ORDINARY MEETING OF COUNCIL
MONDAY, 25 FEBRUARY 2019

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, 25 FEBRUARY 2019 AT 7.00PM.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

_The Mayor, Cr Zelones, declared the meeting open at 7.00 pm._

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

(previously approved)

PRESENT:
Mayor, Cr H A Zelones OAM JP River Ward
presided over
Deputy Mayor, Cr R Butterfield River Ward
Cr J A Stewart Heron Ward
Cr D M Shaw Heron Ward
Cr G Nixon Hills Ward
Cr C M Wielinga Hills Ward
Cr K Busby Minnawarra Ward
Cr G J Smith Minnawarra Ward
Cr J H Munn CMC Ranford Ward
Cr M Geary Ranford Ward
Cr L Sargeson Palomino Ward
Cr C A Campbell JP Palomino Ward

IN ATTENDANCE:
Mr J Lyon Acting Chief Executive Officer
Mr P Sanders Executive Director Development Services
Mr K Ketterer Executive Director Technical Services
Mrs Y Loveland Executive Director Community Services
Ms L Jarosz Acting Executive Assistant to the CEO

Public: 26

LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr C Frost

APOLOGIES:

Cr M Silver Lake Ward
3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

1 Tony Ives - 30 Aulini Drive, Bedfordale WA 6112

Q 1. - Are councillors aware that a grant of $375,000 from the LGGS has been made to replace the Bedfordale Volunteer Bushfire Brigade Fire Station and that there is a time limit on that funding being available. Also are councillors aware that the brigade has offered to provide $80,000 of their own funds to go towards the proposal, and finally will council be offering their support to bring this proposal to fruition in a timely manner. The grant was initially in place in 2017 and to my belief there is nothing outstanding in regards to providing further information.

R. - The Executive Director Community Services advised that Council are aware of the grant that came through the LGGS and City Officers have been discussing it with the Brigade as how it can be applied. There is an assumption that the Fire Brigade facility would be moved, which we have to determine the rationale for and provide Council with information to discuss prior to implementing any major change. We have asked the Brigade for more information on what their understanding of what the grant was intended for and why the current site itself is not acceptable.

2 Rachel Chapman - Level 7, 160 St Georges Terrace, Perth WA 6000

Q 1. Is the Council aware that our original draft DCP proposed to expand the scope for the contribution towards Local Precinct Drainage and POS – Bailey’s Drain Realignment to ensure that, in the event lots in Precinct 3 re redeveloped and are also liable for POS provision, they will be required to make a contribution under Item E to the provision of land and development of POS and drainage in Precinct 2?

R. The Mayor advised that it was discussed at Committee last week and in particular whether the DCP covers the lots which are not currently part of the DCP group. This has also been addressed in the report.

Q 2. Is the Council aware that it may not be able to include additional items in a DCP or amend the scope of an item in the future if the item has already been provided or constructed, ie a road has been constructed by a developer, on the basis that items cannot be included retrospectively into a DCP?

R. The Executive Director Development Services advised that yes, generally retrospective items are excluded.

Q 3. Is the Council aware that our original draft DCP proposed to include a local road to be constructed within Precinct 2 to provide road access to lots to be created in Precinct 2 as well as providing for the future redevelopment of lots in Precinct 3, with the alignment of the road traversing various existing lots under multiple landownership, ie not just a single major developer?

R. The Mayor advised that Committee discussed this at length and the advice received from Officers at that time is included in the report.
3 Joy Poad - U6/15 Murray Crt, Armadale WA 6112

The Kelmscott Westfield Senior Citizens Club operating out of the Harold King Centre won’t be able to afford to stay in the building in two years’ time. If the Kelmscott Westfield Senior Citizens Club can’t afford to stay in the current building they are occupying, where are they to go?

R. The Mayor referred the question to the Executive Director Community Services for further comment.

The Executive Director Community Services stated that the Seniors group that operate out of Harold King do not currently have an agreement in place so the City is working through what an agreement would look like for them to continue their operations there. There have only been very preliminary discussions so there is no detail yet.

The Mayor added that there is a legal requirement to ensure insurance, liability and other requirements are met.

*Public question time closed at 7.09pm.*

5 APPLICATIONS FOR LEAVE OF ABSENCE

1 Request for Leave of Absence (Cr Kerry Busby)

Request for leave of absence received from Cr Kerry Busby for the period of Thursday 14 March to Monday 18 March 2019 inclusive.

MOVED Cr R Butterfield

That Council grant leave of absence to Cr K Busby for the period of Thursday 14 March to Monday 18 March 2019 inclusive (does not include an Ordinary Council meeting).

MOTION not opposed, DECLARED CARRIED (12/0)

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 29 JANUARY 2019.

CORRECTIONS
Page 10 – MATTERS REQUIRING CONFIDENTIAL CONSIDERATION
The Minutes to read as follows:
14.1 Contract Review - Chief Executive Officer

*The CEO declared a financial interest in the matter as it relates to his contract of employment with the City and left the meeting at 7.18pm.*
MOVED Cr Zelones, that the meeting be closed to members of the public in accordance with Standing Order 12.7 as the confidential matter to be discussed affects an employee of Council. [Local Government Act, Section 5.23(2)].

MOTION CARRIED

The Meeting was declared closed to the public. Public and Officers in attendance, with the exception of Mr Scott, Manager Human Resources, left the meeting at 7.19pm.

MOVED Cr Zelones that Standing Orders 9.5 and 10.4, which are suspended by virtue of Standing Order 12.7, be reinstated at 8.39pm.

MOTION CARRIED

Cr Campbell moved that CS5/1/19 not be adopted and foreshadowed that the recommendation that appears on page 2 of the confidential report be adopted.

MOVED Cr C Campbell
SECONDED Cr K Busby
OPPOSED Cr G Nixon
MOTION LOST (6/8)

MOVED Cr Zelones that Standing Orders 9.5 and 10.4, which are suspended by virtue of Standing Order 12.7, be reinstated at 8.39pm.

MOTION CARRIED

That Council adopts Recommendation CS5/1/19 relating to Contract Review - Chief Executive Officer, as contained in the confidential Report.

MOVED Cr M Geary
SECONDED Cr G Nixon
OPPOSED: Cr C Campbell
MOTION DECLARED CARRIED (8/6)

Councillors Busby, Campbell, Frost and Sargeson requested that their vote opposing the motion be recorded.

Cr Campbell requested that the vote of all members present be recorded in the minutes (in accordance with s5.21 (4) (b) of the Local Government Act 1995)

SUPPORTED: Cr R Butterfield, Cr M Geary, Cr J Munn, Cr G Nixon, Cr D Shaw, Cr M Silver, Cr J A Stewart, Cr C Wielinga.

OPPOSED: Cr K Busby, Cr C Campbell, Cr C Frost, Cr L Sargeson, Cr G Smith, Cr H Zelones.

MOVED Cr Zelones that Standing Orders be reinstated and the meeting be opened to members of the public.

MOTION CARRIED

The meeting was declared open and Officers returned to the meeting at 9.20pm.

The Mayor read aloud the Council Resolution relating to CS5/1/19 — Contract Review of the CEO.

MOVED Cr C A Campbell that the Minutes of the Ordinary Council Meeting held on 29 January 2019, subject to the above corrections, be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (12/0)

7.2 PREVIOUS ORDINARY COUNCIL MEETING HELD ON 11 FEBRUARY 2019.

MOVED Cr J A Stewart that the Minutes of the Ordinary Council Meeting held on 11 February 2019 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (12/0)
8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1 Consultation and Communication (Cr Henry Zelones)

On Tuesday 12 February 2019, I attended a briefing session on the NGAA Outer suburbs Catch Up Launch.

On Wednesday 13 February 2019, I attended the Roleystone Karragullen Residents meeting at Illawarra Orchard.

On Thursday 21 February 2019, the Economic Development Manager and I spoke with a Consultant on behalf of the Araluen Botanic Park in regard to their Strategic Plan.

On Saturday 23 February 2019, I attended the Armadale Men’s Shed Annual General Meeting.

