,573 people in 2018 will grow to 14,445 people by 2036 (an increase of 2872 people or 24.8% population increase).

Much of the overall growth of the Region is expected to occur in the new growth areas of Harrisdale, Haynes, Hilbert (within the City of Armadale), Byford, Mundijong and Whitby, which are located in the Shire of Serpentine Jarrahdale and are serviced by the Armadale Strategic Metropolitan City Centre and other current or planned District and Neighbourhood Centres. The immediate catchment for Kelmscott District Centre, which includes the surrounding suburbs of Kelmscott, Camillo, Roleystone, Seville Grove and Mount Nasura, are more mature and future growth in the catchment is expected to predominantly occur through redevelopment or infill development of existing housing stock and expansion of the current areas. However the existence of specialty retail in the Kelmscott Centre (such as Spud Shed, City Farmer and other showrooms) extends the secondary catchment further. Collectively the City’s Local Planning Strategy identifies the potential for additional dwellings within the Kelmscott District Centre catchment to be approximately 5044 dwellings by 2036 to support a population increase of an additional 6168 people (increase from 40,380 people to 46,548 people).

The Kelmscott District Centre is located along a 1.5km stretch of Albany Highway on both sides and contains a diverse range of uses including residential, retail, office, commercial, restaurants, cafes, medical and community type uses in a core area and fringing highway development. As dwelling and population numbers grow within the Kelmscott District Centre catchment, the number and extent of businesses premises in the Centre is also expected to grow and undergo renewal. Planning for the Kelmscott District Centre is required to accommodate not only future growth of the Centre, but also a changing appreciation for the urban form of the Centre with a greater emphasis on inner City and higher density living in close proximity to public transport, commercial precincts and Town Centres.
The City’s population growth and development will mean greater emphasis on improving transport facilities and quality to encourage walking and cycling as alternatives to travel by motor vehicle and improvement in urban form that aim to create a more human scale and community based environment over an extended period.

The South Metropolitan Peel Sub-Regional Planning Framework (SMPS-RPF) highlights the importance of increasing employment self-sufficiency and employment self-containment by increasing the number of people who live and work locally within close proximity to Activity Centres. The intent is to reduce the need to commute to work and reduce the growth in traffic congestion over time. The Perth and Peel @ 3.5 million estimated that in 2014, 55% of all workers commuted from the sub region where they live to another sub-region, where they worked. This travel statistic is considered too high and hence the strategy to bring jobs to where people live is important in arresting this trend. Boosting both residential and employment levels around sub-regional Activity Centres such as the Kelmscott District Centre reduces reliance on workers travelling daily between sub regions or to the Perth CBD for work.

Historically, planning for the Kelmscott District Centre has had several influences, including the preparation of the Kelmscott Enquiry by Design published in 2003, the placement of part of the Centre under the planning control of the Armadale Redevelopment Authority (now Development WA) and the State Government’s Metronet’s level crossing program which proposes to close Denny Avenue and provide an underpass at Davies Road (This proposal has been a significant milestone in the City’s Advocacy Strategy). With Development WA proposing to normalise its portion of the District Centre back to the City in about 18 months it is critical the City once again takes the lead in planning for this important Centre. It is anticipated that the preparation of the Kelmscott District Activity Centre Structure Plan will build on the work completed to date and currently underway.

Kelmscott District Activity Centre Structure Plan
In accordance with the City’s Local Planning Strategy the City will undertake the preparation of an Activity Centre Structure Plan and it is anticipated that it will be supported by the following strategies:

- Retail and Employment Strategy;
- Movement / Transport and Car parking Strategy (including Access strategy for Albany Highway);
- Local Water Management Strategy;
- BAL Assessment and Bushfire Management Strategy;
- Road and Rail Noise and Ground Vibration Study;
- Servicing Report

In addition the City will be seeking the preparation of a Town Planning Scheme Amendment to ensure that the Structure Plan and Town Planning Scheme framework align or including the proposals in a new Town Planning Scheme No.5. A Recommendations Report will also be sought to provide recommendations on core place matters such as public realm improvement and place activation to ensure a ‘complete’ framework for the Kelmscott District Activity Centre can be established and provide the basis for further consultation with Elected Members.
Community and Stakeholder Engagement

Critical to the preparation of the Kelmscott Activity Centre Structure Plan will be the need to engage with key Government Stakeholders and Business and Residents in the Kelmscott District Centre and its surroundings. This engagement will help to inform the preparation of the Activity Centre Structure Plan to guide the future planning and development of the Activity Centre, and subsequent recommendations which may lead to improvements to the Centres public realm and place activation. The basis of this report is to outline the recommended engagement strategy with key stakeholders and the community to ensure the Activity Centre Plan is prepared with a community based focus.

DETAILS OF PROPOSAL

Following the City’s ‘Community Engagement Policy’ (COMD2) a Community Engagement Strategy has been prepared for the Kelmscott District Activity Centre Structure Plan project which contains the following key elements:

1.0 Purpose of the Project
   This section provides a brief description of the project including background, scope, purpose, timing and context.

2.0 Decision Making
   An overview of some of the challenges that need to be explored and what decision need to be made that will influence the type of engagement strategy sought is covered in this section.

3.0 Objectives of the Engagement
   An overview of the objectives of the engagement and guiding principles which are used for the project is covered in this section.

4.0 Project Outcomes
   This section clearly documents the intended outcomes required from the engagement plan to inform the type of information which is required and the best way to try and obtain this information from stakeholders.

5.0 Level of Risk
   This section identifies the level of social, technical, economic, environmental and political risk which helps to inform the level of complexity and sensitivity of the project and level of engagement required.

6.0 Depth of Engagement
   This section documents the level of involvement stakeholders will have in the decision making process.

7.0 Stakeholder Identification
   This section identifies the list of stakeholders that need to be included as part of the engagement process and have interests in the project.

8.0 Engagement Methodology
   This section identifies the likely engagement tools that best fit the type of engagement proposed for the project so the desired outcome can be achieved.
9.0 Timeframes
   An overview of the indicative engagement process and an anticipated timeframe is identified in this section.

10.0 Budget and Resourcing
   This section provides an overview of the estimated costs associated with the level of engagement proposed and the resources, both internal and external to the organisation that are to be employed.

11.0 Communications and Feedback
   This section outlines the proposed methods of communication by the project and methods employed to provide feedback to stakeholders on the outcomes of the engagement process.

12.0 Reporting
   This section documents the methods proposed to keep records and provide reports on the progress of the engagement to stakeholders.

13.0 Evaluation
   An overview of the evaluation process is documented in this section of the strategy to ensure that there are key learnings from the engagement process that can influence future stakeholder engagements moving forward.

A copy of the proposed Engagement Plan for the project forms a Confidential attachment to this report.

COMMENT

The proposed Engagement Strategy for the Kelmscott District Activity Centre project intends to capture the key stakeholders associated with the project area and develops a process in which key engagement strategies will be employed to ensure maximum stakeholder ‘by-in’ to the ‘Vision’ and ‘Objectives’ of the project and the development of the Structure Plan itself. This process will form a key part of engagement with landowners, business owners (and operators), Government Stakeholders and Elected Members in the early stages of the project to ensure the Structure Plan itself is developed from a ‘grass-roots’ approach. The Engagement Strategy will then follow the formal Statutory Planning process as set by the Planning and Development (Local Planning Scheme) Regulations 2015 for broader engagement to ensure the wider community has the opportunity to provide input into the Structure Plan as ‘users’ of the Kelmscott District Activity Centre.

The Engagement Strategy has been prepared following an iterative process of engagement with the City’s various Directorates to ensure key stakeholders have been identified and the appropriate consultation process developed that is suitable for the context of the project, balancing level of engagement with cost. It is anticipated that the strategy will successfully engage with the community and key stakeholders to ensure the Structure Plan is robust and meets the expectations of the Kelmscott and wider community.
ANALYSIS

If supported, the Engagement Strategy will form the basis of the ‘consultation’ component of the overall project scope of work. This will form a key part of the tender document to seek a suitable qualified Lead Planning Consultant to assist the City in preparing the Kelmscott District Centre Structure Plan, supporting strategies, recommendations report and town planning scheme amendment.

Completing the Engagement Strategy and including it in the tender for the lead consultant adds to the level of accuracy of the tender and sets the expectation of the City to prospective consultants.

OPTIONS

That Council:

1. Support the Kelmscott District Activity Centre Engagement Strategy (with or without modification)
2. Not support the Kelmscott District Activity Centre Engagement Strategy and propose an alternative approach.

CONCLUSION

The Kelmscott District Activity Centre Engagement Strategy is a critical component of the Kelmscott District Activity Centre Structure Plan project. Support for the proposed Engagement Strategy will enable the City to progress the project by seeking a suitable qualified Lead Planning Consultant to assist the City in preparing the project scope of work. It is therefore recommended that Council adopt Option No.1 above.

ATTACHMENTS

1. Aerial Plan - Kelmscott Town Centre - Aerial
2. Engagement Plan for Kelmscott District Structure Plan - This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person
3. Draft project Consultation Plan for Kelmscott Structure Plan - This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person

RECOMMEND

That Council:

1. Support the Kelmscott District Activity Centre Engagement Strategy as attached.
2. Note that the Kelmscott District Activity Centre Engagement Strategy will form a core component of the Kelmscott District Activity Centre Structure Plan scope of work.

Moved Cr R Butterfield
MOTION CARRIED (7/0)
2.4 - DEVELOPMENT CONTRIBUTION PLAN 3 - INFRASTRUCTURE COST SCHEDULE REVIEW 2020

WARD : RANFORD
FILE No. : M/804/19
DATE : 28 January 2019
REF : RS/CM
RESPONSIBLE MANAGER : EDDS

In Brief:
- The Development Contribution Plan No.3 Infrastructure Cost Schedule and Assessed / Proposed Values of land to be acquired are to be reviewed in accordance with the provisions of Schedule 9B in the City’s Town Planning Scheme No.4.
- Recommend that Council advertise the Proposed Values and Draft Infrastructure Cost Schedule 2020 that includes a Cost Contribution per Lot of $9,474.00 for a minimum of 28 Days.

Tabled Items
Nil

Decision Type
☐ Legal
☐ Executive
☒ Quasi-judicial

The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

The decision relates to the direction setting and oversight role of Council.

The decision directly affects a person’s rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration
Nil, but it is noted that the Development Contribution Plan No.3 provides funding to the City for staff costs associated with administering DCP No.3. These costs are included in the Infrastructure Cost Schedule.

Strategic Implications
2.5.1.2 Implement the Developer Contribution Plan arrangements and review as required.
4.3.2 Pursue non-rates revenue opportunities.

Legislation Implications
Planning and Development Act 2005
Town Planning Scheme No.4
Planning and Development (Local Planning Schemes) Regulations 2015

Council Policy/Local Law Implications
N/A
**Budget/Financial Implications**

Through DCP No.3 the City collects Development Contributions that provide externally sourced funding for essential facilities and infrastructure that deliver benefits to the Harrisdale and Piara Waters communities. This accordingly has a positive impact on Council finances.

The City is required to cover the future recurrent costs for the facilities and infrastructure that is constructed in Harrisdale and Piara Waters. Notwithstanding, such costs are not a consequence of DCP No.3 outcomes, but more so a consequence from the need to deliver essential facilities and infrastructure to the communities of Harrisdale and Piara Waters.

**Consultation**

Consultation will occur in accordance with the provisions of Schedule 9B in the City’s Town Planning Scheme No.4. This will include a minimum 28 day submission period.

**BACKGROUND**

**Town Planning Scheme No.4 – Development Contribution Plan No.3**

In accordance with the City of Armadale’s Town Planning Scheme (TPS) No.4, all landowners within Development Contribution Area (DCA) No.3 (refer attached) shall contribute equitably towards the cost of providing Common Infrastructure Works. DCA No.3 encompasses the City’s western growth suburbs of Harrisdale and Piara Waters. It is anticipated that these suburbs will have a combined total population of approximately 38,000 residents by 2041.

Development Contribution Plan (DCP) No.3, included under Schedule 9B of TPS No.4, provides the statutory framework and authority for the City to determine the cost of Common Infrastructure Works within DCA No.3 and establish the associated Contribution Cost per Lot. The Cost Contribution per Lot is determined as per Clause 3.4 of Schedule 9B.

Established in 2007, the City’s North Forrestdale DCP No.3 is a mechanism to equitably share the cost of providing Common Infrastructure items across land that was constrained and under fragmented landownership. A coordinated approach to Common Infrastructure provision, via DCP No.3, has enabled the City to deliver essential infrastructure and facilities and associated benefits for the Piara Waters and Harrisdale community. The status of the DCP No.3 program is shown in the attached Program Status by Project table. 74% of the program is complete. The current expiry date for DCP 3 is 2022. It is noted that the City is seeking to extend to operational lifespan of the DCP as part of proposed Amendment 110 to TPS No.4 (initialied by Council in January 2020).

**Infrastructure Cost Schedule**

The Infrastructure Cost Schedule (ICS) is a table appurtenant to the Scheme and the Development Contribution Plan. The ICS itemises, calculates and apportions common infrastructure costs and the per lot contribution rate. The DCP No.3 ICS and Assessed Values are to be reviewed in accordance with the provisions of Schedule 9B in the City’s Town Planning Scheme No.4. The current ICS 2019 (refer to Attachment) was adopted by Council on 25 March 2019 and in accordance with Clause 3.13 of Schedule 9B in TPS No.4, is due to be reviewed.
As per the requirements of Schedule 9B, the attached Draft ICS 2020, including the Proposed Assessed Values of land to be acquired, is to be advertised for a minimum of 28 days. Prior to this occurring, Council is required to consider the Draft ICS 2020 and resolve to commence advertising. The ICS Review Flowchart is attached and provides further details on the review process for information purposes.

**DETAILS OF PROPOSAL**

It is proposed to advertise the Draft ICS 2020, which includes a Gross Cost of Common Infrastructure Works of $104,311,187 a Common Infrastructure Work Cost of $19,481,812 and an estimated lot yield of 2056. The Cost Contribution per lot proposed in the Draft ICS 2020 is revised to $9,474. The current Cost Contribution per lot is $9,683.

A main reason for the reduction in the Cost Contribution per lot rate is due to actual costs incurred for various projects that have been delivered within the 2019 period falling marginally below estimates that were previously provided and included in the 2019 ICS.

An invitation to make comment including where to access the Draft ICS 2020 will be provided to landholders holding large parcels of land with subdivision potential within DCA No.3 and known developers. The Draft ICS 2020 will also be accessible on the City’s website and at the City’s office.

As per the provisions of Schedule 9B, any submission received on a Common Infrastructure item or Proposed Value must be supported by evidence from a suitably qualified individual in the specific field of the submission. Infrastructure works outside the provisions of Clause 3.6.3 under Schedule 9B cannot be considered as part of the submission process for the ICS review.

**COMMENT**

The City is required to act as the administrator of DCP No.3, which delivers significant benefits to developers and the community. The development contribution costs are calculated through the ICS and cover associated costs incurred by the City in managing DCP No.3 and the cost of DCP projects. The City aims to complete DCP projects in a timely manner and within the budgets allocated under the ICS. These allocations are reviewed as part of an ICS review.

The City also needs to control risk and other issues and consider uncertainties. In part, the City does this to help ensure critical DCP No.3 projects can be delivered to address essential needs and benefits can be delivered in a timely way to developers and the community. It is important to note that DCP No.3 was instrumental in facilitating the provision of infrastructure to enable the subdivision and development of Piara Waters and Harrisdale and that without it, the quality outcomes and resulting benefits may not have been achieved.

