ORDINARY MEETING OF COUNCIL

MONDAY, 19 DECEMBER 2022

AGENDA

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AGENDA

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HELD ON 5 DECEMBER 2022

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HELD ON 8 DECEMBER 2022

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HELD ON 12 DECEMBER 2022

CORPORATE SERVICES COMMITTEE MEETING
HELD ON 13 DECEMBER 2022

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, 19 DECEMBER 2022

JOANNE ABBISS
CHIEF EXECUTIVE OFFICER

15 December 2022

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Leave of Absence previously granted to Cr K Kamdar

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3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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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.

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 Michael Hancock

Request for leave of absence received from Cr Michael Hancock for the period Monday 20 March 2023 until Friday 12 May 2023 inclusive.
RECOMMEND

That Council grant leave of absence received from Cr Michael Hancock for the period Monday 20 March until Friday 12 May 2023 inclusive. (includes 3 Ordinary Council Meetings 27 March, 24 April and 8 May)

5.2 Request for Leave of Absence – Cr Scott Mosey

Request for leave of absence received from Cr Scott Mosey for the period: Thursday 19 January 2023 to Saturday 11 February 2023 inclusive.
RECOMMEND

That Council grant leave of absence to Cr Scott Mosey for the period Thursday 19 January 2034 to Saturday 11 February 2023 inclusive.(Includes 1 Ordinary Meeting of Council).

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14.2 Corporate Services - Item 1.1 - Leasing - Orchard House - WA Police

14.3 Corporate Services - Item 2.2 - Independent Member on the Audit Committee

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CITY OF ARMADALE

MINUTES

OF **TECHNICAL SERVICES COMMITTEE** HELD IN THE **COMMITTEE ROOM**, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON **MONDAY, 5 DECEMBER 2022 AT 7.00PM.**

In the absence of the Chair, Cr Nixon and Deputy Chair, Cr Flynn, nominations were called for a Committee member to chair the meeting. Cr Butterfield was nominated by Cr Peter. Cr Butterfield accepted the nomination and took the Chair.

PRESENT:	Cr R Butterfield (Chair) Cr M S Northcott Cr S Peter JP Cr G J Smith Cr S S Virk Cr S J Mosey	
APOLOGIES:	Cr G Nixon	
OBSERVERS:	Cr E J Flynn *(via Teams)* Cr M Silver Cr J Keogh *(Via Teams)*	
IN ATTENDANCE:	Ms J Abbiss	Chief Executive Officer
	Mr M Andrews	Executive Director Technical Services
	Ms S van Aswegan	Executive Director Community Services *(via Teams)*
	Mr J Lyon	Executive Director Corporate Services *(via Teams)*
	Mr N Burbridge	Head of Environment and Sustainability
	Mr S Morrow	Manager Operational Excellence
	Ms A Luobikis	Head of Service Delivery
	Mr M Vermeulen	Manager Asset Lifecycle
	Mr S Amasi	Manager Design
	Mr J Precieux	Operation Excellence Lead
	Mr A Millard	Head of Program Delivery
	Ms R Milnes	Manager Community Development
	Mr R Porter	Manager Ranger & Emergency Services
	Ms N Mathieson	Senior Administration Officer Technical Services
PUBLIC:	Nil	

*"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 not read as no members of the public were present.

DECLARATION OF MEMBERS' INTERESTS

Nil

QUESTION TIME

Nil

DEPUTATION

Nil

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Technical Services Committee Meeting held on 7 November 2022 be confirmed.

Moved Cr M S Northcott
MOTION CARRIED (6/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

Outstanding Matters and Information Items
Various Items
Monthly Departmental Reports
Technical Services Works Programme

No items were raised for further investigation or report.

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TECHNICAL SERVICES COMMITTEE

5 DECEMBER 2022

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1.1 - NOT ACCEPTING DISPOSAL OF LARGE ANIMAL CARCASSES

WARD	:	ALL
FILE No.	:	M/594/22
DATE	:	2 November 2022
REF	:	AL
RESPONSIBLE MANAGER	:	Executive Director Technical Services

In Brief:

- Cessation of burial of large animals at the City's Landfill and Recycling facility.
- Recommend that Council endorse this proposal based on the risk assessment provided.

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

Nil

Legal Implications

Nil

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Currently the City accepts large animal carcasses from one commercial client only. The total revenue from Large Animal Disposal Fees for FY21/22 was $53,726.52.

Revenue at the City's Landfill and Recycling facility is offset by a Landfill Levy Fee of $70 per tonne that the City is obligated to pay to the Department of Water and Environmental Regulation (DWER). Based on the Large Animal Disposals of FY21/22, the landfill levy fees equated to $5,833.80 leading to a net income of $47,892.72.

Consultation

1. Internal consultation with the operational personnel at the Armadale Landfill and Recycling facility.
2. WHS analysis of the risk associated with the burial of large animal carcasses at the site.
3. Consultation with the former Manager of Waste Services, the Coordinator Waste Services and the Senior Site Supervisor at the Landfill site.

BACKGROUND

The City is now proposing to not accept the carcasses of large animals at the landfill due to the lack of useable space with enough depth to not expose contaminated material to the atmosphere.

In order to access the only useable remaining location at the facility, the team would have to access existing and mapped asbestos pits which may create an unacceptable hazard level and the potential of exposing contaminated material to the atmosphere due to the vehicular disturbance of the landfill surface.

DETAILS OF PROPOSAL

It is proposed that the City cease to accept large animal carcasses for burial at the Armadale Landfill and Recycling facility.

The Risk Assessment Analysis (table below) details the identified hazards and the controls required to mitigate the risk. The proposed change would result in a risk reduction from a High-Medium to Low level.

ANALYSIS

ARMADALE LANDFILL AND RECYCLING FACILITY LARGE ANIMAL BURIAL RISK ASSESSEMENT 2022

		RISK SCENARIO				CURRENT RISK - mandatory data capture				
Hazard Type	Hazard Description (Sub-Type)	Scenario Description	Consequence	Likelihood	Risk Rating	Cause Comments	Control Comments	Consequence	Likelihood	Risk Rating
Airborne Contaminant	Hazardous Waste	Access to suitable areas to bury horses is restricted, forcing HME to transit over existing asbestos pit Access to suitable areas to bury horses is restricted forcing HME to tranit over historic asbestos pit	4 - Major	3 - Possible	12 - High	HME un-earthing buried asbestos in order to access deeper areas Buried asbestos being torn up with repeated HME wheel interaction	**Elimination** City of Armadale to finalise acceptance of large animals (cattle, horses) **Engineering** Access to alternative handling options subject to detailed study Residents permitted to drop off wrapped and taped 5kg bundles of asbestos **Administration / PPE** Tyvek suit, P2 Masks, gloves, tape, gators Pre-shift morning meetings TAKE 5	1 - Insignificant	2 - Unlikely	2 - Low
Waste	Hazardous Waste	Suitable locations with depth not available at landfill	3 - Moderate	3 - Possible	9 - Medium	HME accessing areas with limited safe access Operators having to disable HME level alarms in order to access areas Operators uncovering asbestos during animal burial Landfill now at capacity along north edge - no burial options remaining	**Elimination** City to formally cease accepting large animals for burial **Engineering** Review asbestos burial areas to determine new locations **Administration / PPE** PPE store to be provided within the facility close to the work front Asbestos burial locations can be provided on a map for CoA	2 - Minor	2 - Unlikely	4 - Low

OPTIONS

The most desirable option in the hierarchy of controls is to eliminate the risk. No other options reduce the risk further than that provided above.

CONCLUSION

The single client currently using this service is situated outside of the City's geographic location (Serpentine-Jarrahdale) and has been informally advised of the potential cessation of the service. No issues have been raised to date.

The continued burial of large animal carcasses presents too high a risk to our workforce and in the form of potential liberated asbestos fibres.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND **T1/12/22**

That Council:

1. **Cease the acceptance of large animal carcasses for burial at the Armadale Landfill and Recycling facility.**
2. **Remove the Fee for Disposal of Dead Animals from the Fees & Charges Schedule**
3. **Reduce the Waste Services (Landfill) Revenue Budget by $35,000, from $5,735,000 to $5,700,000**
4. **Reduce the Transfer to the Waste Reserve by $35,000, from $2,907,500 to $2,872,500**

Moved Cr S Peter
MOTION CARRIED **(6/0)**

2.1 - SENSOR TECHNOLOGY - WASTE COLLECTION BINS

At the Council meeting held on 27th September 2022, Cr S Peter referred the following matter to Technical Services.

> *That the matter of Sensor Technology – Waste Collection Bins be referred to the Waste Department.*

Comment from Cr S.Peter

At the 2022 Waste Recycle conference, there was an exhibition - Smart Bins & Sensors Technology.

Smart bin technology enables us to remotely monitor how full individual litter bins are. Collecting the fill level of a litter bin without having to visit the specific location makes it easier to allocate resources effectively.

The Smart bin is integrated with a real-time monitoring dashboard that enables the business to gain insights into the overall recycling materials.

Further details provided by Cr S Peter have been forwarded to Councillors under a separate a Memo.

Officer Comment

It may be that the Smart Bin technology has the potential to deliver benefits to the City, however City specific analysis would need to be undertaken to better understand what actual benefits could be achieved.

A wider area of concern with the solution presented is that it is proprietary in nature and does not adopt open standards and is therefore not easily integrated with other frameworks and could create additional technical costs for the City to achieve integration.

It is important to the City that procured solutions are interoperable with multiple vendors' solutions enabled by data sharing.

In addition, detailed information is not provided on the capital outlay and the return on investment of the technology.

The City recognises the technology has potential benefits, however, as there are a range of considerations and unknowns, this technology is best considered in the future in each of the Waste and Digital Strategies

Suggested Recommendation
That Council note the officer's comments on the matter and that the City considers investigating the technology as part of the City's future Waste and Digital Strategies.

Committee Discussion

Cr Peter put forward an alternative recommendation for a wider technology strategy for the Committee to consider. The Committee discussed this and agreed that the recommendation be amended as follows.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND **T2/12/22**

That Council:

1. **Consider the opportunity of Smart Bins, along with other smart technologies such as Air Quality Monitoring, etc, in the revision to the Digital Strategy and Waste Strategy using Smart City initiatives.**

Moved Cr S Peter
MOTION CARRIED **(6/0)**

2.2 - SAFETY AT ASPIRI OVAL

At the Council meeting held on 10 October 2022, Cr S.S.Virk referred the following matter to Technical Services.

> *That the matter of Safety at Aspiri Oval be referred to the Technical Services Department.*

Comment from Cr S. S. Virk

There is concern regarding the fence not being installed in front of the kid's play area. A few incidents occurred when kids went on to the road.

Options to install a fence with gates.

Officer Comment

An onsite inspection was undertaken by Council Officers regarding the request for fencing and gates to the Rossiter Playing Field Playground due to the proximity from the Playground to the adjacent local road. The following is noted in response to the referral item.

In response to:

"There is concern regarding the fence not being installed in front of the kid's play area"

The distance from the playground to the active roadway is approximately 8m. The playground is currently separated from the road by a landscaped garden bed, low feature wall, pathway and roadside car parking bays. Entry to the playground is funneled through a pathway as indicated in pink in the below aerial with the intention that the landscaped garden bed and low seating wall (Image 2) provides a barrier to the road and semi-screening through the use of a variety of tree-types.

The need to fence playground spaces is considered on a case by case basis. For example all abilities playgrounds would likely include a fence surrounding the playground, toilet and picnic area with a double gate access to provide a higher level of security. For the park in question, a softer approach has initially been incorporated through the use of a garden bed and feature wall, however tracks have appeared and it is evident that children and/or parents have been utilising gaps in the garden bed.

No other complaint has been registered with the City via CRM or email noting this as a particular safety concern

Image 1 – Rossiter Playground

Image 2 – Existing landscaped garden bed and low feature wall

In response to

"Options to install a fence with gates"

Option A: Chainlink fence within garden bed with gates at entry points

Install a 1.2m high chain-link fencing around the western perimeter of the site to further restrict access towards the road. The fence would need to be placed in consideration of the existing trees and services within the area. It is expected that this would cost approximately $6,500 for 40m of fencing with two (2) access gates.

It is worth noting that chain-link access gates have been known to be problematic from a maintenance perspective. This cost includes installing heavy duty hinges.

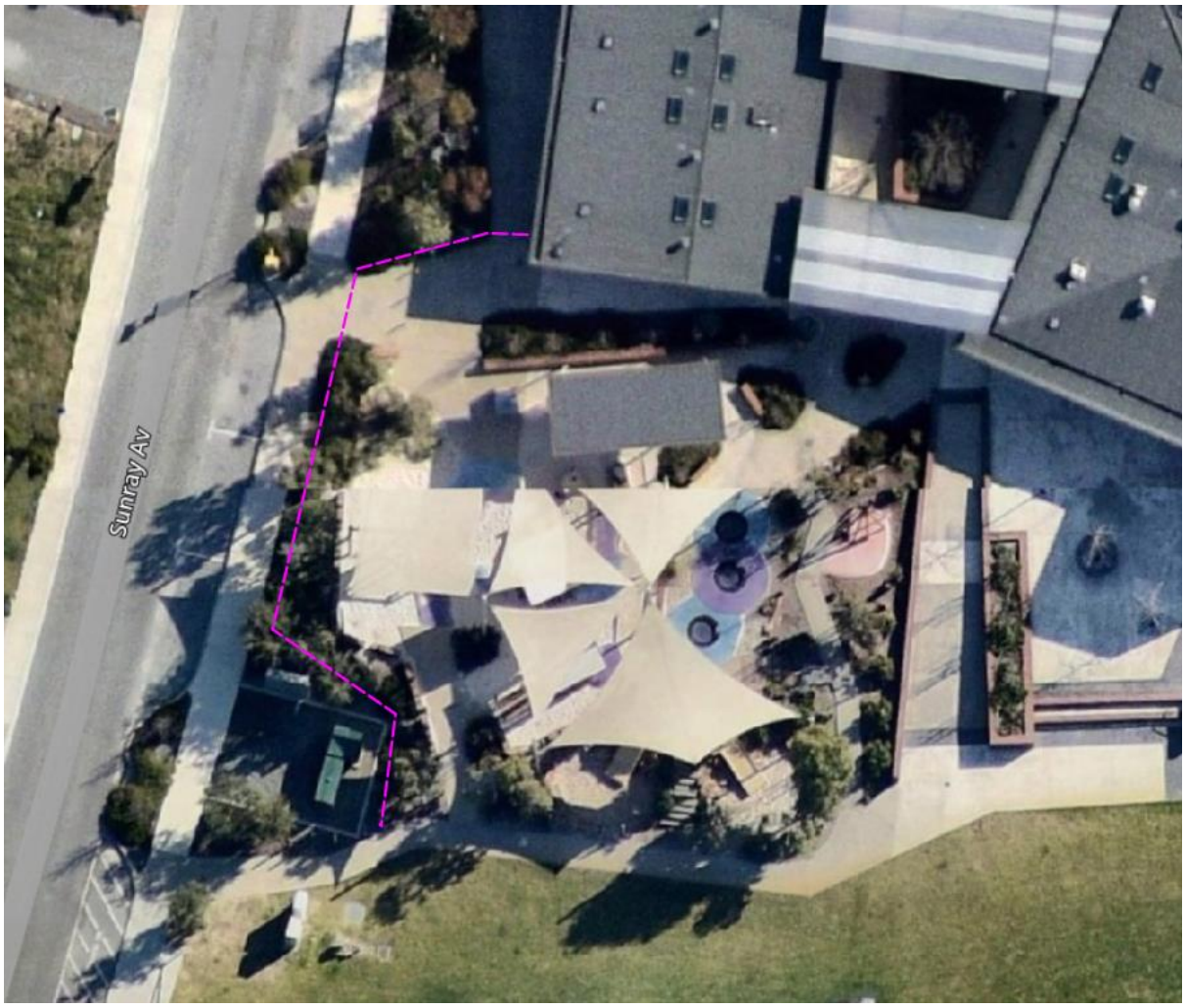

Image 3 – Option A – Pink line extent of proposed fencing

Option B: Improve landscaping and provide strategic fencing

Undertake infill planting to increase the planting buffer within the garden bed. Undertake fencing / gate to slow the pedestrian traffic down around the main access point from the road. This will restrict access and mitigate the issue, however children will continue to explore as they naturally do. It is expected that this would cost approximately $3,000 for 15m of fencing with one (1) access gate.

Image 3 – Option B – Blue line extent of fencing, green area increased planting

Summary
Two potential options have been presented for consideration:

- Option A considers the installation of a 1.2m high chain-link fence within the extent of the garden bed with gates at key entry points.
- Option B utilises the existing landscaping and undertakes infill planting as a natural deterrent and provides strategic fencing and a gate at the main entry to the playground from the road.
- Option C would be to leave the status quo and not make any changes.

It is recommended that Council note the officers' comments on the matter, and consider further investigating Option B as the preferred approach at time of budget deliberations.

Committee discussion

Cr Virk advised that the location reviewed and discussed in this report is incorrect and recommended that the paper be deferred to the 6th February 2023 Technical Services Committee Meeting supplying comment on the correct location.

ATTACHMENTS
There are no attachments for this report.

RECOMMEND **T3/12/22**

That Council:

1. **Refer this matter to the next Technical Services Committee meeting 6th February 2023.**

Moved Cr S S Virk
MOTION CARRIED **(6/0)**

2.3 - TEMPORARY PARKING RESTRICTIONS AT THE CITY'S MAJOR EVENTS

WARD	:	ALL
FILE No.	:	M/651/22
DATE	:	23 November 2022
REF	:	RM/RP
RESPONSIBLE MANAGER	:	Executive Director Community Services

In Brief:

- This report outlines the proposed response to the request made by the WA Police to ensure unauthorised vehicles are not parked in the event zone for the City's major events.
- The proposed mitigation strategy involves amending the existing timed parking restrictions in the Armadale CBD area by placing temporary "No Stopping" signage bags over the existing signs.

- Recommend that Council:

  Endorse the temporary parking plan as shown on the *Armadale CBD Events Temporary Parking Restrictions* attached map during the delivery of the City's major events.

Tabled Items

Maps:
Armadale CBD Events Temporary Parking Restrictions
City of Armadale CBD Events Proposed Temporary Parking Restrictions

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

1.1 Foster and strengthen community spirit

1.1.1 Facilitate a dynamic calendar of events, festivals and cultural activities that activate suburbs, foster community connections, celebrate the diversity of the community, encourage a sense of place for residents as being part of the City of Armadale and attract "first-time" visitors to the City in order to contribute to changing the narrative regarding Armadale.

1.2 Improve Community Wellbeing

1.2.3 Advocate for the delivery of services and programs as well as increased resources to contribute to improvements in community safety

Legal Implications

Assessment of legislation indicates that the following are applicable:

- Section 3.37 of the *Local Government Act 1995* prescribes that a regulation or local law made under the Act to be a 'contravention that can lead to impounding'.
- Regulation 29 of the *Local Government (Functions and General) Regulations 1996* prescribes that a 'contravention that can lead to the impounding' occurs when the contravention occurs in a public place and the presence of the goods either —

  a) presents a hazard to public safety; or,
  b) obstructs the lawful use of any place.
- Section 3.39 of the *Local Government Act 1995* defines that an employee authorised by a local government for the purpose may remove and impound any goods that are involved in a 'contravention that can lead to impounding', and the authorised person may use reasonable force necessary so as to exercise the power.

Council Policy/Local Law Implications

General assessment of Policy/Local Law indicates that the following is applicable:

- Clause 1.8 of the City of Armadale *Parking and Parking Facilities Local Law* allows Council by resolution, to prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region provided it is consist with the provisions of the Local Law.
- AS1742.11.2016 Manual of uniform traffic control devices, Part 11: Parking controls standardizes the design, colour, symbols, wording and installation of parking control signage and pavement markings.

Budget/Financial Implications

The costs associated with the purchase of the sign bags and installation can be accommodated within the 2022/23 Budget.

Consultation

- Internal Departments
- WA Police
- City of Perth

BACKGROUND

Prior to and after each major event the City delivers, City officers meet with the WA Police and the contracted Traffic Management companies to discuss how safety processes at the events may be improved.

In recent years the issue of hostile vehicle management, specifically vehicles parking in the event zone, has been a point of discussion at these meetings due to two or three occasions where there has been a delay in finding the owners of the vehicles. When debriefing, the WA Police have highlighted that these incidents weaken the City's Hostile Vehicle Mitigation Plans and they have stated that this risk needs to be managed through the City's Risk Management Plan for each event.

Currently the City's procedure to mitigate the parking of vehicles in the event zone has been to use cones to indicate the relevant car parking bays not to be used. If vehicles are present, at least one City staff member must stay with the vehicle until the owner returns and it can be

guided out safely. Announcements are made from the main stage which usually resolves the issue quickly, however the few cases when the owner cannot be found have caused significant interruption to the events as an unknown vehicle presents a risk. The use of cones are not considered effectual on their own as patrons can easily move the cones.

An option that has been used by the City of Perth to mitigate this same issue at its large events in the city centre comprise temporary parking sign bags that fit over existing signage as pictured below:

Please note the attached maps do not include the roads within the event site that that have been physically blocked off to vehicular traffic.

DETAILS OF PROPOSAL

It is proposed that temporary parking signage bags are used to change the existing timed parking restrictions to a "No Stopping" zone to mitigate vehicles parking inside the event zone.

The attached maps indicates the following:

- *City of Armadale CBD Events Proposed Temporary Parking Restrictions* – shows the location of the streets within the Armadale CBD where the change to existing timed parking restrictions is required.
- *Armadale CBD Events Temporary Parking Restrictions* – shows the locations of all existing timed parking restriction signs and the required placement of the temporary signage bags, along with an image of the proposed signage bag design.

The proposed temporary parking restrictions for the identified streets will be in place as per the approved Traffic Management Plan. Based on previous years the temporary parking restrictions will commence from 7.00am the morning of the event and be in place through until the conclusion of the event (as per the approved Traffic Management Plan).

COMMENT

ANALYSIS

Risk mitigation is an integral element of event management to maximize the safety of patrons. In recent years it has been necessary for event organisers to consider a new category of risk mitigation strategies in response to increased threats of terrorist activities. In this context, the City relies on the advice from public safety organisations such as the WA Police.