2 Marketing and Public Relations (Cr Henry Zelones)

On Saturday 16 February 2019, I attended a local author Sonia Bellhouses’ book launch at the Armadale District Hall.

3 Governance and Economic Development (Cr Henry Zelones)

On Sunday 17 – Tuesday 19 February 2019, Scott Jarvis, Manager Economic Development & Tourism and I attended the NGAA Outer Suburbs Launch in Canberra.

Later on Monday Scott Jarvis and I met with advisors from the Dept. of Prime Minister and Cabinet Indigenous Affairs to discuss reinstatement of the IAS Funding for the Champion Centre.

Cr Ruth Butterfield hosted a private citizenship ceremony on my behalf.

On Wednesday 20 February 2019, I attended a WAPC Board meeting. That afternoon I attend a Local Government House Trust meeting.

On Monday 25 February 2019, I hosted a private citizenship ceremony.

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

Nil
10 REPORTS

10.1 CITY STRATEGY COMMITTEE MEETING

MOVED Cr M Geary that the report, subject to any corrections, be received.

MOTION not opposed, DECLARED CARRIED (12/0)

BUSINESS ARISING FROM REPORT

Recommendation CS6/2/19 - List of Accounts Paid - January 2019

Cr Nixon declared a Financial Interest in the List of Accounts Paid, namely payment No. 2300.48-01 to his employer The Araluen Botanic Foundation Inc. for $277.20. Cr Nixon left the meeting at 7.15pm.

Cr Smith declared a Financial Interest in the List of Accounts Paid, namely payment No. 2291.1404-01 relating to catering services provided by his company to the City. Cr Smith left the meeting at 7.15pm.

MOVED Cr M Geary

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 $28,222,819.60 on Vouchers 30956–31040, Batch 2287-2298, 2300, Direct Debits and PY01.14-PY01.16

Trust Fund
Accounts paid totalling $249,620.00 on Vouchers 7396-7455, Batch 2299 and Direct Debit.

MOTION not opposed, DECLARED CARRIED (10/0)

Cr Nixon and Cr Smith returned to the meeting at 7.16pm.

Recommendation CS7/2/19 - Statement of Financial Activity - January 2019

MOVED Cr M Geary

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 2019; and

(ii) notes there are no reportable actual to budget material variances for the period.

MOTION not opposed, DECLARED CARRIED (12/0)
Recommendation CS8/2/19 - Review of 2018/19 Annual Budget

MOVED Cr M Geary SECONDED Cr J Munn

That Council:

1. pursuant to Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, adopts the attached Report titled, *Review of Budget for the period ended 31 December 2018*; and

2. pursuant to Section 6.8 of the *Local Government Act 1995*, authorises* the following amendments to the 2018/19 Annual Budget as presented and explained in the attached Report titled, *Review of Budget for the period ended 31 December 2018*.

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Budget Amendments ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
<td></td>
</tr>
<tr>
<td><em>Increases</em></td>
<td></td>
</tr>
<tr>
<td>- Finance - instalment charges</td>
<td>100,000</td>
</tr>
<tr>
<td><em>Decreases</em></td>
<td></td>
</tr>
<tr>
<td>- Corporate Funds - rates, interest and other revenue</td>
<td>(65,000)</td>
</tr>
<tr>
<td>- Recreation Services - Armadale Fitness and Aquatic Centre</td>
<td>(550,000)</td>
</tr>
<tr>
<td>- Building - Fees and Charges</td>
<td>(100,000)</td>
</tr>
<tr>
<td>- Planning - Fees and Charges</td>
<td>(100,000)</td>
</tr>
<tr>
<td>- Subdivisions - Subdivision Development Fees</td>
<td>(75,000)</td>
</tr>
<tr>
<td>- Project Co-ordination - North Forrestdale</td>
<td>(3,981,000)</td>
</tr>
<tr>
<td><strong>Net Revenue Increase/(Decrease)</strong></td>
<td>(4,771,000)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Budget Amendments ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Expenditure</strong></td>
<td></td>
</tr>
<tr>
<td><em>Decreases</em></td>
<td></td>
</tr>
<tr>
<td>- Recreation Services - Armadale Fitness and Aquatic Centre</td>
<td>250,000</td>
</tr>
<tr>
<td>- Property Services - Armadale Fitness and Aquatic Centre</td>
<td>100,000</td>
</tr>
<tr>
<td>- Project Co-ordination - North Forrestdale</td>
<td>3,981,000</td>
</tr>
<tr>
<td><strong>Net Expenditure (increase)/Decrease</strong></td>
<td>4,331,000</td>
</tr>
</tbody>
</table>

Forecast Deficit as at 30 June 2019 | (440,000)

PLUS Transfer from Future Project Funding Reserve Account | 0

Net Budget Amendment | (440,000)

**ABSOLUTE MAJORITY RESOLUTION REQUIRED**

MOTION not opposed, DECLARED CARRIED (12/0)
Recommendation CS9/2/19,CS10/2/19 - Recruitment of CEO

In response to a call for nominations, Cr Zelones, Butterfield, Munn, Geary, Sargeson, Campbell, Frost, Silver, Busby and Wielinga nominated to be represented on the CEO Recruitment Committee.

Considering the interest in the recruitment process and as there were ten nominations for representation on this Committee, it was suggested that membership be extended from 7 to 10 Councillors.

MOVED Cr R Butterfield that Recommendation CS10/2/19 be amended as follows:

part (1) (a) to read:

   a. Committee Members to comprise of ten Councillors.

Part (2)
   Appoint the following Councillors to the CEO Recruitment Committee:

   Cr H A Zelones
   Cr R Butterfield,
   Cr J H Munn
   Cr M Geary
   Cr L Sargeson
   Cr C Campbell
   Cr C Frost
   Cr M Silver
   Cr K Busby and
   Cr C M Wielinga.

AMENDMENT not opposed, DECLARED CARRIED (12/0)

MOVED Cr M Geary that Recommendation CS10/2/19, as amended, be adopted.

That Council accept the proposal from respondent Lester Blades to provide professional recruitment services for the recruitment of a new Chief Executive Officer as presented within the Confidential Attachment.

That Council:

1. Adopt the Terms of Reference for the CEO Recruitment Committee as attached, with the following inclusions:

   a. Committee Members to comprise of ten Councillors.

2. Appoint the following Councillors to the CEO Recruitment Panel:

   • Cr Zelones
   • Cr Butterfield
   • Cr Munn
   • Cr Geary
   • Cr Sargeson
   • Cr Campbell
MINUTES - ORDINARY MEETING 11 OF COUNCIL

- Cr Frost
- Cr Silver
- Cr Busby
- Cr Wielinga

3. Endorse the indicative process as attached.

MOTION not opposed, DECLARED CARRIED (12/0)


MOVED Cr Geary that dot point 4 under the heading “Council Meetings” on Page 128 of the Attachment titled “Summary of Phase 2 Local Government Act Review-January 2019” be amended to support the continuation of annual and special electors meetings.

SECONDED Cr C A Campbell
OPPOSED Cr D M Shaw

MOTION LOST (3/9)

MOVED Cr D Shaw

That Council convey to both WALGA and the Department of Local Government, Sport and Cultural Industries the City’s response to the State Government’s phase 2 review of the Local Government Act 1995, in accordance with the amended summary report as attached.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation CS12/2/19 - Community Consultation Procedures

MOVED Cr M Geary

That Council:

1. note the current investigations by the City into improving community engagement through the Community Engagement Strategy, Catalyst Project and Better Business Review;
2. note the advances made to community engagement through special projects which use engagement through workshops and open day events;
3. note the existing limitations to the distribution of hardcopy plans; and
4. request the inclusion of appropriate clauses in tenders and in selected application forms to allow the City to distribute plans on its projects and individual developments where it considers appropriate and when permission has been granted.