DCP No.3 is a complex long term program that needs to balance continually varying factors in the interests of delivering beneficial necessary projects for developers and the community. Ultimately, the City’s aim is to deliver such projects through measured decisions that also promote timely implementation, acceptable quality and tolerable levels of risks. Reviews of the ICS and DCP No.3 support this aim.
A major review of DCP 3, including scheme amendment, is currently being progressed and is intended to be presented to Council in 2020. The first stage to this review process will involve a proposed scheme amendment to extend the operational lifespan of the DCP beyond 2022. The major review is also anticipated to consider the inclusion of the Warton Road urban development area into DCA 3, and resolve outstanding legacy issues within the DCP, including reviewing the current DCP account balance and the forecast of revenue and costs to completion. Projects within the program will also be reviewed.

ANALYSIS

Preparation of the Infrastructure Cost Schedule and Assessed Values

Cost estimates have been prepared taking into consideration of reasonable current assumptions and specialist information from a range of sources, including consultants and relevant City Departments. These estimates generally correlate with the phase a project is at in its life cycle. As a project matures it inherently improves implementation to meet needs and expectations. Advancements in the planning and / or implementation of projects are accordingly reflected in the Draft ICS 2020 costings.

Where land is identified as part of a Common Infrastructure Work the process shown on the attached flowchart has been followed to arrive at an Assessed Value. In accordance with Clause 3.12.5 of Schedule 9B, the Infrastructure Cost Schedule incorporates an additional 10% to the Assessed Values. The additional 10% assists with the early acquisition of land so projects can be delivered in a timely manner.

Calculation and Apportionment of Common Infrastructure Costs and Cost Contributions are ascertained as per Clause 3.4 of Schedule 9B. The Draft ICS 2020 is attached to this report. The current 2019 ICS is also attached.

Gross cost of Common Infrastructure Works (Calculation of “A”)

DCP No.3 details the calculation of the Gross cost of Common Infrastructure Work as the calculation of “A”. The Gross cost of Common Infrastructure Work is the total of all estimated costs and established fixed costs in the Infrastructure Cost Schedule.

Where appropriate, some items have been indexed in accordance with the latest WALGA local government cost index. Other projects have been reviewed in more detail taking into consideration outcomes already achieved, actual costs and outcomes that still need to be achieved so essential needs can be met and benefits can continue to be delivered to developers and the community. Assessed Values for land to be acquired have also been adjusted to reflect the new independent valuations that have been completed in accordance with Schedule 9B.

All the proposed costs / budget allocations are shown in the attached Draft ICS 2020. The costs comparison table of changes is also included in the Attachments.
Payments to date – (Calculation of “B”)

“B” is calculated in accordance with clause 3.4.2 (a) of Schedule 9B and is $84,829,375 under the Draft ICS 2020.

Common Infrastructure work costs – (Calculation of “C”)

C = A – B and is $19,481,812 under the Draft ICS 2020.

Estimated Lot Yield in Unsubdivided Balance – (Calculation of “D”)

The Estimated Lot Yield is the number of lots to be produced in the unsubdivided balance and is represented in DCP No.3 as the calculation of “D”. The Estimated Lot Yield denotes the number of lots within DCA03 that will contribute to the Cost of Common Infrastructure. The Draft ICS 2020 is estimating an unsubdivided balance of 2056 lots based on an assumed density rate of 14.6 lots per hectare as per clause 3.4.1 of Schedule 9B.

Cost Contribution per Lot – (Calculation of “E”)

The Cost Contribution per Lot is represented as the calculation of “E” in the Infrastructure Cost Schedule. The draft ICS 2020 proposes the value of “E” as $9,474. The current Cost Contribution per lot is $9,683.

OPTIONS

1. Council may resolve to advertise the Draft Infrastructure Cost Schedule 2020 and the associated proposed Assessed Values for a minimum of 28 Days.

2. Council may resolve to seek revision of the costs for the Infrastructure Cost Schedule items before advertising, although, it should be noted that the advertising period provides for further investigation and refining of cost estimates to occur as information becomes available.

CONCLUSION

The ICS is a table appurtenant to the Scheme and DCP No.3. The ICS itemises, calculates and apportions common infrastructure costs and the per lot contribution rate. The DCP No.3 ICS and Assessed Values have been reviewed in accordance with the provisions of Schedule 9B in the City’s TPS No.4.

The Draft ICS 2020 has been prepared to a standard which is considered satisfactory for advertising. Accordingly, Option 1 is recommended.
ATTACHMENTS

1. Draft Infrastructure Cost Schedule 2020 - (refer to separate attachment)
2. Current 2019 Infrastructure Cost Schedule - (refer to separate attachment)
3. DCA03 ICS Review 2019 / 2020 Cost Comparison Table
4. DCP 3 Program Status Table by Project
5. Infrastructure Cost Schedule - Review Process
6. Specified Works Plan DCP No.3
7. Special Control Area - Map 3
8. Indicative Staging Plan - Harrisdale and Piara Waters
9. Audited Income and Expenses Statement

RECOMMEND

That Council:

1. In accordance with Clauses 3.12 and 3.13 of Schedule 9B in Town Planning Scheme No.4, advertise the Proposed Values and Draft Infrastructure Cost Schedule 2020 that includes a Cost Contribution per Lot of $9,474 for a minimum of 28 Days.

Moved Cr C Frost
MOTION CARRIED (7/0)
2.5 - PROPOSED AMENDMENT TO LOCAL PLANNING POLICY PLN 4.1 - THE DESIGN OF INDUSTRIAL SITES AND ESTATES

Cr Butterfield declared a non-financial interest in this item as she is a member on the DevelopmentWA’s (MRA) Armadale Land Redevelopment Committee. As a consequence, there may be a perception that her impartiality on the following matter may be affected, but declared that she would disregard this association, consider the matter on its merits and vote accordingly.

In Brief:
- In response to normalisation of Forrestdale Business Park East, Local Planning Policy PLN4.1 is proposed to be amended to include planning provisions for this area.
- Recommend that Council advertise the proposed amendments to Local Planning Policy PLN4.1 for a period of 21 days in accordance with Schedule 2, Part 2, Clause 4 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015.

WARD : ALL
FILE No. : M/22/20
DATE : 28 January 2020
REF : BH
RESPONSIBLE MANAGER : EDDS

Tabled Items
Nil.

Decision Type
☐ Legal
☐ Executive
☐ Quasi-judicial

The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

The decision relates to the direction setting and oversight role of Council.

The decision directly affects a person’s rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration
Nil.

Strategic Implications
2.1 Long term planning and development that is guided by a balance between economic, social and environmental objectives.
2.1.1 Review, update and implement the City’s Town Planning Scheme, taking into account the Local Biodiversity Strategy and other environmental considerations.

Legislation Implications
Planning and Development Act 2005
Town Planning Scheme No.4

Council Policy/Local Law Implications
PLN 4.1 The Design of Industrial Sites and Estates.
Budget/Financial Implications
Nil

Consultation
If supported, the amended Policy PLN4.1-The Design of Industrial Sites and Estates will be advertised for at least 21 days, in accordance with Schedule 2, Part 2, Clause 4 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015.

BACKGROUND

PLN4.1 currently applies to all industrial areas within the City’s Town Planning Scheme. Forrestdale Business Park East (FBPE) is the industrial area bounded by Tonkin Highway, Ranford Road and Armadale Road. It is currently under DevelopmentWA jurisdiction and is proposed to be normalised to the City in June 2020. Amendment No.107 is currently in progress to reintroduce the FBPE in the City’s Town Planning Scheme No.4 (adopted by Council at its January 2020 meeting). There is also a current MRS amendment in progress to zone DevelopmentWA areas within the City of Armadale to bring them into the WA planning framework at Normalisation.

Under the DevelopmentWA planning framework the Forrestdale Business Park East Design Guidelines are in use. After assessment of the provisions in that document, it was determined that rather than carrying across the Design Guidelines at Normalisation, a better planning outcome would be to carry across the provisions that best facilitate optimum planning outcomes for both FBPE and the wider industrial areas within the City.

DETAILS OF PROPOSAL

The main amendments to Policy PLN4.1-The Design of Industrial Sites and Estates are related to including planning development provisions for lots located within FBPE encapsulating provisions relating to:

Building setback
- Existing industrial areas within the City to remain unchanged (7.5 metres front setback, secondary street setback to be determined at the discretion of the City).
- FBPE front setback minimum 15 metres, maximum 21 metres.

Minimum site cover
- Existing industrial areas within the City to remain unchanged (no minimum site cover).
- FBPE minimum site cover 20% of the lot area for lots up to 1,500m².
- FBPE minimum site cover of 300m² for lots greater than 1,500m².

Building design
- A number of design elements have been added from the FBPE Design Guidelines including building layout and massing concept, as well as articulation of buildings.

Vehicle access
- Including provisions to ensure future subdivisions in FBPE align with planned road layout, given the expiry of the Development WA’s FBPE Structure Plan.
Front fencing
- Mandatory garrison style fencing within FBPE, encouraged within all other industrial areas within the City.

Landscaping
- FBPE lots to provide a 3 metre landscaping zone along all street frontages.
- All other industrial areas within the City to provide a 2 metre landscaping zone along all street frontages.

It is noted that under Clause 4D.5.3 of the City’s Town Planning Scheme No.4 there is a requirement of a 2 metre landscaping zone along the primary street frontage. A scheme amendment would need to occur to include a provision for FBPE lots to provide a 3 metre landscaping zone along all street frontages, as well as all other industrial areas to provide a 2 metre landscaping zone along all street frontages.

Signage
- All industrial areas within the City, including FBPE to comply with Council’s Policy PLN4.2 – Advertisements – Signage.

A copy of the proposed amended Local Planning Policy is presented in the Attachments to this report.

COMMENT

Prior to preparing the proposed amendments to PLN4.1, a study into the DevelopmentWA (MRA)’s FBPE Design Guidelines was undertaken. The Design Guidelines are very lengthy and contain a large amount of information that sometimes makes it difficult to understand the overall intent. The Design Guidelines incorporate requirements (ie subdivisions) that are more appropriately considered by City of Armadale documents (ie Subdivision Guidelines). It was determined that there were a number of provisions in the Design Guidelines that would be beneficial to apply both to FBPE as well as the wider industrial areas within the City. Therefore it is proposed to utilise the optimal sections to form part of assessment criteria within an amended PLN4.1. This will assist the City to be able to promote higher quality development within existing industrial areas in the City, while still ensuring the continued high quality of development that is occurring within FBPE.

The Design Guidelines contained a number of concepts related to building design to promote higher quality development such as building massing to ensure adjacent development compliments existing development to create a more cohesive streetscape. Another important aspect was the promotion of building articulation to create interest and interactivity along the street frontage.

It was also noted that while a number of concepts within the Design Guidelines would benefit the existing industrial areas within the City, some concepts would continue to apply only to FBPE. For example, a 3m landscaping strip along street frontages is required in FBPE however, it was deemed that this would be too difficult a target for other smaller industrial lots to achieve in existing areas. Another example is related to fencing requirements. Lots within FBPE are required to have garrison style fencing whereas this fencing will not be a mandatory requirement within other industrial areas in the City. As FBPE is a new industrial estate, it is important for fencing to be congruent with surrounding lots, whereas the existing industrial areas within the City have varying fencing as per the City’s Local Law.
also did not include the maximum parking requirement of the Design Guidelines as this requirement discourages businesses from determining their requirements for future growth and would lead to future parking issues.

The proposed amendments to PLN4.1 will have positive benefits in relation to built form outcomes for both FBPE as well as the existing industrial areas within the City. The amended PLN 4.1 is aimed to take effect in the FBPE area upon normalisation to ensure any new industrial applications within FBPE can be assessed under the new policy. This will ensure the City can apply a consistent approach to applications and to complement existing development within FBPE.

The proposed amendments will ensure that development applications within Industrial areas, including FBPE, will have the necessary planning framework to be assessed to ensure beneficial outcomes for the area as well as the wider City industrial areas.

ANALYSIS

Schedule 2, Part 2, Clause 3 of the Planning and Development (Local Planning Schemes) Regulations 2015 allows Council to prepare a Local Planning Policy which:

a) May apply generally or in respect of a particular class or classes of matters specified in the policy;

b) May apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy; and

c) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.

In this regard, the draft Local Planning Policy – PLN 4.1 has been prepared in accordance with Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. Briefly, as outlined in the Planning and Development (Local Planning Schemes) Regulations 2015, and the City’s Town Planning Scheme No.4 the procedures for amendment of a Local Planning Policy are:

- Once the City resolves to make amendments to a planning policy, the City must advertise the proposed amended policy in a newspaper circulating in the scheme area, with public submission period being not less than 21 days from the day on which the notice of Local Planning Policy is published. The City may carry out such other consultation as considered appropriate.

- Council is then required to review the proposed amended policy in light of any submissions made during the advertising period, and resolve to proceed (with or without modifications), or not proceed with the amended Local Planning Policy.

- If the Council resolves to proceed with the amended policy, the City must publish notice of the amended policy in a newspaper circulating in the scheme area and if the policy affects the interests of the Western Australian Planning Commission, forwarding a copy of the Policy to the Commission.
OPTIONS

1. Council could resolve to advertise the proposed amendments to Local Planning Policy PLN 4.1 - The Design of Industrial Sites and Estates (with or without modification).

2. Council could resolve not to initiate the advertising for amended Local Planning Policy PLN4.1 - The Design of Industrial Sites and Estates, and provide reasons for doing so.

CONCLUSION

Amendments to the Local Planning Policy PLN4.1 - The Design of Industrial Sites and Estates will transfer/establish a necessary planning framework for the Forrestdale Business Park East following normalisation and will assist the City in improving the quality of development in the City’s existing Industrial areas.

In this regard, Option 1 is recommended.

ATTACHMENTS

1. [Attachment 1] Proposed Amendments - PLN 4.1 - The Design of Industrial Sites and Estates
2. [Attachment 2] Consolidated - PLN 4.1 - The Design of Industrial Sites and Estates

RECOMMEND

That Council:

1. Advertise amended Local Planning Policy PLN 4.1 - The Design of Industrial sites and Estates as shown in the Attachments for a period of at least 21 days in accordance with Clause 2.4 of Town Planning Scheme No.4 and Schedule 2, Part 2, Clause 4 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Moved Cr J H Munn
MOTION CARRIED (7/0)
3.1 - PROPOSED AMENDMENT NO.103 TO TPS NO.4 - OMNIBUS AMENDMENT FOR THE ARMADELA STRATEGIC METROPOLITAN CITY CENTRE

WARD : Minnawarra
FILE No. : - M/14/20
DATE : 28 January 2020
REF : SF
RESPONSIBLE MANAGER : EDDS
APPLICANT : City of Armadale
LANDOWNER : Various
SUBJECT LAND : Various
ZONING MRS / TPS No.4 : Central City Area, Urban and Parks and Recreation Strategic Regional Centre, Mixed Business / Residential and Residential

In Brief:
- At its meeting in August 2018, the City recommended to the WAPC to approve the Armadale Strategic Metropolitan City Centre Structure Plan (ASMCCSP).
- On the 10th September 2019 the WAPC issued its assessment of the ASMCCSP and requested that an amendment to TPS No.4 be initiated to ensure that TPS No.4 aligns with the ASMCCSP.
- The proposed omnibus amendment No.103 to Town Planning Scheme No.4 involves a number of scheme map and scheme text changes to ensure the TPS No.4 is aligned with the ASMCCSP.
- In accordance with Section 34 (c) of the Planning and Development (Local Planning Schemes) Regulations 2015 the amendment is considered a ‘complex amendment’.
- It is recommended that Council adopt Amendment No.103 for the purposes of public comment and refer the amendment to the WAPC and then subject to the WAPC’s consent and in accordance with Sections 81 and 82 of the Planning and Development Act 2005 refer the amendment to the EPA prior to consultation.

Tabled Items
Nil

Decision Type
☒ Legal
☐ Executive
☐ Quasi-judicial

The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

The decision relates to the direction setting and oversight role of Council.

The decision directly affects a person’s rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration
Nil
Strategic Implications
Strategy 2.5.1 Implement and administer the City’s Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.