In the case of vehicular parking during a major event, the WA Police has requested that the opportunity for unauthorised vehicles to park in the Armadale city centre within the event site is minimised. The City is proposing this risk is mitigated by imposing temporary parking restrictions through the use of signage bags.

However any decision on whether to tow a vehicle would only be made after consultation between Ranger Services and WA Police had determined that the vehicle presented a hazard to public safety in accordance with r.29 of the *Local Government (Functions and General) Regulations 1996*.

OPTIONS

Council has the following options:

1. Endorse the temporary parking plan as shown on the *'Armadale CBD Events Temporary Parking Restrictions'* attached maps during the delivery of the City's major events.
2. Not endorse the temporary parking restrictions.

Option 1 is recommended.

CONCLUSION

With community safety being a high priority for the City, it is essential to ensure robust and relevant risk management plans are in place for the major events program. An aspect of these plans is to have sound hostile vehicle management strategies in place, and to be responsive to the advice and requests from key stakeholders, including the WA Police. The proposed use of signage bags to prevent unauthorised parking is the City's response to such advice.

ATTACHMENTS

1.⇩ CBD - Council Report - Location Map
2.⇩ E22-102-01(B)(2)

RECOMMEND **T4/12/22**

That Council:

1. **Endorse the temporary parking plan as shown on the *Armadale CBD Events Temporary Parking Restrictions* attached maps during the delivery of the City's major events.**
2. **Delegate authority to the Executive Director Community Services to determine the timing for which the Armadale CBD has temporary parking restriction in place for major events**

Moved Cr M S Northcott
MOTION CARRIED **(6/0)**

COUNCILLORS' ITEMS

Nil

EXECUTIVE DIRECTOR TECHNICAL SERVICES REPORT

Nil

MEETING DECLARED CLOSED AT 7.18pm

TECHNICAL SERVICES COMMITTEE **SUMMARY OF ATTACHMENTS** 5 DECEMBER 2022		
ATT NO.	**SUBJECT**	
2.3 TEMPORARY PARKING RESTRICTIONS AT THE CITY'S MAJOR EVENTS		
2.3.1	CBD - Council Report - Location Map	
2.3.2	E22-102-01(B)(2)	

The above attachments can be accessed from the Minutes of the Development Services Committee meeting of 5 December 2022 available on the City's website.

CITY OF ARMADALE

MINUTES

OF **COMMUNITY SERVICES COMMITTEE** HELD IN THE **FUNCTION ROOM**, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON **TUESDAY, 6 DECEMBER 2022 AT 7.00PM.**

PRESENT:	Cr M Silver (Chair) Cr P Hetheringon *(Deputy for Cr Northcott)* Cr J Keogh Cr S J Mosey Cr G J Smith *(Deputy for Cr Busby)*	
APOLOGIES:	Cr K Kamdar (Leave of Absence) Cr M S Northcott	
OBSERVERS:	Cr R Butterfield *(Mayor)* Cr K Busby *(via Teams)* Cr E J Flynn *(via Teams)* Cr S Peter *(from 7:17pm)(via Teams)*	
IN ATTENDANCE:	MS J Abbiss	CEO
	Mr J Lyon	Executive Director Corporate Services *(via Teams)*
	Mr M Andrews	Executive Director Technical Services *(via Teams)*
	Ms J Cranston	Executive Assistant Community Services
	Ms R Milnes	Manager Community Development
	Ms C Whittington	Community Facilities Planning Coordinator *(via teams)*
	Mr L Puig	Manager Economic Development and Advocacy
PUBLIC:	Nil	

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DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was not read as there were no members of the public present.

DECLARATION OF MEMBERS' INTERESTS

Nil

QUESTION TIME

Nil

DEPUTATION

Nil

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Community Services Committee Meeting held on 8 November 2022 be confirmed.

Moved Cr S J Mosey
MOTION CARRIED (5/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

Report on Outstanding Matters – Community Services Committee

Items referred from the Information Bulletin – Issue 19 – November 2022

No items were raised for further investigation or report.

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COMMUNITY SERVICES COMMITTEE

6 DECEMBER 2022

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1.1 - REVIEW OF THE ANNUAL SCHOOL SCHOLARSHIP

WARD	:	ALL
FILE No.	:	M/613/22
DATE	:	11 November 2022
REF	:	RM
RESPONSIBLE MANAGER	:	Executive Director Community Services

In Brief:

- This report outlines the review undertaken of City's Annual School Scholarship comprising consultation with local secondary schools regarding the fiscal amount of the Scholar Award and the student cohort it is designed to benefit.
- Recommend that Council:
  1. Endorse the increased fiscal amount allocated to the Annual School Scholarship of $300 per local secondary school.
  2. Endorse that the Scholar Award continues to be offered to local schools to nominate one Year 10 student as the recipient.

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

1.2 Improve Community Wellbeing

1.2.2 Facilitate the alignment of service and program delivery to identify social priorities within the community

1.4 An Inclusive and Engaged Community

1.4.4 Facilitate the provision of facilities, services and programs to meet the needs of the City's current and future demographics

Legal Implications
Nil

Council Policy/Local Law Implications
Nil

Budget/Financial Implications

- It is proposed that the current Scholar Award amount is increased from $150 per school (a total of $1500) to $300 per school (a total of $3000 per annum). The increase of $1,500 will be included in the mid-year review.

Consultation

1. Intra-departmental
2. Five local secondary schools

BACKGROUND

At the Ordinary Council Meeting on 10 October 2022, a Councillor item was raised to request a report to review of the City's Annual School Scholarship. The subsequent recommendation by Council comprised (C28/10/22):

> *That Council request a review on the Annual School Scholarship including the fiscal amount allocated to the award.*

The Current Annual School Scholarship
The Annual School Scholarship was originally titled the 'City of Armadale High School Scholarship' and was endorsed by Council as a City of Armadale initiative in 1994 (F337/94). The conditions of the Annual School Scholarship and the fiscal amount of the Scholar Award have remained the same since Council's original endorsement.

Each year the City invites 10 local secondary schools to nominate a Year 10 student to receive the $150 Scholar Award to assist with the cost of school fees and books. To date, the majority of the schools participate in nominating a student, with the Scholar Award presented by the Mayor or the Mayor's representative to students at the school assembly. Schools are advised of the conditions of application as follows:

(i) the Scholar Award provided by Council shall be called the "City of Armadale Scholar Award";
(ii) annually, each high school within the Armadale district shall be invited to participate;
(iii) the Scholar Awards are only for Year 10 students proceeding to Year 11;
(iv) the student must be a resident of the Armadale district;
(v) to be eligible to receive the Scholar Award, the candidate's name will be forwarded to the City of Armadale ***no later than (nominated date).***
(vi) the school accepts responsibility for receiving the Scholar Award and administering same on behalf of the student;
(vii) the Scholar Award to be presented by the City of Armadale at an official year end school event of prominence ie, graduation night; ***Please provide date and time of presentation****.*
(viii) the selection of the winning student to be at the sole discretion of the school provided the conditions herein above are satisfied;
(ix) Council's Scholar Award be acknowledged in terms of the school's advertising and promotional material.

The Review Process
The following factors were considered when undertaking the review of the Annual School Scholarship:

- How the law on compulsory schooling has changed since 1994 and the effect of this on the original purpose of the initiative in the context of the Scholar Award's presentation to Year 10 students
- The fiscal amount provided for the Scholar Award
- On what basis the student is nominated for the Scholar Award
- How the Annual School Scholarship links with the City Financial Assistance Policy

To inform the recommendations, Officers approached all the participating schools to obtain feedback as to the relevance of the Annual School Scholarship to the Year 10 cohort, the funds allocated and the basis on which the student is nominated for the Scholar Award. From the schools approached, five responded and a summary of the comments are noted in this report.

DETAILS OF PROPOSAL

The Change in the Law on Compulsory Schooling
Since 2008, it has been compulsory in Western Australia for children to attend school from Pre-primary to the end of Year 12. The Department of Education has outlined alternatives to full time schooling including apprenticeships, traineeships, a TAFE course or a combination of school, training and paid employment. For students in the final years of compulsory education, the Minister for Education must approve a Notice of Arrangement.

One of the original intentions of the of the Annual School Scholarship was to encourage nominated students to proceed to Year 11, as in 1994 it was compulsory to complete Year 10 only. With it now being compulsory to complete Year 12, it was important to ascertain what age a student would find the Scholar Award most advantageous.

Interestingly, all five schools surveyed indicated that it is still the Year 10 cohort who would benefit the most from the Scholar Award. It was stated that there are various forms of assistance available to Year 11s and 12s therefore providing the Scholar Award to Year 10 students will still be of benefit to this cohort in terms of contributing to their academic progress.

Fiscal Amount of the Scholarship
The fiscal amount of the Scholar Award was identified in the recommendation as an element to be included in this review. According to the Reserve Bank of Australia (2022), $150 in 1994 equated to $288.35 in 2021. Therefore it is proposed that $300 would be a fair contribution in today's terms for educational items to equip the student to progress their academic life.

Whilst the five schools surveyed indicated that the higher the amount of the Scholarship the more advantageous it will be for the student, it was accepted that the amount of $300 is considered a meaningful contribution.

The Basis for the School's Nomination of the Student
The schools consulted with provided the following reasons a student would be nominated for the Scholar Award:

- The student who is striving to achieve excellence in their school work
- The student who is in good standing with the school - adhering to school rules, satisfactory academic results, has a positive influence on peers and contributes to school culture
- The student whose family's financial circumstances are challenging

The City's Financial Assistance Policy
The City's Financial Assistance Policy does not currently include the Annual School Scholarship. The intention is to amend the Policy to include the Scholarships to ensure that all donations are captured in the Policy.

ANALYSIS

The City has offered the Annual School Scholarship to all local secondary schools since 1994 for one Year 10 student per school to receive a contribution of $150 for school items.

It may be theorised that the Scholar Award would be most useful to Year 11 or 12 students given the current law that all students may not leave school at Year 10, and that this legal requirement negates the need for the Scholar Award as an incentive for Year 10 students to continue to Year 11. However the five schools surveyed stated the Scholar Award is still of most benefit to Year 10 students, who are selected based on a range of academic and behavioural criteria, along with taking into consideration the financial circumstances of the student's family.

After receiving feedback from the schools and determining the appropriate value of the initial contribution on today's standards, it is recommended that the Scholar Award amount offered is increased to $300.

The Annual School Scholarship will also be incorporated into the City's Financial Assistance Policy and presented to Council as a draft for endorsement by June 2023.

OPTIONS

Council has the following options:

1. Endorse the increased fiscal amount allocated to the Annual School Scholarship of $300 per local secondary school for one Year 10 student as nominated by the school.
2. Do not endorse the increased fiscal amount allocated to the Annual School Scholarship of $300 per local secondary school for one Year 10 student as nominated by the school.
3. Endorse an alternative amount to be allocated to the Annual School Scholarship.
4. Endorse that the Scholar Award continues to be offered to local schools to nominate one Year 10 student as the recipient.
5. Endorse that the Scholar Award is offered to local schools to nominate one student from a different year group.

Options 1 and 4 are recommended.

CONCLUSION

The Annual School Scholarship originated in 1994 with the purpose of to assisting one nominated Year 10 student from each local secondary school with the cost of school fees and books. The review undertaken included consulting with participating schools and determining today's value of the $150 provided in 1994. Whilst it was found that the purpose of the Annual School Scholarship and its target cohort is still relevant and appropriate, the proposed fiscal amount of $300 would provide a more meaningful benefit to the student.

ATTACHMENTS
There are no attachments for this report.

The following motion was moved by Cr Silver:

That Council:

1. Endorse the increased fiscal amount allocated to the Annual School Scholarships Initiative of $300 per local secondary school.
2. Endorse that the Annual School Scholarships Initiative continues to be offered to local schools to nominate one Year 10 student as the recipient.
3. The increase of $1,500 in the allocation to the Annual School Scholarship Initiative be included in the mid-year budget review.
4 Request a report for a book award for primary schools.

Moved Cr Silver, Opposed Cr Keogh
MOTION LAPSED FOR WANT OF A SECONDER

Cr Keogh moved the Officer recommendation.

RECOMMEND **C33/12/22**

That Council:

1. **Endorse the increased fiscal amount allocated to the Annual School Scholarships Initiative of $300 per local secondary school.**
2. **Endorse that the Annual School Scholarships Initiative continues to be offered to local schools to nominate one Year 10 student as the recipient.**
3. **The increase of $1,500 in the allocation to the Annual School Scholarship Initiative be included in the mid-year budget review.**

Moved Cr J Keogh
MOTION CARRIED **(5/0)**

2.1 - ROLEYSTONE COMMUNITY GARDEN - SECURITY MEASURES (REFERRAL MATTER)

At the Council meeting held on 10 October 2022, Cr Mosey referred the following matter to the Community Services Committee.

> *That the matter of investigating security measures to support the Roleystone Community Garden (fencing and/or CCTV are desired options) be referred to the Community Services Committee.*

Comment from Cr Mosey

I have been contacted by members of the Roleystone Community Garden who are exacerbated with the constant vandalism and destruction of their hard work. They have recently had all of the carrots they had planted pulled out and strewn all over the garden. They have had all strawberries picked when not ripe and then squashed into the paths etc.

They are quite simply at their wits end as this has been a constant battle and they will likely lose all of their members and be forced to close down if they can't get some form of Security Measures going forward.

The Kelmscott Community Garden as an example is fully fenced and the Roleystone Family Centre has great CCTV coverage which has enabled perpetrators to be identified and dealt with.

Officer Comment

Fencing

The Roleystone Community Garden Inc. currently have the following areas under use by agreement (CS/65/17):

- Exclusive use via lease of the area for the shed
- Approx 1065m2 via licence for the purpose of a community garden.

Relevant extracts from the lease are as follows:

(b) Use of Licensed Area

The Tenant covenants with the Landlord:

(i) to use the Licensed Area for the purpose of a community garden area only;

(ii) to use the Licensed Area for the Tenant's use only;

(iii) that all existing naturally occurring vegetation in the Licensed Area as at the Commencement Date shall not be removed or damaged;

(iv) not to fence off the Licensed Area;

(v) not to do or permit anything at the Licensed Area that is noxious, noisy, offensive, illegal or that causes annoyance, disturbance or damage to neighbours.

(vi) not to permit any person to sleep at the Licensed Area or use them as a dwelling.

Notwithstanding paragraph (iv) above, although the Licensed Area is not to be fenced for the time being, the Parties acknowledge that there may become a need to fence the Licensed Area at some stage during the Term. If the Tenant ever wishes to fence off the Licensed Area during the Term, the Tenant shall not do so without the prior written consent of the Landlord – which consent the Landlord may withhold at its absolute discretion, and which consent will not be given without a determination being made by way of a Council resolution.

A further report to Council would be required to provide determination to approve fencing.

CCTV

The City's CCTV and MCCTV (ENG18) policy and Management Practice provides the following with respect to access of footage captured by City CCTV and MCCTV systems:

2.3 The use of CCTV and MCCTV footage is restricted to approved users only in compliance with applicable CCTV legislation and/or Standards can only be viewed by Authorised Officers.

2.4 Members of the public are not permitted to view CCTV and MCCTV recordings.

2.5 Members of the public wanting to report an incident shall be directed to the Police to make a formal report. Authorised Officers may, on request by the Police, extract the relevant digital recording in order to assist the Police with their investigations.

- Mobile CCTV Trailer:
  The City recently obtained a mobile CCTV trailer via an election commitment grant. Ranger Services are currently working with WA Police to establish a suitable deployment protocol so that the asset is utilised to its fullest potential. It is intended that the trailer will be deployed to crime hotspots based upon WA Police statistics, therefore the use of the trailer at the Roleystone Community Garden would require statistical evidence to support its deployment to the area.

The City's CCTV and MCCTV Management Practice (ENG18) provides the following in relation to deployment of the City Mobile CCTV:

> *3.1 A request to deploy MCCTV cameras in any location must first be approved by the Chief Executive Officer via submission of the relevant Request for M/CCTV deployment form.*
>
> *3.2 The responsible directorate shall coordinate the MCCTV camera location program that is based on operational requirements (environmental) or historical evidence of criminal or anti-social activities, vandalism, illegal dumping, or graffiti.*

- Permanent CCTV:

  The City currently has CCTV overlooking Cross Park public toilet and skate park. If further coverage was sought to be installed by the City, then our contractor would be requested to quote on approved area.

  Several leased facilities have installed their own CCTV systems, however this is typically over buildings under exclusive use, and not public open space.

  Both the Lease Agreement and the Lease & Licence Policy are silent on CCTV cameras being installed, either on leased facilities or public open space.

  From a lease/licence perspective, there are no restrictions or set conditions around CCTV, other than the general requirement to seek City approval before proceeding with any alteration to the facility. Under the current Agreement, maintenance of a '*security system*' is the responsibility of the Landlord with respect to the building.

Funding

The City's Community Garden Policy (COMD9) and associated Management Practice provides a framework for the establishment and management of community gardens. The Management Practice states:

> *The City will not provide capital funding for the establishment of a community garden or associated facilities.*

And;

> *The Incorporation is to be run by a committee that takes legal and financial responsibility for the establishment and ongoing operation of a community garden, including public liability and site insurance.*

Options

1. Take no further action at this stage.
2. Request details of the proposed fencing from Roleystone Community Garden that is consistent with the terms of their license agreement.
3. Receive a further report in consideration of option 2.

ATTACHMENTS
There are no attachments for this report.

RECOMMEND **C34/12/22**

That Council:

Request a report that includes:

(i) Options available to address the ongoing security issues at the Roleystone Community Garden.
(ii) The estimated capital and asset renewal costs of the security options identified.
(iii) Potential funding sources for the security options.
(iv) A comparative analysis of security measures at other community gardens within the City.

Moved Cr S J Mosey
MOTION CARRIED **(5/0)**

2.2 - BUSHLAND RESERVE - CROSS PARK PRECINCT (REFERRAL MATTER)

MEETING CLOSED TO PUBLIC

MOVED Cr Mosey that the meeting be closed to members of the public as the matter to be discussed deals with the personal affairs of a person.
Motion Carried (5/0)

Meeting declared closed at 7:22pm

At the Council meeting held on 10 October, Cr Mosey referred the following matter to the Community Services Committee.

> *That the matter of investigating creation of a bushland reserve within the Cross Park Precinct and consider naming after a local bushland champion be referred to the Community Services Committee.*

Comment from Cr Mosey

I would like a section of bushland near the South West corner of the Cross Park Precinct in Roleystone to be set aside as a bushland reserve, fenced and named for a prominent member of the Roleystone bush care or environmental champion.

Further details of the proposal were circulated to Councillors via memo.

Officer Comment

Further clarification was sought from Cr Mosey as to the subject area – as indicated below:

Existing Areas under Lease/Licence:

Cross Park is owned freehold by the City with parts of the area of interest currently under lease as indicated below:

A significant portion is currently under lease to the Roleystone Family Centre. The Lease Agreement lists the responsibility of cleaning, landscaping and maintaining the land as a responsibility of the Roleystone Family Centre.

These items are listed within the tenants 'Operating Expenses'.

Wording from Lease Agreement (Tenant's operating expenses):

(c) cleaning and decoration of the Land and the Complex;

(d) garbage collection, compacting, storage and removal services and facilities;

(e) landscaping of and maintaining any landscaping at the Land or the Complex;

The City does not have any responsibilities listed in the lease agreement regarding landscaping or maintaining the land.

<u>Master Plan and Site Functionality:</u>
The Cross Park masterplan, which was endorsed by Council in March 2013 (C38/3/13) has no future allocation for this portion of the site, with the masterplan indicating 'Family Centre to be Retained'.

Comment from Environment:
There is no dedicated environmental management plan, bushland weed mapping, dieback mapping or localised environmental values assessment of the Cross Park precinct.

The vegetation of the site is consistent with that of an upland Jarrah Forest, with a modified understory.

Mapped environmental values of the site includes (State and Federal datasets) on:

- Mapped presence and habitat suitable for *Isoodon fusciventer* (Quenda) – Priority 4 species (Rare, Near Threatened and other species in need of monitoring) under the *Biodiversity Conservation Act 2016*.
- Mapped presence and habitat suitable for *Calyptorhynchus latirostris* (Carnaby's Cockatoo). Listed as Endangered Species under the *Biodiversity Conservation Act 2016* and the *Environmental Protection Biodiversity Conservation Act 1999*.

Consistent with an approach of the management of other urban natural assets, the management of the environmental values of the site is undertaken in accordance with a bushland maintenance schedule. Bushland restoration works such as rubbish collection, dieback treatment of vegetation and weeding is also undertaken in the reserve by the community group Roleybushcare.

Other bushland reserves at recreation precincts include Creyk Park Bushland (2.3ha) and Bob Blackburn Reserve (5ha). These two reserves are also currently managed in accordance with a bushland maintenance schedule (bushfire mitigation works, revegetation works, weed control) that is administered by the Bushcrew. The maintenance of these sites is also supported through the implementation of programs such as the dieback treatment program.

If a higher level of environmental maintenance or improvement was sought in the Cross Park precinct, the following studies could be considered (both inside and outside of the lease areas) to inform a maintenance schedule:

- mapping of habitat trees;
- formal dieback mapping of site;
- detailed weed mapping & weed maintenance program development;
- vegetation condition mapping;
- revegetation programs (opportunities with the consideration of appropriate asset protection zones associated with adjacent community infrastructure).

Bushfire Risk Management
The nominated site for the bushland reserve would need to be established cautiously given that ongoing mitigation works will be required to meet the City's Bushfire Risk Management Planning (BRMP) obligations. The fuel loads on the proposed site would need ongoing monitoring and management, particularly given its proximity to the Roleystone Family Centre. Therefore the location should not be considered for use as an unmanaged natural bushland site.

Other Considerations
- There are no particular planning considerations. The City's policy on naming places and buildings would apply.

- CAPEX costs related to fencing have not yet been estimated as part of this report.
- Community & current leaseholder engagement has not been undertaken in writing this report, and would be required should further action be recommended.