MOTION not opposed, DECLARED CARRIED (12/0)
Recommendation CS13/2/19 - Additional Security Services for the City (Referral Matter)

MOVED Cr M Geary

That Council receive a report on the cost, role and responsibilities of security services in other local governments.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation CS14/2/19 - Caretaker Policy (Referral Matter)

MOVED Cr M Geary

That Council receive a report providing information regarding other local governments caretaker policies.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation CS15/2/19 - Depot Redevelopment - Long term Future of the City's Works Depot

MOVED Cr M Geary

That Council adopt the recommendation relating to the Depot Redevelopment, as contained in the Confidential Report, i.e.

That Council:
1. Pursue an initial due diligence process on:
   a. The viability of the market valuation of the Owen Road depot land.
   b. The suitability of alternate sites for an operations depot in the vicinity of Forrestdale Business Park East or another alternate site
   c. The possible sale or lease (in part or in full) of the current land parcels that comprise the City’s works depot.
2. Receive a report based on the outcomes of the above due diligence process.
3. Receive further information on the master planning of the Owen Rd depot site and convene a Councillor Workshop.
4. Receive a further report providing detailed financial analysis on all the options for the depot.

MOTION not opposed, DECLARED CARRIED (12/0)

10.2 DEVELOPMENT SERVICES COMMITTEE MEETING


MOVED Cr D M Shaw that the report, subject to the above corrections, be received.

MOTION not opposed, DECLARED CARRIED (12/0)
BUSINESS ARISING FROM REPORT

Recommendation D6/2/19 - Tender No.34/18 - Provision of Private Swimming Pool Inspection Services

MOVED Cr D M Shaw

That Council, in regard to Tender 34 of 2018 for the provision of Private Swimming Pool Inspection Services:

1. Accept the tender from C.E. Nicholls & Son Pty Ltd for a period of two (2) years commencing 23 March 2019 in accordance with:

   - The tenderers’ submitted schedule of rates as presented at Confidential Attachments
   - Council’s contract documentation, Budget and Long Term Financial Plan estimates

2. Authorise the Chief Executive Officer to extend the contract for two (2) periods of twelve (12) months up to 22 March 2023, subject to satisfactory performance by the contractor and price adjustments, such as specified in the Request for Tender Special Condition of Contract Clause 4.1.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation D7/2/19 - SAT Mediation - Lot 9 Brookton Highway, Karragullen - Extractive Industry (Gravel) - Reconsideration of Conditions

MOVED Cr D M Shaw

That Council:

A) Varies its decision of 23 April 2018 in accordance section 31(2)(b) of the State Administrative Tribunal Act 2004 as follows:

   i) Replace the August 2017 Development Application Plan with the proposed Development Site Plan (dated 08/01/2019) subject to the following modifications:

      a. Plan is include the extent of ‘blue Areas A and B’ into ‘Zone 2’ to require their revegetation,

   ii) Condition 2 of the Development Approval is modified to read as follows:

      “The Site Environmental Management Plan (version 4, January 2019) being amended to the satisfaction of the Executive Director Development Services prior to undertaking of any clearing works in the ‘Stage Four’ extraction area. Revision of the Site Environmental Management Plan shall address the following requirements:

      a. Amended Development Site Plan (required by (i) above) to be inserted/updated in all relevant appendices;
      b. Modify the maximum pit area to 2.2ha;
      c. Submission of a clearly defined and measurable time schedule for revegetating the extraction areas (i.e. ‘Zone 3’ and Stage 4 extraction area);
      d. Submission of a staging plan that clearly demonstrates how the 2.2ha
maximum pit area will be achieved at all times”;

iii) Condition 4 of the Development Approval is modified to read as follows:
“A revegetation works bond of $65,959 is to be provided by the owners of the site to cover all past and currently approved extraction areas (i.e. up to and including Stage Four), prior to any clearing works for Stage 4 to the satisfaction of the Executive Director Technical Services”.

iv) Conditions 1, 3, and 5 - 24 of the Development Approval are to remain unaltered.

B) Advise the State Administrative Tribunal and the applicant of the Council’s decision in this regard.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation D8/2/19 - Initiation of Development Contribution Plan 4 - TPS Amendment No.102 - Anstey Keane Precinct Forrestdale

MOVED Cr D M Shaw

That Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, initiate Amendment No.102 to Town Planning Scheme No.4 as a complex amendment in accordance with Part 5, Clause 34 – complex amendment, subsection (e) of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows:

A. Amending Special Control Map 3 as shown on the attached Proposed Zoning – Special Control Area Map 3 Plan and include the area as Development Contribution Area 4 and insert Development Contribution Plan No.4 into Schedule 9B of Town Planning Scheme No.4 as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description of Land</th>
<th>Contribution Arrangements</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Development Contribution Area (DCA) 4 - Anstey Keane Precinct (Forrestdale) Urban Development Area as identified on Scheme Special Control Area Map 3</td>
<td>4.1 - Relationship to other plans and other parts of the Scheme</td>
</tr>
</tbody>
</table>

The development contribution plan generally conforms to the Southern River Forrestdale Brookdale Wungong District Structure Plan, Approved Structure Plans for Development Contribution Area 4 and the City of Armadale Community Infrastructure Plan, Local Planning Strategy, Corporate Business Plan and Strategic Community Plan.

Where the provisions of Development Contribution Plan 4 are inconsistent with the provisions of Part 5A of the Scheme, then the provisions of Development Contribution Plan 4 in Schedule 9B prevail to the extent of any inconsistency.

4.2 - Definitions

Assessed Value means a land value obtained in accordance with the procedures described in clauses 4.4.5 to 4.4.6 of Development Contribution Plan 4.

Developable Area is defined as a total area of land minus land area
deductions as detailed in the Development Contribution Plan 4 Infrastructure Cost Schedule. The Existing House Land deduction as noted in the DCP can be adjusted at the discretion of the City at the time when a Cost Contribution becomes due for a lot affected by such an Existing House Land deduction. Such an adjustment may be determined as necessary where an Existing House Land lot is subdivided or developed beyond the potential assumed in the Land Area Deductions summary. Such an adjustment will then be incorporated into the next review of the Development Contribution Plan 4 Infrastructure Cost Schedule.

Development Contribution Plan Report means a report appurtenant to the Scheme and Development Contribution Plan 4, and containing information and instructions on the operation of Development Contribution Plan 4, as periodically reviewed in accordance with Development Contribution Plan 4.

Infrastructure Cost Schedule means a schedule appurtenant to the Scheme and Development Contribution Plan 4, and containing the estimated cost of Infrastructure and Administration of Development Contribution Plan 4, contribution cost, land area deductions and land area summary, as periodically reviewed in accordance with Development Contribution Plan 4.

4.3 - Infrastructure and Administrative Items to be funded

4.3.1 Infrastructure Item 1a - Sporting and Community Facilities - Senior Size Playing Field – Land Acquisition:

Full costs to acquire land for a minimum of 4.9ha of Public Open Space at a location approved by the City within Development Contribution Area 4.

4.3.2 Infrastructure Item 1b - Sporting and Community Facilities - Senior Size Playing Field – Construction:

Full costs to construct a minimum of 4.9ha of public open space, including a senior sized multi use playing field area, to the specifications and dimensions approved by the City and at a location approved by the City within Development Contribution Area 4 minus contributions from other sources if and when they become available.

4.3.3 Infrastructure Item 1c - Sporting and Community Facilities - Sporting and Community Buildings and Structures – Construction:

Full costs to construct sporting and community buildings and structures at the public open space included under Infrastructure Items 1a and 1b minus contributions from other sources if and when they become available.

4.3.4 Infrastructure Item 2a – Movement Network – Anstey Road Widening and Construction

Full cost to upgrade Anstey Road, including road widening land, from Armadale Road to the Primary School as detailed in the Development Contribution Plan Report and Infrastructure Cost Schedule.