Legislation Implications
Planning and Development Act 2005
Planning and Development (Local Planning Scheme) Regulations 2015
Metropolitan Region Scheme
Town Planning Scheme No.4

Council Policy/Local Law Implications
Local Planning Strategy 2016

Budget/Financial Implications
Costs associated with the advertising of the Amendment in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations 2015) are covered by the current budget.

Consultation
If initiated, the scheme amendment will be referred to the WAPC for assessment before it is referred to the EPA for 42 days for comment. Following this period of review, the amendment will undergo a process of advertising for public submissions for a period of 60 days in-accordance with the requirements of the Planning and Development (Local Planning Scheme) Regulations 2015 for a ‘Complex’ amendment.

BACKGROUND
The Armadale Strategic Metropolitan Centre is approximately 85 hectares in area and is located predominantly within the Strategic Regional Centre zone under Town Planning Scheme No.4 (TPS No.4). There is however, an area of secondary influence on the periphery of the City Centre area which contains a number of complementary zones and opportunities for growth and development, including Mixed Business/Residential and Residential zones.

In accordance with the City’s Local Planning Strategy (2016) and the State Government’s Statement of Planning Policy 4.2 – Activity Centres for Perth and Peel, the City in 2017 embarked upon the preparation of an Activity Centre Structure Plan for the Armadale Strategic Metropolitan Centre to guide, promote and motivate future land use/development within the Armadale City Centre and to enable it to develop to its full potential as the primary Activity Centre for the South-east growth corridor.

The Activity Centre Structure Plan aims to facilitate new development within the Armadale City Centre, economic development and increase the level of service and amenity provided to the Armadale and sub-regional community. New and additional site opportunities for development/redevelopment were also identified including the opportunities presented by the State Government’s Metronet project to extend the Armadale passenger rail line to Byford, which is anticipated to commence in the 2021/22 financial year. This opportunity helped shape the framework for the Armadale Strategic Metropolitan City Centre Structure Plan (ASMCCSP).
Following a period of Government Stakeholder, Landowner and Elected Member consultation during 2017, the draft ASMCCSP together with supporting Technical Documents was prepared and presented to Council at its meeting on the 23rd April 2018 for consideration. Council resolved to support the various documents for the purposes of public consultation enabling further consultation to occur prior to the ASMCCSP and supporting documents being referred to the WAPC for final determination. Following a 42 day public consultation period, the Council resolved to support the ASMCCSP and Technical Documents at its meeting on the 27th August 2018 and refer the document to the WAPC for final approval.

Acknowledged by the City as part of preparing the ASMCCSP and later by the WAPC during its assessment of the Structure Plan, and included in its advice to the City on the 10th September 2019, an amendment to the City’s Town Planning Scheme No.4 is required to ensure that Structure Plan and the City’s Town Planning Scheme align, particularly in terms of zoning. The City also identified the need to incorporate a number of subdivision and development provisions within TPS No.4 to give some of the provisions in the Structure Plan such as setbacks, building height, plot ratio and car parking greater statutory weight.

DETAILS OF PROPOSAL

The Amendment No.103 to Town Planning Scheme No.4 consists of the following proposals:

1. Modify the Zoning Map to rezone from ‘Residential R40’ to ‘Strategic Regional Centre and RAC-O’, Lot 35 (9), Lot 36 (11) and Lots 1 to 4 (15A to 15D) Sixth Road, Armadale;

2. Modify the Zoning Map to rezone from ‘Mixed Business / Residential (R40)’ to ‘Strategic Regional Centre and RAC-O’, Lot 11 (479), Lot 3 (481), Lot 13 (483), Lot 33 (489) and Lot 1 (493) Green Avenue, Armadale and Lot 31 (4) and Lot 32 (2) Selkirk Road, Armadale;

3. Modify the Zoning Map to recode from ‘R-AC3’ and ‘R80’ to ‘RAC-O’ for the area bounded by Armadale Road (north), South Western Highway (east), Thomas Street and Church Avenue (south), and Commercial Avenue and Neerigen Street (west);

4. Modify the Zoning Map to recode from ‘R40’ to ‘RAC-O’ the area bounded by Forrest Road (south), Aragon Court (east), Lot 301 Abbey Road, Armadale (north) and Abbey Road (west);

5. Modify the Zoning Map to recode from ‘R80’ to ‘RAC-O’, Lot 1, 301, 302 and 303 Abbey Road, Armadale;

6. Modify the Zoning Map to rezone from ‘Mixed Business / Residential R40’ and ‘Strategic Regional Centre R80’ to ‘Residential RAC-O’ the area bounded by John Street (south), South Western Highway (east), Thomas Road (north) and Lots 2 to 5 (41) John Street, Armadale, Lot 55 (30) William Street, Armadale, Lot 59 (33) William Street, Armadale, Lot 82 (30) Fourth Road, Armadale, Lot 5 (29) Fourth Road, Armadale and Lot 107 (22) Thomas Street, Armadale (west);
7. Modify the Zoning Map to rezone from ‘Strategic Regional Centre R80’ to ‘Mixed Business / Residential RAC-O’, Lots 1 to 5 (56 to 64) Church Avenue, Armadale, Lot 55 (30) William Street, Armadale, Lot 56 (32) William Street, Armadale, Lot 2 (52) Church Avenue, Armadale, Lot 59 (33) William Street, Armadale, Lot 50 (35) William Street, Armadale, Lot 82 (30) Fourth Road, Armadale, Lot 83 (32) Fourth Road, Armadale, Lot 5 (29) Fourth Road, Armadale, Lot 201 (31) Fourth Road, Armadale, Lot 107 (22) Thomas Street, Armadale, Lot 108 (24) Thomas Street, Armadale, Lot 109 (23) Thomas Street, Armadale and Lot 125 (16) Third Road, Armadale;

8. Modify the Zoning map to rezone from ‘Strategic Regional Centre and R-AC3’ to ‘Mixed Business / Residential RAC-O’, Lot 86 (67) South Western Highway, Armadale, Lot 3 (4) Church Avenue, Armadale, Lot 200 (8) Church Avenue, Armadale, Lot 2 (61) South Western Highway, Armadale, Lots 1 and 24 to 29 (10) Prospect Road, Armadale, Lot 15 (14) Jull Street, Armadale, Lot 30 (36) Jull Street, Armadale, Lot 99 (36) Jull Street, Armadale, Lot 100 Jull Street, Armadale, Lot 22 (91) Jull Street, Armadale, Lot 25 (89) Jull Street, Armadale and Lot 1 (69) Jull Street, Armadale;


10. Modify the Zoning Map to recode from ‘R-AC3’ to ‘RAC-O’, Lot 162 Commercial Avenue, Armadale and Lot 163 Church Avenue, Armadale;

11. Modify the Zoning Map to recode from ‘R15/60’ to ‘RAC-O’, Lot 100 (1) Little John Road, Armadale;

12. Modify the Zoning map to rezone from ‘Strategic Regional Centre R80’ to ‘Parks and Recreational (Local)’, Lots 77 and 78 Jull Street, Armadale;

13. Modify Table 1 (Zoning Table) of Town Planning Scheme No.4 to modify the ‘use class’ permissibility of a number of ‘use classes’ in Table 1;

14. Modification to Part 4A and 4C of the Scheme to ensure that core development standards such as setbacks, building height and building bulk that are identified in the ASMCCSP are incorporated within the Town Planning Scheme to ensure greater statutory planning weight to the identified criteria;

15. Modify Schedule No.2 – Additional Use No.19 to ensure that the properties affected by Additional Use No.19 (Lots 123, 157 and 17 South Western Highway and Lot 49 Crystal Court, Armadale) are aligned with the provisions set out in the ASMCCSP;

16. Remove from Schedule 3 and the Scheme Map, Restricted Use No.7 and No.8;

17. Modify Restricted Use No.12 to ensure that the properties affected by Restricted Use No.12 (Lots 301, 302, 303 and 1 Abbey Road, Armadale) are aligned with the provisions set out in the ASMCCSP;

18. Creation of new Restricted Use No.13 in Schedule 3 of the Scheme;

19. Modify Schedule 7A (Car Parking Standards);

20. Modify Schedule 7B (End of Trip facilities);
21. Include the Armadale Strategic Metropolitan City Centre in Schedule 8 of the scheme and a New Development Area No.52 on the Special Control Area Map 3; and

22. Modify the objective of ‘Strategic Regional Centre’ under Section 3.2 of the Scheme text.

Details of each proposal are discussed under the comments section of this report.

COMMENT

The following provides an overview of the proposal associated with Amendment No.103 to TPS No.4:

Proposal 1 - Modify the Zoning Map to rezone from ‘Residential R40’ to ‘Strategic Regional Centre and RAC-O’, Lot 35 (9), Lot 36 (11) and Lots 1 to 4 (15A to 15D) Sixth Road, Armadale

The proposed amendments to the Scheme map will ensure that the subject lots are appropriately zoned to align with the Activity Centre Code Plan of the ASMCCSP and allow a greater diversity of uses such as apartment and mixed use type development which aligns with the aspirations of the City Centre Structure Plan.

Proposal 2 - Modify the Zoning Map to rezone from ‘Mixed Business / Residential (R40)’ to ‘Strategic Regional Centre and RAC-O’, Lot 11 (479), Lot 3 (481), Lot 13 (483), Lot 33 (489) and Lot 1 (493) Green Avenue, Armadale and Lot 31 (4) and Lot 32 (2) Selkirk Road, Armadale

The proposed amendments to the Scheme map will ensure that the subject lots are appropriately zoned to align with the Activity Centre Code Plan of the ASMCCSP and allow a greater diversity of uses such as apartment and mixed use type development which aligns with the aspirations of the City Centre Structure Plan.

Proposal 3 - Modify the Zoning Map to recode from ‘R-AC3’ and ‘R80’ to ‘RAC-O’ for the area bounded by Armadale Road (north), South Western Highway (east), Thomas Street and Church Avenue (south), and Commercial Avenue and Neerigen Street (west)

The proposed amendments to the Scheme map will ensure that the subject lots are appropriately recoded to align with the Activity Centre Code Plan of the ASMCCSP. The RAC-O Code under the Residential Design Codes refers to the approval of a Structure Plan, accordingly the applicant is required to adhere to land uses and development standards detailed in the approved Structure Plan. These standards are also included in the scheme through proposals 13 and 14 for example.

Proposal 4 - Modify the Zoning Map to recode from ‘R40’ to ‘RAC-O’ the area bounded by Forrest Road (south), Aragon Court (east), Lot 301 Abbey Road, Armadale (north) and Abbey Road (west)

The proposed amendments to the Scheme map will ensure that the subject lots are appropriately recode to align with the Activity Centre Code Plan of the ASMCCSP which supports this area to be developed into mixed use and apartment style development.
Proposal 5 - Modify the Zoning map to recode from ‘R80’ to ‘RAC-O’, Lot 1, 301, 302 and 303 Abbey Road, Armadale

The proposed amendments to the Scheme map will ensure that the subject lots are appropriately recoded to align with the Activity Centre Code Plan of the ASMCCSP which supports this area to be developed into mixed use and apartment style development.

Proposal 6 - Modify the Zoning map to rezone from ‘Mixed Business / Residential R40’ and ‘Strategic Regional Centre R80’ to ‘Residential RAC-O’ the area bounded by John Street (south), South Western Highway (east), Thomas Road (north) and Lots 2 to 5 (41) John Street, Armadale, Lot 55 (30) William Street, Armadale, Lot 59 (33) William Street, Armadale, Lot 82 (30) Fourth Road, Armadale, Lot 5 (29) Fourth Road, Armadale and Lot 107 (22) Thomas Street, Armadale (west);

The proposed amendments to the Scheme map will ensure that the subject lots are appropriately zoned to align with the Activity Centre Code Plan of the ASMCCSP which supports this area to be developed into apartments of different sizes.

Proposal 7 - Modify the Zoning map to rezone from ‘Strategic Regional Centre R80’ to ‘Mixed Business / Residential RAC-O’, Lots 1 to 5 (56 to 64) Church Avenue, Armadale, Lot 55 (30) William Street, Armadale, Lot 56 (32) William Street, Armadale, Lot 2 (52) Church Avenue, Armadale, Lot 59 (33) William Street, Armadale, Lot 50 (35) William Street, Armadale, Lot 82 (30) Fourth Road, Armadale, Lot 83 (32) Fourth Road, Armadale, Lot 5 (29) Fourth Road, Armadale, Lot 201 (31) Fourth Road, Armadale, Lot 107 (22) Thomas Street, Armadale, Lot 108 (24) Thomas Street, Armadale, Lot 109 (23) Thomas Street, Armadale and Lot 125 (16) Third Road, Armadale

The proposed amendments to the Scheme map will ensure that the subject lots are appropriately zoned to align with the Activity Centre Code Plan of the ASMCCSP.

Proposal 8 - Modify the Zoning map to rezone from ‘Strategic Regional Centre and R-AC3’ to ‘Mixed Business / Residential RAC-O’, Lot 86 (67) South Western Highway, Armadale, Lot 3 (4) Church Avenue, Armadale, Lot 200 (8) Church Avenue, Armadale, Lot 2 (61) South Western Highway, Armadale, Lots 1 and 24 to 29 (10) Prospect Road, Armadale, Lot 15 (14) Jull Street, Armadale, Lot 30 (36) Jull Street, Armadale, Lot 99 (36) Jull Street, Armadale, Lot 100 Jull Street, Armadale, Lot 22 (91) Jull Street, Armadale, Lot 25 (89) Jull Street, Armadale and Lot 1 (69) Jull Street, Armadale;

The proposed amendments to the Scheme map will ensure that the subject lots are appropriately zoned to align with the Activity Centre Code Plan of the ASMCCSP which supports this area being developed for mixed use and residential apartment type development.

The proposed amendments to the Scheme map will ensure that the subject lots are appropriately zoned to align with the Activity Centre Code Plan of the ASMCCSP which supports this area being developed for mixed use and residential apartment type development.

**Proposal 10** - Modify the Zoning Map to recode from ‘R-AC3’ to ‘RAC-O’, Lot 162 Commercial Avenue, Armadale and Lot 163 Church Avenue, Armadale

The proposed amendments to the Scheme map will ensure that the subject lots are appropriately recoded to align with the Activity Centre Code Plan of the ASMCCSP.

**Proposal 11** - Modify the Zoning Map to recode from ‘R15/60’ to ‘RAC-O’, Lot 100 (1) Little John Road, Armadale

The proposed amendments to the Scheme map will ensure that the subject lots are appropriately recoded to align with the Activity Centre Code Plan of the ASMCCSP which encourages this area to be developed into residential apartment type development.

**Proposal 12** - Modify the Zoning map to rezone from ‘Strategic Regional Centre R80’ to ‘Parks and Recreational (Local)’, Lots 77 and 78 Jull Street, Armadale

The proposed amendments to the Scheme map will ensure that the subject lots are appropriately reserved to align with the Activity Centre Code Plan of the ASMCCSP. This area is currently developed as a park and the underlying zoning should reflect this current land use.

**Proposal 13** - Modify Table 1 (Zoning Table) of Town Planning Scheme No.4 to modify the ‘use class’ permissibility of a number of ‘use classes’ in Table 1

The proposal aims to modify the ‘use class’ permissibility of a number of ‘use classes’ in Table 1 – Zoning Table against the ‘Mixed Business / Residential’ and ‘Strategic Regional Centre’ zones. The changes are identified in the table below:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Mixed Business / Residential (current)</th>
<th>Mixed Business / Residential (Proposed)</th>
<th>Strategic Regional Centre (Current)</th>
<th>Strategic Regional Centre (Proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ancillary Accommodation</td>
<td>X</td>
<td>X</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>X</td>
<td>D</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Display Home Centre</td>
<td>D</td>
<td>D</td>
<td>A</td>
<td>X</td>
</tr>
<tr>
<td>Grouped Dwelling</td>
<td>D</td>
<td>X</td>
<td>D</td>
<td>X</td>
</tr>
<tr>
<td>Hospital</td>
<td>D</td>
<td>D</td>
<td>X</td>
<td>D</td>
</tr>
<tr>
<td>Multiple Dwelling</td>
<td>D</td>
<td>D</td>
<td>A</td>
<td>D</td>
</tr>
</tbody>
</table>
The purpose of the above changes is to align the ‘use class’ permissibility in TPS No.4 for the ‘Mixed Business / Residential’ and ‘Strategic Regional Centre’ with the ‘Preferred Land Uses’ and ‘Not Permitted Land Uses’ identified in the various Precincts in the ASMCCSP. An explanation for each is detailed below:

- **Ancillary Accommodation** – currently not permitted (X) in ‘Mixed Business / Residential’ zone and is a (D) permissibility in the ‘Strategic Regional Centre’. This type of land use is considered ‘underdevelopment’ in the Armadale City Centre which aims to promote more diverse housing typologies in apartment development which is lacking in the broader Local Government area. Accordingly, it is proposed to make ‘Ancillary Accommodation’ a not permitted (X) use in the ‘Strategic Regional Centre’.