Options

1. Do nothing
2. Receive a report that includes;
   a. details and estimated cost of required studies
   b. details and estimated cost of fencing
   c. details and estimated cost of developing and implementing a management plan for such a reserve
   d. implications of creating a reserve on land owned freehold by the City
   e. implications for the current leaseholder of establishing a bushland reserve.
3. Identify other appropriate bushland areas in or around Roleystone that could be named after a prominent member of the Roleystone bush care or environmental champion.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND **C35/12/22**

That Council:

1. Notes the intended individual for whom the bushland is to be named provided under confidential cover.

2. Immediately proceeds with naming the portion of Cross Park delineated as "the subject area" within this report as the "Individual's Name Bushland".

Moved Cr S J Mosey
MOTION CARRIED **(5/0)**

MEETING OPENED TO PUBLIC

Moved Cr Mosey that that the meeting be opened.
Motion Carried (5/0)

Meeting declared open at 7:31pm

COUNCILLORS' ITEMS

1. Storage Shed for Piara Waters Cricket Club (Cr Michelle Silver)

Cr Silver requested a report on a storage shed for the Piara Waters Cricket Club.

RECOMMEND **C36/12/22**

That Council refer the following Councillor item in regard to:

1. A storage shed for the Piara Waters Cricket Club

To the relevant Directorate for action and/or report to the appropriate Committee.

Moved Cr Silver
MOTION CARRIED **(5/0)**

EXECUTIVE DIRECTOR COMMUNITY SERVICES REPORT

Nil

MEETING DECLARED CLOSED AT 7:41PM

CITY OF ARMADALE

MINUTES

OF **CITY AUDIT COMMITTEE** HELD IN THE **FUNCTION ROOM**, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON **THURSDAY, 8 DECEMBER 2022 AT 7.00PM.**

PRESENT:	Cr E J Flynn (Chairperson)	
	Cr G J Smith (Deputy Chair)	
	Cr R Butterfield, Mayor	
	Cr P A Hetherington	
	Cr G Nixon	
	Mr S Linden (Independent Member) *via Teams*	
APOLOGIES:	Nil.	
OBSERVERS:	Cr M Northcott	
IN ATTENDANCE:	Ms J Abbiss	Chief Executive Officer
	Mr J Lyon	Executive Director Corporate Services
	Ms S van Aswegen	Executive Director Community Services *via Teams*
	Mr P Sanders	Executive Director Development Services *via Teams*
	Mr B Bell	Manager ICT Services
	Mr M Hnatojko	Executive Manaager Corporate Finance
	Mrs A Owen-Brown	Executive Assistant Corporate Services

Note:
The Audit Committee is a formally appointed committee of council responsible to that body and does not have any power or duty from the Council. As the matters discussed may be of a sensitive and confidential nature which, if disclosed could reasonably be expected to impair the effectiveness of the audit process, the Audit Committee meetings are closed to the public. – Council resolution CS53/10/2020 refers.

*"For details of Councillor Membership on this Committee, please refer to the City's website – **www.armadale.wa.gov.au/mayor-councillors-and-wards**."*

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was not read.

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

DEPUTATION

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the City Audit Committee Meeting held on 28 September 2022 be confirmed.

Moved Cr G Nixon
MOTION CARRIED (6/0)

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CITY AUDIT COMMITTEE

8 DECEMBER 2022

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1.1 - AUDITOR'S INTERIM AUDIT REPORT - 2021/22 FINANCIAL YEAR

WARD	:	ALL
FILE No.	:	M/617/22
DATE	:	14 November 2022
REF	:	MH/KY
RESPONSIBLE MANAGER	:	Executive Director Corporate Services

In Brief:

- This Report presents one matter raised in the Auditor's Interim Audit Report for Council's attention together with responses from Management to that matter.
- The Report Recommendation is to note the Auditor's comments, endorse the management responses/actions and support the responses to those comments by Management.

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 Visionary Civic Leadership and Sound Governance
      4.1.2 Make decisions that are sound, transparent and strategic

Legal Implications

- *Local Government Act 1995*
  - Section 7.1A – Audit Committee
  - Section 7.1C – Decisions of audit committees
  - Section 7.9 – Audit to be conducted
  - Section 7.12A – Duties of local government with respect to audits

7.1A. Audit committee

(1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

(2) The members of the audit committee of a local government are to be appointed by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

** Absolute majority required.*

(3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or

have a person to represent the CEO as a member of an audit committee.

(4) An employee is not to be a member of an audit committee.

7.1C. Decisions of audit committees

Despite section 5.20, a decision of an audit committee is to be made by a simple majority.

7.9. Audit to be conducted

(1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —

(a) the mayor or president; and

(b) the CEO of the local government; and

(c) the Minister.

(2) Without limiting the generality of subsection (1), where the auditor considers that —

(a) there is any error or deficiency in an account or financial report submitted for audit; or

(b) any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or

(c) there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government,

details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.

(3) The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —

(a) prepare a report thereon; and

(b) forward a copy of that report to the Minister,

and that direction has effect according to its terms.

(4) If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government.

7.12A. Duties of local government with respect to audits

(1) A local government is to do everything in its power to —

(a) assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and

(b) ensure that audits are conducted successfully and expeditiously.

(2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.

(3) A local government must —

(aa) examine an audit report received by the local government; and

(a) determine if any matters raised by the audit report, require action to be taken by the local government; and

(b) ensure that appropriate action is taken in respect of those matters.

(4) A local government must —

(a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and

(b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.

(5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.

Council Policy/Local Law Implications

The Audit Committee Terms of Reference establishes the objectives, duties and responsibilities of the Committee. Specifically, the Terms of Reference state:

> ***Purpose and Objectives of Audit Committee***
>
> The purpose of the Audit and Risk Committee is to support the Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management, internal and external audit function and ethical accountability.
>
> The primary objective of the audit committee in accordance with Regulation 16 of the *Local Government (Audit) Regulations 1996*, is to provide assistance and guidance to Council on the discharge of its duties under Part 6 and 7 of the Local Government Act 1995.
>
> ***Duties and Responsibilities***
>
> d) Review the reports provided by the external and internal auditors.
>
> e) Oversee the implementation of any action that the City:
>
> - Is required to take in response to an audit report received by an internal or external auditor.
> - Has taken or intends to take following a report prepared addressing any matters identified as significant by the auditor.
> - Has agreed following a review of risk management, internal control or legislative compliance.
> - Has agreed following a review of financial management systems.
> - Has agreed following an internal audit.

Budget/Financial Implications

Nil.

Consultation

- OAG (Office of the Auditor General)
- OAG's Contracted Auditor (KPMG Australia).

BACKGROUND

Each year as part of the City's audit program, an Interim Audit is undertaken by the OAG to identify areas of improvement associated with the City's internal controls, systems and procedures. This was undertaken by KPMG Australia on behalf of the OAG, for the financial year ending 30 June 2022.

The findings received from KPMG were assessed by Management and appropriate actions undertaken as required. The finding of the Interim Audit together with responses from Management are presented in this Report for the Committee's consideration and recommendation to Council.

In April this year, Council was informed via a memo, of the External Audit Plan for 2022.

This plan set out that the following areas to be covered for risk assessment during the interim and end of year audit:

1. Existence and valuation of infrastructure assets
2. Existence and valuation of fixed assets
3. Revenue – rates, fees, operating grants, developer contributions and subsidies
4. Landfill site – rehabilitation asset and liability
5. Personnel costs and related liabilities
6. Contracts and procurement
7. Cash, cash equivalents and term deposits
8. IT general controls and systems.

Furthermore, the interim audit also encompasses an examination of some compliance matters (including registers, minutes and other legislative matters) under:

- Part 6 of the *Local Government Act 1995* (as amended);
- the *Local Government (Financial Management) Regulations 1996* (as amended); or
- applicable financial controls of any other written law.

Any non-compliance matters will be reported in the Interim Audit Management Report for management information. Non-compliance matters are also reported in the Independent Auditor's Report.

DETAILS OF PROPOSAL

As part of Council's committee structure, the City Audit Committee has been established to review and address audit matters arising. The Interim Audit Report is summarised in this Report.

It is to be noted that the Interim Audit is primarily concerned with a review of controls/practices/procedures and Management's compliance with those controls. The Auditor's Interim Audit and Report is also scoped to cover a review of the accounting and internal control procedures in operation, as well as testing of transactions.

The findings of the Interim Audit help inform the Auditor in his Independent Audit Report to the Council, Management and Ratepayers. The Interim Audit reports on an exceptions basis, those matters that the Auditor believes Council should be aware of and/or requiring action by Management.

The review also covered an examination of some compliance matters, which are required under the *Local Government Act 1995* (as amended) and *Local Government (Financial Management) Regulations 1996*.

The Confidential Attachment 'Interim Audit Report 2021/22' is the report on the interim audit provided by KPMG Australia, which includes the one finding, risk rating, implications, recommendations and management responses and agreed actions provided by Management.

The recommendations and actions agreed to by the Management will be reviewed by the Auditor and the status of the implementation of the actions will be reported back to the Audit Committee as part of the Audit Action Status Report.

ANALYSIS

The interim audit finding and suggested opportunity for improvement is summarised into one area:

- Ineffective Purchasing Policy.

From a sample of 25 purchase orders KPMG identified 4 instances where the purchase order was not issued before invoice received and 5 instances where the minimum number of quotes for a purchase was not obtained, details of which can be found in the Confidential Attachment 'Interim Audit Report 2021/22'.

The Auditor's recommendation included:

- The City should monitor its Purchasing Policy and implement controls to ensure purchases do not occur until all of the policy requirements have been met.

Compliance with the City's Purchasing Policy has been an issue that has been raised by Audit previously. The interim Audit findings suggests that the matter requires further attention to reduce the instances of non-compliance.

The Management Response outlines further actions being undertaken or proposed to be undertaken, which revolve around policy and procedures review, systems improvement, reporting and monitoring and training.

CONCLUSION

The findings in the Auditor's Interim Audit Report and the Management responses suggest further actions can be undertaken to strengthen the City's controls, particularly around procurement.

ATTACHMENTS

1.⇩ Interim Management Letter - City of Armadale - Management Response

Committee Discussion

Committee discussed the presentation of the findings and the management responses and felt that the information could be presented in more detail. The Executive Director advised the feedback would be taken on board for future presentations of the information to Council.

Committee requested the recommendation be amended administratively to replace the word 'endorse' with the word 'note' as below:

"…and ~~endorse~~ note the management responses…"

RECOMMEND **CA6/12/22**

That Council note the matters raised by the Auditor in the Draft Interim Audit Report for the 2021/22 financial year, and note the management responses to those matters, as presented in this report.

Moved Cr R Butterfield
MOTION CARRIED **(6/0)**

2.1 - LGIS MEMBER RENEWAL REPORT 2022/23

WARD	:	ALL
FILE No.	:	M/604/22
DATE	:	8 November 2022
REF	:	FW/JL
RESPONSIBLE MANAGER	:	Executive Director Corporate Services

In Brief:

- LGIS provide the City with an insurance renewal report, which provides an industry overview including market trends and consequential impacts on the Scheme and details of changes to the City's scheme membership and contributions.
- The report this year highlights the global pressures on price and the challenges in relation to cyber risk coverage.
- Whilst insurance renewal is a responsibility of the Chief Executive Officer, it was felt beneficial to periodically report the nature and types of insurance taken by the City, as it is a key risk mitigation measure.
- Recommend that Council note the Local Government Insurance Scheme 2022/23 Renewal 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

4.1.5 Establish comprehensive governance policies and procedures.

Legal Implications

Nil.

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

The premiums for the City's insurance portfolio totals $1.7M. The premiums have increased by 8% over the past three years, reflective of a tightening insurance market and growth in the City's operations and asset base.

Scheme Fund	2022/23 Base Contribution (ex GST)
LGIS Liability	$461,842.00
LGIS Commercial Crime and Cyber Liability	$21,876.36
LGIS Management Liability	$51,221.99
LGIS Property	$421,507.15
LGIS Motor Fleet	$228,907.31
LGIS WorkCare	$494,882.04
LGIS Corporate Travel	$971.81
LGIS Personal Accident	$712.00
LGIS Bush Fire	$8,756.00
***Total Scheme Membership**	**$1,690,676.66**

Consultation

Nil

BACKGROUND

The Local Government Insurance Scheme

The Local Government Insurance Scheme WA (LGIS) is a local government mutual indemnity scheme which provides financial protection for its members and exists through a trust deed arrangement between WALGA and the members.

A mutual indemnity scheme is not insurance, it is an alternative risk financing strategy. Scheme members contribute money to create a fund which is used to manage the primary risks (Pooled Cover). The Scheme then also buys a variety of insurance in excess of the pooled cover to provide any additional protection members require.

In this structure there is a strong relationship between the successful execution of risk improvement strategies (which lowers risks and losses) and the increased financial strength of the scheme. This leads to greater member benefits including stability in pricing and cover and frequently also dividend returns.

City Insurance Portfolio Management
The City holds a number of insurance policies, primarily though the LGIS Mutual Schemes for various insurable risks. The policies provide for a maximum coverage (sum insured) and City exposure (policy excess) and are listed below, with further commentary outlining the policy detail.

- LGIS Property
- LGIS Liability
- LGIS Commercial Crime and Cyber Liability
- LGIS Management Liability
- LGIS Motor Fleet
- LGIS WorkCare
- LGIS Corporate Travel
- LGIS Personal Accident
- LGIS Bush Fire
- Zurich Contracts Liability.

Each financial year LGIS provide the City with a renewal report (see attachment) which provides an industry overview including market trends and consequential impacts on the Scheme and details of changes to the City's scheme membership and contributions.

Whilst insurance renewal is a responsibility of the Chief Executive Officer, it was felt beneficial to periodically report the nature and types of insurance taken by the City, as it is a key risk mitigation measure.

This report provides general commentary on the insurance market and outlines details of the City's insurance policy coverage.

COMMENT

Scheme Performance
In eight (8) of the past ten (10) years, LGIS has achieved surplus results and returned these surpluses to the scheme members.

The City has received "dividends" of returned surpluses in the past, between $50,000 to $140,000. More recently however, there has been reduced return on investments and substantial escalation in claims costs and LGIS have held Scheme surpluses to cover reduced returns and claims.

LGIS is still in a good financial position and scheme contribution increases for 2022/23 were limited, particularly in comparison to the commercial insurance market.

Market Analysis

In the first quarter of 2022, commercial insurance prices rose 11% globally and overall insurance pricing rose 10% in the Pacific region. Despite this, LGIS limited scheme renewal terms for 2022/23 were kept to single digit increases, for most members.

The City of Armadale's scheme contribution increases were in the most part between 6% and 9.1% for each of the eleven (11) scheme fund areas. The exceptions were Commercial Crime and Cyber Liability with a 31% increase due to market conditions.

Cyber risk remains particularly challenging globally due to frequent and severe ransomeware losses and as a result is an extremely difficult risk exposure to underwrite. The continually changing nature of cyber risks, the increasing digital dependence of business and the sophistication of the cyber crime industry combine to create fundamental uncertainties which result in challenges for commercially viable pricing of cyber risk.

As a result, the scheme has made some changes to the Cyber Liability policy making members responsible for 20% of the loss on ransomware claims and a percentage reduction in cover for breaches related to neglected software (software that is no longer available, no longer supported, reached the end of life or released updates have not been deployed).

Noting the importance of members' cyber resilience, LGIS is launching a cyber-risk pilot program in 2022/23 to assess the maturity of the sector. The program will develop a model to assist local governments to increase their resilience to cyber risk and assist in ensuring a pathway to ensure the effective transfer of risks.

Following a recent review, the City's cyber security strategy and maturity is the subject of a separate report to the Audit Committee this month.

City Insurance Polcies

The City holds a number of insurance policies, primarily though the LGIS Mutual Schemes for various insurable risks. The police are listed below, with further commentary outlining the policy detail.

<u>LGIS Property</u>

Total sum insured	$275,930,373
Premium	$421,507

This policy covers material loss or damage and consequential losses as a result of physical loss, destruction or damage to property. The maximum Limit of Liability is $600,000,000 for any one location.

All insurers are actively seeking to improve profitability with a number of insurers signalling:

- reductions in capacity (how much you can buy) and a big jump in pricing +>25%
- withdrawing from certain geographical regions
- looking to remediate their accounts and remove risks that do not fit their appetite
- focused on writing out asbestos and hazard material in buildings with protection being withdrawn for their removal
- Natural catastrophe limits are also being reviewed/reduced and imposed for bushfire, wind, flood and hail, along with aggregated limits.

In 2022/23, a number of sublimit(s) in the Scheme protection were reduced but LGIS have continued to maintain key coverage and limit the price volatility, faced by others in the market.

LGIS WorkCare

Total Wages	$42,662,245
Minimum Threshold*	$336,654
Maximum Threshold*	$1,386,523

**The City covers claim costs between the minimum and maximum claims threshold, and has a Cash Reserve for that purpose.*

The LGIS Workcare Scheme administers the employer's liability under the Workers Compensation and Injury Management Act 1981 and compliance with all WorkCover WA self-insurer regulations. Under this one of a kind arrangement in WA, all local governments within the State are considered to be self-insurers, meaning the Local Governments are exempted from the requirements to have a conventional workers compensation policy.

WorkCare is not impacted by global insurance trends. The benchmark rates for workers' compensation are set by the WorkCover gazetted rates which in recent years have increased year on year for Local Government Administration. LGIS WorkCare rates however, are based entirely on the member's and portfolio's performance.

The Table below is extracted from the renewal report. Of note, the City opts for a "blended deposit rate" of 1.16%, as opposed to 1.45%. Put simply, this means the City saves more on its workers compensation premiums if it has good injury prevention and injury management practices in place.

Details	**2022/23**
Estimated Wages	$42,662,245
Minimum Rate	1.45%
Minimum Contributions	$618,603
Blended Deposit Rate with 20% discount	1.16%
Blended Deposit Contribution	$494,882
Incurred Claims Threshold	$336,654
Maximum Rate	3.25%
Maximum Contributions	$1,386,523

In 2022, the city performed well and was under its claims threshold. A result that had not been achieved for a few years. This was assisted by the appointment of an injury rehabilitation officer.

LGIS Bush Fire

	2022/23
Total Event Coverage	$20M
Total Member Coverage	104 Members

Whilst making up a small proportion of Scheme operation; the bushfire portfolio is the most volatile due to the cost, nature, and frequency of claims.

Total aggregated sum insured any one event is $20M and 104 Volunteer Bush Fire Brigade Members have been listed for the City of Armadale.

Commercial Crime and Cyber Liability

	2022/23
Commercial Crime - sum protected any one period	$500,000
Cyber Protection – maximum aggregate limit any one period	$2,000,000

The increase in limits in recent years from a median limit of $100,000 to $1,000,000 is also driving premium increases as the indemnity provider continues to correct pricing for the increased exposure.

Cyber insurance pricing diverged from the general global trend, with prices generally increasing – notably by 35% globally - driven by the frequency and severity of losses.

Changes to the Cyber Liability (Section B of the Cyber and Commercial Crime Policy) include:

- **20% member risk retained payment on all ransomware claims** – this clause makes the member responsible for part of the loss and is in excess of the applicable deductible. For example, in the event of a ransomware loss of $500,000 the member will be responsible for $100,000 of the loss.
- **Infrastructure exclusion** which includes any electricity, gas, fuel, energy, water, telecommunications or other utility. This is not a significant change as SCADA (Supervisory Control and Data Acquisition) systems were specifically excluded originally.
- **Neglected software** – a breach that occurs where software is no longer available, no longer supported or has reached end of life or where updates have been released but not deployed. Percentage of cover is then applied to the number of days the patch was released. This has increased exclusion from just Microsoft Exchange Server to all examples of neglected software.

Motor Vehicle*

	2022/23
Total Coverage	$15.14M

The FY22 year marked the first year that motor claims were handled by the mutual scheme. Previously the portfolio was fully outsourced by LGIS to the market.

Across all Local Governments, there have been substantial number of avoidable claims, such as drivers hitting stationary objects. LGIS are providing a motor fleet risk service to assist members in reducing these types of incidents. The City is participating in the program, with an initial report on the health and maturity of the City's Fleet Management systems being due shortly.

Management Liability

Councillors' & Officers' Liability	$15,000,000 in the aggregate
Statutory Liability	$5,000,000 in the aggregate
Employment Practices Liability	$2,000,000 in the aggregate

There has been an increase in the number of Management Liability claims in Local Government in recent years and the severity has been substantial; development across claims arising from departmental inquiries, employment practises liabilities, and defamation action feed into the volatile performance of the management liability protection.

Contract Works

LGIS are no longer able to source a provider willing to provide a blanket contract works cover. This will result in the City having to take out a policy for each individual project it is self-managing and responsible for delivering.

The City previously took out the minimum cover, which covered the City for works it was undertaking itself for projects up to $1million. With the removal of this policy, a risk assessment will now need to be undertaken, to ascertain whether a policy is taken out for specific projects or how the risk can be managed (i.e. requiring the contractor to take out the cover).

It is proposed that LGIS will come out and present to key areas (Civil Works, Property Services and Parks), what this means for their projects and how to mitigate any risk to the City.

CONCLUSION

LGIS have provided the City with a renewal report which provides an industry overview including market trends and consequential impacts on the Scheme and details of changes to the City's scheme membership and contributions.

The report this year highlights the global pressures on price and the challenges in relation to cyber risk coverage. Although a deficit position was forecast at the end of the 2021/22 financial year, the scheme is still in a strong financial position and well situated to continue to support the City.

ATTACHMENTS

1. LGIS Renewal Report 2022-23 - *This matter is considered to be confidential under Section 5.23(2) (e iii) of the Local Government Act, as the matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person*

RECOMMEND **CA7/12/22**

That Council note the Local Government Insurance Scheme 2022/23 Renewal Report.