4.3.5 Infrastructure Item 2b – Movement Network – Keane Road Construction
<table>
<thead>
<tr>
<th>Contribution towards the upgrade Keane Road as detailed in the Development Contribution Plan Report and Infrastructure Cost Schedule.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.3.6 Infrastructure Item 2c – Movement Network – Shared Path Network</td>
</tr>
<tr>
<td>Fixed maximum contribution towards a shared path network within the Anstey Keane Urban Precinct as detailed in the Development Contribution Plan Report and Infrastructure Cost Schedule.</td>
</tr>
<tr>
<td>4.3.7 Infrastructure Item 3a – Local Precinct Drainage and POS – Baileys Branch Drain Realignment</td>
</tr>
<tr>
<td>Fixed maximum contribution to the realignment and construction of the Baileys Branch Drain within a multiple use corridor as detailed in the Development Contribution Plan Report and Infrastructure Cost Schedule.</td>
</tr>
<tr>
<td>4.3.8 Infrastructure Item 4a – Utilities – Pump Station Land</td>
</tr>
<tr>
<td>Contribution towards the acquisition of land for a sewer pump station as detailed on the approved structure plan.</td>
</tr>
<tr>
<td>4.3.9 Administration Costs:</td>
</tr>
<tr>
<td>Full costs associated with preparing and administering Development Contribution Plan 4.</td>
</tr>
</tbody>
</table>

**4.4 - Method for Calculating Contributions and Assessed Values**

**4.4.1 Approach**

Contributions for infrastructure items will be calculated on a Developable Area basis.

**4.4.2 Cost Contribution Calculation**

The contribution to be made by each Owner to the implementation of the Infrastructure and Administration Costs shall be a Cost Contribution, based on a per hectare basis calculated by the Local Government as follows:

**4.4.2.1 Infrastructure Items per hectare calculation**

| a) Calculation for entire Development Contribution Area Base Rate |
| Infrastructure Items per hectare base rate calculated as follows: |
| Cost of infrastructure items where the costs are to be shared across the entire Development Contribution Area 4 as detailed in the Infrastructure Cost Schedule + (plus) Administrative Costs / (divide) total Developable Area (ha) for Development Contribution Area 4. |
| b) Calculation for additional rate for areas within Development Contribution Area 4 |
| Infrastructure Items per hectare Additional Rate calculated as follows: |
| Cost of infrastructure items where the costs are to be shared across part of Development Contribution Area 4 as detailed in the |
Infrastructure Cost Schedule / (divide) total Developable Area (ha) for the part of Development Contribution Area 4 over which the costs are to be shared.

4.4.2.2 Cost Contribution Due

a) The Cost Contribution due by owners shall be based on the Developable Area of an owners land parcel and calculated as follows:

i. Cost Contribution due for the entire Developable Area within Development Contribution Area 4:

Developable Area (ha) of an owners land parcel x (multiply) Infrastructure items per hectare Base Rate.

ii. Additional Cost Contribution due for parts of the Development Contribution Area 4 where an additional rate applies as specified in the Infrastructure Cost Schedule calculated as follows:

Developable Area (ha) of an owners land parcel where an additional Cost Contribution applies x (multiply) Infrastructure items per hectare Additional Rate.

4.4.3 Valuations

The provisions of Clauses 5A.9.2 to 5A.9.6 of the scheme do not apply to Development Contribution Plan 4. The following variations apply to the acquisition of land for Infrastructure Works, calculation of costs and valuation of land within Development Contribution Area 4.

4.4.4 Compulsory Acquisition

Where land has been compulsorily acquired and a lawful claim for compensation has been served on the Council, the Council may claim compensation for betterment under Section 184 of the Planning and Development Act 2005 and the value attributed to the betterment of the land subject of the claim shall be set off against any compensation otherwise payable to the claimant under the Land Administration Act 1997 or any re-enactment of its provisions related to compulsory acquisition and compensation.

4.4.5 Assessed Value

a) The Council may at any time ascertain the value of any land in Development Contribution Plan 4 for the purpose of estimating Infrastructure costs, payments and cost contributions.

b) If it is necessary, for any purpose to ascertain the value of any land, such value should be determined by two licensed valuers appointed from time to time by the local government herein referred to as “the Valuation Panel”. The members of the Valuation Panel may confer as to value, and if they are unable to arrive at a consensus value, they shall confer with the Chief Executive Officer of the local government (“CEO”) or the officer to whom the CEO delegates that function from time to time. If the valuers with the officer cannot arrive at a
consensus value then the officer shall select a value which represents the median value between the two values nominated by the valuers on the Valuation Panel and will be advertised under the next following paragraph (c) (“the Assessed Value”).

The Valuation Panel may determine more than one Assessed Value in the Development Contribution Plan area, where the local government or the Panel identifies that there are significant differences in land values within Development Contribution Area 4.

c) As soon as possible after the Assessed Value or Assessed Values have been ascertained it should be advertised for a period of not less than 28 days to allow for submissions to be made in regard to the proposed Assessed Value or Assessed Values. Assessed Values may be advertised concurrently as part of a Development Contribution Plan 4 review carried out in accordance with Clause 4.9.1 of Development Contribution Plan 4.

An owner who lodges an objection under this clause shall submit with the objection supporting evidence from a suitably qualified person in the specific field being objected to.

d) The local government shall as soon as possible consider all submissions made on an Assessed Value and may refer any submission to the Valuation Panel for comment, but where a submission is accompanied by expert valuation advice based on the valuation principles contained in Development Contribution Plan 4, it should be referred by the local government to the Valuation Panel for comment.

Having considered the submissions and any comment from the Valuation Panel, the local government shall fix upon the Assessed Value or Assessed Values to be applied under Development Contribution Plan 4 and Infrastructure Cost Schedule until the next Assessed Value or Assessed Values has been determined.

e) It is intended that any Assessed Value or Assessed Values should apply for no more than 13 months but while an Assessed Value remains current it shall stand as the value of land within Development Contribution Plan 4 and Infrastructure Cost Schedule for all purposes under Development Contribution Plan 4 and Part 5A of the scheme and the Infrastructure Cost Schedule.

f) Where land is ceded or acquired for a Infrastructure Work, otherwise than by compulsory taking, for the purpose of determining the amount to be paid to the owner from whom the land is acquired, the value of the land shall be calculated according to the same Assessed Value as was applied to the Cost Contribution paid or payable by that owner on the clearance by the local government of the subdivision of land in the same deposited plan as contains the land acquired.

4.4.6 Valuation Principles
In ascertaining the Assessed Value or Assessed Values under Development Contribution Plan 4, all land shall be valued in its broad acre form as depicted on 1 January 2019, ignoring any services or infrastructure provided in accordance with the provisions of the relevant Local Structure Plan and applying the following principles:

i. regard is to be had to the land classifications and zonings existing at the date of valuation;
ii. the date of valuation is to be the date on which the local government nominates;
iii. ignoring any improvements or works on the land;
iv. the land should be valued without regard to the Infrastructure work and the purpose for which the land is acquired shall not be taken into consideration;
v. in selecting relevant sales evidence, regard should be had first to values derived from land in the same area, and if there is not adequate evidence, from nearby or similar land in the area, in priority to any other sales evidence; and
vi. the method of valuation shall otherwise be in accordance with normal fair market valuation principles.

4.4.7 Variance and Solatium

a) When calculating or reviewing Contribution Costs and the Infrastructure Cost Schedule, the local government will have regard to the value of the land required for Infrastructure and include an amount of 10% over and above the Assessed Value of such land, to ensure that the local government has or will receive sufficient funds in Development Contribution Plan 4 account to acquire land for Infrastructure to meet its obligations for appropriate payment to such owners, and ensure the Infrastructure can be completed in a manner that minimises the need for external borrowing. The local government may also apply a further amount above the Assessed Value to recognize any compulsory taking of land, compensations and/or acquisition of structures.

b) Where land is acquired in the circumstances contemplated in subclause 4.4.5 (f) of Development Contribution Plan 4, the Council shall pay to the owner an additional amount not more than 10% of the amount calculated under that Clause.

4.4.8 Acquisition Prior to Gazettal

Where land required for Infrastructure is ceded to the Crown or acquired by the local government prior to the Minister granting final approval and publication of the Development Contribution Plan 4 Amendment in the Government Gazette, the appointment of the Valuation Panel by the local government under of Development Contribution Plan 4 or adoption of the Infrastructure Cost Schedule by the Council, the land shall be valued in accordance with the clauses 4.4.3 to 4.4.7 of Development Contribution Plan 4 by the Valuation Panel and the date of valuation shall be the date the land for the Infrastructure Work is acquired by the local government or the local government issues its clearance to the deposited plan that contains the Infrastructure land, whichever is the earlier.