- **Convenience store** - Currently not permitted (X) in ‘Mixed Business / Residential’ zone and is permitted (P) in the ‘Strategic Regional Centre’ zone. Convenience Store are encouraged in the ‘Mixed Business / Residential’ zone as it aligns with the intent to develop low scale businesses particularly in areas that border between commercial / retail areas and residential. Accordingly, it is proposed to make ‘Consultancy Rooms’ a discretionary (D) use in the ‘Mixed Business / Residential’ zone.

- **Display Home Centre** – Currently considered a discretionary (D) in ‘Mixed Business / Residential’ zone and is an (A) use in the ‘Strategic Regional Centre’ zone. The type of land uses which are being encouraged in the ‘Strategic Regional Centre’ zone are more akin to retail, commercial and residential (apartment) type uses. ‘Display Home Centre’ is more associated with Greenfield display homes which are not encouraged in the ‘Strategic Regional Centre’ zone. Accordingly, it is proposed to make ‘Display Home Centre’ a not permitted (X) land use in the ‘Strategic Regional Centre’ zone. Maintaining the use as a discretionary use in ‘Mixed Business / residential’ zone will allow ‘apartment’ display home to be considered, which is encouraged for this zone.

- **Grouped Dwelling** - currently identified as a discretionary (D) use in both the ‘Mixed Business / Residential’ and ‘Strategic Regional Centre’ zones however in the ASMCCSP this land use is ‘not permitted’ in any of the City Centre Precincts (i.e. City Centre Core). Grouped Dwelling development is considered ‘underdevelopment’ in the Armadale City Centre which aims to promote more diverse housing in apartment type development which is lacking in the broader Local Government area. Accordingly, it is proposed to make ‘Grouped Dwellings’ a non-permitted use (X) in both the Strategic Regional Centre Zone and Mixed Business / Residential Zone.

- **Hospital** – Currently considered a discretionary (D) use in the ‘Mixed Business / Residential’ zone and a non permitted use (X) in the ‘Strategic Regional Centre’ zone. This particular use is encouraged in the ‘Strategic Regional Centre’, as the City is seeking to encourage the establishment of a new health campus in the City to support its ‘Strategic Metropolitan City Centre’ role. Accordingly, it is proposed to make ‘Hospital’ a discretionary (D) use in the ‘Strategic Regional Centre’ zone.

- **Multiple Dwelling** – Currently this use is considered a discretionary use (D) in the ‘Mixed Business / Residential’ zone and an (A) use in the ‘Strategic Regional Centre’ zone. This type of use is considered the preferred accommodation in the Armadale Strategic Metropolitan City Centre and is encouraged above all other forms of residential accommodation to ensure there is adequate housing diversity in the City. Accordingly, it is proposed to make ‘Multiple Dwellings’ a discretionary use (D) in the ‘Strategic Regional Centre’ zones.
Proposal 14 - Modification to Part 4A and 4C of the Scheme to ensure that core development standards such as setbacks, building height and building bulk that are identified in the ASMCCSP are incorporated within the Town Planning Scheme to ensure greater statutory planning weight to the identified criteria;

The purpose of the proposed changes to section 4A (Residential and Special Residential zone) and 4C (Strategic Regional Centre, District Centre, Local Centre and Mixed Business / Residential zone) is to ensure that core development standards such as setbacks, building height and building bulk that are identified in the ASMCCSP are incorporated within the Town Planning Scheme to ensure greater statutory planning weight to the identified criteria.

The introduction of new provisions 4A.4, 4A.5 and 4A.6 in to the Residential zone will ensure that for areas zoned Residential RAC-O (Armadale Strategic Metropolitan City Centre), the setbacks, building heights and plot ratio is to be in accordance with the approved Activity Centre Structure Plan or Precinct Plans. This will ensure that the Scheme and approved Structure Plan or Precinct Plans are aligned. Reference is also made to the State Government’s Design WA – State Planning Policy 7.2 (Precinct Design) which is likely to come into force during the assessment timeframe of this amendment.

The proposed modification to Clause 4C is to include reference to ‘Strategic Regional Centre’ in this clause. The reference was omitted in the original drafting of the clause and its inclusion will address this administrative error.

The deletion of the existing Clause 4C.1.1 and replacement with new text will ensure that for areas that are the subject of an Activity Centre Structure Plan or Precinct Plan, in the Strategic Regional Centre, District Centre, Local Centre and Mixed Business / Residential zone, the building setbacks will be in accordance with the approved Activity Centre Structure Plan or Precinct Plan. A new clause 4C.1.2 which consists of wording that was largely taken from the current 4C.1.1 will ensure that for those areas such as a Local Centre where an Activity Centre Structure Plan or Precinct Plan may not exist, the setbacks are required to be in accordance with the criteria identified in the previous clause 4C.1.1.

Similar to Clause 4C.1.1, it is proposed to delete Clause 4C.2.1 and replace with new text which ensure that for areas that are the subject of an Activity Centre Structure Plan or Precinct Plan, in the Strategic Regional Centre, District Centre, Local Centre and Mixed Business / Residential zone, the building heights will be in accordance with the approved Activity Centre Structure Plan or Precinct Plan. A new Clause 4C.2.2 is established which consists of wording that was largely taken from the current 4C.2.1 and applies specific to Local Centre and Mixed Business / Residential zones, to ensure that for these areas that are outside of the Armadale Strategic Metropolitan Centre the building heights are required to be in accordance with the criteria identified in the previous Clause 4C.2.1.

The final change to Clause 4C pertains to Clause 4C.3.1 which identifies requirements for plot ratio in areas zoned Mixed Business / Residential, District Centre, Local Centre and Strategic Regional Centre. The modification links the plot ratio for Strategic Regional Centre zone to an approved Activity Centre Structure Plan or Precinct Plan rather than prescribing a plot ratio amount. The modification also highlights that for areas zoned Mixed Business / Residential and RAC-O in the Armadale Strategic Metropolitan City Centre, that plot ratio is to be in accordance with the approved Activity Centre Plan or Precinct Plan. This purposefully differentiates between areas zoned Mixed Business / Residential in the Armadale Strategic Metropolitan City
Centre and other locations where the ‘Mixed Business / Residential’ zone applies within the City which may be a more suburban setting and therefore warrant greater restrictions on plot ratio.

Proposal 15 - Modify Schedule No.2 – Additional Use No.19 to ensure that the properties affected by Additional Use No.19 (Lots 123, 157 and 17 South Western Highway and Lot 49 Crystal Court, Armadale) are aligned with the provisions set out in the ASMCCSP;

The purpose of this proposal is to ensure that the properties affected by Additional Use No.19 (Lots 123, 157 and 17 South Western Highway and Lot 49 Crystal Court, Armadale) are aligned with the provisions set out in the ASMCCSP. Accordingly the following is proposed:

- Removal of ‘Exhibition Centre’ and ‘Medical Centre’ from the schedule of permitted (P) uses under the Additional Use category;
- Modify Condition 19.1 to reflect that for subdivision and development applications, they shall have regard to approved Activity Centre Structure Plan or Precinct Plan;
- Remove former Condition 19.3 pertaining to plot ratio standard of 1.0 for non-residential land uses;
- Remove former Condition 19.6 pertaining to car parking; and
- Remove former Condition 19.8 pertaining to all permitted use classes listed for the base Residential zone shall be discretionary (D).

In respect to the first change, because the properties affected by Additional Use No.19 are being rezoned from ‘Residential 15/25’ to ‘Mixed Business / Residential RAC-O’ as per proposal 9 above, the use classes of ‘Exhibition Centre’ and ‘Medical Centre’ are both permitted (P) uses in the ‘Mixed Business / Residential RAC-O’ zone accordingly they are no longer required to be included in the Additional use schedule.

The second change pertains to aligning the need for future subdivision and development applications to have regard to the approved Activity Centre Plan or Precinct Plan that affects the property. This will ensure that the provisions of the ASMCCSP are adhered to at the time of subdivision and development.

The third change involves the removal of the former Condition 19.3 which pertains to a plot ratio requirement of 1.0 being applicable. Removal of this clause proposes that the plot ratio for the properties impacted by Additional Use No.19 will adhere to the ASMCCSP. The ASMCCSP does not require plot ratio as a development standard, instead applies restrictions to setbacks, building heights and car parking to guide future development form.

The fourth change which removes former Condition 19.6 is no longer required as the scheme adequately covers requirements for car parking in the Armadale Strategic Metropolitan City Centre.

The final change relates to the removal of former Condition 19.8 which relates to the base residential zone. As per proposal 1 above, the Residential zone will no longer be applicable as the base zone will be ‘Mixed Business / Residential RAC-O’. This condition is therefore no longer applicable and can be deleted.
Proposal 16 - Remove from Schedule 3 and the Scheme Map, Restricted Use No.7 and No.8;

The proposal to remove Restricted Use No.7 and Restricted Use No.8 from the scheme map and the scheme text stems from the alignment of the ASMCCSP provisions with the original intent of the two restricted use categories and modification of boundaries as identified in the various Precincts identified in the ASMCCSP.

In respect to Restricted Use No.7, the area applies to the City’s Civic and Cultural area which includes properties forming the City’s Administration Centre and the current Court House along Orchard Avenue and Jull Street. The area also includes the mixed business type uses on the north side of Jull Street and Civic Buildings such as the Armadale Hall on the southern side of Jull Street. Collectively the City’s intent was to establish a ‘Civic and Community’ hub in this area and accordingly special provisions have been identified in the scheme through Restricted Use No.7 to bring that into effect. This includes excluding uses which are not compatible with the intent of the Precinct (i.e. Tavern, Amusement Parlour) setting subdivision and development parameters pertaining to landscaping, vegetation retention, lot amalgamation and reciprocal access, building design and land use compatibility.

Through the ASMCCSP a Civic and Cultural Precinct is established and identified in the area bounded by Orchard Avenue (west), Jull Street (south-east), Church Avenue (east) and Minnawarra Park (north). This area contains the City’s administration buildings and the current courthouse. Identified in the Structure Plan are preferred land uses such as Office, Civic Uses, Community Purpose and Exhibition Centre amongst others which collectively align with intent of the Civic Precinct. The Structure Plan also outlines the broader intent to establish a ‘Civic and Community’ hub in the area mentioned and includes subdivision and development criteria that align with the provisions identified as conditions in Restricted Use No.7.

The new Precinct boundary in the ASMCCSP has been modified from that identified in the scheme map for Restricted Use No.7. This new boundary for the Civic Precinct aligns with the feedback and advice received during the Structure Plan preparation phase with key stakeholders, land owners and Elected Members. The area previously identified in Restricted Use No.7 along Jull Street east towards Albany Highway is now included in a different Precinct (Part Prospect Precinct and City Entrance Precinct) and is suitably being rezoned as per proposal 8 above from ‘Strategic Regional Centre’ to ‘Mixed Business / Residential’ to align with the type of land uses that currently exist in this area and are encouraged in future. Collectively from the above, there are sufficient provisions in the scheme and the ASMCCSP to warrant the removal of Restricted Use No.7 from the Scheme Map and text and by doing so, subdivision and development control of the Civic Precinct will be simplified.

In respect to Restricted Use No.8, this area is identified in the Scheme as the ‘City Centre South West Highway Area’ bounded by properties immediately fronting Church Avenue east of the City Centre Core, and a triangular parcel of landholdings consisting of primarily residential land between Fourth Road and the junction between Church Avenue and South Western Highway. This area is characterized in the Scheme as an area for residential development and intensification to increase residential population and small scale business activity. As a result Special Provisions have been identified in the Scheme through Restricted Use No.8 to bring that into effect. This includes excluding uses which are not compatible with the intent of the Precinct (i.e. Night Club, Amusement Parlour, shop) setting subdivision and development parameters pertaining to landscaping, vegetation retention, lot amalgamation, noise attenuation and reciprocal access, building design and land use compatibility.
Since the establishment of Restricted Use No.8, the area has been impacted by the State Government’s proposal to relocate the Courthouse and Police Station to a new Justice Precinct between Third Road and Thomas Road. Through the ASMCCSP the area including Restricted Use No.8 is included in the ‘William Street Precinct’ which intends to be developed as one of several residential quarters, accommodating apartment buildings with a range of dwelling sizes, along with support facilities for the expected increase in population. Mixed use activity will be focused along Church Avenue, reinforcing its role as a secondary activity corridor within the City Centre. Mixed use and commercial activity will also interface with the Justice Sub-precinct home to the future courthouse and police station. Identified in the Structure Plan are preferred land uses such as multiple residential (apartments), Office, Consultancy rooms, Restaurant and Medical Centre amongst others which collectively align with intent of the William Precinct. The Structure Plan also includes subdivision and development criteria that align with the provisions identified as conditions in Restricted Use No.8.

The William Precinct boundary in the ASMCCSP is extensive including the area bounded by John Street to the south, Commercial Avenue, Fourth Road and Church Avenue to the west and South Western Highway to the north and east. This area includes the area identified in the Scheme Map for Restricted Use No.8. This new boundary and diversity of land uses aligns with the feedback and advice received during the structure plan preparation phase with key stakeholders, land owners and Elected Members. The area previously identified in Restricted Use No.8 is now largely accommodating the Justice Sub-precinct and a combination of ‘Mixed Business / Residential’ land use along Church Avenue as identified in proposal 8 above and ‘Strategic Regional Centre’ immediately north of the Justice Sub Precinct. The zoning changes proposed align with the Activity Centre Code Plan in the ASMCCSP. Collectively from the above, there is sufficient provision in the Scheme and the ASMCCSP to warrant the removal of Restricted Use No.8 from the Scheme Map and text and in doing so, subdivision and development control over the William Precinct and Justice Sub-precinct will be simplified.

Proposal 17 - Modify Restricted Use No.12 to ensure that the properties affected by Restricted Use No.12 (Lots 301, 302, 303 and 1 Abbey Road, Armadale) are aligned with the provisions set out in the ASMCCSP

The purpose of this proposal is to ensure that the properties affected by Restricted Use No.12 (Lot 144 Railway Avenue, Lots 164, 143 and 1-2 Abbey Road, Armadale) are aligned with the provisions set out in the ASMCCSP which will replace the requirement for a Local Development Plan. Accordingly the following is proposed:

- Modify Condition 12.1 to reflect that for subdivision and development applications, they shall have regard to approved Activity Centre Structure Plan or Precinct Plan

The proposed change pertains to aligning the need for future subdivision and development applications to have regard to the approved Activity Centre Plan or Precinct Plan that affects the property. This will ensure that the provisions of the ASMCCSP are adhered to at the time of subdivision and development.
Proposal 18 - Creation of new Restricted Use No.13 in Schedule 3 of the Scheme

The purpose of this proposal is to establish a new Restricted Use No.13 in the areas identified for residential development in the ASMCCSP area. This includes the area bounded by Forrest Road (south), Abbey Road (west), Aragon Street (east) and property zoned ‘Strategic Regional Centre’ adjacent to Armadale road (north), which is identified in the Abbey Precinct of the ASMCCSP. The second area is bounded by two properties in from Church Avenue (west), John Street (south), South Western Highway (east) and Fourth Road (north) which is identified in the William Precinct of the ASMCCSP. Both these areas are proposed to be zoned Residential RAC-O as per proposal 18 above to ensure that they align with the Activity Centre Code plan in the ASMCCSP.