Moved Cr G Nixon
MOTION CARRIED **(6/0)**

2.2 - BUSINESS CONTINUITY RISK PLANNING

WARD	:	ALL
FILE No.	:	M/614/22
DATE	:	11 November 2022
REF	:	FW
RESPONSIBLE MANAGER	:	Executive Director Corporate Services

In Brief:

- Business Continuity Planning is a fundamental part of the City's Risk Management Framework.
- Developing Business Continuity Plans have been an objective of the Risk Management approach for some time, and were raised in previous Audits.
- During 2022, a Business Continuity Plan and supporting Business Continuity Action Plans were prepared in response to the escalating risks related to the impending relaxation of government imposed COVID-19 restrictions in Western Australia. The impact of COVID-19 on the City has been significant in terms of COVID-19 -related absences, however due to the implementation of business continuity strategies, there was minimal disruption to services to the community.
- An external review of the City's Business Continuity Framework has been undertaken and suggestions for improvement provided.
- Recommend that Council:
  1. Note the report on Business Continuity.
  2. Consider further investment in risk management

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

4.1.3 Develop organisational frameworks to achieve consistency, transparency and clarify of decision making processes

4.1.3.3 Develop the City's Risk Management System with a view to performing commensurate with accredited standards.

Legal Implications

- Local Government (Audit) Regulations 1996.

Council Policy/Local Law Implications

The City's policy on risk Management "ADM 25 – Risk Management", states that "the City will manage risk through a tailored, structure and comprehensive approach by:

1. Implementing a Risk Management Framework ("the Framework") that aligns to the ISO31000:2018 standard and the requirements of the Local Government (Audit) Regulations 1996.
2. Implementing a Business Continuity Plan ("the Plan") that aligns to the ISO 22301:2012 standard;
3. Providing sufficient resources and oversight of the Framework and the Plan to ensure they meet the intent defined in this policy;
4. Ensuring there is adequate awareness of this Policy, the Framework and the Plan;
5. Monitoring and reporting of the Policy, Framework, Plan, identified risks and actions taken to manage these key risk elements.
6. Continually improving the risk management processes through review and evaluation. The policy will be reviewed every three years or:
   a. If the organisation's internal or external risk context materially changes; or
   b. Whenever a material risk event occurs.

Budget/Financial Implications

The review of the City's Business Continuity Planning framework undertaken by Moore Australia was included in the City's budget for internal audit for 2022/23.

Consultation

- Moore Australia Pty Ltd (Internal Auditors).

BACKGROUND

The international standard for Business Continuity Systems ISO22301, describes business continuity as the "capability of an organisation to continue the delivery of products and services within acceptable timeframes at predefined capacity during a disruption.

Business Continuity management forms part of an overall approach to effective risk management that assists in preventing, preparing for, responding to, managing and recovering from the impacts of a disruptive event.

The City's Risk Management Policy (see attached) requires that the City implement a Business Continuity Plan that aligns with this standard. The City's Risk Management Framework (see page 2 of attached) describes the integration of risk management and business continuity.

The 2020 and 2021 General Computer Controls audit performed by the Office of the Auditor General (OAG), found that the City did not have an overarching Business Continuity Plan (BCP) and recommended that:

- The City develop a BCP which contains details on how it will operate during a major disruption and how it will return to normal operations.
- The plan should be based on an appropriate Business Impact Analysis (BIA) to identify critical functions and processes along with their recovery time objectives.
- The City should undertake appropriate testing to verify the effectiveness of the BCP. These tests should also ensure that key staff are familiar with the plans, and their specific roles and responsibilities, in a disaster situation.
- The results of these tests should be recorded, and relevant actions taken to improve the plan where necessary.

When the COVID19 public health emergency escalated rapidly in March 2020, the City found itself without a Business Continuity Plan in place to immediately guide decisions and actions in response to the global pandemic emergency. Notwithstanding, the City moved quickly to implement the fundamental elements that would ordinarily be contained in a Business Continuity Plan in accordance with the international standard. Resources were repurposed and redeployed to focus on the Business Continuity of City services.
Specifically, the City undertook the following:

- Established an Incident Management team
- Formalised a structure incorporating a number of recovery and response teams including their roles, responsibilities and required resources.
- Completed a business impact analysis to identify the City's critical, essential and non-essential services in the event of a pandemic in accordance with identified maximum allowable outages.
- Developed Business Continuity Plans for each business area which included the identification of critical services and functions, resourcing requirements and business continuity strategies and actions.
- Categorised all staff with a COVID19 risk rating and designed a work from home strategy prioritised in order of staff risk ratings.
- Fast tracked the securing of mobile IT resources and upgrade of IT software and infrastructure to enable staff to work effectively from home.
- Completed a staff skills capability and capacity audit to enable redeployment where appropriate.

DETAILS OF PROPOSAL

Business Continuity Risk Planning

In early 2022, the business continuity risks related to the impending relaxation of government imposed COVID-19 restrictions were assessed using the experience of the Eastern States as an indicator. A management decision was made to prepare a Business Continuity Plan which was based on the identification of four main risks:

1. Loss of access to building
2. Major staff absenteeism
3. Disruption to critical internal support service
4. Disruption of critical external supply chains or contractors.

A review of the prioritisation of the City's services conducted in 2020 was completed and services were categorised in accordance with a maximum acceptable outage of less than 5 days, less than 31 days or greater than 31 days. Roles and responsibilities to respond to a disruptive risk event were agreed and corporate strategies and actions identified for each of the four main risks.

Business Continuity Action Plans (BCAP) were then developed for each business area to support the implementation of the Business Continuity Plan. The objectives of the BCAP process was to provide a cost effective means of:

- Preventing or minimising the impact of events capable of disrupting business operations
- Ensuring that business areas can respond to unavoidable disruptions
- Ensuring a smooth and rapid restoration of normal business operations after a disaster.

Disaster Recovery Planning

During 2021/22 the City undertook a project to develop the overarching Disaster Recovery Plan (DRP) in relation the City's Information and Communication Technology (ICT) services. This involved documenting the notification and activation processes as well as the establishment of roles and responsibilities of the Disaster Recovery Team.

The DRP does not necessarily describe likely events, it focusses on major outage times, which will be the deciding factor on whether recovery activities and the Disaster Recovery Team are activated. The DRP identifies the critical ICT applications and the objectives for when data is required to be recovered back to and the time it takes to recover each application. This project was completed in February 2022.

A second phase of the project is required to develop the technical recovery procedures. This was originally planned for 2022/23, however other priorities such as cyber security and network infrastructure are taking precedence.

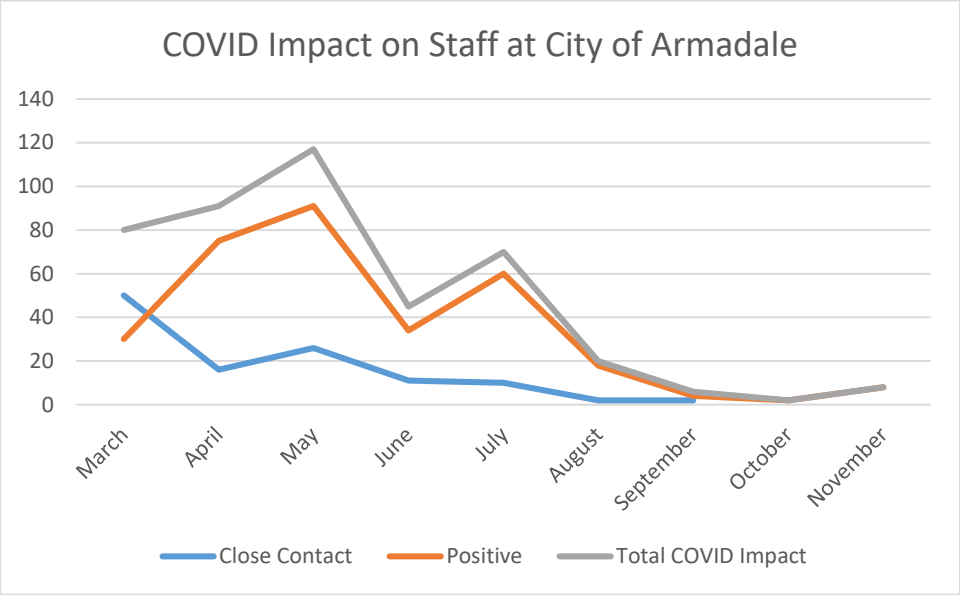
COMMENT

The impact of COVID-19 in 2022

As the impact of COVID-19 increased in Western Australia, the State Government approved the Critical Worker Furloughing Policy, a business continuity strategy which provided for a worker in isolation due to being a close contact, to be asked by their employer to return to work, as a last resort situation for business continuity of critical services. The City developed a system to manage the requirements of the policy which was utilised on a number of occasions to ensure the continuation of critical services.

To ensure the health, safety and wellbeing of staff, customers and the community, diversion of resources to map and implement processes to prevent exposure to COVID-19 in the workplace and minimise pandemic infection spread in the workplace was undertaken. The Crisis Response team met regularly to discuss and determine strategies for the management of vaccination and testing requirements, as well as social distancing restrictions and measures.

During the 6 months from March to September 2022, over 400 staff members either contracted COVID-19 or were isolated due to close contact requirements (illustrated in the following graph).



ANALYSIS

Moore Australian Internal Audit

The City's Internal Auditor, Moore Australia, were requested to review the City's newly developed Business Continuity Plan and Business Continuity Action Plans and provide recommendations for improvement. (see attached confidential summary report)

Moore Australia recommended that the next steps to improving the maturity of the City's Business Continuity Planning Framework are to develop the following:

- Business Continuity Policy
- Crisis and Emergency Management Plan

In addition, suggestions were provided by Moore to improve the alignment of the plans developed by the City earlier this year with the international standards and better practice principles.

Although many of the Business Continuity Action Plans were activated during the peak of the COVID-19 outbreak in W.A. earlier this year, the management team have recognised that continual improvement of these plans will occur through testing of the plans. However the City is not currently resourced to plan and undertake a regime of testing of business continuity plans.

Investing in Risk Management

Since the establishment of the Better Business Program in 2016, the budget for this program including risk management and internal audit has decreased by $50,000 p.a. During this same period the City has introduced:

- internal audit and risk management programs
- the Four Year Budget
- Service definition through the service statements
- Business Area Planning
- Business Continuity Planning
- Increased Audit Committee reporting

Re-prioritisation of resources was required to develop the Business Continuity Plans, the City does not currently have ongoing resources to maintain these documents or implement the recommendations provided by Moore Australia. The re-allocation of existing budgets will need to be undertaken to deliver current gaps in the program. To adequately manage the requirements of an ongoing business continuity program as part of the City's Risk Management program, and more broadly and the City's Internal Audit program, requires ~~an~~ additional resourcing, which is the subject of a proposal to Council.

OPTIONS

1. Note the report on Business Continuity Risk Planning; and

Or

2. Note the report on Business Continuity Risk Planning
   Recommends that Council consider further investment in risk management

CONCLUSION

During 2022, a management decision was made to prepare a Business Continuity Plan and supporting Business Continuity Actions Plans in response to the escalating risks related to the impending relaxation of government imposed COVID-19 restrictions in Western Australia. The impact of COVID-19 on the City has been significant in terms of staff absences, however due to the implementation of business continuity strategies, there was minimal disruption to services to the community.

An external review of the City's Business Continuity Framework has been undertaken and suggestions for improvement provided.

ATTACHMENTS

1. Business Continuity Planning - Moore Aust Summary Report - *This matter is considered to be confidential under Section 5.23(2) (e iii) of the Local Government Act, as the matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person*
2. Risk Management Framework 2019
3. Risk Management Policy (Final July 2019)

Committee Discussion

Cr Flynn moved that an amendment be made to the Recommendation to include funding for a Risk and Audit Officer. The amendment to point 2 of the Recommendation to be as follows:

~~*2. Consider further investment in risk management*~~.

2. Immediately fund a Risk and Audit Officer to be included in the mid year review.

RECOMMEND

CA8/12/22

That Council:

1. Note the report on Business Continuity
2. Immediately fund a Risk and Audit Officer to be included in the mid year review.

Moved Cr E J Flynn
Seconded Cr P A Hetherington
MOTION CARRIED (6/0)

2.3 - CYBER SECURITY

WARD	:	ALL
FILE No.	:	M/665/22
DATE	:	30 November 2022
REF	:	AO
RESPONSIBLE MANAGER	:	Executive Director Corporate Services

In Brief:

- A confidential report is presented separately to this Agenda.

Strategic Implications

4.1 Strategic Leadership and effective management
4.1.3 Develop organisational frameworks to achieve consistency, transparency and clarity of decision making processes
4.2 A culture of innovation
4.2.1 Embrace the use of technology to achieve improved efficiency and effectiveness of City functions

Legal Implications

Nil.

Council Policy/Local Law Implications

- ADM25 – Risk Management Policy.

Budget/Financial Implications

The ICT Strategy has a number of projects and initiatives to strengthen the City's cyber security maturity. This includes an allocation of $145,000 in FY24 for an Information/Cyber Security Officer.

Consultation

Details are outlined in the confidential report.

A Confidential Report is presented separately to this Agenda.

ATTACHMENTS

RECOMMEND **CA9/12/22**

That Council approve the recommendation as detailed in the attached Confidential Report.
Moved Cr R Butterfield
MOTION CARRIED **(6/0)**

COUNCILLORS' ITEMS

Nil.

CHIEF EXECUTIVE OFFICER'S REPORT

Nil.

MEETING DECLARED CLOSED AT 8.36PM

CITY AUDIT COMMITTEE

SUMMARY OF ATTACHMENTS

8 DECEMBER 2022

ATT NO.	SUBJECT	PAGE
1.1	**AUDITOR'S INTERIM AUDIT REPORT - 2021/22 FINANCIAL YEAR**	
1.1.1	Interim Management Letter - City of Armadale - Management Response	
2.2	**BUSINESS CONTINUITY RISK PLANNING**	
2.2.2	Risk Management Framework 2019	
2.2.3	Risk Management Policy (Final July 2019)	

The above attachments can be accessed from the Minutes of the Development Services Committee meeting of 8 December 2022 available on the City's website.

CITY OF ARMADALE

MINUTES

OF **DEVELOPMENT SERVICES COMMITTEE** HELD IN THE **FUNCTION ROOM**, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON **MONDAY, 12 DECEMBER 2022 AT 7.00PM.**

PRESENT:	Cr M J Hancock	(Chair)
	Cr R Butterfield	
	Cr P A Hetherington	
	Cr S J Mosey	
	Cr G J Smith	
	Cr S S Virk	
APOLOGIES:	Cr K Kamdar	(Leave of Absence)
OBSERVERS:	Nil	
IN ATTENDANCE:	Ms J Abbiss	Chief Executive Officer
	Mr P Sanders	Executive Director Development Services
	Ms D Dagostino	Health Services Manager
	Mr A Romano	Strategic/Statutory Planning Officer *(7.00pm to 7.53pm)*
	Mrs N Cranfield	Executive Assistant EDDS
PUBLIC:	8	

*"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

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 21 November 2022 be confirmed.

Moved Cr R Butterfield
MOTION CARRIED (6/0)

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 18 - OCT 2022

Items referred from the Information Bulletin – Issue 18 – October 2022

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

QUESTION TIME – 7:05 PM

In regard to the report "Harrisdale North Structure Plan – Recommendation to WAPC" the following questions were presented to Committee -

Mr R Henderson (for Melissa Zappelli) - Lot 604 Balannup Road

1. On Wednesday 7th December I met with Fiona Felton and Ruth Harvey from DBCA at Balannup Road along with Dr Peter Keating to discuss the wetland dispute within the Yolk Structure Plan. At my request DBCA have been reviewing wetland classifications on Lots 604 and 605 to include hydrology, soil and vegetation data collected by Dr Peter Keating on our behalf. A DBCA decision is imminent. I have also formally requested a DBCA wetland review of Lot 201 Skeet Road and Lots 600, 601 and 602 Balannup Road. The location and classifications of wetland are integral to the Yolk Structure Plan. I ask why the City of Armadale continue to progress the Yolk Structure Plan before DBCA decisions on wetland classifications have been made? I also ask whether the City of Armadale is aware that they appear complicit in supporting a Structure Plan that will destroy wetlands and has lacked accuracy and transparency from the very beginning?

The Chair advised that the City is required to consider the Structure Plan and any submissions received and make its recommendation to the WAPC in accordance with the relevant legislation. The DBCA is the relevant State Government agency that determine wetland classifications, which is a separate process to the Structure Plan process. The City has recommended the deletion of Lots 601 to 606 Balannup Road from the Structure Plan.

Mr K McKay - Lot 606 Balannup Road

2. Mr McKay expressed his concerns about the property developer's interactions with a State Government Department, their financial motivation and the cost to others and the environment. Why is the City of Armadale continuing to go along with this?

The Chair advised that the City does not agree with this comment and the City is required to consider the Structure Plan and any submissions received and make its recommendation to the WAPC in accordance with the relevant legislation.

Aileen McKay - Lot 606 Balannup Road

3. I have asked at a previous meeting a question on development over REW wetlands. The very brief answer was "Sometimes you can build on these wetlands". This renders the whole wetland mapping system meaningless. Would you please give me the criteria that allows for this to happen and who by and how this decision gets made. As the officially mapped REW on Lot 602 is going to be developed in the Yolk Structure Plan, does this mean the similarly marginal Lot 604 REW can also be deemed for development?

The Chair advised that in terms of the current proposals and wetlands, the DBCA are the relevant State Government agency that determine wetland classifications. The WAPC will be make the decision on the proposed Structure Plan, which will determine the planning framework for the area and whether the wetlands are identified or protected as part of the Structure Plan. The City is required to make a recommendation to the WAPC on the Structure Plan.

Mr R Henderson - Lot 604 Balannup Road

4. In regard to the buffer zone decisions relating to CCW and REW buffer zones and previous advice from the City that the DBCA are the relevant State Government agency that determine the width of CCW and REW buffer zones, I met with DBCA on 7th December who advised that it is not their decision to make but the local Council who make the decisions. Can I please have this clarified?

The Executive Director Development Services advised that there are different circumstances attached to the types of decision making attached to different types of applications e.g. in regard to Development Applications the City would most likely be

the determining authority, in some instances we are not. In this instance the Local Government is not the determining authority on this Structure Plan it is the WAPC. The recommendation from DBCA is considered by and a decision is made by WAPC. The WAPC determine the Structure Plan and they also determine subdivision applications. In my experience the DBCA do not vary their buffers that often and it is very hit and miss as to when they do and when they don't. We will know when the WAPC makes its decision on what circumstances will apply when they determine the buffers in the wetland areas.

5. The DBCA put in a CCW on Lot 605, the 50m buffer runs from the edge of my property right through to the middle of my property, so why is it then that it is unacceptable that my driveway can't be brought to a zero buffer?

The Chair advised that because the driveway is an existing development/structure the buffer would not be retrospectively impacting your driveway and you would not have to move your driveway as there is an existing buffer. Any additional development would need to be consistent with the existing wetland buffers.

The Executive Director Development Services reiterated that there is not always a consistent approach by State agencies and the City is not the determining authority for these buffers. The DBCA have policies and make recommendations to the approving authorities, in this case it's the Minister for Planning in terms of the Scheme Amendment and the WAPC in terms of the Structure Plan and any subdivision applications. The WAPC will set the framework on what the buffers are and where in the Structure Plan for the wetlands.

6. On the Structure Plan at the corner of Lot 604 and 603 the buffer is 10m and the rest of the entire property has a buffer of 30m. Why can the developer drop the buffer down to 10m?

The Chair advised that what is on the proposed Structure Plan tonight is not necessarily what will be the final approval by the WAPC because ultimately the City is not the decision maker, e.g. for instance if there is a 10m buffer, when it is submitted to the WAPC and the relevant authority who makes recommendations on that type of consideration, which is the DBCA, they may decide that a 10m buffer is not acceptable. The relevant authority is to provide recommendations to the WAPC, the ultimate decision maker, who will be undertaking their recommendations separately to our process and they will be commenting on that information and they may not be supportive of the current Structure Plan.

7. Why can't the City reject the 10m buffer and put it back to 30m buffer as per the rest of the property?

The Executive Director Development Services advised that the City officer's recommendation excludes these areas from the Structure Plan for the same reasons you

have been raising, it's not that we don't understand what you are saying or what your advocating for, it is just that the City is not the final decision maker on these points. The wetland classification process has not finished and the City understands that you and the landowners have expressed that you not have been heard during this DBCA process.

MOVED Cr Mosey

That public question time be extended

MOTION CARRIED

Bernie Blake - Lot 605 Balannup Road

8. Mr Blake raised concerns with the information on which the Structure Plan has been assembled. The whole process has turned into a disgraceful and expensive debacle for the owners of Lots 604-606 because the City of Armadale Planning Department did not vet the plan in house as it should have, as in Mr Blake's view the historical and hydrological aspects were not accurately represented to the DBCA. We were also confounded that the DBCA, a State Government department would rush to embrace the plan, despite it turning their guidelines upside down, hastily incorporating it into their database, making it extremely both expensive and difficult if not impossible to reverse.

   The Executive Director Development Services advised that in terms planning processes and legislation regarding Structure Plans, an applicant can put a proposal in and as long as it meets the State Planning requirements in terms of the type of documents that are required by the WAPC, then the City is required to accept the lodgement of the application. The Council is not allowed to make a decision at that point to reject the proposal because of the merits of the application e.g. too many lots, the Council does not have that ability in the legislation, it is still the applicant's proposal and the Council is required to accept its lodgement for assessment as per the legislation.

9. Is the City of Armadale prepared to accept responsibility for its part in this ugly situation?

   The Chair advised that this comment is not correct, the City has processed the applicant's Structure Plan in accordance with the relevant legislation. The City understands that the residents have raised the matters regarding the DBCA's wetland processes with DBCA, which is the appropriate agency to consider the resident's wetland queries.

Lyn Osborne - Landowner - Wandi

10. Ms Osborne raised concerns about the depositing of soil on Lot 201 Skeet Road on 4 November 2022 in an area where there were nesting waterbirds and turtles. Ms Osborne expressed concern over the number of truckloads of soil deposited and whether the

impacts on wildlife had been considered. Lakes on Lot 201 Skeet Road and Lots 600, 601 and 602 Balannup Road are precious urban wetlands. Why is the City of Armadale knowingly progressing a Structure Plan that will totally destroy the wetlands and their wildlife?

The Chair advised that the City is aware some sand was deposited on the land and the City's Planning Compliance officer attended the property to require works to cease. The City does not have any evidence to suggest that the number of truckloads was as suggested.

In regard to the query about lakes, the DBCA are the relevant State Government agency that determine wetland classifications. The City is required to consider the Structure Plan and any submissions received and make its recommendation to the WAPC in accordance with the relevant legislation.