4.4.9 Provision of Land for Infrastructure Works

Where the Infrastructure Cost Schedule includes a land component
for a Infrastructure on the relevant lot for which a Cost Contribution is due, an Owner shall cede to the Crown or transfer to the local government the required Infrastructure land at the first stage of subdivision and/or development for that particular landholding or by prior agreement at an alternative date agreed by the local government. The value of the land will be determined in accordance with Development Contribution Plan 4 and Owners will be paid once the land is ceded to the Crown or transferred to the local government and is already included in Development Contribution Plan 4.

4.5 - Period of Operation

4.5.1

Development Contribution Plan 4 is proposed to operate for a period of 10 years from the date of gazettal of the town planning scheme amendment that introduces Development Contribution Plan 4 into the Scheme, by which time development within Development Contribution Area is expected to be largely complete. The proposed timeframe aims to account for uncertainty regarding the staging and completion of development across the entire precinct.

The City may in the future consider extending the period of operation, through an amendment to the Scheme, in the event that growth does not occur as rapidly as expected, or if new growth areas occur. The City may also terminate the Development Contribution Plan 4 earlier, through an amendment to the Scheme, if growth occurs quicker than expected and all contributions have been settled.

All land within the Development Contribution Area is subject to the requirements of the Development Contribution Plan 4 until the plan expires or revoked.

4.6 - Excess in Contributions

4.6.1

Clause 5A.8.2 of the scheme does not apply to Development Contribution Plan 4. If there is an excess in the total of Cost Contributions when all Cost Contributions have been made or accounted for in the Development Contribution Area, the local government is to refund the excess funds to the contributing owners and or use all or some of the excess funds for improvements to infrastructure included in Development Contribution Plan 4 and subject to agreement from the majority of the contributing Owners.

If, however, it is not reasonably practicable to identify Owners and their entitled amount of refund and consult with Owners, any excess in funds shall be applied to the provision of additional improvements to Infrastructure included in Development Contribution Plan 4.

The local government should make information publically available regarding any spend of excess funds.

4.7 - Timing and priority

4.7.1

The Local Government will use its best endeavours to provide Infrastructure, including the acquisition of land for infrastructure, as soon as possible taking into considering the Local Government’s
Corporate Business Plan, the rate of development in Development Contribution Area 4 and funds collected in Development Contribution Plan 4.

4.8 - Review and Prefunding Process

4.8.1 Review

Development Contribution Plan 4 will be reviewed at least every 5 years from the date of gazettal or when considered appropriate having regard to the rate of development in the area since the last review and the degree of development potential still existing.

The estimated Infrastructure Costs, Assessed Values and Infrastructure Cost Schedule will be reviewed and updated at least annually. The Review will reflect changes in material prices, design costs, design requirements, specifications, labour requirements, Assessed Values and other expenditure associated with Development Contribution Plan 4 and actual and forecast future development patterns in the area. In some instances the costs will be indexed based on the Local Government Cost Index (LGCI) or another appropriate index and they may be reviewed and certified by a suitably qualified person. The local government's priority and timing for infrastructure will also be reviewed at least annually.

Reviews of Development Contribution Plan 4 or Infrastructure Cost Schedule, including Assessed Values shall be undertaken in accordance with the provisions contained within the Development Contribution Plan 4 Report and applicable Local Government Local Planning Policy. In the absence of an applicable Local Government Local Planning Policy the provisions contained in the Development Contribution Plan 4 Report shall apply.

4.8.2 Prefunding of Infrastructure

An owner of land within the Development Contribution Area may, with the prior written approval of the local government, undertake implementation of any Infrastructure referred to in Clause 4.3 of Development Contribution Plan 4.

Where an owner wishes to undertake implementation of Infrastructure works, with the exception of land required for a Infrastructure work, the owner shall, before commencing to carry out such works, first lodge a prefunding agreement application for the Infrastructure works with the Local Government, which reserves the right to review and approve with or without conditions or refuse the prefunding agreement application, and to permit or prevent the owner from carrying out the works until such time as the owner’s prefunding agreement application has been approved. The local government will endeavour to respond to an owner’s prefunding application within sixty (60) days.

An Owner who undertakes the implementation of any Infrastructure words should lodge a first and final claim for credit or reimbursement that includes relevant records within one year of completing the agreed works, unless agreed otherwise by the local government. If a claim for credit or reimbursement is not lodged within one year, the local government may determine that the time period for claiming credit or reimbursement has expired and it is no longer liable for
payment of the prefunded works or land.

Prefunding and claim applications made by Owners shall be treated in accordance with the provisions contained within the Development Contribution Plan 4 Report and applicable Local Government Local Planning Policy. In the absence of an applicable Local Government Local Planning Policy the provisions contained in the Development Contribution Plan 4 Report shall apply.

4.9 Prior Cost Contribution Payments

Any stages of subdivision and/or development for which interim Cost Contribution payments have been made, in accordance with a Draft DCP and / or under an Interim Contributions Agreement made between the Local Government and an Owner and prior to this Development Contribution Plan 4 coming into effect, will be required to pay any additional Cost Contribution that may be required or be refunded any additional Cost Contribution paid, as if those interim payments had been made under the final Development Contribution Plan 4 gazetted as part of the Scheme.

B. Amend Clause 5A.9.1 (a) of by changing the word “Plan” to “Plans” and adding “and No.4” after “No.3” where they occur.

2. 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, the City will forward the Amendment to the WAPC to obtain permission to advertise the Amendment as proposed.

Should the WAPC advise that the amendment does not require modification, advertise the Amendment for no less than 60 days.

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

4. Adopt the attached Development Contribution Plan 4 Report and Infrastructure Cost Schedule for Advertising with Amendment No.102, subject to the amendments detailed in the Executive Director’s memo dated 19 February 2019 and the ‘Preparation Cost Prefunded by Landowners’ being modified to $250,000 in the documents for advertising purposes, whilst further investigation is undertaken on the reimbursement amount.

5. Request that the Anstey Keane Precinct community and sporting facility be listed for consideration for inclusion in the next update of the City’s Budget, Long Term Financial Plan and Community Infrastructure Plan.

MOTION not opposed, DECLARED CARRIED (12/0)
Recommendation D9/2/19 - Proposed Local Planning Policy PLN 5.4 Cash in Lieu for Car Parking

Committee Recommendation

That Council:

1. Advertise the draft Cash in Lieu for Car Parking Local Planning Policy PLN 5.4 for a period not less than 21 days in accordance with Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

2. Refer the draft Cash in Lieu for Car Parking Local Planning Policy to the Western Australian Planning Commission for comment.

In moving the recommendation Cr Geary recommended that Council not initiate a draft Local Planning Policy for Cash in Lieu for Car Parking.

MOVED Cr Geary that Recommendation D9/2/19 be not adopted.

SECONDED Cr R Butterfield
OPPOSED Cr D M Shaw

MOTION LOST (3/9)

In moving the following recommendation, Cr Shaw advised that the item be recommitted to the Development Services Committee to allow Council the opportunity to reconsider the report.

MOVED Cr D M Shaw

That Council not adopt Recommendation D9/2/19 - Proposed Local Planning Policy PLN 5.4 Cash in Lieu for Car Parking and recommit to the Development Services Committee.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation D10/2/19 - City of Armadale Design Review Panel

MOVED Cr D M Shaw

That Council:

1. Request the City list the establishment of a Design Review Panel for consideration for funding and budget allocation as part of the next review of the Long Term Financial Plan and 2019/20 Budget process.

2. Note that should Council support funding, then further reports will be prepared considering the operation of a Design Review Panel.

MOTION not opposed, DECLARED CARRIED (12/0)
Recommendation D11/2/19 - Commercial Vehicle Parking (Renewal) - Lot 26, No.34 Rails Crescent, Wungong

Cr Busby declared a financial interest in Recommendation D11/2/19 on the basis that the applicant is a client of his computer business and left the meeting at 7.55pm.