The intent of the new Restricted Use is to align the scheme with the intended zoning and land use permissibility encouraged by the ASMCCSP. Accordingly the new Restricted Use identifies ‘Grouped Dwelling’ as a non permitted use (X) in the area and enables the land uses of ‘Restaurant’, ‘Convenience Store’, ‘Office’, to be considered as an (A) use in areas identified in the ASMCCSP as semi-active edge. The land use of ‘Single House’ is also identified as a discretionary (D) use. In addition to the change in land use permissibility, a condition is introduced requiring development to be in accordance with an approved Activity Centre Structure Plan or Precinct Plan. This condition will ensure other subdivision and development standards identified in the Structure Plan or Precinct Plan apply.

Proposal 19 - Modify Schedule 7A (Car Parking Standards)

The purpose of this proposal is to introduce into Town Planning Scheme No.4 the car parking standards identified in the ASMCCSP.

The Scheme currently applies car parking rates to all land uses identified in the Scheme, however the ASMCCSP differentiates car parking requirements on some land uses given the proximity of the City Centre to Armadale passenger rail station. If left unchanged, there would be two car parking standards for some uses between the Scheme and the ASMCCSP (i.e. office will have one car parking standard in the scheme and another under ASMCCSP). Accordingly it is proposed to include a new Table 2 to Schedule 7A that identifies car parking standards specific to the Armadale Strategic Metropolitan City Centre that align with the ASMCCSP. The introduced car parking standards apply to the following use classes:

- Residential;
- Office;
- Shop;
- Education;
- Civic; and
- Community Purpose

The table includes a reference to ‘other’ land uses which accordingly take their car parking ratios from Table 1 in Schedule 7A.
Proposal 20 - Modify Schedule 7B (End of Trip facilities);

The purpose of this proposal is to introduce a notation into Schedule 7B of Town Planning Scheme No.4 that aligns the end of trip facility requirements of the Scheme for the Armadale Strategic Metropolitan City Centre with the ASMCCSP.

The provisions included in Schedule 8 outline the need for an Activity Centre Structure Plan or Precinct Plan to be prepared for the area to guide subdivision and development. This requirement is standard for all areas associated with a Structure Plan or Precinct Plan.

Proposal 21 - Include the Armadale Strategic Metropolitan City Centre in Schedule 8 of the Scheme and a New Development Area No.52 on the Special Control Area Map 3

This proposal identifies the Armadale Strategic Metropolitan City Centre area as a ‘Structure Plan’ area in Schedule 8 of the scheme text and also includes the area bounded by the ASMCCSP in the Special Control Area Map 3.

The provisions included in Schedule 8 outline the need for an Activity Centre Structure Plan or Precinct Plan to be prepared for the area to guide subdivision and development. This requirement is standard for all areas associated with a Structure Plan or Precinct Plan.

Proposal 22 - Modify the objective of ‘Strategic Regional Centre’ under Section 3.2 of the Scheme text

This proposal includes changes to the objective of the ‘Strategic Regional Centre’ zone that better align the objective with the ASMCCSP. The key changes to the objective include:

- Include the establishment of entertainment and educational type uses in the Armadale City Centre;
- Removal of reference to the ‘Armadale Strategic Regional Centre’ and replace with ‘Armadale Strategic Metropolitan City Centre’;
- Removal of reference to ‘Civic and Cultural Precinct’ and ‘South Western Highway Precinct’ and replace with reference to ‘Civic Precinct’, ‘William Precinct’ and ‘Abbey Precinct’;
- Replace reference to R-AC3 with RAC-0 and remove reference to R80; and
- Include reference to the creation of ‘landmark’ development in the Armadale City Centre.

The purpose of the change is to ensure that the objective of ‘Strategic Regional Centre’ changes to ‘Strategic Metropolitan City Centre’ and the objective further aligns with the Activity Centre Structure Plan.
ANALYSIS

Amendment No.103 is considered a ‘complex amendment’ under Part 5, Clause 34 – complex amendment, subsection (c) of the Planning and Development (Local Planning Scheme) Regulations 2015. If initiated, Amendment No.103 will be subject to the following process:

1. In accordance with Section 38 (2) and (3) of the Regulations 2015, the Local Authority will refer the complex amendment to WAPC for review within 21 days of resolving to proceed with the amendment.

2. In accordance with Section 38(4) of the Regulations 2015, the WAPC within 60 days of receiving the amendment, undertake a review and advise the Local Government if the amendment needs to be modified before it is advertised.

3. In accordance with Sections 81 and 82 of the Planning and Development Act 2005, the City is to refer the amendment to the EPA for 42 days for comment.

4. In accordance with Section 38 (1) of the Regulations 2015, the Local Government is to prepare a notice in a form approved by the WAPC giving details of:
   a. The purpose of the amendment;
   b. Where the amendment can be inspected; and
   c. To whom and during what period submissions in respect to the amendment can be made.

5. In accordance with Section 38 (2), (3) and (4) of the Regulations 2015, advertise the complex amendment for a period of 60 days as follows:
   a. publish the notice in a newspaper circulating in the scheme area;
   b. display a copy of the notice in the offices of the local government for the period for making submissions set out in the notice;
   c. give a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment;
   d. publish a copy of the notice and the amendment on the website of the local government;
   e. advertise the amendment as directed by the Commission and in any other way the local government considers appropriate.
   f. Ensure copies of the amendment are available at the office of the local authority and at the office of the WAPC.

Upon completion of all advertising, the Local Authority is to undertake an assessment of the submissions received and determine in accordance with Section 41 of the Regulations 2015 if it supports the amendment with or without modification or not support the amendment.

If the amendment is supported by Local Government the amendment is to be referred to the WAPC in a condition prescribed by Section 44 of the Regulations 2015 for assessment and recommendation to the Minister for Planning and Transport for final determination.
OPTIONS

1. Council may initiate Scheme Amendment No.103 as proposed (with or without modification).
2. Council may decline the initiation of Scheme Amendment No.103 if it considers the proposed rezoning to be contrary to the orderly and proper planning of the area or for any other reason.

CONCLUSION

The proposed complex amendment will ensure that all lots associated with the Armadale Strategic Metropolitan City Centre as identified below, and in the City’s Town Planning Scheme No.4, align with the ASMCCSP in terms of zoning, land use, subdivision and development requirements and precinct development intent.

- Area bounded by Armadale Road (north), South Western Highway (east), John Street (south), Commerce Avenue and Neerigen Street (west);
- Area bounded by Armadale Road (north), Abbey Road (west), Forrest Road (south) and Aragon Court (east); and
- Lot 100 (1) Little John Road, Lot 11 (479), Lot 3 (481), Lot 13 (483), Lot 33 (489) and Lot 1 (493) Green Avenue, Armadale and Lot 31 (4) and Lot 32 (2) Selkirk Road, Armadale, Lot 163 Church Avenue, Lot 162 Commerce Avenue, Lot 17 (16) South Western Highway, Lot 123 (16) South Western Highway, Lot 157 (10) South Western Highway, Lot 49 (4) Crystal Court.

The amendment is considered critical to the approval process of the ASMCCSP and to ensure a more united planning framework for the Armadale Strategic Metropolitan City Centre between TPS No.4 and ASMCCSP.

Given the above, Option 1 is recommended.

ATTACHMENTS

1. Existing & Proposed Zoning Plan - Amendment No.103 - TPS No.4
2. Existing & Proposed Zoning Plan - SCA Map 3 - Amendment No.103 - TPS No.4
3. Proposal 1 - TPS No.4 - Amendment No.103
4. Proposal 2 - TPS No.4 - Amendment No.103
5. Proposal 3 - TPS No.4 - Amendment No.103
6. Proposal 4 - TPS No.4 - Amendment No.103
7. Proposal 5 - TPS No.4 - Amendment No.103
8. Proposal 6 - TPS No.4 - Amendment No.103
9. Proposal 7 - TPS No.4 - Amendment No.103
10. Proposal 8 - TPS No.4 - Amendment No.103
11. Proposal 9 - TPS No.4 - Amendment No.103
12. Proposal 10 - TPS No.4 - Amendment No.103
13. Proposal 11 - TPS No.4 - Amendment No.103
14. Proposal 12 - TPS No.4 - Amendment No.103
15. Proposal 16 - TPS No.4 - Amendment No.103
16. Proposal 18A - TPS No.4 - Amendment No.103
17. Proposal 18B - TPS No.4 - Amendment No.103
That Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, adopt Amendment No.103 to Town Planning Scheme No.4 as a ‘complex amendment’ in accordance with Part 5, Clause 34 – complex amendment, subsection (c) of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows:

Proposal 1 – Modify the Scheme Map by rezoning from ‘Residential R40’ to ‘Strategic Regional Centre and RAC-O’, Lot 35 (9), Lot 36 (11) and Lots 1 to 4 (15A to 15D) Sixth Road, Armadale;

Proposal 2 – Modify the Scheme Map by rezoning from ‘Mixed Business / Residential (R40)’ to ‘Strategic Regional Centre and RAC-O’, Lot 11 (479), Lot 3 (481), Lot 13 (483), Lot 33 (489) and Lot 1 (493) Green Avenue, Armadale and Lot 31 (4) and Lot 32 (2) Selkirk Road, Armadale;

Proposal 3 – Modify the Scheme Map by recoding the area bounded by Armadale Road (north), South Western Highway (East), Thomas Road and Church Avenue (South), Commercial Avenue and Neerigen Street (West) from ‘R-AC3’ and ‘R80’ to ‘RAC-O’;

Proposal 4 – Modify the Scheme Map by recoding the area bounded by Forrest Road (south), Aragon Court (East), Lot 301 Abbey Road, Armadale (North) and Abbey Road (West) from ‘R40’ to ‘RAC-O’;

Proposal 5 – Modify the Scheme Map by recoding from ‘R80’ to ‘RAC-O’, Lot 1, 301, 302 and 303 Abbey Road, Armadale;

Proposal 6 – Modify the Scheme Map by rezoning the area bounded by John Street (South), South Western Highway (East), Thomas Road (North) and Lots 2 to 5 (41) John Street Armadale, Lot 55 (30) William Street, Armadale, Lot 59 (33) William Street, Armadale, Lot 82 (30) Fourth Road, Armadale, Lot 5 (29) Fourth Road, Armadale, and Lot 107 (22) Thomas Street, Armadale (West), from ‘Mixed Business / Residential R40’ and ‘Strategic Regional Centre R80’ to ‘Residential RAC-O’;

Proposal 7 – Modify the Scheme Map by rezoning from ‘Strategic Regional Centre R80’ to ‘Mixed Business / Residential RAC-O’, Lots 1 to 5 (56 to 64) Church Avenue, Armadale, Lot 55 (30) William Street, Armadale, Lot 56 (32) William Street, Armadale, Lot 2 (52) Church Avenue, Armadale, Lot 59 (33) William Street, Armadale, Lot 50 (35) William Street, Armadale, Lot 82 (30) Fourth Road, Armadale, Lot 83 (32) Fourth Road, Armadale, Lot 5 (29) Fourth Road, Armadale, Lot 201 (31) Fourth Road, Armadale, Lot 107 (22) Thomas Street, Armadale, Lot 108 (24) Thomas Street, Armadale, Lot 109 (23) Thomas Street, Armadale and Lot 125 (16) Third Road, Armadale;

Proposal 8 – Modify the Scheme Map by rezoning from ‘Strategic Regional Centre R-AC3’ to ‘Mixed Business / Residential and RAC-O’, Lot 86 (67) South Western Highway, Armadale, Lot 3 (4) Church Avenue, Armadale, Lot 200 (8) Church
Avenue, Armadale, Lot 2 (61) South Western Highway, Armadale, Lots 1, 24, 25, 26, 27, 28 and 29 (10) Prospect Road, Armadale, Lot 15 (14) Jull Street, Armadale, Lot 30 (36) Jull Street, Armadale, Lot 99 (36) Jull Street, Armadale, Lot 100 Jull Street, Armadale, Lot 22 (91) Jull Street, Armadale, Lot 25 (89) Jull Street, Armadale and Lot 1 (69) Jull Street, Armadale;


Proposal 10 – Modify the Scheme Map by recoding from ‘R-AC3’ to ‘RAC-O’, Lots 162 Commercial Avenue, Armadale and Lot 163 Church Avenue, Armadale;

Proposal 11 – Modify the Scheme Map by recoding from ‘R15/60’ to ‘RAC-O’, Lot 100 (1) Little John Road, Armadale;

Proposal 12 – Modify the Scheme Map by rezoning from ‘Strategic Regional Centre R80’ to ‘Parks and Recreational (Local)’, Lots 77 and 78 Jull Street, Armadale;

Proposal 13 – Modify Table 1 of the Scheme Text as follows:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mixed Business / Residential (current)</td>
</tr>
<tr>
<td>Ancillary Accommodation</td>
<td>X</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>X</td>
</tr>
<tr>
<td>Display Home Centre</td>
<td>D</td>
</tr>
<tr>
<td>Grouped Dwelling</td>
<td>D</td>
</tr>
<tr>
<td>Hospital</td>
<td>D</td>
</tr>
<tr>
<td>Multiple Dwelling</td>
<td>D</td>
</tr>
</tbody>
</table>

Proposal 14 – make the following modifications to Part 4A and 4C of the Scheme Text:

(a) Include a new provision 4A.4 with the following:

“In the case of Residential RAC-O in the Armadale Strategic Metropolitan Centre, setbacks are to be in accordance with an approved Activity Centre Plan or Precinct Plan prepared in accordance with the requirements of the Commissions’ State Planning Policy 4.2 – Activity Centres for Perth and Peel and/or State Planning Policy 7.2 – Precinct Design.”

(b) Include a new provision 4A.5 with the following:

“In the case of Residential RAC-O in the Armadale Strategic Metropolitan Centre, building heights are to be in accordance with an approved Activity
Centre Plan or Precinct Plan prepared in accordance with the requirements of the Commissions’ State Planning Policy 4.2 – Activity Centres for Perth and Peel and/or State Planning Policy 7.2 – Precinct Design.”

(c) Include a new provision 4A.6 with the following:

“For Residential RAC-O in the Armadale Strategic Metropolitan Centre, Plot Ratio is to be determined in accordance with an approved Activity Centre Plan or Precinct Plan prepared in accordance with the requirements of the Commissions’ State Planning Policy 4.2 – Activity Centres for Perth and Peel and/or State Planning Policy 7.2 – Precinct Design.”

(d) Modify Clause 4C as follows:

“This Part applies to the Strategic Regional Centre Zone, Mixed Business / Residential Zone, the District Centre Zone and the Local Centre Zone, unless expressly stated to the contrary in a clause of this Part.”

(e) Delete Clause 4C.1.1 and Replace with the following:

“4C.1.1 – Buildings are to be setback from boundaries in accordance with an adopted Activity Centre Plan and / or Precinct Plans prepared in accordance with the requirements of the Commission’s State Planning Policy 4.2 – Activity Centres for Perth and Peel and/or State Planning Policy 7.2 – Precinct Design.”

(f) Include the follow new Clause 4C.1.2 as follows:

“In the case of District Centres, Local Centres and Mixed Business / Residential Zones outside of the Armadale Strategic Metropolitan City Centre buildings are to be setback having regard to any Structure Plan and /or Precinct Plan and the following criteria:

i. The setbacks of any adjoining or adjacent development with which the proposed building is likely to relate, and in the case of a site which adjoins land in another zone, the setback requirements for that zone;

ii. The use or usability of the setback area, taking into consideration the nature of the adjoining street and the desirability or otherwise of direct vehicular access to that street, and from any adjoining property;

iii. The desirability of continuous building frontages where pedestrian access is to be provided adjacent to the frontage of the building or where such access and associated pedestrian shelter would be desirable to facilitate movement between adjoining sites;

iv. The space requirements for pedestrian access, and the need and/or desirability of segregating pedestrian access from vehicular access and parking;

v. The desirability or otherwise of landscaping within the setback area in
order to reduce any adverse visual impact associated with the proposed building façade and/or associated use of setback areas; and

vi. The safety and convenience of pedestrian and vehicular access to the site from the adjoining street and from adjacent sites.”