11. Why is the City allowing this to go ahead, why do you accept the developers information without any proof as to what is wetland and what is not wetland?

The Chair advised that the City is required to consider an application once it is submitted and make its recommendation to the WAPC in accordance with the relevant legislation. The DBCA is the relevant State Government agency that determine wetland classifications, which is a separate process to the Structure Plan process.

The Executive Director Development Services advised that if a waterbody changes to a CCW classification by DBCA, then the Structure Plan will need to be amended to reflect this. Similarly, if a CCW wetland is no longer classified by DBCA as a CCW then the Structure Plan will need to reflect this decision.

Mr R Henderson (for Dianne Henderson) - Lot 604 Balannup Road

12. Following consultation with hydrologists and drainage engineers I have formed the belief that the Yolk Structure Plan will cause irreparable damage to Lots 604, 605 and 606 Balannup Road. Yolk Property Development intend to fill land surrounding our Lots with up to 4m of soil. Runoff from this artificially filled land will change pre-existing groundwater levels and drainage patterns. These changes will irreversibly damage the development potential and current usage values of our land. Is the Development Services Committee aware that landowners of Lots 604. 605 and 606 intend to take a Civil action against the City for damages should the Yolk Structure Plan proceed in current form?

    The Chair advised that the Committee is now aware. The City has considered the applicant's proposed Structure Plan in accordance with the relevant legislation. The City's officers have recommended that Lots 601 to 606 be excluded from the Structure Plan.

PUBLIC QUESTION TIME CLOSED AT 7.28 PM

DEPUTATION

Harrisdale North Structure Plan – Recommendation to WAPC

Mr Sheldon Day, Director Hex Design Planning addressed the Committee at 7.29pm and provided the following main comments:

- *Briefed Committee on the preparation and processes over the past 2 years.*
- *A State Government initiative to deliver housing in Harrisdale.*
- *The WAPC's MRS Amendment rezoned the land to Urban.*
- *The applicant has discussed the scheme amendment and structure plan with the WAPC.*
- *It is acknowledged that Lots 601-603 Balannup Road were excluded from Amendment 121 in Council's recommendation to the WAPC, however the landowners have requested they be included in the scheme amendment and structure plan.*
- *Explained that no drainage is proposed to go onto Lots 604 and 606 Balannup Road.*
- *Explained the proposed interface with buffers, ground levels and retaining walls.*
- *It is unclear as to the planning grounds that Lot 601-603 were excluded from the Amendment and the landowners of Lot 601-603 Balannup Road support being included in the Structure Plan.*

Chair thanked Mr Day for his attendance.
Deputation retired at 7.33pm.

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12 DECEMBER 2022

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Committee agreed to bring forward the following Report to this juncture of the meeting in the interests of the public gallery. Moved: Cr Butterfield

3.1 - HARRISDALE NORTH STRUCTURE PLAN - RECOMMENDATION TO WAPC

WARD	:	RANFORD
FILE No.	:	M/548/22
DATE	:	8 December 2022
REF	:	AR
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	Hex Design and Planning
LANDOWNERS	:	Various
SUBJECT LAND	:	Lots 601 - 606 Balannup Road & Lots 200 - 202 Skeet Road, Harrisdale
MRS ZONING/ RESERVATION	:	Urban
TPS NO.4 ZONING	:	General Rural
TPS AMENDMENT No.121	:	Urban Development Development Area 72

In Brief:

- The Structure Plan for Skeet Balannup Precinct (Lots 200 - 202 Skeet Road & Lots 601 - 606 Balannup Road) has been advertised for public review with several affected landowner and State Agency submissions received (relevant correspondence from several parties have also been received subsequently).
- The Structure Plan proposes base Residential density code of R30 with R40 around Public Open Space (POS) areas and a smaller portion fronting Ranford Road proposes Commercial uses.
- The Structure Plan accords with the original Scheme Amendment No 121 area, which proposed to:
  - rezone the area to 'Urban Development' under TPS No.4; and
  - insert 'Development Area (Structure Plan Area) 72' in the Special Control Area Map and insert additional subdivision and development provisions in Schedule 8 text that are tailored to specific site location/characteristics.
- Council resolved in October 2022 to adopt Amendment No.121 for final approval and recommend modifications to the Minister, including removing Lots 601 - 606 Balannup Road from the 'Urban Development' zone (these lots would remain existing General Rural zone).
- Recommend Council endorse Structure Plan approval consistent with Council's Amendment No.121 final adoption and retaining Lots 200 – 202 Skeet Road within the Structure Plan boundary (Urban Development zone portion) and remove Lots 601 - 606 Balannup Road.

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

Corporate Business Plan 2022/23-2025/26

1.1.2 Cultivate the sense of place generated by the City's heritage, vegetation and escarpment, wetlands and waterways as well as the participation in vibrant community hubs.

1.2.3.4 Advocate through the structure plan process to increase the provision of public open space and particularly active open space.

2.5.1 Ensure the City's planning framework is modern, flexible, responsive and aligned to achieving the outcomes of the Strategic Community Plan and Corporate Business Plan.

2.5.2 Actively seek the retention of trees in new subdivisions and developments.

2.5.6 Constantly seek improvements to the nature and standard of developments within the City.

Legal Implications

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Metropolitan Region Scheme
Town Planning Scheme No.4
Environmental Protection Act 1986
Environmental Protection and Biodiversity Conservation Act (Commonwealth) 1999

Regional Land Use Policy Implications

Perth and Peel @ 3.5 million - South Metropolitan Peel sub-regional planning framework (2018)
Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (2001) (District Structure Plan)
State Planning Policy 2.0: Environment and Natural Resources Policy
State Planning Policy 2.9 – Water Resources
Draft State Planning Policy 2.9 – Planning for Water Policy & Guidelines (August 2021)
State Planning Policy 3.0: Urban Growth Settlement
State Planning Policy 3.7: Planning in Bushfire Prone Areas
State Planning Policy 5.4: Road and Rail Noise
Liveable Neighbourhoods (WAPC 2009; 2015 draft)

Council Policy/Local Law Implications
Local Planning Strategy 2016
Local Biodiversity Strategy
PLN 2.4 Landscape Feature and Tree Preservation
PLN 2.6 Water Sensitive Design
PLN 2.9 Landscaping

Budget/Financial Implications
Nil direct financial implications. Subsequent land development generates additional rate base, service demand, and capital and operational costs for new/upgraded infrastructure/local facilities. Modifications to the existing Development Contribution Plan No.3 (DCP) arrangements implemented via Amendment 115 to TPS No.4 were approved by the Minister for Planning in August 2022 and will be gazetted in early December. The modified scheme provisions will enable costs for common infrastructure works within the Skeet Balannup Precinct to be equitably apportioned throughout the DCP area.

Consultation
1. Preliminary applicant discussions through the MRS Urban deferment lifting and TPS Amendment process.
2. Development Control Unit and City Directorates.
3. Adjoining/nearby landowners (Refer to Plan of Advertising Extent) and including officer meetings and written communications replying to consultant and landowner queries.
4. State Government agencies and utility service providers (Refer to Schedule of Submissions).
5. Applicant discussion regarding landowner, utility providers and State Government agency submissions.

DETAILS OF PROPOSAL

The advertised Structure Plan proposes:
- Residential zoning with a base density coding of R30 and a R40 density coding around Public Open Space (POS) areas with an estimated yield of 300 lots and dwellings.
- Three areas of Public Open Space are proposed along the eastern and western corners of Balannup Road, and along Skeet Road.
- The total POS for the advertised Structure Plan comprises of 8.28ha (31% of the gross subdivisible area), however, note that modification of the Structure Plan to include only the lots fronting Skeet Road in the final Structure Plan, as this report recommends, will require recalculation of these figures to account for the significant POS environmental areas within the Balannup Road lots. Refer also to the analysis - Local Landscape Feature and Tree Retention Strategy section of this report for further discussion of POS.
- POS areas encompass and include a Conservation Category Wetland and Resource Enhanced Wetland along Balannup Road and a Conservation Category Wetland along Skeet Road in addition to substantial buffer setbacks to land which is to be developed for urban residential.
- The road network features a central spine road connecting Skeet Road to Balannup Road and central road connecting this spine to Reilly Road.
- A “Commercial area” along the corner of Ranford Road and Skeet Road (which still requires to be allocated an existing TPS 4 zone as “Commercial area” is not defined in the Scheme).

The Structure Plan application is supported by the following technical reports:

- Local Water Management Strategy
- Traffic Impact Assessment
- Engineering Servicing Report
- Environmental Assessment & Management Strategy
- Basic Fauna and Targeted Black Cockatoo Assessment
- Bushfire Management Plan
- Landscape Masterplan
- Wetland Assessment
- Acoustic Report

BACKGROUND

The Balannup, Ranford, Reilly and Skeet Roads Precinct is one of the last remaining undeveloped land parcels within the Harrisdale urbanisation area. Since the MRS Urban Deferred zone was put in place in 2015, further planning for land use change has been unusually slow, mainly due to the continuing presence of the operating Poultry Farm, its industrial buffer requirement/effect sterilizing surrounding land from urbanisation and the substantial wetland/bushland environmental constraints it contains.

These factors contributed to an active planning/development group not coming forward until 2020, when the current applicant took up contracts and financed the studies required to de-constrain the land (close down the poultry farm) and undertake the substantial environmental and servicing studies that would be required to prepare the necessary rezoning proposals under both the MRS/TPS No.4 and to prepare a Local Structure Plan.

The site is approximately 27 hectares consisting of 9 lots in separate ownerships (note that some properties are under contract to a land development group assembling suitable land for urban residential development). It is bounded by Ranford Road to the north, Skeet Road to the east, Balannup Road to the west and the unconstructed portion of Reilly Road to the south. The lots adjoining Balannup Road are approximately 2ha in area and are generally developed with single houses and associated outbuildings with one lot undeveloped (Lot 605). The three (3) lots along Skeet Road are approximately 5ha each. Lot 202 Skeet Road previously operated as a poultry (broiler) farm (closed in July 2022) and includes the following structures on site:

- 7 decommissioned poultry farm sheds,
- 2 dwellings,
- various outbuildings; and
- a telecommunication tower along Ranford Road.

Lot 201 is being used for rural industry purposes as a storage/landfill area and Lot 200 is developed with an Aboriginal Evangelical Fellowship Bible College. High Voltage power lines and easement traverse the site through the unconstructed portion of Reilly Road and then extending though Lots 604 to 606.

Perth and Peel @ 3.5 million (2018)
The subject land is identified as 'Urban Deferred' in the South Metropolitan Perth and Peel @ 3.5 million Region Planning Framework and is identified for short-term development, between 2015 and 2021, noting that environmental constraints (i.e. kennels and poultry farm) restricting urban development need to be addressed.

Previously, the Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (DSP) (2001) identified the majority of the site for future urban development, with a western and northern portion of the site identified for Rural living, primarily due to the now ceased poultry farm on the corner of Ranford and Skeet Roads and a buffer to Balannup Lake "Bush Forever" area and adjacent wetlands at the corner of Balannup Road and Ranford Road. Lot 601 Balannup Road and Lots 200 - 202 Skeet Road were not identified in the DSP as future 'Urban' due to the poultry (broiler) farm buffer at Lot 202 Skeet Road preventing development of the land for "Urban" uses (further discussed below).

Local Planning Strategy (2016)
The City's Local Planning Strategy identifies the site as an 'Urban Development Area' with a small buffer portion of 'Rural' land along the north western boundary in order to provide a buffer around Balannup Lake and the adjacent wetlands and Bush Forever area at the corner of Balannup Road and Ranford Road. The Strategy states that the City will encourage land use zoning changes, where supported by appropriate environmental and servicing studies to supply well-located land suitable for urban residential development purposes.

MRS Amendment 1274/57 (2015)
The MRS Amendment 1274/57 rezoning the land to Urban Deferred was gazetted in 2015 and rezoned approximately 42 hectares of the Skeet Balannup precinct from the 'Rural' zone to the 'Urban Deferred' zone. The MRS Urban Deferred area included the subject site in addition to Lots 501 – 505, 600 and 607 Balannup Road.

In December 2012 (D80/12/12) Council had previously supported the land being rezoned Urban Deferred zone and provided advice on various planning issues for the attention of the WAPC prior to it transferring the area to the Urban zone (discussed further in the September 2021 Council report on Amendment 121).

The applicant at the time had lodged the following documents to support the proposal for rezoning to 'Urban/Urban Deferred' in the MRS:
- Environmental Assessment Report;
- District Water Management Strategy;
- Concept Structure Plan; and,
- Engineering Services Report.

The WAPC considered the MRS Amendment area to be potentially suitable for urban purposes in the future. However, the WAPC also identified the following treatable constraints that restricted the area from being developed at that time and which would need further consideration prior to the WAPC lifting the Deferred status:
- Active kennels north east (within City of Gosnells) and west (within Hatch Court) of the site.
- Active poultry farm at Lot 202 Skeet Road, Harrisdale (ceased operation earlier this year).

- Environmental constraints associated to the existing Resource Enhancement Wetland (REW) over Lot 600 Balannup Road and Conservation Category Wetland (CCW) within Lot 200 Skeet Road.

The City notes that the REW over Lot 604 Balannup Road and the CCW over Lot 605 Balannup Road were not identified through this MRS Amendment stage.

The MRS amendment report outlined the following requirements that needed to be addressed to resolve the above issues as part of future requests for lifting of the 'Urban Deferred' zone under the MRS:

- *Arrangements for the closure of the poultry farm at Lot 172 (now Lot 202) Skeet Road;*
- *Agreement on the extent of kennel area buffers affecting the precinct;*
- *Finalisation of any new alignment of Ranford Road (if required - should the proposal to relocate it south of Balannup Lake proceed);*
- *Substantial progress on a local structure plan informed by supporting studies/further investigation into the various environmental issues affecting the subject land (as identified by the Environmental Protection Authority, Department of Parks and Wildlife and Department of Environment Regulation), including those relating to environmental issues, noise and traffic impact.*

MRS Urban zoning - Lifting of Urban Deferment (2021)
The Western Australian Planning Commission gazetted the transfer of the subject site from the Urban Deferred zone to the Urban zone on 6 August 2021 pursuant to Clause 27 of the MRS (MRS 1383/27). This site represents approximately 70% of the area which had been previously rezoned from Rural zone to the Urban Deferred zone under MRS Amendment 1274/57, gazetted in 2015.

As part of the Urban Deferment lifting request in 2021, the City provided comments to the WAPC supporting the lifting of Urban Deferment, however, the City did highlight concerns with the environmental constrained land identified in Lots 605 – 606 Balannup Road due to the new CCW core being identified within Lot 605 Balannup Road and the CCW buffer identified within the adjoining Lot 606 Balannup Road. As a result of the new CCW, there was little to no development potential identified for the properties impacted by the CCW and thus providing no mechanism for the CCW core and buffer to be ceded as POS. The City's comments were reviewed by the Department of Planning Lands and Heritage and its report was presented to the WAPC recommending to support the lifting of 'Urban Deferment' and transfer to the Urban zone.

As requested by the City and the Environmental Protection Authority (EPA), the WAPC did not agree to concurrently rezone the land to Urban Development in TPS No.4 under Section 126 of the Act, so that site constraints and coordination issues (including environmental factors) could be addressed at the Town Planning Scheme amendment phase. The Western Australian Planning Commission (WAPC) agreed with the City and the EPA that a subsequent rezoning Amendment provided the proper process for TPS No.4 Schedule 8 provisions to be put in place to guide future structure plans and address the environmental and planning issues arising from future land development.

TPS Amendment 115 – DCP

The site is located within Development Contribution Area No.3 area under the City's TPS No.4. The North Forrestdale Development Contribution Plan provides a cost sharing framework for the equitable collection of contributions and the funding of common infrastructure works of benefit to the future community in this area. In March 2021, Council initiated TPS No.4 Amendment No.115 which, among other proposals, aims to amend the Development Contribution Area No.3 Infrastructure Cost Schedule currently operating in the area, to include potential for DCP contributions to be allocated towards the costs of acquisition and/or betterment of the rehabilitated existing CCW wetland along Skeet Road so that it serves passive recreation and conservation functions as part of future public open space.

It should be noted that State Planning Policy 3.6 – Infrastructure Contributions does not support the inclusion of wetlands in DCPs purely for environmental protection purposes and as such, land acquired for common infrastructure works under this item will also be required to serve some form of carefully-managed recreation function in the future.

As part of further discussions between the City and WAPC, modifications to Amendment 115 required by the Minister for Planning in her final approval have expanded the range of opportunities for the DCP to provide compensations, subject to meeting State Planning Policy 3.6 criteria. The wetlands/buffer areas able to be compensated or acquired by the DCP would be subject to Council consideration of the overall costs associated with common infrastructure, inclusive of the acquisition and betterment of wetland areas and any active recreation and facilities required in the wider Hatch to Skeet Road Precincts and Warton Road Precinct.

Following progression of Amendment 121 and the gazettal of Amendment 115, the DCP infrastructure costs will be further considered by Council as part of the Infrastructure Cost Schedule to be prepared for the area. The Structure Plans for the two precincts, once approved, will guide preparation of the DCP Infrastructure Cost Schedule and common infrastructure able to be part or wholly funded through the DCP. The draft DCP Infrastructure Cost Schedule will be subject to subsequent consultation with all affected landowners and parties at a later date before being presented to Council for its endorsement.

TPS Amendment 121 – Initiation

Amendment No 121 was initiated by Council at its September 2021 meeting in order to ensure that TPS No.4 remained consistent with the MRS 'Urban' zone. The Scheme Amendment originally proposed to rezone Lots 601 - 606 Balannup Road & Lots 200 - 202 Skeet Road, Harrisdale from 'General Rural' to 'Urban Development' with proposed Schedule 8 provisions which aim at addressing:

- Technical reports required as part of the Structure Plan.
- Wetland buffers to be addressed at Structure Plan stage.
- Wetland and buffer management plans to be addressed at subdivision stage.
- Soil contamination studies to be carried out at subdivision stage.

The associated provisions outlined in Schedule 8 will ensure that key site considerations are addressed through the structure plan, subdivision and development stages, while responding to City of Armadale and State agency (including Environmental Protection Authority) advice received at the public review and assessment stage. These provisions augment the standard

requirements specified for the Structure Plan, subdivision and development stages by State Government Regulations/Policy and the policies of Local Government.

Scheme Amendment 121 was accompanied by a Concept Plan and supporting technical reports. The Concept Plan sought to identify the land proposed for Residential purposes, areas of Public Open Space and Recreation reserves including environmental areas and road network, all consistent with the structure planning studies and structure planning work then being prepared by the current applicant.

Prior to advertising Amendment No.121, as part of the Section 48 environmental assessment, the EPA recommended:

- Changes to the Schedule 8 provisions - a series of changes to the Schedule 8 provisions were made relating to protection of wetlands, banksia woodland and stormwater design.
- Identification of new Resource Enhancement Wetlands (REW) – the EPA requested that the applicant's Proposed Geomorphic Wetland Mapping be amended to identify the wetlands described by the consultant's report as "Borderline Resource Enhancement/ Multiple Use Wetlands" within Lot 602 and 604 Balannup Road to "Resource Enhancement Wetlands" due to the environmental values identified by the Department of Biodiversity Conservation and Attractions (DBCA).
- Changes to the Concept Plan - the Concept Plan, which had formed part of the 2021 MRS Urban Deferment Lifting application, provided limited to no development potential for the landowners impacted by the new CCW within Lot 605 Balannup Road and REW within Lot 604. The City had identified and raised concerns with the ability to deliver the new wetlands identified as POS areas. The Concept Plan as proposed would not provide any planning mechanism for the POS areas to be created. As part of Council's September 2021 Resolution to initiate Amendment121, the Concept Plan had been modified to provide urban development areas within Lot 605 and 606 Balannup Road. However, due to the new REW being identified, Lot 604 Balannup Road urban development potential was reduced. At EPA assessment stage EPA officers discussed the wetlands referencing the DBCA's decisions on the wetlands and required the City to further modify the Concept Plan.

The City notes that the new wetland mapping information is typically addressed at the MRS rezoning stage, however, the two new REW's within Lot 602 and 604 Balannup Road was not raised as an issue earlier by the DBCA when the WAPC consulted and approved the lifting of Urban Deferment in 2021 or when the MRS was first amended in 2015.

Following the EPA's confirmation and issue of its Environmental Assessment clearance decision under Section 48A of the *Environment Protection Act 1996* the City advertised TPS Amendment No 121 for a 42 day period with submissions closing on 11 June 2022.

TPS Amendment 121 – Adoption

At its October 2022 meeting, Council adopted Amendment 121 with modifications including rezoning Lots 200 – 202 Skeet Road, Harrisdale to Urban Development zone whilst retaining Lots 601 – 606 Balannup Road zoned in the General Rural zone due to the environmental constraints, ongoing DBCA wetland re/assessments of wetlands on the Balannup Road properties and landowner submissions outlining issues of concern or objection to the rezoning processes of the Amendment. Council also resolved to remove the Concept Plan from the Amendment 121 document, as the Structure Plan is the relevant proposal.

If Amendment 121 is adopted by the Minister as recommended by Council at its meeting on 24 October 2022, then under the Urban Development zone, a Structure Plan is only required for Lots 200 – 202 Skeet Road, Harrisdale.

Structure Plan
Following the initiation of Town Planning Scheme Amendment No 121 proposing to rezone the site from 'General Rural' to 'Urban Development' zone and the EPA and other State Government agencies providing their comments on the level of information required to be addressed at Structure Plan and subdivision stages, the City accepted the Structure Plan as formally lodged. At this stage, in July 2022 it was deemed suitable for advertising and in accordance with the Structure Plan requirements set out in the *Regulations*.

As the Structure Plan was lodged prior to Council's final adoption of Amendment No.121 in October 2022, the boundary and extent of the advertised Structure Plan was consistent with the MRS Urban zone and consistent with Council's September 2021 initiation of Amendment No.121 to rezone Lots 200 – 202 Skeet Road and Lots 601 – 606 Balannup Road to the Urban Development zone.

COMMENT

The Structure Plan was advertised for a period of 42 days from 13 August 2022 to 24 September 2022. Advertising included signs on site, notifications to State Government/utility providers/agencies, notices in the "West Australian", information published on the City's website and letters to affected and surrounding landowners.