MOVED Cr D M Shaw

That Council:

A) Refuse the renewal application for the parking of a 1992 9.7 tonne commercial vehicle and a 2013 2.7 tonne commercial trailer at Lot 26, No.34 Rails Crescent, Wungong for the following reasons:

1. It is of the view that approving the application will have a significant adverse effect on the amenity of the surrounding neighbourhood.

2. The applicant has not demonstrated that the amenity of the neighbourhood will not be prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust or the storage of unlicensed, derelict and or damaged motor vehicle.

3. The proposal is inconsistent with the objectives of the Rural Living (CL.3.2.3) zone of Town Planning Scheme No.4 which reads as follows-

   (b) To provide for a range of associated compatible development, consistent with 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.

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

MOTION not opposed, DECLARED CARRIED (11/0)

Cr Busby returned to the meeting at 7.56pm.

Recommendation D12/2/19 - Final Adoption - Amendment No.97 - TPS No.4 New Special Rural zone and changes to land use permissibility in the rural living zone

Cr Wielinga declared a financial interest in Recommendation D12/2/19 on the basis that she resides in the proposed rezoning area as per Amendment No.97 and left the meeting at 7.56pm.

Cr Butterfield declared a non-financial interest in Recommendation D12/2/19 on the basis that she has relative who put in a submission. As a consequence, she advised that there may be a perception on the basis of her disclosed non-financial interest that her impartiality may be affected but declared that she would set aside that association, consider the matter on its merits and vote accordingly.

Cr Zelones declared a non-financial interest in Recommendation D12/2/19 on the basis that he has an association with the WAPC as a member of the WAPC Board. As a consequence,
he advised that there may be a perception on the basis of his disclosed non-financial interest that his impartiality may be affected but declared that he would set aside that association, consider the matter on its merits and vote accordingly.

In moving the following motion, Cr Shaw referred to further advice provided, recommending that the amended sub-clause 4B.10.1 (a) and (b) be adopted to provide greater clarity.

MOVED Cr D M Shaw that sub-clause 4B.10.1 (a) and (b) of Recommendation D12/2/19 be amended as follows:

(a) For lots that abut or have vehicle access within 100 metres of a Primary Regional Road and/or Other Regional Road reservation under the Scheme, a minimum lot size of 2 hectares is required.
(b) For all other locations not referred to in (a) above, a minimum lot size of 4 hectares is required.

AMENDMENT not OPPOSED, DECLARED CARRIED (11/0)

MOVED Cr D M Shaw that Recommendation D12/2/19, as amended, be adopted

That Council:

1. Pursuant to Part 5 of the Planning and Development Act 2005 adopt, with modifications, Amendment No.97 to Town Planning Scheme No.4 as a standard amendment in accordance with Part 5, Clause 34 – standard amendment, subsection (a), (b), (c), (e), (f) and (g) of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows:

A. Insert clause ‘3.2.13 Special Rural’ as follows:

‘3.2.13 Special Rural

(a) To provide for a bushland and/or semi-rural lifestyle based on defined lot sizes, land form and natural environmental characteristics with potential to undertake development incidental to the residence as well as a range of small scale agricultural land uses compatible with the site and locality’s amenity and natural values.

(b) To ensure development is sited, designed and managed in harmony with the natural environment and so as to protect the vegetation, rural landscape and amenity of the site and locality.’

B. Insert into the Zoning Table the ‘Special Rural’ column and insert the land use permissibility symbols ‘P’, ‘D’, ‘A’ and ‘X’ against the Uses Classes as follows:

i) ‘P’ uses - home office, recreation-domestic, single house;
ii) ‘D’ uses - ancillary accommodation, bed & breakfast, dam construction, family day care centre, home occupation, industry-cottage, rural pursuit;
iii) ‘A’ uses - agriculture-intensive, commercial vehicle parking, home business, occasional uses, telecommunications infrastructure;
iv) ‘X’ uses – all remaining Use Classes in the Special Rural Column of the
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Zoning Table not designated with permissibility symbols ‘P’, ‘D’ and ‘A’, as above.

C. Insert the words ‘Special Rural’, and the word ‘zone’ as required in the following locations of the Scheme Text:
   i) Part 4B heading, explanatory notes and Clause 4B;
   ii) Clause 4B.7.1;
   iii) Clause 4B.8.1, and include the following rows in the Table under the headings shown:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Code</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Rural</td>
<td>SR 1</td>
<td>1 hectare</td>
</tr>
<tr>
<td>Special Rural</td>
<td>SR 2</td>
<td>2 hectares</td>
</tr>
<tr>
<td>Special Rural</td>
<td>SR 4</td>
<td>4 hectares</td>
</tr>
<tr>
<td>Special Rural</td>
<td>SR 10</td>
<td>10 hectares</td>
</tr>
</tbody>
</table>

iv) Schedule 1 – Item ‘1. Land Use Definitions’, “rural zone” definition.

D. Insert into the ‘Zones’ legend of the TPS No. 4 Map the ‘Special Rural’- SR 1, 2, 4 and 10 zone and colour sample, as depicted on the Scheme Amendment Maps.

E. Rezone on the TPS No.4 Map the following localities from ‘Rural Living’ to ‘Special Rural’ zone and replace the localities associated ‘RL’ density code acronym with the ‘SR’ density code acronym and modify the density code number where indicated on the Amendment’s Zoning Plans as follows:

   i) the locality with the RL 1 and 2 density code east of South Western Highway in Wungong and Mount Richon that includes lots fronting to Richon Heights, Cooliabberra Drive, Leys Rise, Hefron Glade, Rails Crescent, Corrigan Rise and Wungong Close;
   ii) the locality with the RL 2 density code in Forrestdale that includes lots fronting Oxley Road, Honeymyrtle Loop, Taylor Road and Wolfe Road, and the following lots with the RL X density code including the following changes to the lots density codes:
      a) Lot 22(No.80) Oxley Road, Forrestdale from RL X to SR 1; and,
      b) Lot 21(No.74) Oxley Road, Forrestdale from RL X to SR 4.
   iii) the locality with the RL 1, 2, 4 and 10 density codes general south of Albany Highway in Bedfordale that includes lots fronting Albany Highway, Nelson Street, Admiral Road, Howe Street, Blake Street, St Vincent Street, Cross Road, Godwit Retreat (but excluding Lots 12, 13, and 14), Old Admiral Lane, Dowell Close, Wallangarra Drive, Otway Place, Chipper Close, Springfield Road, Stevens Road, North Road and Admiral Road (South);
   iv) the locality with the RL 1 and 2 density codes in Kelmscott that includes lots fronting Patterson Road, Labyrinth Close, Rowley Street, Long Street, Scott Road and Agostino Road, and the localities with the RL 1, 2 and 4 density codes in Roleystone that includes lots fronting Butcher Road, Soldiers Road and Wymond Road;
v) the locality with the RL 2 density code to the east and south of Brookton Highway in Roleystone that includes lots fronting Hawkstone Road, Brookton Road, Simons Drive, Rodgers Court, Thorp Place, Irymple Road, Omeo Place, Leworthy Loop, Civa Heights, Eugene Place and Ferguson Road;

vi) the locality with the RL 1 and 2 density codes generally west of the Roleystone Residential zone in Roleystone that includes lots fronting Holden Road, Peet Road (south of Raeburn Road but excluding Lot 194), Lot 101 Raeburn Road, Coventry Road, Buchanan Road, Urch Road (west of the rear boundary of lots fronting Coventry Road), Ronan Road, Tower Road, Canning Mills Road, Kylie Road and View Street;

vii) the locality with the RL 2 density code generally bounded by the Tonkin Highway, Ranford Road, the Wungong River reservation and Champion Drive in Champion Lakes that includes lots that front to Ranford Road, McNeill Road, Mustang Road, Clydesdale Street, Palomino Place and Allen Road (unconstructed); and,

viii) the locality with the RL 2 density code north of Albany Highway in Bedfordale that includes lots fronting Narbethong Road, Dmietrieff Road, Equestrian Avenue and Strapper Road.