(g) Renumber 4C.1.1 to 4C.1.2.

(h) Delete Clause 4C.2.1 and Replace with the following:

“4C.2.1 – Buildings heights are to be in accordance with the adopted Activity Centre Plan and / or Precinct Plans prepared in accordance with the requirements of the Commission’s State Planning Policy 4.2 – Activity Centres for Perth and Peel and/or State Planning Policy 7.2 – Precinct Design.”

(i) Include a new Clause 4C.2.2 as follows:

“In the case of District Centres, Local Centres and Mixed Business / Residential Zones outside of the Armadale Strategic Metropolitan City Centre building heights are to have regard to any Structure Plan and /or Precinct Plan and the following criteria:

i. The height of any adjoining or adjacent development, and the desirability or otherwise of maintaining consistency in relation to the height and scale of buildings within the particular centre or precinct;

ii. In the case of a site which adjoins land in another zone, the height and setback requirements of that zone;

iii. The effect of shading associated with the proposed development and in particular whether there will be any significant overshadowing of existing or proposed pedestrian spaces;

iv. The need for safe and convenient pedestrian shelter, and the desirability of maintaining continuity and/or compatibility in relation to adjoining pedestrian facilities;

v. The design of the external facades of the building, including the height of any awnings or parapets and their relationship with those of adjacent buildings; and

vi. The finished ground level proposed for the development site in relation to that of the adjoining sites.”

(j) Modify Clause 4C.3.1 to read as follows:

“Unless otherwise approved by the local government in accordance with the provisions of clause 4.5, the maximum plot ratio within the respective zones and precincts is to accord with the following standards:

(a) Mixed Business/Residential : 1.5
(b) District Centre Zone : 1.0
(c) Local Centre Zone : 1.0
(d) Strategic Regional Centre : To be determined by an adopted Structure Plan or Precinct Plan

For Mixed Business/Residential RAC-O in the Armadale Strategic Metropolitan Centre, Plot Ratio is to be determined by an approved Structure Plan or Precinct Plan.”

Proposal 15 – Modify Additional Use No.19 as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description of Land</th>
<th>Additional Use</th>
<th>Conditions</th>
</tr>
</thead>
</table>
| 19  | Part Lots 123, 157 and 17 South Western Highway and Lot 49 Crystal Court, Armadale | Permitted (P) use: Mixed Uses incorporating key elements of the old Armadale Tea Rooms consisting of:
- Shop
- Office(S)
- Restaurant
- Holiday Accommodation
- Cottage Industry
- Market
- Motel; and
- Showroom  
The following land uses is a ‘X’ use:
- Grouped Dwellings | 19.1 In determining any planning application for subdivision and development approval the Local Government shall have regard to the Approved Activity Centre Structure Plan or Precinct Plan.  
19.2 The overall development may comprise either, a single building or multiple buildings with a common theme, and shall incorporate key elements of the Old Armadale Tearooms (Muckross Hall) building as follows to the satisfaction of the local government:  
a) the use of the building, at least in part is to recognise the buildings original function as a meeting place;  
b) recognition of the large open truss construction of the internal parts of the building;  
c) respect for the existing roofline and the original cladding style of the roof;  
d) materials for the existing walls may be replaced provided the appearance respects the original character; and  
e) the building could be extended out the back and side, provided the outline of the façade and roofline, as visible from the Albany Highway approach into Armadale,
|   |   | retains its character and shape.  
19.3 A Traffic Management Plan addressing site access and car parking both on and off site will need to be prepared and implemented to the satisfaction of Council as part of any development application for redevelopment of the land.  
19.4 Vehicular access to Crystal Court shall be limited to residential uses only and may require a traffic study prior to Council granting approval.  
19.5 In preparing and / or assessing any planning application for development approval, the applicant and the local government should consider the possible provision of access for vehicular and pedestrian movement and parking, together with drainage, where applicable over the adjacent Lot 100 (Pioneer Village Narrogin Inne premises) Albany Highway, in a manner satisfactory to the Local Government to ensure safe, convenient and integrated traffic circulation. Such an arrangement may require agreement with the landowners of Lot 200 Albany Highway.  
19.6 Notification in the form of a Section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate of Title on Lot 17 South Western Highway, Armadale advising prospective purchasers that the lot may be affected by noise from the Water Corporation pump station on the adjoining Lot 18 South Western Highway.  
Proposal 16 - Remove Restricted Use No.7 and Restricted Use No.8 from the Scheme
Map and Schedule 3 of the Scheme Text.

Proposal 17 - Modify Restricted Use No.12 as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description of Land</th>
<th>Restricted Use</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Lots 301, 301, 303 and 1 Abbey Road, Armadale</td>
<td>All land uses permissible in the Strategic Regional Centre zone shall be ‘X’ Uses, with the exception of the following Discretionary (D) use: Holiday Accommodation, Hotel, Multiple Dwellings, Reception Centre, Restaurant, Small Bar, Tavern, Motel, Exhibition Centre</td>
<td>12.1 Development shall be in accordance with an approved Activity Centre Plan or Precinct Plan. 12.2 No vehicular access permitted from Armadale Road. 12.3 Reception Centre, Restaurant, Tavern, Exhibition Centre and Small Bar shall only be permitted where the uses form part of an integrated Hotel / Motel / Holiday Accommodation development.</td>
</tr>
</tbody>
</table>

Proposal 18 – Creation of a new Restricted Use No.13 on the Scheme Maps and insert the following in Schedule 3:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description of Land</th>
<th>Restricted Use</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Lots 162 (33), 161 (29), 5 (units 1 to 4/25), 159 (21), 158 (19), 500 (17), 502, 501 (15), 156 (11), 155 (9), 154 (5-7), 153 (5-7), 700 (3) Abbey Road, Armadale and Lots 51 (6), 800 (8), 150 (10), 149 (12), 148 (14), 147 (16), 146 (18), 6 (20), 33, 9 (24) and 4 (26) Aragon Court, Armadale. Area bounded by and including Lot 2 (39 and 39A) John Street, Armadale, Lot 55 (30) William Street, Armadale, Lot 60 (31) William Street, Armadale, Lot 81 (28) Fourth Road, Armadale, Lot 4 (27) Fourth Road,</td>
<td>The following land uses are to be a ‘X’ use: Grouped Dwelling. The Following land uses is to be an (A) use in areas prescribed as semi-active edge only in an approved Structure Plan or Precinct Plan: Restaurant, Convenience Store, Office. The following land use is to be a (D) use: Single House</td>
<td>12.1 Development shall be in accordance with an approved Activity Centre Plan or Precinct Plan.</td>
</tr>
</tbody>
</table>
Proposal 19 - Modify Schedule 7A – Car Parking Standards to introduce the following:

“The car parking standards for the City apply as per Table 1, with the exception of the Armadale Strategic Metropolitan Centre Structure Plan area where car parking standards apply as per Table 2:

**Table 2 – Armadale Strategic Metropolitan Centre**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Parking Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>In accordance with Clause 6.3.3 Criteria A (Properties within 800m of a high frequency rail line and / or within 250m of a high frequency bus route) for all residential development. A minimum of one in four bays shall be designated for visitor use, which may on agreement with the City of Armadale be publicly available.</td>
</tr>
<tr>
<td>Non-Residential Uses (Office and Shop)</td>
<td>A capped rate of 1 space per 45m². Reduction in car parking supply will be supported based on shared / reciprocal parking for retail and office use due to different peak periods. A minimum 10% of commercial / office and 50% of retail parking shall be designated publicly available.</td>
</tr>
<tr>
<td>Education uses (Tertiary)</td>
<td>15 bays per 100 FTE’s (Staff and Students)</td>
</tr>
<tr>
<td>Civic and Community Purpose</td>
<td>1 space per 50m² for community purpose and civic uses.</td>
</tr>
<tr>
<td>Other</td>
<td>Car parking for all other land uses is to be in accordance with Table 1.</td>
</tr>
</tbody>
</table>

Proposal 20 - Modify Schedule 7B – End of Trip Facilities for Bicycle Users by introducing the following notation:

“All Non-Residential developments that are required to provide 6 or more employee bicycle parking bays in accordance with Schedule 7B, must also provide end of trip facilities with the following criteria:
i. A minimum of one female and one male shower, located in separate change rooms or a minimum of two separate unisex showers and change rooms.

ii. Additional shower facilities to be provided at a rate of one shower for every 10 additional bicycle parking bays.

iii. End of trip facilities are to be located as close as possible to the bicycle parking facilities.”

Proposal 21 - Include the following table in Schedule 8 of the Scheme – Development (Structure Plan) Areas and a New Development Area No.52 on Special Control Area Map 3:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description of land</th>
<th>Additional provisions applicable to subdivision and development</th>
</tr>
</thead>
<tbody>
<tr>
<td>52</td>
<td>Armadale Strategic Metropolitan City Centre being the area:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• bounded by Armadale Road (north), South Western Highway (east), John Street (South), Commerce Avenue and Neerigen Street (West)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• bounded by Armadale Road (north), Abbotsford Road (west), Forrest Road (south) and Aragon Court (east)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Lot 100 (1) Little John Road, Lot 11 (479), Lot 1 (481), Lot 13 (483), Lot 33 (489) and Lot 1 (493) Green Avenue, Armadale and Lot 31 (4) and Lot 32 (2) Selkirk Road, Armadale, Lot 163 Church Avenue, Lot 162 Commerce Avenue, Lot 17 (16) South Western Highway, Lot 123 (16) South Western Highway, Lot 157 (10) South Western Highway, Lot 49 (4) Crystal Court and Lot 40 (7) Albany Highway.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>52.1 Generally in accordance with an approved Activity Centre Structure Plan or Precinct Plan.</td>
<td></td>
</tr>
</tbody>
</table>

Proposal 22 – Modify the objective of ‘Strategic Regional Centre’ under Section 3.2 of the Scheme text to read as follows:

“Strategic Regional Centre”

(a) To provide for an extended range of shopping, commercial, administrative, business, entertainment, educational and employment opportunities in the retail core of the Armadale Strategic Metropolitan City Centre and a range of supportive mixed use including office, civic and community purpose type uses in the Civic Precinct.

(b) Encourage a mixture of high density residential development in accordance with the RAC-0 of the R-Codes in the Abbey and William Precincts; and

(c) To ensure the urban design of new developments in the Armadale Strategic Metropolitan City Centre provides for landmark development and a high
amenity mixed use shopping environment and contributes to Armadale’s distinctive sense of place and community.”

2. Refers the above amendment to Town Planning Scheme No.4 to the Western Australian Planning Commission for review pursuant to Section 38 (4) of the Planning and Development (Local Planning Scheme) Regulations 2015.

3. Refers the above Amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to section 81 of the Planning and Development Act 2005. Should the EPA advise that the amendment does not require assessment, advertise the amendment for a period of 60 days.

4. Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.

Moved Cr J H Munn
MOTION CARRIED (7/0)
4.1 - PIA NATIONAL CONGRESS - ADELAIDE, SA - 13TH TO 15TH MAY 2020

WARD : ALL
FILE No. : M/761/19
DATE : 28 January 2020
REF : SS
RESPONSIBLE MANAGER : A/EDDS

In Brief:
- The PIA National Congress will be held at the Adelaide Convention Centre, Adelaide SA from 13th to 15th May 2020
- Matters to be covered should be of relevance to Armadale.
- Recommend that consideration be given to nominating a Councillor to attend.

Tabled Items
Nil.

Decision Type
☐ Legal
☒ Executive
☐ Quasi-judicial

The decision relates to adopting/changing local laws, town planning schemes, and City policies.
The decision relates to the direction setting and oversight role of Council.
The decision directly affects a person’s rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration
Nil.

Strategic Implications
Relates to the aim for good governance and leadership to:
4.1 Visionary Civic leadership and sound governance
  4.1.3 Support the role of the elected body
  4.1.3.3 Advocate and support Councillor engagement in outside bodies and events to maintain awareness and enhance the City’s knowledge base.

Legislation Implications
Nil.

Council Policy/Local Law Implications
Council Policy ADM3 – Conferences and Training
Council Policy EM1 – Reimbursement Councillor’s Expenses
**Budget/Financial Implications**

The PIA National Congress is on the Approved Conference List for both Officers and Elected Members. Officer attendance will be funded from the Development Service’s Conference and Meeting budget. Sufficient funds are available in the Councillor/Member Development Budget should a Councillor be nominated to attend. The cost of the conference is estimated at $3,500 per delegate.

**BACKGROUND**

The Planning Institute of Australia (PIA) is conducting its 2020 National Congress at the Adelaide Convention Centre, Adelaide, SA from Wednesday 13th to Friday 15th May 2020.

The PIA National Congress typically host a number of topics which are potentially applicable to the City and may provide valuable insight and information in a number of areas that impact the City.

Nominations for Councillor attendance are requested at this Development Services Committee Meeting, to be presented to the February 24th Ordinary Council Meeting, in order to facilitate timely registrations.

**DETAILS OF CONFERENCE**

The 2020 National Congress provides a professional development experience which will offer insights of international industry leaders. The Conference is promoted as follows: “Be the Future of Planning”.

A number of International and local Keynote Speakers are confirmed and the concurrent sessions cover topics including:

- The future of planning;
- Design quality;
- Planning research; and
- Fairness, equity and access.

It is potentially beneficial for an Elected Member to attend the PIA National Congress 2020, given a number of topics may be applicable to the City and offer insight into matters that are impacting the City.

**CONCLUSION**

An Officer may be attending the 2020 National Congress. The matter is brought to the attention of Council to determine if it wishes to nominate a Councillor to attend.
ATTACHMENTS
There are no attachments for this report.

RECOMMEND

That Council nominates Cr D M Shaw to attend the PIA National Congress to be held at the Adelaide Convention Centre, Adelaide, SA from 13th to 15th May 2020.

Moved Cr E Flynn
MOTION CARRIED (7/0)
4.2 - WATER PROVISION REQUIREMENTS IN RURAL AREAS

<table>
<thead>
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<th>HILLS</th>
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<tbody>
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<td>M/580/19</td>
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<tr>
<td>DATE</td>
<td>28 January 2020</td>
</tr>
<tr>
<td>REF</td>
<td>GW</td>
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<tr>
<td>RESPONSIBLE MANAGER</td>
<td>A/EDDS</td>
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In Brief:
- Councillor Item - Review of water provision requirements in Rural Areas relating to developments.
- Recommend that Council note that officers will prepare and/or amend a policy to exempt water tanks up to a certain size from the need to obtain development approval.

Tabled Items
Nil.

Decision Type
☑ Legal
The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

☐ Executive
The decision relates to the direction setting and oversight role of Council.

☐ Quasi-judicial
The decision directly affects a person’s rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration
Nil.

Strategic Implications
2.5.1 Implement and administer the City’s Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.

Legislation Implications
Planning and Development (Local Planning Schemes) Regulations 2015
Town Planning Scheme No.4

Council Policy/Local Law Implications
Nil.

Budget/Financial Implications
Nil.

Consultation
Nil.
BACKGROUND

At the Development Services Committee meeting held on 28 August 2019, Cr Wielinga requested that officers review water provision requirements in Rural Areas relating to developments.

COMMENT

The provision of water in areas without scheme (reticulated) water is largely governed by Health legislation, including Health (Miscellaneous Provisions) Act 1911, Food Act 2008 and the City’s Health Local Law.

The Department of Health (DOH) has proposed draft new drinking water regulations that are intended to complement the Public Health Act 2016. The DOH proposes to establish a new regulatory framework via the provisions of the Public Health Act to manage the public health risks associated with the supply of drinking water.