Total No. of public and agency submissions received	:	28
No. of public submissions of support/comment	:	5
No. of public submissions of objection	:	12
No. of agency submissions of support/comment	:	9
No. of agency submissions of objection	:	2

The City notes that multiple submissions were received from individual landowners objecting to the application. These submissions are addressed further below in the report and in the attached Schedule of Submitters.

Refer to Confidential "Submitter Plan" and "Schedule of Submitters" in the Confidential Attachments to this report.

The issues raised by the submissions have been summarised and recommendations made on each submission in the Key Issues section to this report and the "Schedule of Landowner Submissions" and "Schedule of State Government Submissions" attached to this report.

State Government agency objections were received from:
- The Department of Transport – regarding lack of existing or proposed walking and riding routes to various destinations outside of the structure plan areas.
- The Department of Fire and Emergency Services – regarding the proposed Bushfire Management Plan.

Key issues raised in the submissions of objection by State Government agencies are discussed below. Please refer to the Schedule of Submissions for responses to all of the issues raised. Please note that all submissions relate to the advertised Structure Plan proposal including Lots 601 – 605 Balannup Road, which Council's resolution to adopt Amendment No.121 no longer proposes for Urban Development zone. The lots fronting Balannup Road are considered only able to be comprehensively structure planned after DBCA has confirmed its final wetland re/assessments currently underway and the environmental constraints of the Balannup Road lots are more fully known and understood.

Issue 1 - Stormwater drainage basins within wetland buffers

The DBCA raised concerns with the Local Water Management Strategy locating stormwater drainage basins within the POS areas that had been identified on the Structure Plan to buffer and protect the CCW wetland on Lot 201 Skeet Road, and the REW wetlands within Lot 601 Balannup Road and within Lot 604 Balannup Road. DBCA request that the entire buffer should not be used for drainage infrastructure requirements, nor should any stormwater drainage (including road drainage) discharge directly into a CCW (refer to Stormwater Management Plan figure in ***Attachments***). DBCA also advise that the entire buffer should be restored and managed to maintain or enhance the adjoining wetland values.

Comment

The City notes that the majority of POS areas shown on the Structure Plan are impacted by wetlands and wetland buffers. The only portion of POS not impacted by wetland buffers is a small portion of POS within the rear of Lot 200 and to the west of Lot 200. However, these portions of POS consist of Banksia Woodland vegetation which is required to be retained and improved as part of the proposed Schedule 8 provisions in Amendment No.121. Accordingly, basins BRA1 and FSA 1 located within the western portion should be moved as the basins will negatively impact the banksia woodland and may result in further clearing.

In addition, given the majority of the buffer area located within Lot 201 Skeet Road consists of a bushfire break, scattered trees and grass understory, the City supports retaining the basin (FSA2) within the buffer area but recommends that the basin is moved to an area that does not impact the existing trees.

In relation to the basin located within the Lot 200 CCW buffer (FSA1), the City recommends moving the basin and combining it with the basin located just outside the buffer (BRA-1) and for both basins to be located outside of any area which is consists of banksia woodland vegetation.

The City recommends that Council include a recommended modification in the Schedule of Modifications to be forwarded to the WAPC, for the LWMS to be amended to ensure that no stormwater arising from development of adjacent properties impact on Lots 601 – 606 Balannup Road so that only stormwater arising from the Balannup Road lots themselves affect those lots. This report recommends that Balannup Road lots not be included within the Structure Plan going forward in accordance with Council's resolution at Amendment 121 final adoption, rezoning only the lots fronting Skeet Road to Urban Development zone.

For the portion of the LWMS area that covers the proposed Urban Development zone at Lots 200 – 202 Skeet Road, the stormwater basins within Lots 200 and 201 Skeet Road are proposed to be suitably vegetated with species appropriate for POS buffers to wetlands and be consistent with the vegetation that will be planted within the protected wetland buffer areas

and to allow the POS buffers to perform socially desirable passive recreation and visual amenity functions as well as preventing hydrological impacts on groundwater dependant vegetation within the conservation wetlands themselves. The vegetated basins would provide opportunity for pathways to meander around the basins and provide visual and passive recreation amenity. POS buffers to conservation wetlands given up by landowners into State ownership as a condition of allowing more intensive urban development of the landowners land, with the ongoing management costs falling to the local government, should not be sterilised from serving some passive recreation needs of its local community or urban water management function providing that no negative impacts result for the core protected wetland areas themselves.

In the event the Minister agrees to the applicant's proposal and requires the Amendment to be modified to re-include Lots 601 - 603 Balannup Road within the current rezoning to Urban Development zone, the basin located within Lot 601 is approximately located half within the REW buffer and half outside the buffer area in the designated POS area. Given the basin's proximity to the proposed road reserve running parallel to the basin, the City does not support basins being located within or in close proximity to road reserves, as they create maintenance issues caused by debris from the road which results in blockages and thereby increasing maintenance costs for the City.

Additionally, pushing the basin further outside of the REW buffer and closer to the road reserve will result in a narrower basins and steeper grades which limits their effectiveness and usability for passive recreation. Accordingly, in order to provide sufficient separation between the road reserve and the basin, the City would support the location of the basin within Lot 601 Balannup Road, however, recommends that the small portion of the north western tip be pushed further away from the road reserve.

As part of the City's recommendation to the WAPC, Council should include a recommended modification in the Schedule of Modifications for the LWMS to be amended to address the above matters if some of the lots are modified by the Minister in the Scheme Amendment.

<u>Recommendation</u>
It is recommended that the objection is supported in part in that the more detailed Water Management Plans should ensure stormwater drainage (including road drainage) is not discharged directly into a CCW core wetland protected area.

Issue 2 – Proposed Road Reserve within REW buffer

The DBCA raised concerns with the proposed road reserve within DBCA's standard REW buffer width of 30m to allow for the Lot 603 Balannup Road and arguing that this equates with a reduced buffer.

<u>Comment</u>
Given Council recommended Lots 601-606 Balannup Road, including Lot 603 Balannup Road be removed from the Amendment No.121 area, the City recommends that the Structure Plan road layout be also amended to remove all the Balannup Road lots pending the resolution of the wetland issues and development of a suitable design based on the outcome of the DBCA wetlands classification. The City notes that the landowner of Lot 604, which contains the core of the REW has lodged a wetland reclassification with the DBCA to remove the REW classification. This may impact the designation of the REW buffer within Lot 603.

In the event the Minister agrees to the applicant's request and modifies Amendment No.121 to include Lots 601 - 603 Balannup Road, the City is supportive of the proposed central road location and the REW buffer reduction given the portion of 30m REW buffer within Lot 603 consists of a cleared bushfire break, a 15m x 10m outbuilding and that the existing vegetation consists of scattered trees with grass understory. However, the City requests that the existing trees be retained within the proposed road reserve where possible through the tree retention strategy.

The City recommends that Council include a recommended modification in the Schedule of Modifications for the Structure Plan to be amended to address the above matters if Lots 601 - 603 Balannup Road are included in the Structure Plan.

Recommendation
It is recommended that the objection is not supported.

Issue 3 – Bushfire Attack Levels

The Department of Fire and Emergency Services raised concerns with the Bushfire Management Plan identifying proposed residential areas abutting POS within Lots 200 – 202 Skeet Road and Lots 604 and 606 Balannup Road as Bushfire Attack Levels above BAL-29.

Comment
In-accordance with the WAPC's *SPP 3.7 – Planning in Bushfire Prone Areas*, the Bushfire Management Plan (BMP) evaluates the existing and proposed vegetation within the Structure Plan area in order to identify the Bushfire Attack Level (BAL) impact on any future residential development. The Bushfire Attack Level provides a standard to which individual homes need to be constructed in order to mitigate bushfire impacts on the homes and allowing for greater opportunity for home owners to leave the area in the case of an emergency.

For the Structure Plan area as recommended in this report that is confined within Lots 200 – 202 Skeet Road, in accordance with Council's final rezoning resolution, the BMP identifies the future lots abutting POS to have a BAL rating over BAL-29 within:

- the rear north western corner of Lot 201 Skeet Road;
- within the central portion of Lot 200; and
- the northern corner of Lot 202 Skeet Road.

The BAL ratings are due to the uncontrolled vegetation (as defined under the WAPC's *SPP 3.7 – Planning in Bushfire Prone Areas*) found within the CCW and the POS area which is retaining the banksia woodland vegetation within Lot 200 and the adjacent Lot 600 Balannup Road property that currently consists of a General Rural land use with a REW and scattered vegetation throughout the site.

The *Guidelines for Planning in Bushfire Prone Areas* states that the strategic planning proposal should be located in an area of BAL-29 or below. For the large Residential R30 block shown within Lot 200, the City supports DFES's recommendation to provide a perimeter road with a suitable road width between the POS and the residential developments area in order to reduce the BAL ratings and provide sufficient hazard separation for the residential development area.

As part of the City's recommendation to the WAPC, the City will include a recommended modification in the Schedule of Modifications for the BMP to be amended to remove Lots 601-606 Balannup Road, in accordance with Council's resolution to adopt Amendment 121. The City notes that this may result in additional Flame Zone area ratings along the rear boundaries of Lots 200 – 202 Skeet Road, and may require the Structure Plan to provide an additional perimeter road and/or treatments in order to provide sufficient hazard separation distance for the Structure Plan area.

If the Minister decides to require modification to the Amendment No.121 to re-include Lots 601-606 Balannup Road, the City could support the BMP for these particular areas given all residential development is shown to have a BAL-29 or below.

The City's recommendation to the WAPC, should include a modification in the Schedule of Modifications for the Structure Plan to be amended to:

- remove development being shown on Lots 601-606 Balannup Road;
- provide a perimeter road along the rear boundaries of Lots 200-201 Skeet Road; and
- provide a perimeter road between the residential development and POS area within Lot 200.

Recommendation

It is recommended that the objection is supported in part.

Issue 4 – Bushfire Management Plan – Two way access

The DFES recommends that two-way access is to be provided at all stages of the future subdivision as per the *Guidelines for Planning in Bushfire Prone Areas*.

Comment

The BMP states that temporary cul-de-sacs/dead-end roads may be required during staging of the development. The City is supportive of the DFES recommendation to provide a staging plan that provides temporary two access points in case of fire emergency.

The City is also concerned with the large R30 residential development within Lot 200 Skeet Road having no access to two separate roads for bushfire emergency evacuation in the event of an approaching fire, given Reilly Road is not constructed and the development will only have a small frontage to Skeet Road. Accordingly, the City recommends an access/egress connection point be provided to Reilly Road, the City notes that the remaining portion of Reilly Road may have to be constructed to a suitable standard as a result of this change unless another appropriate secondary access can be proposed. Further to issue 3, the City recommended that a perimeter road along the rear boundary of Lot 200 and a perimeter road separating the proposed developed land from the POS should be provided and this should also connect out to Reilly Road or an approved alternative in order to provide two distinct points of access/egress for bushfire emergency situations.

Given Lots 601 to 606 Balannup Road are recommended to be removed from the structure plan area in order to be consistent with Amendment No.121, the central road connecting Skeet Road to Balannup Road will no longer be possible in the interim (short-medium term) until the Balannup Road lots are rezoned and structure planned, which removes all secondary access for the remaining residential development within Lots 201 and 202. As per the recommendation outlined under Issue 3, the perimeter road along the rear boundaries of Lots 200 -202 Skeet Road connecting out to Reilly Road will have to be proposed in order to provide a secondary access.

The City recommends that Council include a recommended modification in the Schedule of Modifications for the Structure Plan to be amended to address the above matters.

Recommendation
It is recommended that the objection is supported.

Issue 5 – Threatened Cockatoo habitat

The subject area contains foraging, roosting and potential breeding habitat for the threatened Carnaby's Black Cockatoo (Calyptorhynchus latirostris), Forest Red-tailed Black Cockatoo (Calyptorhynchus banksii naso) and Baudin's cockatoo (Calyptorhynchus baudinii).

Comment
The DBCA recommends that if trees with suitable hollows are to be removed, it is recommended that trees be felled outside of the birds' breeding period. If trees with suitable hollows are to be cleared within the breeding period, they must first be inspected by a suitably experienced fauna specialist to ensure that nesting is not occurring. If the inspection identifies nesting birds, a section 40 authorisation under the *Biodiversity Conservation Act 2016* will be required. Where nesting is occurring, trees are to be demarcated and avoided, until after the cockatoos have naturally completed nesting.

DBCA advises that the proponent may have notification responsibilities under the *Environment Protection and Biodiversity Conservation Act 1999* in relation to Matters of National Environmental Significance and should contact the Commonwealth Department of Agriculture, Water and the Environment for further information on these responsibilities.

As per the DBCA advice above, the City understands that prior to any retention and clearing of threatened Cockatoo habitat the applicant will require approval by the Commonwealth Department of Agriculture, Water and the Environment, in accordance with the *Environmental Protection and Biodiversity Conservation Act 1999*. The City notes that this is not covered under the *Planning and Development Act 2005* and is a separate process that is required.

Recommendation
It is recommended that the objection is supported.

Issue 6 – Threatened Ecological Communities

The vegetation communities present within the site include the 'banksia woodlands of the Swan Coastal Plain' 'threatened ecological community' (TEC) which is listed as 'endangered' under the *Environment Protection and Biodiversity Conservation Act 1999* as well as the State-listed 'priority ecological community' (PEC) 'banksia woodlands of the Swan Coastal Plain'. This PEC is listed as Priority 3 in WA.

Comment
The banksia woodland species are located within Lots 601 - 606 Balannup Road and Lot 200 Skeet Road. The Structure Plan identifies the eastern portion of Lot 200 retaining the banksia woodland within a POS area whilst the western portion of the banksia woodland area will be cleared for residential development. The DBCA has advised that the banksia woodland is a Matter of National Environmental Significance (MNES) and is protected under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC

Act). Accordingly, the DBCA has advised that prior to any development occurring on Lot 200 Skeet Road, the developer may therefore have notification responsibilities under the *EPBC Act* and should contact the Commonwealth Department of Climate Change, Energy, the Environment and Water for further information on these responsibilities. The City notes that this is not covered under the *Planning and Development Act 2005* and a separate process is required.

In order to try and retain additional banksia woodland area through the TPS Amendment 121 stage, the City included a requirement under the Schedule 8 provisions to maximise the retention of banksia woodland species within the Lot 200 POS area and for any vegetation identified as being below excellent condition, the vegetation is to be improved by the landowner to an excellent condition at the subsequent subdivision stage. Accordingly, the City recommends amending Part 1 of the Structure Plan to require a banksia woodland flora improvement plan at the subsequent subdivision stage.

As part of the City's recommendation to the WAPC, the City should include a recommended modification in the Schedule of Modifications for the Structure Plan to be amended to address the above.

Recommendation
It is recommended that the objection is supported.

Issue 7 - Landowners request to be withdrawn from the Structure Plan

The landowners of Lots 604 – 606 Balannup Road request to be removed from the Structure Plan area.

Comment
The landowners have requested to be withdrawn from the structure plan area given concerns with the newly identified CCW within Lot 605 and REW within Lot 604 resulting in a small portion of their property being able to be shown as developable on the proposed Structure Plan. Some of the landowners have advised that DBCA is currently in the process of assessing a new wetland assessment prepared on their behalf by their consultant Bioscience and their request to reclassify the wetlands. If the State Government (DBCA and WAPC) determines any changes to the current DBCA wetland mapping, the Balannup Road landowners would be able to prepare a separate TPS Amendment and subsequent Structure Plan stage, or the Minister could amend Amendment No.121 and the WAPC amend the Structure Plan. The City/Council is required to make its recommendation now on the information it has to date.

The landowners have also provided the City with a copy of their consultant's (Bioscience) environmental wetland assessment as part of their submission which disputes the DBCA's new REW and CCW classifications. The City notes that wetland re-classifications cannot be dealt with through the planning framework under the *Planning and Development Act 2005* and that DBCA is currently re-assessing its previous work and all information recently submitted by various parties.

DBCA subsequently advised the City on 25 November 2022 that while all the specified information to allow a full reassessment has not yet been submitted by the landowners to enable the re-assessment, DBCA anticipates it may shortly have enough information from the landowners to make a decision in respect to wetland reassessment request for the Balannup

Road lots affected by wetlands. DBCA propose to release a draft of its final report and recommended decision to the affected landowners, City and relevant parties and take feedback comments before DBCA makes its final decision.

As covered in the Background section of this report, the City raised this matter as a concern throughout the MRS Urban Deferment Lifting application in 2021 and the TPS Amendment stage, citing concerns that there is no mechanism to cede the POS and wetland area portions within these three properties if the landowners are not provided viable development potential.

As part of the City's recommendation to the WAPC, the City should include a modification in the Schedule of Modifications for the Structure Plan to be amended to remove Lots 601 – 606 Balannup Road, in accordance with Council's resolution to adopt Amendment 121.

The City notes that as part of finalisation of Amendment No.121, the Minister could request modification to the Amendment to include Lots 601-606 Balannup Road, whilst still removing Lots 604 – 606 Balannup Road from the Amendment area.

Recommendation
It is recommended that the objection is supported.

Issue 8 – Landowners of Lots 601 - 606 Balannup Road request to be re-included

The landowners of Lots 601 - 606 Balannup Road have subsequently objected to the removal of their land from the proposed Urban Development zone at Council's final adoption of Amendment No.121 and requested to be re-included into Amendment No.121 and be kept in the Structure Plan area given they are able to provide development on their properties. They believe that any environmental impacts on the remainder of the Balannup Road area can be avoided and addressed as part of the Structure Plan process.

Comment
In accordance with Council resolution to adopt Amendment No.121, all of the Balannup Road lots including Lots 601 - 606 Balannup Road were removed from the proposed Urban Development zone Amendment area and are currently proposed to remain zoned General Rural under TPS No.4. As such, in accordance with TPS No.4, a structure plan cannot be approved for areas zoned General Rural. As part of the City's recommendation to the WAPC, this report recommends including a modification in the Schedule of Modifications for the Structure Plan to be amended to remove Lots 601 – 606 Balannup Road, in accordance with Council's resolution to adopt Amendment 121.

Recommendation
It is recommended that the objection is not supported, subject to the Minister's final decision on Amendment No.121.

Issue 9 – Lack of Communication

Various landowners impacted by the DBCA's new wetlands advise that there has been a lack of consultation with them from the developer, applicant, applicant's environmental consultant, DBCA and the City.

Comment
Through the TPS Amendment stage and Local Structure Planning Stage, the City has undertaken two separate consultation periods in accordance the *Planning and Development (Local Planning Schemes) Regulations 2015*, and letters were sent to all affected and nearby landowners as part of each of those processes. City officers have also responded to numerous landowner enquiries with officer meetings, written and verbal communications to landowners throughout these processes.

The City is not able to advertise the Amendment documentation and plans until the EPA has completed is S.48A environmental assessment examination of Amendment No.121, whereupon the City makes all the Amendment documentation and plans available for public review and comment and provides contextual information on its website to assist landowners and the public to understand the public documents and process.

The EPA undertook preliminary investigations and inquiries as part of that process, which included examination of various DBCA correspondence, resulting in the DBCA's new wetlands mapping being incorporated into all documentation and related changes to proposed layouts of land uses that resulted. The EPA concluded that the Amendment did not warrant further environmental assessment, in accordance with S.48A of the *Environmental Protection Act 1986* (*EP Act*) (refer to the figure EPA S.48A Environment Assessment Determination and Advice Given ***in Attachments***).

The City notes that as part of the WAPC's MRS lifting of the MRS Deferred status and transfer to the Urban zone, the WAPC does not advertise the proposal and hence the landowners were unable to access the applicant's planning and environmental reports. The City, however, subsequently assisted the landowners in getting the WAPC application information they were seeking prior to the pubic advertising process through the City's Freedom of Information application process. In addition, as part of DBCA's wetland classification process, to classify Lot 605 Balannup Road to a CCW and Lot 604 Balannup Road to a REW, DBCA is not required to advertise or notify landowners of the changes.

Recommendation
It is recommended that the issue is noted.

Issue 10 - Fill heights

Landowners abutting the Structure Plan area have raised concerns with the potential fill levels directly abutting the rear property boundaries of Lots 604 - 606 Balannup Road and the side northern boundary of Lot 604 Balannup Road. The landowners have raised the following concerns with the Structure Plan's proposed requirement for land fill:

Comment

- Stormwater flowing from the development area into their properties.
  It is considered that the stormwater catchments and stormwater treatments for the land contained within the advertised Structure Plan's Skeet Road lots and Lots 601 to 606, however, further information has been requested from the applicant in a revised LWMS prior to WAPC consideration of the Structure Plan, which confirms the areas to be developed, will be entirely self-contained. The revised LWMS is to articulate and confirm that the Urban Water Management Plan for the site works at subdivision stage, on properties adjacent to the excluded Balannup Road Lots, can be prepared and

subdivision/development will not have negative changes on hydrology conditions on the revised Balannup Road Lots and their hydrology will remain as current. Should Lots 604 - 606 Balannup Road be developed in future for urban purposes, they would also have self-contained stormwater catchments and stormwater treatments (Refer to the two figures which portray stormwater catchments/management features titled - Stormwater Management Plan in the ***Attachments***.

It is also considered that following Council's decision to exclude Lots 601 - 606 Balannup Road from the Scheme Amendment No.121, a revised LWMS should be prepared addressing the confinement of Urban Development only to those lots approved in the final Structure Plan approval. This would need to ensure the existing status quo for water management/drainage was maintained and no negative impacts would be caused affecting adjacent lots.

- Fill will destroy the REW within Lot 602 Balannup Road.
  It is considered that land fill requirements will be battered to natural ground level/or retained at property or wetland boundaries ensuring that no impacts to protected wetlands occur.

- Destroy the water bodies within Lot 601 Balannup Road and Lot 201 Skeet Road
  The water bodies located within Lots 601 Balannup Road and Lot 201 Skeet Road are identified as Multiple Use Wetlands (MUW) under the DBCA's Geomorphic Wetland Classification Plan.

- Privacy from the new development looking into their properties.
  It is considered that Residential Design Codes applying to urban residential development have criteria for overlooking and shading issues.