F. Modify the permissibility symbols of land uses in the Rural Living column of the Zoning Table as follows:

i) ‘civic use’ and ‘recreation-public’ from ‘P’ (permitted) to ‘X’ (not permitted);

ii) ‘display home centre’ from ‘D’ (discretionary) to ‘X’ (not permitted);

and,

iii) ‘consulting rooms’, ‘fuel depot’, and ‘hospital’ from ‘A’ (discretionary) to ‘X’ (not permitted).

G. Reclassify Lot 108 (Reserve No.52231) Springfield Road in Bedfordale from Rural Living zone to Parks and Recreation (Local) reservation on the Scheme Map.

H. Rezone Lot 50 (No.681) Albany Highway in Bedfordale from Rural Living zone to Local Centre zone and remove from the Scheme Text Schedule 2 – Additional Uses and the Scheme Map Additional Use No.4 area.

I. Add to Schedule 1 – 2. Land use definitions, the following:

“rural home business” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation —

(a) does not involve employing more than 2 people who are not members of the occupier’s household;

(b) will not cause injury to or adversely affect the amenity of the neighbourhood;

(c) does not occupy an area greater than 100m²;

(d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet;
(e) does not result in a significant increase in traffic volumes disruptive to the amenity of the neighbourhood;
(f) does not involve the presence, use or calling of more than 1 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;
(g) does not involve the use of an essential service of greater capacity than normally required in the zone.”

J. Insert into the Zoning Table the use class/row ‘rural home business’ and add the land use permissibility symbol ‘A’ in the Rural Living, Special Rural and General Rural columns and the land use permissibility symbol ‘X’ against all remaining use classes in the Zoning Table.

K. Add to Schedule 7A – Car Parking Standards, in the Land Use Column of Home Business the word ‘Rural Home Business’.

L. Add to the Home Occupation definition in Schedule 2 – Land use definitions the following item:

i) “(h)One (1) health consultant shall not be deemed to be excluded from the Home Occupation definition by reason of the operations of Clause 3.4.1 of the Scheme Text; and,” and
ii) add the word ‘and’ at the end of (g).

M. Add to Schedule 2 – Additional Uses under the headings the following new entry:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description of Land</th>
<th>Additional Use</th>
<th>Conditions and Requirements (See Note 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>44</td>
<td>Lot 1 (75) Cross Road, Bedfordale</td>
<td>Discretionary (A) Uses: Child Care Premise</td>
<td>44.1 In determining any development application the local government shall have regard to the compatibility of proposed uses with the existing use of the site. Development is to be designed and located to ensure that the natural landscape elements of the site and locality are protected including retention of existing vegetation and topography for non-developed areas of the property.</td>
</tr>
</tbody>
</table>

N. Add to the Scheme Map the Additional Use and relevant number to Lot 1 (75) Cross Road, Bedfordale, as above.

O. Inserting into the Scheme Text the following clause:

‘4B.10 “A” uses in the Rural Living zone

4B.10.1 An application for development approval for the following “A” uses – Child Care Premises, Club Premises, Community Purpose, Educational Establishment, Exhibition Centre, Garden Centre – Retail, Holiday Accommodation, Place of Worship, Reception Centre, Recreation – Private, Restaurant and Winery in the Rural Living zone must comply with the following locational criteria:'
(a) For lots that abut or have vehicle access within 100 metres of a Primary Regional Road and/or Other Regional Road reservation under the Scheme, a minimum lot size of 2 hectares is required.

(b) For all other locations not referred to in (a) above, a minimum lot size of 4 hectares is required.

4B.10.2 An application for the above development approvals in the Rural Living zone must be accompanied by the following (in addition to Clause 63 of the Deemed Provisions):

(a) Visual Impact Assessment to address compatibility within its rural setting and/or potential visual impacts of the development;

(b) Traffic Impact Assessment to address the amount of traffic to be generated by the development in relation to both the capacity of the road system and amenity impacts associated with traffic on the locality;

(c) Acoustic Assessment to address potential noise impacts (including but not limited to outdoor noise, operating hours, and plant and equipment noise), setbacks and separation distances from adjacent sensitive land uses and mitigation measures appropriate to the rural context to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997 (as amended).

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

3. Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Minister for Transport; Planning grant final approval to the amendment.

4. Endorse the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.

5. Advise the submitters and organisers of the petitions of Council’s decision.

MOTION not opposed, DECLARED CARRIED (11/0)

Recommendation D13/2/19 - Final Adoption - Amendment No.96 - Town Planning Scheme No.4 - Rezoning of Anstey-Keane Precinct Forrestdale from "General Rural" and "Rural Living" to "Urban Development"

Cr Wielinga declared an interest in Recommendation D13/2/19 and in accordance with clause 7.4(c) of the City’s Code of Conduct, and state “I disclose that I have previously stated my strong conviction on this matter which I cannot set aside and which makes it impossible for me to declare my impartiality. As a consequence, any further participation by me in the decision-making process might expose the Council’s ultimate decision to challenge. Therefore, I will leave the room and take no further part in discussion or voting on this matter”.

Cr Wielinga left the meeting at 7.56pm.
MOVED Cr D M Shaw

That Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005 adopt, without modification, Amendment No.96 to Town Planning Scheme No.4 as a ‘Standard Amendment’ in accordance with Part 5, Clause 34 – Standard Amendment, subsection (b), (c) and (g) of the Planning and Development (Local Planning Schemes) Regulations 2015 to:

   a) Rezone Lots 23 and 24, 47 to 55, 84, 86 to 87, 91, 101, 200, 301, 336, 552, 650 to 652 Anstey Road; Lots 5, 10, 60, 80 and 81 Keane Road; Lots 7 and 8, 41 and 42, 38 and 39 Allen Road and Lots 3, 5, 3 to 7, 9, 11 to 17, 19 to 29, 36 to 37, 52 to 54, 57, 61, 88 to 94, 529 and 653 Armadale Road from the Rural Living and General Rural zone and the Public Purpose Reservation to the Urban Development zone.

   b) Reclassify the Public Purpose Reservation in the locality bounded by Armadale Road, Keane Road and Bush Forever Site No.342 to the Urban Development zone.

   c) Insert the following text in Schedule 8 Development (Structure Plan) Areas for the land bounded by Armadale Road, Keane Road and Bush Forever Site No.342 in appropriate numerical order:

<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>49.</td>
<td>Anstey Keane Precinct, Forrestdale</td>
<td>49.1 Staged subdivision and development of the Urban Development Area shall be implemented in accordance with approved Structure Plan/s that guide subdivision and development within the Precinct in a manner which avoids impacts to sensitive environments adjacent to proposed subdivision and development activities.</td>
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<td></td>
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<td>49.2 The Structure Plan/s shall incorporate assessments and recommend design and management responses to the satisfaction of the City for the following environmental planning factors:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>a. potential land contaminants including acid sulphate soils;</td>
</tr>
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<td></td>
<td></td>
<td>b. sources of noise impacts on development;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c. interfaces to future industrial areas;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>d. interfaces with the high pressure gas pipeline and management of the easement;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>e. interfaces with the Baileys Branch Drain and management of interfacing Public Open Space; and</td>
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<td></td>
<td></td>
<td>f. interfaces to adjacent conservation and environmentally sensitive areas.</td>
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<td></td>
<td></td>
<td>49.3 The Structure Plan/s shall include a Local Water Management Strategy, to be prepared generally in accordance with the District Water Management Strategy for the Precinct previously endorsed by the Department of Water and Environmental Regulation and approved as part of MRS Amendments 1290/57 and 1321/57.</td>
</tr>
</tbody>
</table>
The Local Water Management Strategy shall include the requirement for Urban Water Management Plan/s to be prepared to the satisfaction of the City of Armadale prior to subdivision and/or development.

49.4 The Structure Plan/s shall include a Bushfire Management Plan prepared to the satisfaction of the City, in consultation with the Department of Fire Emergency Services, to be implemented by the developer as part of subdivision works.