The five (5) key features of the proposed regulations are:

1. Set out the registration and licensing framework for drinking water suppliers.
2. Clearly defined health-related standards for the quality of drinking water.
3. General risk management obligations placed on drinking water suppliers that are based on public health risk analysis, due diligence, hazard management and auditing.
4. Transparency and public disclosure of water quality information.
5. Provide flexibility to ensure that the framework is not overly onerous for smaller drinking water suppliers.

Current regulatory arrangements for drinking water in Western Australia

The quality of drinking water is currently managed through a number of Government agencies including the Department of Health (DOH), the Department of Water and Environmental Regulation (DWER), the Department of Planning, Lands and Heritage (DPLH) and the Economic Regulation Authority (ERA).

Water source assessment, allocation, licensing, management and protection are administered by DWER. Drinking water source quality is supported by the constitution of Public Drinking Water Source Areas (PDWSAs) and the implementation of Drinking Water Source Protection Plans.
DWER issues licences and permits under the Rights in Water and Irrigation Act 1914 to take water, construct wells (including bores and soaks) and interfere with watercourses.

A licence is not required to construct a well or to take water if:

1. The development is within the water table (non-artesian) aquifer; and
2. Water is only used for domestic purposes such as:
   - domestic and ordinary use
   - watering an area of lawn or garden less than 0.2 ha
   - fire fighting
   - watering cattle or other stock not raised under intensive conditions as defined in section 21(4) of the Rights in Water and irrigation Act 1914.

A licence is required if the property requires more than 1500 kL/year from the groundwater resource in a proclaimed area.

The proclamation of PDWSAs and the recommended land uses within them are managed through the Metropolitan Water Supply, Sewerage, and Drainage Act 1909, the Metropolitan Water Supply, Sewerage and Drainage By-laws 1981, the Country Areas Water Supply Act 1947, the Country Areas Water Supply by-laws 1957, the Strategic policy: Protecting public drinking water source areas in Western Australia (Department of Water, 2016) and Water Quality Protection Notes No. 25, 36, 75, 76.

The Western Australian Planning Commission (supported by DPLH) has developed State Planning Policies that support the protection of water quality in PDWSAs, in accordance with the land use compatibility tables set out in Water Quality Protection Note No. 25. For water sources outside of PDWSAs, or alternative sources, no legislative source quality management measures are currently in place with the only guidance provided in Water Quality Protection Note no. 41.

The only legislation administered by the DOH that is relevant to the quality of drinking water supplies is in Part IV, Division 7 of the Health (Miscellaneous Provisions) Act 1911, which specifies that polluting a water supply is an offence and allows local governments to take action to prevent or stop the pollution of a water supply, and allows for a source of water supply to be ceased if deemed unfit for human consumption.

**WAPC’s Guidelines for Planning in Bushfire Prone Areas**

In accordance with WAPC guidelines, new developments require a permanent and secure water supply that is sufficient for fire-fighting purposes in accordance with Element 4: Water.

Acceptable Solution criteria A4.3 requires that new single lots above 500 square metres need a dedicated static water supply on the lot that has the effective capacity of 10,000 litres.
City of Armadale requirements

Health Local Law 2002

The City’s Health Local Law (HLL) requires the provision of ‘adequate supply of water’ relating to domestic premises only, maintenance of sanitary facilities (bathrooms, kitchens etc) and minimum hygiene standards for rain water tanks (other water sources such as wells). Reference to ‘adequate supply of water’ under HLL means a flow of water of not less than 5 litres per minute. There is no prescribed minimum supply.

Commercial premises offering food however are regulated by the Food Act 2008 and Food Standard Code. In accordance with Standard 3.2.5 of the Code, a premises must have an adequate supply of water. Reference to ‘adequate supply of water’ means potable water that is available at a volume, pressure and temperature that sufficiently serves the purposes for which the water is used by the business. There is no prescribed minimum supply.

Town Planning Scheme No.4

Part 4B – Rural Living and General Rural Zone Requirements prescribes a minimum water supply for dwellings of not less than 90,000 litres as follows:

4B.5 Water supply (domestic)

4B.5.1 No dwelling shall be erected unless the lot is connected to water mains or the local government is satisfied that there is a satisfactory water supply consisting of:
(a) a roof water tank of not less than 90,000 litres, with a minimum catchment area of 250m²; or
(b) a bore, well spring soak or dam yielding water at a sufficient rate, or with associated storage capacity, to meet the reasonable needs of the occupiers of the dwelling.

For the purposes of this clause, satisfactory water supply means water, which has been bacteriologically and chemically analysed to establish that water is fit for human consumption.

As Clause 4B.5.1(a) allows a 90,000L water tank ‘as of right’, the City currently requires development approval for any tank exceeding this size. This provision is currently imposed as a condition on development approvals for single houses, where no scheme water is available.

There is certainly scope however to give further consideration to providing an exemption for larger capacity tanks above 90,000L from the need to obtain planning approval. The City has approved much larger tanks up to 250,000L and above on large lots for instance.

Allowing an increase in the ‘as of right’ sized tank would be a preferable approach and may help to incentivise owners to install larger tanks and lessen their reliance on bore use etc, whist helping to reduce ‘red-tape’ for landowners who wish to install such tanks.
A 90,000L tank is no longer a typical (standard) sized tank, as each manufacturer produces a variety of sizes depending on an owner’s individual need and circumstances. They tend to range in volume sizes between 12,000 – 500,000L with heights between 2.3-3.5m and diameters between 2.6-14m. It is also common for rural lots to have multiple water tanks (i.e. for dwelling and associated outbuildings).

For comparison, a 90,000L and 250,000L have the approximate dimensions of 2.3m (both) in height with 7m and 12m diameters respectively. The overall height of most water tanks is well below the 2.4m and 3-3.6m maximum wall height requirements applicable to outbuildings under the Residential Design Codes and Planning Policy 3.4 – Outbuildings respectively. The overall diameter (and cumulative effect of multiple tanks) however poses a potential impact on amenity and therefore it is undesirable to provide a blanket exemption to all water tanks, without some relevant criteria to control maximum size, numbers etc.

The City could consider exempting certain sized tanks based on a sliding scale of lot sizes within Rural areas or by identifying a larger minimum (one-size) fits all approach, if Council considered this appropriate. Development approval would only be required for tanks exceeding a certain size (in aggregate) or if variations to existing scheme provisions (such a minimum setbacks) were proposed. A similar approach has been established for determining the maximum size of outbuildings in accordance with Table 1 of PLN 3.4 – Outbuildings.

Clause 61(1)(i) of the Deemed Provisions provides for exemptions from the need to obtain development approval for works specified in a local planning policy as not requiring approval. The City could consider developing a local planning policy or amending an existing policy (as appropriate) to provide for such exemptions for water tanks in this regard.

OPTIONS

1. Council note the existing water provision requirements in Rural Areas as outlined in the report and require no further action;

2. Council request that officers prepare a policy/or amend to exempt water tanks from the need to obtain development approval based on appropriate criteria.

CONCLUSION

Existing legislation regulating water is primarily focused on delivering water quality and safety as opposed to regulating the quantity of water extracted. Whilst Clause 4B.5 of TPS No.4 currently requires a minimum 90,000L for single houses without scheme water, there is merit in allowing larger sized tanks (‘as of right’) within the Rural zones without the need to obtain development approval. Such an initiative may encourage greater use of water tanks and reduce potential reliance on bore water (ground water) sources, and eliminate the administrative burden (red tape) associated with processing such minor applications.

It is recommended that option No.2 be adopted.
ATTACHMENTS
There are no attachments for this report.

RECOMMEND

That Council:

1. Note officers will prepare and/or amend a policy to exempt water tanks up to a certain size from the need to obtain development approval.

Moved Cr C M Wielinga
MOTION CARRIED

D20/2/20

(7/0)
COUNCILLORS’ ITEMS

Nil.

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT

6.1 Wungong Normalisation

The Executive Director Development Services advised Committee that the normalisation of the DevelopmentWA’s Wungong area will be delayed until March 2021.

MEETING DECLARED CLOSED AT 9.15 PM
## DEVELOPMENT SERVICES

### DEVELOPMENT SERVICES COMMITTEE

#### SUMMARY OF ATTACHMENTS

18 FEBRUARY 2020

<table>
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<th>ATT NO.</th>
<th>SUBJECT</th>
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<tbody>
<tr>
<td><strong>1.1</strong></td>
<td>NON-CONFORMING USE - DEVELOPMENT APPLICATION - HARVEY FRESH COLD STORE - LOT 5 (747) ROWLEY ROAD AND LOT 11 (737) NICHOLSON ROAD, FORRESTDALE</td>
</tr>
</tbody>
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| 1.1.1 | Site Plan - Lot 5 Rowley Road and Lot 11 Nicholson Road |
| 1.1.2 | Floor Plan - Lot 5 Rowley Road and Lot 11 Nicholson Road |
| 1.1.3 | Elevations Plan - Lot 5 Rowley Road and Lot 11 Nicholson Road |
| 1.1.4 | Landscape Concept Plan - Lot 5 Rowley Road and Lot 11 Nicholson Road |
| 1.1.5 | Zoning Plan - Lot 5 Rowley Road and Lot 11 Nicholson Road |

| 2.2 | CHAMPION LAKES GATEWAY STRUCTURE PLAN RECOMMENDATION TO DEVELOPMENTWA - LOT 10 LAKE ROAD, CHAMPION LAKES |

| 2.2.1 | Structure Plan - Champion Lakes Gateway Structure Plan |
| 2.2.2 | Concept Public Open Space Plan - Champion Lakes Gateway Structure Plan |
| 2.2.3 | Concept Commercial Plan - Champion Lakes Gateway Structure Plan |
| 2.2.4 | Liveable Street Plan - Champion Lakes Gateway Structure Plan |
| 2.2.5 | Local Government Schedule of Modifications - Champion Lakes Gateway Structure Plan |
| 2.2.6 | DRP Schedule of Comments (with applicant’s response) |

| 2.3 | KELMSCOTT DISTRICT ACTIVITY CENTRE STRUCTURE PLAN - ENGAGEMENT STRATEGY |

| 2.3.1 | Aerial Plan - Kelmscott Town Centre - Aerial |

| 2.4 | DEVELOPMENT CONTRIBUTION PLAN 3 - INFRASTRUCTURE COST SCHEDULE REVIEW 2020 |

| 2.4.1 | Draft Infrastructure Cost Schedule 2020 - (refer to separate attachment) |
| 2.4.2 | Current 2019 Infrastructure Cost Schedule - (refer to separate attachment) |
| 2.4.3 | DCA03 ICS Review 2019 / 2020 Cost Comparison Table |
| 2.4.4 | DCP 3 Program Status Table by Project |
| 2.4.5 | Infrastructure Cost Schedule - Review Process |
| 2.4.6 | Specified Works Plan DCP No.3 |
| 2.4.7 | Special Control Area - Map 3 |
## 2.4.8 Indicative Staging Plan - Harrisdale and Piara Waters

## 2.4.9 Audited Income and Expenses Statement

### 2.5 PROPOSED AMENDMENT TO LOCAL PLANNING POLICY PLN 4.1 - THE DESIGN OF INDUSTRIAL SITES AND ESTATES

- **2.5.1** Proposed Amendments - PLN 4.1 - The Design of Industrial Sites and Estates
- **2.5.2** Consolidated - PLN 4.1 - The Design of Industrial Sites and Estates

### 3.1 PROPOSED AMENDMENT NO.103 TO TPS NO.4 - OMNIBUS AMENDMENT FOR THE ARMACALE STRATEGIC METROPOLITAN CITY CENTRE

- **3.1.1** Existing & Proposed Zoning Plan - Amendment No.103 - TPS No.4
- **3.1.2** Existing & Proposed Zoning Plan - SCA Map 3 - Amendment No.103 - TPS No.4
- **3.1.3** Proposal 1 - TPS No.4 - Amendment No.103
- **3.1.4** Proposal 2 - TPS No.4 - Amendment No.103
- **3.1.5** Proposal 3 - TPS No.4 - Amendment No.103
- **3.1.6** Proposal 4 - TPS No.4 - Amendment No.103
- **3.1.7** Proposal 5 - TPS No.4 - Amendment No.103
- **3.1.8** Proposal 6 - TPS No.4 - Amendment No.103
- **3.1.9** Proposal 7 - TPS No.4 - Amendment No.103
- **3.1.10** Proposal 8 - TPS No.4 - Amendment No.103
- **3.1.11** Proposal 9 - TPS No.4 - Amendment No.103
- **3.1.12** Proposal 10 - TPS No.4 - Amendment No.103
- **3.1.13** Proposal 11 - TPS No.4 - Amendment No.103
- **3.1.14** Proposal 12 - TPS No.4 - Amendment No.103
- **3.1.15** Proposal 16 - TPS No.4 - Amendment No.103
- **3.1.16** Proposal 18A - TPS No.4 - Amendment No.103
- **3.1.17** Proposal 18B - TPS No.4 - Amendment No.103

*The above attachments can be accessed from the Minutes of the Development Services Committee meeting of 18 February available on the City’s website.*
CHIEF EXECUTIVE OFFICER’S REPORT

24 FEBRUARY 2020

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1. REPORTS
   1.1 **APPOINTMENT OF EXTERNAL MEMBER TO THE CITY AUDIT COMMITTEE.................................................................146
   1.2 COUNCILLORS INFORMATION BULLETIN - ISSUE NO 3/2020 ..............................................................149
Following is my Report for the period ended 24 February 2020

**1.1 - APPOINTMENT OF EXTERNAL MEMBER TO THE CITY AUDIT COMMITTEE**

WARD : ALL  
FILE No. : M/85/20  
DATE : 17 February 2020  
REF : F W  
RESPONSIBLE MANAGER : Executive Director Corporate Services

In Brief:  
Completion of the Council endorsed recruitment process for an external member to the City Audit Committee has resulted in the proposal of candidate A by the selection panel for endorsement.

Recommend that Council:
- Approve an offer of appointment to the position of External Member to the City Audit Committee to preferred candidate A;
- The offer be in accordance with the City Audit Committee Terms of Reference.
- The term of appointment conclude in December 2022.

Tabled Items
1. Nil

Decision Type
☐ Legislative  
The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

☑ Executive  
The decision relates to the direction setting and oversight role of Council.

☐ Quasi-judicial  
The decision directly affects a person’s rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.
Officer Interest Declaration
Nil

Strategic Implications
4.1 Visionary Civic leadership and sound Governance

Legal Implications
Local Government Act 1995 Section 5.10 – Committee members, appointment of
Local Government Act 1995 Section 5.11 – Committee membership, tenure of
Local Government Act 1995 Section 7.1A – Audit Committee
Local Government Act 1995 Section 7.1B – Delegation of some powers and duties to audit committees
Local Government (Audit) Regulations 1996 Section 16 – Functions of the Audit Committee

Council Policy/Local Law Implications
Nil

Budget/Financial Implications
The cost of recruiting and remunerating an external member to the City Audit Committee will be accommodated within the current year budget for Corporate Services.

Consultation
Selection panel members included Mayor Cr Butterfield, Deputy Mayor Cr Frost, CEO Joanne Abbiss and Executive Director Corporate Services Jason Lyon.

BACKGROUND
At its meeting held on 11 November 2019, Council adopted the revised City Audit Committee Terms of Reference which allowed for the inclusion of an external member on the Committee.

Following this at its meeting held on 16 December 2019, Council endorsed the recruitment process.

DETAILS OF PROPOSAL
Expressions of interest were publicly advertised and upon closure of the advertising period, 17 applications were received.

The selection panel, consisting of the Mayor, the Chair of City Audit Committee, the CEO and the Director of Corporate Services, shortlisted four applicants and held interviews on Thursday 13 February.

The confidential attachment contains information on the selection panel’s assessment of the applicant and proposes a preferred candidate.

The Committee terms of reference states that the appointment of external members shall be for a maximum term of three years, with the intention of not coinciding with the Council election cycle, hence ensuring an orderly rotation and continuity of membership despite changes to Council’s elected members.