Recommendation
That the concerns be noted and addressed at subsequent planning and development approval processes for urban development.

ANALYSIS

Local Landscape Feature and Tree Retention Strategy

The City places particular importance in the assessment of planning proposals to protect and preserve significant trees, groups of trees or landscaping features, including at Local Structure Planning stage. The Landscape Master Plan broadly identifies areas which will retain vegetation within the POS areas. A significant area is set aside from development as POS to protect a conservation wetland and buffers which retain significant communities of native vegetation. Given the area is low lying and characterised by high water tables, the area proposed to be developed, however, will require land fill at a minimum height of 500mm to reduce risks from major storm events and facilitate servicing similar to other parts of Harrisdale. Land fill requirements make retention of existing trees and vegetation difficult within proposed road reserves, however, street trees will be implemented as part of subdivision works.

While the total POS for the advertised Structure Plan comprises of 8.28ha (31% of the gross subdivisible area) and a lesser but still significant area would be provided upon development of the Skeet Road lots alone, the great majority of this POS is restricted in use, due to the area's extent of environmentally sensitive wetlands, vegetation and buffers needing protection through POS and public management. This large environmental conservation area

limits the ability of land for Active Recreation to be allocated or provided through the Structure Plan process as it would not be commercially viable to develop. However, the City has investigations in progress outside of the Structure Plan process with an intent of providing additional Active Recreation facilities located in the adjacent future urban or nearby existing urban area, which would address the Active Recreation requirements of the local community in the northern part of Harrisdale, including the current Harrisdale- North Structure Plan Area. This additional planning work the City is undertaking is linked to the current urban development planning processes through the Development Contribution Plan No.3 (DCP) arrangements to be implemented via Amendment 115 to TPS No.4 and recently approved by the Minister for Planning (to be gazetted on 2 December 2022). The modified scheme provisions will enable costs for common infrastructure works within the area to be equitably apportioned throughout the DCP area.

In accordance with the proposed Schedule 8 provisions 72.3 (c) in Amendment No.121 and as outlined in the Amendment initiation Council's report in September 2021, the *Local Planning Policy PLN 2.4 - Landscape Feature and Tree Preservation* outline the following information is required to be provided as part of the Structure Plan application:

The following information is required to be prepared and submitted to the City for approval at Local Structure Planning stage to assist in satisfying Items '1.2 and 1.3' of the 'Site and Context Analysis' requirements under Element 1 'Community Design' of Liveable Neighbourhoods:

<u>Local Landscape Feature and Tree Retention Strategy</u>
A Local Landscape Feature and Tree Retention Strategy is to be submitted to the City as part of a Local Structure Plan in accordance with Schedule 2, Clause 16(1)(c)(i) of the Planning and Development Regulations 2015. A Local Landscape Feature and Tree Retention Strategy should be prepared in consultation with the City and include the following:

- *A description and map prepared by a suitable qualified professional (to the satisfaction of the City) showing the location, species, size and structural health of Significant trees on site;*
- *A map showing which Significant Trees are proposed to be retained and which Significant Trees are to be removed;*
- *A description of methods to avoid impacts on trees that are to be retained;*
- *A description of ongoing management and maintenance;*
- *A map and description of all landscape Features on site;*
- *A map of the Landscape Features that are proposed to be retained, modified or removed.*

Whilst the Landscape Master Plan does depict the broad areas of vegetation to be retained, as part of its recommendation to the WAPC, the City should include a recommended modification in the Schedule of Modifications for the Structure Plan to be amended to provide a separate Local Landscape Feature and Tree Retention Strategy that addresses the above.

Road Upgrades
Balannup Road has recently been upgraded by the City of Armadale as part of the Development Contribution Plan No.3, reaching practical completion in March 2020. Ranford Road was also upgraded in 2009. Skeet Road has recently upgraded from un-sealed and un-

kerbed rural style road to a local connector road by the City through the current Development Contribution Plan No.3.

As part of the Urban Deferment lifting request, the Department of Planning, Lands and Heritage identified that additional road widening is required for the Balannup Road/Ranford Road intersection which requires a portion of Lots 601 and 602 Balannup Road for future additional widening along Balannup Road and for Lot 202 Skeet Road to provide additional widening along Ranford Road and the corner of Skeet Road. This area of road widening remains under review by the DPLH and remains in the Urban Deferred zone under the MRS and will remain in the General Rural zone under the City's TPS No.4 until final land requirements have been determined by the DPLH. In the future, DPLH have advised that this area is likely to be reserved as Other Regional Roads and/or transferred to the 'Urban' zone as part of a separate MRS amendment process. The additional road widening will not impact the initiation of TPS Amendment 121 and can be further addressed at Structure Plan and subdivision stages, subject to DPLH comments.

The adjoining Reilly Road reserve, south of the advertised Structure Plan area, will likely be the final portion of the advertised future road network that will remain unconstructed in the short-medium term. Construction of Reilly Road will be dependent on subsequent final development within Lot 606 Balannup Road and Lot 200 Skeet Road requiring vehicle access from Reilly Road. Further to the Issues 3 and 4 in the Comments section and the attached schedule of modifications, the City recommends that this portion of road be constructed in order to provide 2 way access for the Structure Plan area.

Roads/portions located on lots fronting Balannup Road will be dependent on final outcomes of environmental and planning assessments and applications for that sub-precinct, however, do not form part of the final Structure Plan boundary recommended by this report, which is confined to the lots fronting Skeet Road.

OPTIONS

Council has the following options:

1. Resolve to recommend that the WAPC approve the advertised Structure Plan with further modifications, including the removal of Lots 601-606 Balannup Road, as per Council's 24 October 2022 resolution for the TPS Amendment No.121.

2. Resolve to recommend that the WAPC approve the advertised Structure Plan without further modifications.

3. Resolve to recommend that the WAPC refuse the advertised Structure Plan and provide reasons for its decision.

CONCLUSION

The City considers that orderly and proper planning, should be able to rely on identification and updated mapping of new wetlands on the State Government's public dataset Geomorphic Wetlands Swan Coastal Plain, during the earlier MRS Amendment planning stages, which began in 2015 for the area. However, the State Government agencies have been reclassifying wetlands in and around the area after this process, making the TPS Amendment and Local Structure Planning stages more difficult to accurately implement the proper urban development planning outcomes for the area, as outlined under Perth and Peel and the City's Local Planning Strategy and incorporating protection of the State Government's priority environmental assets through the planning and development process.

The Structure Plan application along with the submissions received have been assessed in detail and the Structure Plan as recommended herein is considered to be able to guide further subdivision and development in the area subject to the final Structure Plan and the supporting technical reports being modified to be consistent with Council's resolution to adopt Amendment No.121 to rezone only the lots fronting Skeet Road to the Urban Development zone.
Accordingly, as part of the City's recommendation to the WAPC, the City would include a recommended modification in the Schedule of Modifications for the Structure Plan to be amended to address the above. These Plans would then be progressed for detailed assessment at the subdivision stage. The City will also continue to liaise with the WAPC, the applicant and other State Government agencies to ensure that the supporting technical studies/management plans are prepared and completed to the City's satisfaction.

This report recommends that Council recommend the WAPC approve the Structure Plan subject to modifications (including agency and City endorsement of related modifications to the technical studies and management plans supporting the Structure Plan) and deletion of Lots 601-606 Balannup Road from the Structure Plan area.

In-accordance with the above report and attachments, Option 1 is recommended recommending that the WAPC approve the advertised Structure Plan with further modifications including the confinement of the final Structure Plan area to the Skeet Road lots. Consistent with Council's Amendment No.121 final adoption retaining Lots 200 – 202 Skeet Road within the Urban Development zone and the modified Structure Plan boundary as recommended, will allow the landowners to proceed in progressing their urban development intentions through more detailed planning application and approval stages.

ATTACHMENTS

1. Advertised Proposed Local Structure Plan - Harrisdale North Structure Plan
2. Landscape Master Plan - Harrisdale North Structure Plan
3. Existing and Proposed Zoning Plan - Harrisdale North Structure Plan
4. Special Control Area Map 1 - Harrisdale North Structure Plan
5. Special Control Area Map 3 - Harrisdale North Structure Plan
6. EPA Advice - Harrisdale North Structure Plan
7. Stormwater Management Plan - Harrisdale North Structure Plan
8. Stormwater Management Plan - Harrisdale North Structure Plan - Lots 601-606 Balannup Road
9. DBCA Geomorphic Wetland Classification Plan - Harrisdale North Structure Plan
10. Amended Wetland Mapping - Harrisdale North Structure Plan
11. Conservation Significant Flora and Vegetation Values Plan - Harrisdale North Structure Plan

12. Vegetation Condition Plan - Harrisdale North Structure Plan
13. Bushfire Attack Level Contours Plan - Harrisdale North Structure Plan
14. Applicant Alternative Proposed Structure Plan
15. Schedule of Submissions - Harrisdale North Structure Plan
16. Schedule of Modifications - Harrisdale North Structure Plan
17. Recommended Modifications Plan - Harrisdale North Structure Plan
18. Confidential Submitter Plan - Harrisdale North Structure Plan - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*
19. Confidential - Submitters Names & Address List - Harrisdale North Structure Plan - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*

RECOMMEND **D25/12/22**

That Council:

1. Endorse the comments made in this report, the Schedule of Submissions and the Schedule of Modifications (as amended) attached to this report in response to public comments, agency referral and assessment of the Structure Plan.

2. Pursuant to Schedule 2, Clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

a) Forward this report and attachments (including the Schedule of Submissions and the Schedule of Modifications) to the Western Australian Planning Commission;

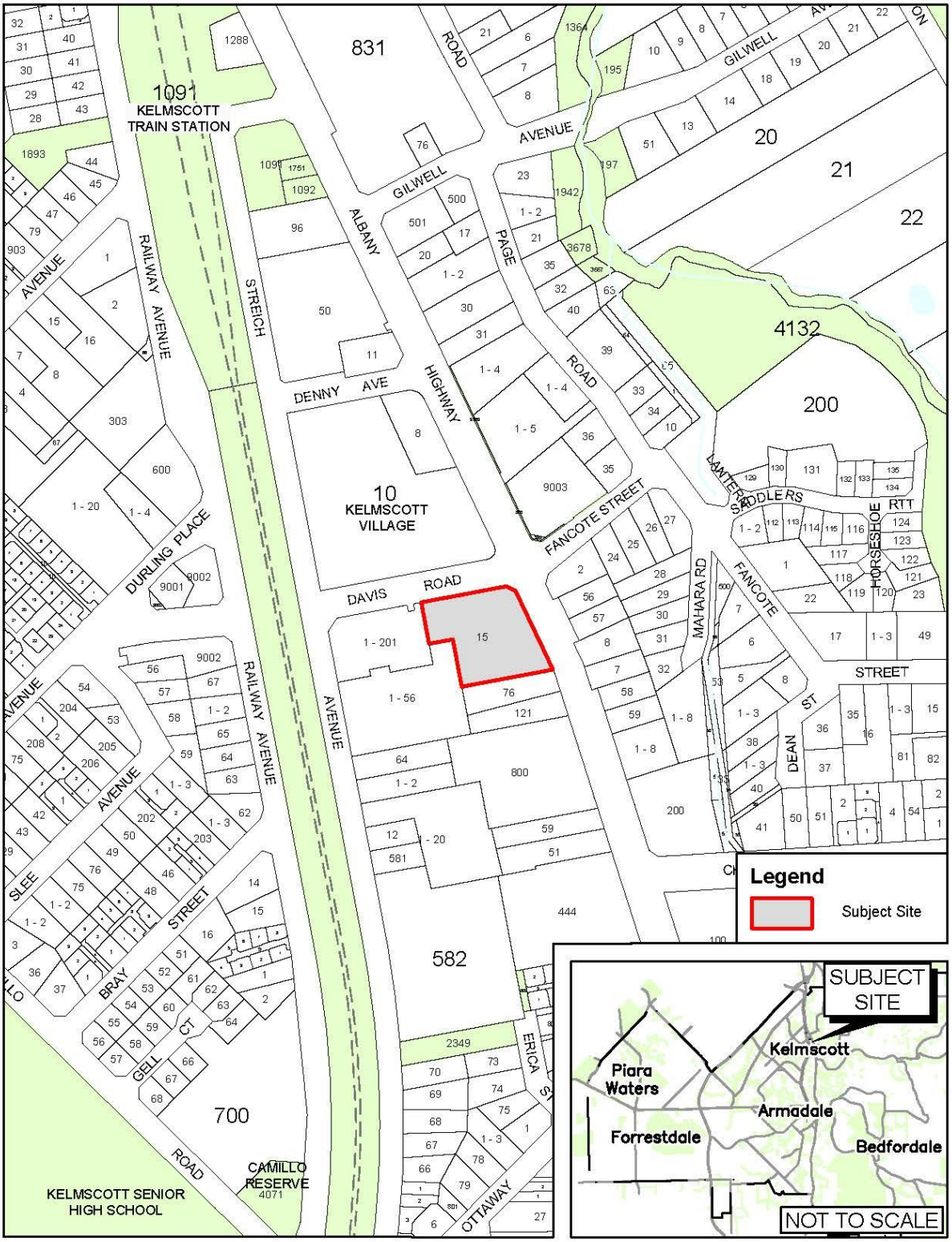
b) Recommend that the Western Australian Planning Commission approve the proposed Structure Plan subject to the modifications listed in the Schedule of Modifications attached to this report, including the deletion of Lots 601-606 Balannup Road from the Structure Plan area.

3. Advise submitters of its decision at the time that the Structure Plan is granted final approval by the Western Australian Planning Commission.

4. Advise the applicant and the WAPC that Lots 601-606 as shown on the proposed Structure Plan is not recommended and the area will require separate consideration on its merits, when the wetland matters are determined by the relevant State Government agencies.

MOVED Cr P A Hetherington, SECONDED Cr R Butterfield
OPPOSED Cr S Mosey
MOTION CARRIED (4/2)

The Strategic/Statutory Planning Officer left the meeting at 7.53pm and did not return.



LOCATION PLAN

Lot 15 (No. 2897) Albany Hwy, Kelmscott

50 0 50 100m

SCALE 1 : 5000

CITY OF Armadale

DATE 15 November 2022 - REVISION 2201
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Committee agreed to bring forward the following Report to this juncture of the meeting in the interests of the public gallery. Moved: Cr Mosey

2.1 - PROPOSED TAVERN - LOT 15 (NO.2897) ALBANY HIGHWAY KELMSCOTT

WARD	:	RIVER
FILE No.	:	M/558/22
APPLN NO.	:	10.2022.175.1
DATE	:	28 November 2022
REF	:	CV
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	J Stokes
LANDOWNER	:	Chartline Investments Pty Ltd
SUBJECT LAND	:	Property size 5766m^2
ZONING		
MRS /	:	Urban
TPS No.4	:	District Centre

In Brief:

- The City received an application for a change of use to Tavern on 21/07/22.
- The application proposes the conversion of the former Sizzler Restaurant building on the corner of Davis Road and Albany Highway into a Tavern focused on the serving of whisky.
- The former Restaurant has been closed since September 2020.
- The application proposes operating hours seven days a week with a maximum 500 patrons. Onsite dining is proposed to be available.
- The application was advertised for a period of 21 days. A total of 341 (submissions) were received, of these 11 objected to the proposal.
- Reasons for objection relate to continued vehicular access to the shared driveway with 12-36 Davis Road, noise, and potential anti-social behaviour.
- MRWA made a second submission on 23/11/2022 indicating they were unable to provide comment without additional information around trip rates and transport mode share.
- The City considers the above issues capable of being managed satisfactorily.
- It is considered that the proposed Tavern can provide additional dining and entertainment options for the local community and may stimulate the Kelmscott District Centre.
- It is therefore recommended that the Council approve the application under the City's TPS No.4, subject to appropriate conditions.

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.

AERIAL PLAN
Lot 15 (No. 2897) Albany Hwy, Kelmscott

30 0 30 60m

SCALE 1 : 3000

Based on information provided by and with the permission of the Western Australian Land Information Authority trading as Landgate (2012). Aerial photograph supplied by Landgate, Photomaps by NearMap.

CITY OF Armadale

DATE 5 January 2021 - REVISION 2101
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Officer Interest Declaration
Nil

Strategic Implications
2.3 Diverse and attractive development that is integrated with the distinctive character of the City.
2.3.1 Provide supportive planning and development guidance and liaison on major land developments.
2.4 Attractive and user-friendly streetscapes and open spaces
2.4.1 Implement townscape, streetscape and parkland improvements to enhance the distinctive character of the City.

Legal Implications
Planning and Development Act 2005
Town Planning Scheme (TPS) No.4
Local Planning Strategy 2016
Metropolitan Region Scheme
Environmental Protection (Noise) Regulations 1997

Council Policy/Local Law Implications
PLN 2.9 Landscaping
PLN 2.14 Designing Out Crime
PLN 5.1 Highway Development
HLTH 3 Alcohol Risk Minimisation

Budget/Financial Implications
Nil.

Consultation
The proposal was advertised by letters to landowners and residents within 100m of the subject site for a period of 21 days. The details of the application were available on the City's website for the duration of the comment period.

BACKGROUND

The subject site contains the former 'Sizzler' Restaurant building. The Restaurant was approved by the City of Armadale in 1991 and operated from 1991 to September 2020.

The previous Restaurant use was approved as a 256 seat dining venue. At that point it was forecast the use as proposed would generate visits from 5000 patrons a week with a maximum generation of 328 vehicle trips generated between 5pm and 6pm on Friday evenings, being the busiest time.

As part of the 1991 development approval direct access from Albany Highway and an easement allowing access through adjoining land to Davis Road were required. These access arrangements continue to be in place today. The subject site has changed little since 1991 as the building has not undergone significant alteration and the car parking area remains largely unaltered.

The subject site is linked with the adjoining McDonalds and Hungry Jacks Fast Food Outlets, BP Service Station/Motor Vehicle Wash sites by shared driveway connections. All of these lots have direct crossovers to Albany Highway.

The building has not been used since the closure of the Sizzler Restaurant use in September 2020.

DETAILS OF PROPOSAL

The application proposes to convert the former Restaurant building to a Tavern use encompassing the following elements:

- A Tavern use (primarily based around serving whisky) that allows alcohol to be served without food;
- The sale of meals for onsite dining is also proposed as is the incidental sale of package alcohol for consumption elsewhere;
- The conversion of the former garden area on the south side of the building to an outdoor dining area and playground;
- Up to a 500 maximum persons onsite at the peak attendance periods, utilizing standing room at bar areas and seated dining areas;
- 10 staff are proposed to be onsite at any time;
- Peak attendance periods are expected to be 5:30pm to 8pm Friday, Saturday and Sunday night;
- Operating hours are proposed to be 6am (for breakfast service) to midnight Monday to Saturday and 10am to midnight on Sundays. Variations may be sought for private functions;
- The site is presently served by 116 onsite parking bays. This figure is proposed to be retained for use.

COMMENT

Development Control Unit (DCU)

The application was referred to the City's internal DCU for comment. No objections were received on the application.

The City's Health Services recommended that conditions be applied to ensure compliance with the *Environmental Protection (Noise) Regulations 1997* should the development be approved. These are discussed further in this report under the heading dealing with the *Regulations*.

Main Roads Western Australia (MRWA)
The application was referred to MRWA comments for 30 days on 29/07/2022 in accordance with the WAPC Instrument of Delegation Del 2022/03 as it located adjacent to the Albany Highway Primary Regional Road (Category 2) and has a construction value greater than $150,000. None of the proposed development is within the regional road reservation, though some of the existing parking bays do encroach marginally.

On 1/08/2022 MRWA requested that a Transport Impact Assessment or Statement in accordance with the WAPC's Transport Impact Assessment Guidelines be prepared. The applicant provided a Transport Impact Statement (TIS) prepared by QTM dated October 2022, which was received 28/10/2022 and sent to MRWA the same day.

MRWA advised 23/11/2022 that they had the following queries that need to be addressed prior to being able to comment, and consideration of those matters would require another 30 day referral:

"Section 6.2.2. - Proposed Development Traffic Generation
How does the TIS reach the trip rate of 15 trips/100m2 for the proposed land use? Please provide more information of the observations and literature stated in the TIS.

Note, if the revised trip rate results in the proposed development's estimated trip generation exceeding 100 vehicles/hr, the application will require a TIA, with traffic modelling undertaken of the adjacent intersections including Albany Highway/Davis Road and Fancote Street.

Section 6.3 Mode Share
Given the nature of the proposed land use, it is unlikely the public transport will have a great influence on the transport mode share. It is suggested to assess the developments traffic generation without any discount to from public transport unless the discount can be justified".

Given the proposal is very similar to the previous Restaurant use yet likely to generate less traffic in peak periods, it is the City's opinion that the information provided is sufficient to determine the application (refer to section PLN 5.1 Highway Development). It is noted that both Albany Highway and Davis Road have recently been upgraded to MRWA standards and both of the existing crossovers into this lot were retained and included in the design. Given the City does not believe further information is necessary and the access can be supported, it does not support MRWA's request and their comments. Therefore the application is required to be referred to the WAPC for determination under the Metropolitan Region Scheme in accordance with Instrument of Delegation Del 2022/03.

Public Advertising
The application was advertised for two weeks, closing on 16/09/22. Advertising was carried out by way of letters to landowners and residents within 100m of Lot 15. Details of the application were made available on the Public Comment and Notices page of the City of Armadale website.

Total No. of letters sent to residents/owners	:	161
Total No. of submissions received	:	341
No. of submissions of conditional support/no objection	:	330
No. of submissions of objection	:	11
No. of submissions of general advice by Service Agencies	:	1

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

Key Issues

Issue 1 - The proposed Tavern will bring options for dining, entertainment and socialising in the local area that are currently unavailable. This will benefit the community.

Comment
This issue was commonly raised in submissions supporting the proposal. There are a number of Fast Food Outlets in Kelmscott. The proposed Tavern use includes sit down dining and the serving of alcoholic beverages and therefore will be differentiated from the bulk of the present offerings in the District Centre and is likely to appeal to customers from the broader locality who may otherwise not utilize Kelmscott for evening dining.

Recommendation
That the issue is supported.

Issue 2 - The proposed Tavern will benefit the local economy.