49.5 All landowners shall make contributions to the costs of common infrastructure in accordance with a Development Contribution Plan and Cost Apportionment Schedule prepared pursuant to Part 5A and Schedule 9B Development Contribution Plans and/or any interim Deed of Agreement entered into with the City of Armadale prior to formal gazettal of the Development Contribution Plan and Cost Apportionment Schedule.

49.6 The Structure Plan/s shall be prepared in accordance with a plan endorsed by the City and the Department of Education. The plan shall identify the following:
   a. location of a public open space facility sized to accommodate a senior-sized active recreation site and a community facility;
   b. location of a Department of Education-operated primary school;
   c. location of environmental features subject to further investigation;
   d. indicative pattern of land use and road networks, including alternative road access to lots fronting Armadale Road.

The following provisions are applicable to land subject to MRS Amendment 1290/57 (‘Anstey Road West’ being land located west of Anstey Road):

49.7 The Structure Plan/s shall provide a 50m buffer setback to the:
   a. Bush Forever site 342 adjacent to the Threatened Ecological Community SCP10A ‘shrublands on dry clay flats’; and
   b. Wetlands identified as UFI 14170, 14876, 15427 and 15428 in Geomorphic Wetlands Swan Coastal Plain dataset.

49.8 The Structure Plan/s shall include an Environmental Management Plan addressing the site environmental management requirements for the adjacent Threatened Ecological Community SCP 10a ‘shrublands on dry clay flats’ arising from the urban development of the land.

The Environmental Management Plan is to be prepared on the advice of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Environmental Protection Authority and the City of Armadale.

The Environmental Management Plan shall include
information, plans and actions to be implemented at Structure Plan stage and/or Subdivision stage to facilitate the maintenance of the pre-development vegetation condition and health of the Threatened Ecological Community SCP10a ‘shrublands on dry clay flats’ on the advice of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Environmental Protection Authority and the City of Armadale.

The Environmental Management Plan shall include as a minimum:

a. ground and surface water level details;

b. proposed ground and surface water monitoring to be implemented pre and post development, including details of the timing, frequency and location of the water monitoring;

c. contingency plans specifying criteria that would trigger the implementation of contingency measures to prevent and manage any direct or indirect impacts of the urban development on the adjacent Threatened Ecological Community;

d. proposed management or contingency actions that will be implemented in the event that the urban development causes adverse impacts on the adjacent Threatened Ecological Community;

e. specify an implementation program for the management or contingency actions to be implemented in the event that the trigger criteria identified above has been reached.

49.9 The Structure Plan/s shall provide a suitable buffer to Bush Forever site 342 and wetland identified as UFI 14893 in Geomorphic Wetlands Swan Coastal Plain dataset. The buffer setback distance shall be subject to the Environmental Protection Authority advice and the Structure Plan to be prepared to the satisfaction of the City of Armadale prior to recommendation of City the WAPC endorsement of the Structure Plan/s.

49.10 Subdivision and/or development applications shall be accompanied by Detailed Buffer Management Plan/s for:

a. the buffer setback area adjacent to the Threatened ecological Community SPC10A ‘shrublands on dry clay flats’; and

b. the buffer setback areas to wetlands identified as UFI 14170, 14876, 15427 and 15428 in Geomorphic Wetlands Swan Coastal Plain dataset.

The Detailed Buffer Management Plan/s shall be prepared on advice from the Department of Biodiversity, Conservation and Attractions to the satisfaction of the Environmental Protection Authority and the City of Armadale.

49.11 Subdivision and/or development applications shall be accompanied by Detailed Wetland and Buffer Management Plan(s) for:

a. the buffer setback area adjacent to the Bush Forever
The following provisions are applicable to land subject to MRS Amendment 1321/57 ('Anstey Road East' being land located east of Anstey Road):

49.12 Any lot containing over 0.5ha of native vegetation potentially classified as Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community (Matter of National Environmental Significance under the Commonwealth EPBC Act 1999) shall be the subject of a separate Structure Plan/s that applies to the lot/s, to be prepared prior to subdivision and development (including any clearing of native vegetation other than required for firebreaks prepared and maintained in accordance with the City’s Annual Firebreak Notice under the Bush Fires Act 1954).

Any Structure Plan/s and supporting documentation prepared in accordance with this provision shall include evidence of environmental referral/approval under the Commonwealth EPBC Act 1999 and/or the WA Environmental Protection Act 1986, prior to the removal/clearing of native vegetation required for subdivision and/or development in accordance with that Structure Plan.

49.13 The Structure Plan/s shall include a Vegetation Management Plan/s for areas of retained vegetation over 1ha in size. A Vegetation Management Plan/s is to be prepared on the advice of the Department of Biodiversity, Conservation and Attractions to the satisfaction of the City of Armadale.

49.14 The Structure Plan/s shall incorporate assessments and recommend design and management responses to the satisfaction of the Office of the EPA and the City for the following environmental planning factors:

a. areas for native vegetation retention for conservation purposes;

b. interfaces between areas of retained native vegetation and areas to be developed for urban purposes.

d) Amend the Scheme Maps accordingly.

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

3. Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Transport, Planning and Lands grant final approval to the amendment.
4. Endorse the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.

5. Advise the submitters and the applicant of its decision.

MOTION not opposed, DECLARED CARRIED (11/0)

Cr Wielinga returned to the meeting at 8.01 pm.

Recommendation D14/2/19 - Proposed Amendment No.104 To TPS No.4 - Zoning of Lot 5072 Atlantic Road, Hilbert and Lot 5001 Rowley Road, Hilbert

MOVED Cr D M Shaw

That Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, initiate Amendment No.104 to Town Planning Scheme No.4 as a standard amendment in accordance with Part 5, Clause 34 – standard amendment, subsections (a), (b), (c) and (g) of the Planning and development (Local Planning Schemes) Regulations 2015 as follows:

   a) Modify the boundary of Town Planning Scheme No.4 to include in its entirety, Lot 5072 Atlantic Road, Hilbert and Lots 4788 and 5001 Rowley Road, Hilbert; and
   b) Modify the Scheme Map to zone Lot 5072 Atlantic Road, Hilbert and Lot 5001 Rowley Road, Hilbert as “General Rural”.

2. 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 42 days.

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

4. Forward a copy of the amendment to the Western Australian Planning Commission and Shire of Serpentine and Jarrahdale for information.

5. Advise the land owner of the above decision.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation D15/2/19 - Election Signs on Council Verges and Road Reserves

MOVED Cr D M Shaw

That Council note that a draft Election Signage Policy is being prepared for Council’s consideration via City Strategy Committee.

MOTION not opposed, DECLARED CARRIED (12/0)
Recommendation D16/2/19 - Nominations for Appointment for the Armadale Land Redevelopment Committee

MOVED Cr D M Shaw

That Council nominate:

- Councillor R Butterfield;
- Councillor M Geary; and
- Councillor C M Wielinga

to be selected by the Minister to be a member of the Armadale Land Redevelopment Committee.

MOTION not opposed, DECLARED CARRIED (12/0)

10.3 CHIEF EXECUTIVE OFFICER’S REPORT

Report of the Chief Executive Officer.

MOVED Cr K Busby that the report be received.

MOTION not opposed, DECLARED CARRIED (12/0)

BUSINESS ARISING FROM REPORT


MOVED Cr K Busby


MOTION not opposed, DECLARED CARRIED (12/0)

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 Sand on Champion Lakes Beach (Cr Donna Shaw)
That the matter of sand on Champion Lakes Beach be referred to the Technical Services Committee.

2 Provision of Public Toilets at Don Simmons Reserve (Cr Jeff Munn)
That the matter of provision of Public Toilets at Don Simmons Reserve be referred to the Technical Services Committee.

3 Paperless Agendas and Minutes (Cr Jeff Munn)
That the matter of paperless Agendas and Minutes be referred to the City Strategy Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION
Nil

15 CLOSURE
The Mayor, Cr Zelones, declared the meeting closed at 8.05pm

MINUTES CONFIRMED THIS 11 March 2019.

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MAYOR