The Committee terms of reference provide for an amount of $750 per quarter to be paid for the review and research of City Audit report matters.
A letter of appointment has been drafted by Jackson McDonald lawyers and it is proposed to include the contract end date as 31 December 2022 which is not a Council election year and will allow for the completion of a full year of City Audit meetings (refer Confidential attachment).

CONCLUSION

Completion of the Council endorsed recruitment process for an external member to the City Audit Committee has resulted in the proposal of candidate A by the selection panel for endorsement.

ATTACHMENTS

1. External Member Confidential Report and Attachments - *This matter is considered to be confidential under Section 5.23(2) (b) (c) of the Local Government Act, as it deals with the matter relates to the personal affairs of a person; AND the matter relates to a contract entered into or which may be entered into by the City of Armadale*

RECOMMEND

That Council:

1. Approve the appointment of Candidate A to the position of External Member to the City Audit Committee.

2. Authorise the CEO to execute the contract of service for the position of External member to the City Audit Committee in accordance with the Confidential attachment.

3. Approve that the term of appointment conclude in December 2022.

ABSOLUTE MAJORITY RESOLUTION REQUIRED
1.2 - COUNCILLORS INFORMATION BULLETIN - ISSUE NO 3/2020

WARD : ALL  
FILE No. : M/90/20  
DATE : 18 February 2020  
REF : MC  
RESPONSIBLE MANAGER : Chief Executive Officer

In Brief:  
- Councillor’s Information Bulletin – Councillors are advised to take note of the information submitted in Issue No. 3/2020 to be received by Council

Strategic Implications  
The following general information and memorandums were circulated in Issue No 3/2020 on 20 February 2020.

COMMENT

Correspondence & Papers
NIL

Information from Human Resources
Employee Movements

Information from Technical Services
Outstanding Matters and Information Items
Various Items
Monthly Departmental Reports
Technical Services Works Program

Information from Community Services

Information Items
Report on Outstanding Matters
Library Upcoming Events
External Grants Schedule
Monthly Departmental Reports and Project Updates
Recreation Services
Library and Heritage Services
Ranger and Emergency Services Library Upcoming Events
External Grants Schedule
Recreation Services
Monthly Departmental Reports and Project Updates
Information from City Strategy
NIL

Information from Development Services
NIL

ATTACHMENTS
There are no attachments for this report.

RECOMMEND

ORDINARY MEETING OF COUNCIL
MONDAY, 10 FEBRUARY 2020

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, 10 FEBRUARY 2020 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
River Ward
predis over

Deputy Mayor, Cr C Frost
Lake Ward

Cr H T Jones
River Ward

Cr J H Munn CMC
Ranford Ward

Cr S Peter JP
Ranford Ward

Cr M S Northcott
Palomino Ward

Cr C A Campbell JP
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 M Silver
Lake Ward

Cr G Nixon
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

Mrs Y Loveland Executive Director Community Services

Mrs S D’Souza CEO’s Executive Assistant

Public: 2

LEAVE OF ABSENCE:

Nil

APOLOGIES:

Apology received from Cr C M Wielinga
3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following questions were taken on notice at Council’s Meeting on 28 January 2020 and responses (summarized below) forwarded in a letter by the Executive Director Technical Services dated 6 February 2020.

Pat Hart - 160 Croyden Road, Roleystone (Chair of the Armadale Gosnells Landcare Group and SE Regional Centre for Urban Landcare Inc)

Q2 Is the Council aware that planning decisions now being approved or on the table for approval will be impacting not only on our natural environment, but also on the health or residents due to climate change?

When undertaking an assessment of relevant approvals, the City is required to adhere to State and Local Planning Policies and Practices. This includes adhering to environmental practices. The State’s Environmental Protection Agency (EPA) is responsible for undertaking the majority of environmental assessment in relation to Planning and Development Approvals and can use relevant legislation (i.e. Environmental Protection Act 1986) to undertake assessment of selected planning approvals. The City is required through legislation (i.e. Planning and Development Act 2005) to refer certain planning applications to the EPA for assessment and determination for environmental significance. An example is the referral of Local Town Planning Schemes (and amendments) for assessment of environmental significance. During this process environmental matters are considered prior to an approval being issued by the relevant authority. The City when it receives such applications ensures the appropriate process has been followed to account for environmental matters through the approvals process.

In respect to concerns in relation to climate change, many of the environmental considerations which relate to climate change are considered through the planning and development assessment process via the City adhering to State and Local Policy. An example is State Planning Policy 3.7 – Planning in Bushfire Prone areas, which requires all new developments in bushfire prone areas to respond to the Bushfire Policy Framework and Guidelines. Policies such as the example mentioned are predicated on the understanding that climate conditions in Australia are changing. Whilst the City doesn’t have a specific climate change policy, the many State and Local Policies that it is required to administer have their foundation in health, environment and the changing climate.

Q4 Is Council aware that when bushland is approved for removal for a development that there is an offset required by the developer for purchase of similar bushland?

The City is aware that in some cases, typically when impacts are considered significant under either the federal Environmental Protection and Biodiversity Conservation Act, or the state Environmental Protection Act that offsets are required, these are generally determined by the relevant federal or state authority.
Q5 Is Council aware that the development out for public comment on Reilly Road Harrisdale shows that the proposed offset for that banksia woodland is at Wannamal 124km away from Armadale as there are no Banksia woodlands locally remaining that can be purchased?

The City is aware of this particular development. The City does not support offsets that are based on the purchase of land outside of the local region in which the impact is taking place, however these offsets are facilitated by State or Federal assessment agencies. The need for this particular proposal to offset impacts to Banksia Woodland and Black Cockatoos under the federal Environmental Protection and Biodiversity Conservation (EPBC) Act does not change the City’s assessment of this particular proposal, and the proponent will (despite their EPBC approval) need to demonstrate that they have met the City’s expectation for management of likely environmental impacts, recognising this site is zoned residential and can be developed for this purpose.

Q6 In relation to the tender for water storage injection to aquifers - Are Councillors aware that the Wungong area is a huge flood plain that the Wungong River which flows into the Southern River and then into the Canning is 100% dammed?

Q7 Is Council aware that the Wungong/Southern River relies on the winter flows to flush out the sediment from the deep pools that has built up due to local government’s inability to address this issue of sediment and that the drains are really modified creeks and streams?

With regards to the proposed Wungong Managed Aquifer Recharge Scheme, the tender under consideration is the first step in identifying whether or not a scheme of this nature is viable.

While it would be premature to engage in consultation at this stage before the City has a suitable consultant engaged who knows the issues involved and understands what the requirements are, the City has every intention on consulting widely with all stakeholders once a consultant has been appointed. This would include referral to Department of Biodiversity, Conservation and Attractions for comment, particularly with respect to any potential impact on environmental flows to the Swan Canning River System.

Jim Martin -18 Derry Ave, Mt Nasura

Q1 Lived on Derry Avenue for more than 25 years and have never had a safe walkway or pathway. 8 years ago I approached Council and was told it was in the 5 year plan. If it was in the 5 year plan there must have been a budget allocation for it – can you tell me what’s happened to that budget allocation for this footpath? We are not able to walk safely as the verge on one side of Derry Avenue is non-existent. If we want to walk down to Minnawarra Park we cannot safely access it. Council has a duty of care to make sure residents can travel safely by foot.
It is understood that this question relates to the petition tabled at the 28 January 2020 Ordinary Council Meeting. Council has received the petition and referred it to the Technical Services Committee. Council will be receiving a report (anticipated in March 2020) for consideration on the matter, the subsequent report will address this query in full.

4  PUBLIC QUESTION TIME

1  Bree Hartley, 6 Haimlee Street, Kelmscott

Questions relate to the Roleystone Theatre and the lease related to the Theatre using the Roleystone hall.

Q1  Is Council aware that in 2014 the Roleystone Theatre from their own funds spent $20,470 redoing the stage at the Roleystone Theatre? This was a fairly equitable amount which is not mentioned in the Council report.

The Mayor advised that Councillors were now made aware and the information also noted by officers.

Q2  The report draws attention to the comparable bookings of the Roleystone Hall from July to December stating there were 11 bookings plus not stated there is a regular hirer of 2 bookings per week. Is Council aware that the report draws the comparison to July to December 2019 saying that there were 2 bookings but that does not take into account the 76 bookings of the Roleystone Theatre in that same time period?

The Mayor acknowledged the information which has now been noted by Councillors.

Q3  In previous years while working through previous council minutes, especially in 2003-2004 there is mention of general support for the Roleystone Theatre in the Ordinary Council Meeting Minutes relating to the importance of the Roleystone Theatre to the local community. The Community Services Strategic Plan (CSSP) for the City of Armadale has a number of activities identified to try to link the community in and in our own Roleystone Theatre Strategic Plan we are actually aiming to address 44 of those points from the CSSP. Does Council realise the value of the Roleystone Theatre Group to the City of Armadale in meeting its own strategic plan goals?

The Mayor acknowledged that on her part she recognised the value of the Roleystone Theatre Group.

Question time closed at 7.05pm

5  APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6  PETITIONS

Nil
CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING HELD ON 28 JANUARY 2020.

MOVED Cr C A Campbell that Council
1. confirm the Minutes of the Ordinary Council Meeting held on 28 January 2020 as a true and accurate record; and
2. note the consequential amendment that was made to the Technical Services Committee meeting minutes of 20 January 2020 as a result of Cr Campbell not being present.

MOTION not opposed, DECLARED CARRIED (13/0)

ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

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

Nil

REPORTS

10.1 TECHNICAL SERVICES COMMITTEE MEETING
Report of the Technical Services Committee held on 3 February 2020.

MOVED Cr G Nixon that the report be received.

MOTION not opposed, DECLARED CARRIED (13/0)

BUSINESS ARISING FROM REPORT

Recommendation T5/2/20 - Petition: Connection of Southampton Road to Warton Road and Pipeline Boulevard, Piara Waters

MOVED Cr G Nixon

That Council:

1. Note the results of the investigation of the petitioners’ concerns relating to traffic flow through Bayonne Corner and the surrounding area.

2. Inform the petition convener accordingly.

MOTION not opposed, DECLARED CARRIED (13/0)
Recommendation T6/2/20 - Armadale Fitness and Aquatic Centre (AFAC) Carpark Extension - Scope of Works

MOVED Cr G Nixon

That Council endorse the construction of an additional parking facility and associated infrastructure at the Armadale Fitness and Aquatic Centre as shown in plan E19-15-4.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation T7/2/20 - Parks Facilities Strategy Park Improvement Plans

MOVED Cr G Nixon

That Council endorse the following proposed staged program of park upgrades throughout the City and list the following items for inclusion for consideration during Council’s 2020/21 Budget and Long Term Financial Plan deliberations over three financial years.

<table>
<thead>
<tr>
<th>PROPOSED FUNDING SOURCES</th>
<th>AVAILABLE POS STRATEGY FUNDING</th>
<th>PROPOSED MUNICIPAL FUNDING</th>
<th>TOTAL FUNDING REQUIRED</th>
<th>CIL FUNDING TO BE INVESTIGATED</th>
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NEXT PRIORITIES

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Recommendation T8/2/20 - Clearing Permit Applications - Skeet Road, Harrisdale and Churchman Brook Road, Bedfordale

Cr Nixon – subject to further clarification recommit clearing at Churchmans Brook Road

MOVED Cr G Nixon

That Council:

1. Approve the City submitting a clearing permit application for the Skeet Road, Harrisdale project, with a Councillor site visit to be conducted prior to any clearing taking place.

2. Authorise the CEO to sign the clearing permit application to be submitted to the Department of Water and Environmental Regulation.

3. Note that a Policy on the submission of Clearing Permit Applications is currently under development and is expected to be presented for Council’s consideration later this year.

MOTION not opposed, DECLARED CARRIED (13/0)

10.2 COMMUNITY SERVICES COMMITTEE MEETING

Report of the Community Services Committee held on 4 February 2020.

CORRECTION:
The outcome of voting for Recommendations C4/2/20 and C5/2/20 to be changed from 7/0 to 6/0

MOVED Cr K Busby that the report, subject to the above correction, be received.

MOTION not opposed, DECLARED CARRIED (13/0)

BUSINESS ARISING FROM REPORT

Recommendation C4/2/20 - Roleystone Hall - Intention to Lease

Councillors Campbell, Shaw and Jones disclosed that they had participated in a fundraising event with the group. As a consequence, they advised that there may be a perception on the basis of their non-financial interests that their impartiality on the matter may be affected, but declared that they would set aside this association, consider the matter on its merits and vote accordingly.
The CEO disclosed that she had participated in a fundraising event with the group. As a consequence, she advised that there may be a perception on the basis of her non-financial interest that her impartiality on the matter may be affected, but declared that she would set aside this association, in providing information and report to Council on the matter.

Cr Smith declared a financial interest in Recommendation C4/2/20 on the basis that he provides catering services for the Theatre.

Cr Smith left the meeting at 7.19pm.

In moving the recommendation Cr Busby indicated that as the information had already been provided by the CEO that part (4) be deleted.

MOVED Cr K Busby that Recommendation C/4/2/20, with the deletion of part (4), be adopted,

That Council:

1. Enter into a Lease with Roleystone Theatre Incorporated for a portion of Cross Park – Lot 1 (No.44) Jarrah Road, Roleystone, as detailed on the attached plan to this report under the following basic terms and conditions:
   - Occupier: Roleystone Theatre Incorporated as bordered red on the plan attached to this report
   - Leased area: Roleystone Hall
   - Term: Two (2) years or earlier by mutual consent
   - Commencement: From the date the last party to the lease, signs the lease
   - Rent: $50 per annum plus GST
   - Insurance: Lessor to be responsible for building insurance
   - Lessee to be responsible for:
     - The cost of all claims resulting from activities of Roleystone Theatre Incorporated that fall within the City’s excess on building insurance (Currently $5,000 per incident);
     - insurance for any property or equipment owned by Roleystone Theatre Incorporated;
     - public liability insurance to a value of $20 Million
     - personal accident for volunteers insurance
     - insurance for community groups hiring spaces
   - Outgoings: Lessee to be responsible for normal outgoings of the premises.
   - Maintenance: In accordance with the schedule attached to this report
   - Other: Roleystone Theatre Incorporated be granted the power under the lease to hire the facility to the broader community and retain all monies received from the hire.

2. Authorise the Chief Executive Officer and Mayor to execute a lease agreement incorporating the details in 1 above.*

3. Authorise the Chief Executive Officer to –
   a) negotiate all other administrative terms and conditions of the lease
   b) exercise all rights available and duties incumbent on the City under the lease
4. Request the Chief Executive Officer to investigate the outgoings incurred by the Roleystone Theatre Incorporated (RTI) to the City over the period since the relocation and provide advice.

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

Cr Smith returned to the meeting at 7.22pm

Recommendation C5/2/20 - Creyk Park Pavilion Upgrade

MOVED Cr D M Shaw

That Council:

1. Amend the City’s 2019/2020 budget to remove the capital expenditure of $651,000 and loan number 340 for Creyk Park Pavilion.

2. Refer for consideration an allocation of $3 million, comprising $2.2 million in Municipal funds and $800,000 in external funds, in the next review of the Long Term Financial Plan towards a new facility at Creyk Park, with the year being determined at that time.

MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY RESOLUTION OF COUNCIL (13/0)

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 (13/0)

BUSINESS ARISING FROM REPORT

Recommendation - Councillors Information Bulletin - Issue No 2/2020

MOVED Cr M S Northcott

That Council acknowledge receipt of Issue 2/2020 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED (13/0)

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

1 Use of Balloons on City Properties (Cr Grant Nixon)
That the matter of banning balloons being taken on City properties be referred to the Community Services Committee as balloons are among the third most harmful pollutant threatening marine wildlife.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 7.25pm

MINUTES CONFIRMED THIS 24th DAY OF FEBRUARY 2020

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MAYOR