Comment
This issue was commonly raised in submissions supporting the proposal. It is reasonable to observe that the proposed Tavern use will provide additional diversity to the businesses present in the Kelmscott District Centre. Feedback from the local community suggests that Kelmscott is presently underserved in terms of dining and entertainment venues. The proposed use would also provide a source of employment, thereby directly benefiting the local economy.

Recommendation
That the issue is supported.

Issue 3 - Objection is made to the proposed continued use of the driveway to Davis Road via the adjoining land 12-36 Davis Road on account of the driveway being located in the adjoining property and the potential for conflicts between drivers and congestion to occur on the driveway.

Comment
This issue was commonly raised in submissions objecting to the proposal, particularly from landowners and householders within the multiple dwelling complex directly adjoining Lot 15 at 12-36 Davis Road, Kelmscott. There is an existing right of carriage easement allowing traffic to enter and exit Davis Road via Lot 15 for the benefit of the adjoining lots fronting Albany Highway. This arrangement allows traffic to access Lot 15 without entering Albany Highway. The right of carriage easement and driveway were created in 1991 as a condition of the development of the former Restaurant use. The City of Armadale is a party to the right of carriage easement.

The easement predates the existing multiple dwelling complex, which was constructed in 2008. The retention of the easement was a condition of the development approval of the multiple dwellings.

Requests from 12-36 Davis Road for the removal of the easement have been made to the City previously and have not been supported on the grounds that there are no suitable alternative locations for an entry point to Davis Road given the short length of the road and the placement of the entry crossover to the shopping centre (Woolworths) on the northern side of the road.

The subject application proposes no changes to the existing access configuration to Lot 15 which allows direct entry and exit via Albany Highway and secondary access to Davis Road via the adjoining property.

The easement provides a benefit to the broader community as it allows traffic to be distributed to the lower order Davis Road rather than concentrating traffic to the Albany Highway entry points. This reduces the likelihood of traffic congestion on Albany Highway and is consistent with the transport planning principles applied by the WAPC and MRWA.

The City notes the concerns raised by the submitters in relation to conflicts already occurring between motorists and residents using the driveway. While regrettable, such behavior cannot be explained as a direct result of the design of the driveway itself. There is no indication that the driveway presently is or is likely to be subject to conditions of traffic congestion as a result of the proposed Tavern use.

The City supports the retention of the existing access arrangements to Albany Highway and Davis Road.

Recommendation
That the issue is not supported.

Issue 4 - Objection to the application is made on the basis of the potential of the Tavern use to cause noise or anti-social behavior disturbances to nearby residences and to compromise the security of nearby properties.

Comment
This issue was raised in submissions objecting to the proposal. The issues of anti-social behaviour and security are commonly raised in the context of proposed Tavern uses as the premises will serve alcohol. The applicant has provided a Draft Alcohol Management Plan to the City as part of the application. This document provides procedures for dealing with the sale and consumption of alcohol on the premises, including the management of anti-social behaviour. The ongoing compliance with the final management plan in accordance with the City of Armadale Policy HLTH 3 – Alcohol Risk Minimisation will be made a condition of approval should Council decide to approve the application.

With regard to potential noise impacts, the applicant has provided an Acoustic Assessment as part of their application. The City's Health Services has reviewed the Acoustic Assessment and supports its implementation subject to specific conditions to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*. The Acoustic Assessment is discussed later in the report.

Recommendation
That the issue is supported in part.

Issue 5 - The Tavern use should be refused on the basis that the proposal may negatively affect local persons with existing alcoholism or addiction issues.

Comment
Issues of alcohol use in the community are taken seriously by the City as evidenced by the application of a dedicated policy to the issue in the form of Policy HLTH – 3 Alcohol Risk Minimisation. To address Policy HLTH 3, the applicant has provided a Draft Alcohol Management Plan that addresses relevant matters such as the responsible serving of alcohol to patrons.

Managing the impacts of alcohol usage must however be balanced with the reasonable demand from the broader community to have access to dining and entertainment venues where alcohol can be legally consumed.

Recommendation
That the issue is dismissed.

ANALYSIS

Draft Kelmscott Precinct Structure Plan

The Draft Kelmscott Precinct Structure Plan was recently advertised for public comment, closing 19 September 2022, and can now be considered a seriously entertained planning proposal. This development application was received prior to that public advertising, therefore it did not specifically address the Structure Plan, which is also yet to receive final approval.

The subject site sits within the Mixed Use Retail Core land use zone in the Structure Plan, which includes the following objectives relevant to the proposal:

"b) Support land uses that enhance the vibrancy and diversity of activity within the core area.
c) Encourage land uses that provide after-hours activation to create a safe and friendly environment.
d) Promote mixed use development that achieves high standards of built form and visual character".

The proposal is also within the Central Mixed-Use Transition sub-precinct, which is an area *"located at the nexus between the retail intensity north of Davis Road and the lower-intensity commercial and large format retail development in the Southern Commercial sub-precinct".* The objectives of the sub-precinct are to:

"a) Provide for a mix of commercial, entertainment, food and beverage, and small scale retail uses.
d) Deliver development in key locations that promotes high quality design outcomes acting as a landmark and gateway to the Town Centre".

While the proposal can be seen to be achieving the objectives listed above in broad terms, being a renovation of the former restaurant rather than a new build does mean there are some inconsistencies in terms of the built form requirements in the Structure Plan.

The minimum setback requirements of 2m to Davis Road and 4m to Albany highway are met, but a minimum non-residential land use plot ratio of 0.5 also applies to the Mixed Use Retail Core, in this case 2883m² (being half the site area of 5766m²) which the existing building does not meet.

The minimum height for single-storey buildings is 4.0m to the bottom of the eaves, or 5.0m to the top of a parapet wall. The building is only 2.6m to the eaves, but is close to the 5.0m requirement overall. However the Structure Plan also earmarks the subject site as being for a Landmark Building with high built form amenity and a two-storey minimum height. As shown on the elevations, the applicant is proposing to restore the existing building through measures such as repainting, fixing jarrah paneling and adding feature trusses across some windows, but the development will still be some way from the form envisaged by the Structure Plan.

Given the timing of the application versus the structure plan and its draft status, overall, City officers are of the opinion that the proposal has merit despite the areas of non-compliance with the draft Precinct Plan, reactivating a site with a use that clearly the community is enthusiastic about.

City of Armadale Town Planning Scheme No.4

Part 3 Zones and the Use of Land

The application proposes a Tavern, which is a discretionary (A) land use in the District Centre zone.

A Tavern is defined under TPS No.4 as:

"tavern" *means premises licensed as a tavern under the Liquor Licensing Act 1988 and used to sell liquor for consumption on the premises;*

The objectives of the District Centre zone as defined under clause 3.2.6 of TPS No.4 are as follows:

(a) To provide for an extended range of shopping, commercial and community services to meet the weekly needs of neighbourhood groupings, and contribute towards the employment needs of the local workforce.
(b) To ensure the design and landscaping of development provides a high standard of safety and amenity and contributes towards a sense of place and community within the service area.

The proposed Tavern use is considered to be consistent with the objectives of the District Centre zone as it will assist with stimulating local economic activity and employment. The proposed Tavern is intended to provide a venue for socialising and occupies a prominent site and building in the Kelmscott area that is familiar to many local residents.

As a discretionary 'A' land use under TPS No.4, the City was required to undertake advertising by special notice in accordance with clause 64 of the Deemed Provisions. The application was advertised to the public for a period of 21 days with 341 submissions received. The majority of responses were supportive, with 11 submissions received objecting to the proposal.

Part 4C – Strategic Regional Centre, District Centre, Local Centre and Mixed Business/Residential Zone Requirements.

The proposed Tavern utilises the existing former Restaurant building (Sizzler) with relatively modest external changes being made, including the provision of an outdoor dining and children's play area in the former landscaping area on the southern side of the building. As such, the boundary setbacks, building heights and building bulk are all essentially consistent with the existing context.

The application plans indicate improvements to landscaping around the building and utilisation of existing trees to create an outdoor dining and play area on the southern side of the building. Should Council resolve to approve the application, it is recommended that a condition requiring the submission of a finalised landscaping plan be applied.

Schedule 7A – Car Parking Standards
The applicant has applied the formula for a Tavern use as outlined under Schedule 7A of TPS No.4:

> *1 space for every 2.5 square metres of bar area, plus 1 space for every 5 square metres of lounge or beer garden area;*
> *1 space for every 5 seats provided or 1 space for every 5 square metres of eating area, whichever is the greater;*
> *1 space for every 5 seats provided in assembly area, or*
> *1 space for every 2.5 square metres of assembly, whichever is the greater.*

The applicant has proposed a simple calculation of a combined 470m2 of gross bar and dining area requiring 94 parking bays. The site has an overall provision of 116 bays. This represents a surplus allocation of parking bays.

The parking area on Lot 15 is shared informally during weekday daytime business hours with some of the adjoining small businesses located on the ground floor of the multiple dwelling complex at 12-36 Davis Road. These arrangements are not formalised under a legal agreement, however given the small size of the respective tenancies and their operation outside of the peak hours of the proposed Tavern it is considered likely that the proposed Tavern will be capable of operating without impacting the parking supply of adjoining businesses. This is because the Tavern will predominately be busier during evening periods when these small businesses will mainly be closed.

It is also acknowledged that a significant number of customers for Tavern type uses will utilise rideshare/taxi or pool trips to the use as it is primarily a licenced premises.

City of Armadale Local Planning Policy PLN 2.9 Landscaping

The applicant is proposing retaining existing plantings where possible as well as utilising the existing southern landscaping area to create an alfresco dining area. As stated above, a condition to require a finalised landscaping plan is recommended should Council approve the application. Such a plan may also encompass retaining and renewing shade tree plantings in the existing car parking area, where feasible.

City of Armadale Local Planning Policy PLN 3.14 – Designing Out Crime

The proposal is generally considered to perform well against the criteria outlined in Policy PLN 3.14. The existing building has large windows with multiple viewpoints out to the street that allow passive surveillance of the surrounds. It is also considered beneficial in general terms for the presently disused building to be occupied as it significantly reduces opportunities for vandalism or other clandestine illegal behaviour to occur.

The applicant has provided a satisfactory completed Crime Prevention Through Environmental Design (CPTED) checklist in accordance with Policy PLN 3.14 also.

City of Armadale Local Planning Policy PLN 5.1 Highway Development

Policy PLN 5.1 does not permit the City to approve development on a Primary Distributor Road (Albany Highway in this case) unless they are permissible 'P' land uses under TPS No.4 or there is an alternative means of access from a lower order road.

Tavern is a discretionary 'A' use in the District Centre zone. The proposal will retain secondary vehicular access from the lower Davis Road (via easement) and Albany Highway. It is considered fair that this arrangement remain in place as the application does not propose a significant increase in the intensity of the use in comparison to the previous Restaurant use.

The applicant has advised that they expect the development proposal to generate similar amounts of traffic to the previous Restaurant use. That use was forecast in 1991 to generate 5000 customer visits per week to a maximum volume of 328 vehicle movements per hour.

In response to the request by MRWA to provide a traffic study for the proposal in accordance with the WAPC's Transport Planning Guidelines, the applicant provided a Transport Impact Statement (TIS) prepared by QTD dated October 2022. The TIS forecasts that the proposed Tavern will generate traffic that can be accommodated within the existing access and parking configuration. The TIS estimates that the traffic generated by the proposal will be less than the 328 movements per hour approved in 1991, with a maximum 93 trips per hour forecast and there will likely be a higher degree of visits by public transport or carpooling in comparison to the Restaurant use.

The City's Engineers have not raised any objection to the conclusions of the TIS.

Environmental Protection (Noise) Regulations 1997

The City requested that the applicant provide an Acoustic Assessment prepared by a suitably qualified acoustic engineering consultant.

Herring Storer Acoustics forecast that the proposed Tavern use would be capable of complying with the *Environmental Protection Noise Regulations 1997* from the nearest noise sensitive receiver locations, including the adjacent multiple dwelling complex at 12-36 Davis Road, Kelmscott.

The Assessment was reviewed by the City's Health Services who requested further clarification of some of the modelling in the report. Plant equipment and bar music were originally treated as separate scenarios when you would expect these noises to be occurring simultaneously, and noise levels at the adjoining apartment complex's upper floor dwellings had not been considered. Herring Storer provided an updated Acoustic Assessment in September 2022 incorporating justifications for the above modelling methods. Health Services has advised that it accepted the revised Acoustic Assessment if suitable conditions were applied to any approval granted.

It is noted that the applicant's planning report requested an opening time of 6am for possible breakfast services, but that the more restrictive night time period of the *Regulations* ends at 7am in the morning. The City therefore considers 7am a reasonable opening time and this has been reflected in the conditions accordingly.

OPTIONS

Council has the following options:

1. Conditionally approve the proposal; or
2. Refuse the application and provide planning reasons for its decision.

CONCLUSION

The proposed Tavern represents an opportunity for a presently disused and dilapidated building (the former Sizzler Restaurant) in the centre of Kelmscott to be revived and utilised to provide entertainment and dining options for the community. The response received from the public advertising undertaken by the City included 330 submissions supporting the proposal and suggests that there is demand for local entertainment options. The addition of a Tavern use will provide additional options in this regard for local residents and benefit the local economy.

The City acknowledges the issues raised by the 11 submissions objecting to the proposal. These issues include traffic, noise and the management of anti-social behavior. The applicant has provided a Traffic Impact Statement, Draft Alcohol Management Plan and Acoustic Assessment as part of the application. The conclusion of the City's assessment of these document is that it considers the proposal capable of managing these matters subject to suitable conditions being applied and the operators conducting the premises in accordance with their recommendations.

Given the above, it is recommended that the proposed Tavern use at Lot 15 No.2897 Albany Highway, Kelmscott be conditionally approved.

ATTACHMENTS

1. Site Plan - Tavern - 2897 Albany Hwy, Kelmscott
2. Elevation Plan - Tavern - 2897 Albany Hwy, Kelmscott
3. Floor Plan - Tavern - 2897 Albany Hwy, Kelmscott
4. Landscaping Plan - Tavern - 2897 Albany Hwy, Kelmscott
5. Schedule of Submissions - Tavern - 2897 Albany Hwy, Kelmscott
6. Confidential Submitter Plan - Tavern - 2897 Albany Hwy, Kelmscott - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*
7. Confidential - Submitters Names & Addresses - 2897 Albany Hwy, Kelmscott - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*

Committee Discussion

Committee discussed the proposed operating hours in regards to one off major events.

It was MOVED Cr Hancock, that an additional dot point be included in Condition A)8. -

- *Variations to operating hours for major events to be approved by the Executive Director Development Services.*

The motion was put to the vote.

RECOMMEND **D26/12/22**

That Council:

A) Approves the application for Planning Approval for a Tavern on Lot 15 No.2897 Albany Highway, Kelmscott, subject to the following conditions:

1. Prior to the commencement of the use, a finalised Alcohol Management Plan shall be submitted to the satisfaction of the Executive Director Development Services. The use shall be operated in accordance with the endorsed Alcohol Management Plan thereafter.

2. A finalised 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.

3. The noise mitigation measures recommended within the Acoustic Assessment prepared by Herring Storer Acoustics shall be incorporated into the building design at the Building Permit Application stage. A post-construction Assessment shall be provided to the City of Armadale at the proponent's cost within three months of operational commencement to confirm compliance has been achieved, or to identify remedial works necessary for compliance to be achieved. Any remedial work necessary will be undertaken immediately upon approval of the post-construction Assessment by the City.

4. All audible mechanical units (including air conditioner units) shall be suitably located so as to minimise the transmission of noise/vibration to adjoining dwelling/properties and installed so not to cause a nuisance. All

equipment noise must comply with the *Environmental (Noise) Regulations 1997*

5. **'End of trip bicycle facilities' in accordance with Schedule 7B of Town Planning Scheme No.4 shall be provided prior to occupation of the development in a location agreed to by the City and continuously maintained thereafter.**

6. **All rubbish bin storage areas and servicing areas associated with the development shall be appropriately screened from public vantage points to the satisfaction of the Executive Director Development Services.**

7. **A finalised landscape plan shall be submitted to and approved by the Executive Director Development Services. Such plan shall include:**

   a) **The landscape strip between the parking area and the adjacent footpaths, and car park shade trees (at the rate of one (1) tree per four (4) parking bays), in accordance with Clause 4C.5 Landscaping of Town Planning Scheme No.4;**

   b) **Plant species (predominantly West Australian natives);**

   c) **Numbers, location, container size;**

   d) **Method of irrigation of the landscaped areas;**

   All landscaping shall be installed prior to occupancy and maintained as per the approved plan thereafter.

8. **The operating hours of the Tavern shall be restricted to:**

   - **Monday - Saturday 7:00 am – 12:00 am;**
   - **Sunday 10:00 am – 12:00 am; and**
   - **Public Holidays – as per the Liquor Licence;**

   to the satisfaction of the Executive Director Development Services.

   - **Variations to operating hours for major events to be approved by the Executive Director Development Services.**

9. **Car parking demand shall not exceed the number of parking bays approved for the Tavern, being 116 vehicle bays, at any one time.**

10. **No more than 500 patrons shall be accommodated in the Tavern at any given time.**

11. **Prior to the commencement of the use visitor parking spaces shall be clearly marked.**

12. **No materials/bins shall be stored in car parking areas or visible from the public areas to the satisfaction of the Executive Director Development Services.**

13. **A detailed lighting and CCTV camera location plan to be submitted and approved by the Executive Director Technical Services prior to the**

commencement of the use. All lighting and CCTV camera to be installed and operated as per the approved plan to the satisfaction of the Executive Director Development Services.

ADVICE TO APPLICANTS:

A. Lighting shall 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*.

B. Ongoing compliance with the *Environmental Protection (Noise) Regulations 1997* is required.

C. Premises must comply with the *Food Act 2008* and the Food Standards Code.

D. Compliance with the *Health Act 1911* is required. In this regard, a Public Building application shall be submitted to the City's Health Department and approved prior to occupation of the proposed building.

E. The applicant and landowner are advised that is a statutory requirement to comply with all conditions of this approval, and that not complying with any condition is therefore illegal. Failure to comply with any condition of this approval or the approved plans constitutes an offence under the *Planning Development Act 2005*. The City can issue a Planning Infringement Notice of $500 (without notice) and/or commence legal action with higher penalties up to $200,000 for each offence and a daily penalty of $25,000 per day for the continuation of that offence. It is the responsibility of the applicant and/or landowner to inform Council in writing when they consider the development to be complete and all conditions of this approval have been satisfied.

F. Compliance with the Building Code of Australia is required. In this regard, a Building/Demolition Permit application is to be submitted to the City's Building Department and approved prior to the erection/demolition of any structure on the subject site.

G. The developer is reminded of the requirement under the provisions of the *Environmental Protection Act 1986* that all construction work (which includes earthworks and similar) be managed with due regard for noise control. Works generating noise, and rock breaking in particular, are not permitted:-

- **Outside the hours of 7:00am to 7:00pm; or**
- **On a Sunday or Public Holiday.**

H. If the applicant is aggrieved by a Refusal to Approve his/her application, or, where Approved, is aggrieved by any Condition imposed in that Approval he/she may apply for a Review to the State Administrative Tribunal pursuant to the provisions of Part 14 of the *Planning and Development Act 2005* against such refusal or imposition

of such aggrieved Condition.

Such application for Review must be made not more than twenty eight (28) days after the date of Council's decision via the form available from the State Administrative Tribunal (copies available from the State Administrative Tribunal, at Level 4, 12 St Georges Terrace, Perth, or GPO Box U1991, Perth, WA, 6845, or www.sat.justice.wa.gov.au or from Council's offices), and should be accompanied by the relevant fee detailed in Schedule 18 of the *State Administrative Tribunal Regulations 2004.*

I. If the development the subject of this approval is not substantially commenced within a period of 24 months from the date of this letter, the approval shall lapse and be of no further effect.

J. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.

B) That the submitters be advised of the Council decision in this regard.

C) Advises that it does not support Main Road WA's request for further information and advice, therefore the City's required to forward MRWA's comments and the application to the WAPC for determination under the Metropolitan Region Scheme in accordance with Instrument of Delegation Del 2022/03.

Moved Cr M J Hancock
MOTION not opposed, DECLARED CARRIED (6/0)

1.1 - COMMUNITY HEALTH AND WELLBEING PLAN ANNUAL REPORT

WARD	:	ALL
FILE No.	:	M/565/22
DATE	:	8 December 2022
REF	:	DD
RESPONSIBLE MANAGER	:	EDDS

In Brief:

- This report provides a progress update on the actions of the Community Health and Wellbeing Plan 2021–2024 between 23 August 2021 and 23 August 2022.
- Recommend that Council note the progress update on the actions of the Community Health and Wellbeing Plan 2021–2024 described in this report and attachment.

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
1.2 Improve community wellbeing
1.2.4 Facilitate the delivery of health and wellbeing programs and services within the community.

Legal Implications
Currently annual Public Health Plan reporting to the Department of Health is not mandatory, however after the enactment of Part 5 of the *Public Health Act 2016* it will be a statutory requirement.

Council Policy/Local Law Implications
ADM19 – Procurement of Good and Services

Budget/Financial Implications
In the 2021/22 operating budget, $45,400 was allocated to the implementation of the Community Health and Wellbeing Plan with $37,069 spent on achieving deliverables.

In the 2022/23 operating budget, $36,100 was allocated for the Community Health and Wellbeing Plan. The Plan will be used to inform the City's Strategic Community Plan, Corporate Business Plan and annual business area budgets.

Currently Health Services has only 1.0FTE position (Health and Wellbeing Officer) dedicated to coordinating the implementation and reporting of the Community Health and Wellbeing Plan, with the responsibility of delivering over 20 actions assigned to the Department. As such, it has reached its capacity on achieving its deliverables.

Consultation
Nil.

BACKGROUND

In July 2019, the Department of Health (DoH) released the first State Public Health Plan (SPHP) for Western Australia: Objectives and Policy Priorities for 2019 – 2024. The SPHP aims to guide the direction of public health planning across the State for a coordinated approach to improving the health and wellbeing of all Western Australians, whether it be at State or local community level. The SPHP was developed in preparation for the future enactment of Part 5 of the *Public Health Act 2016* (the Act), which introduces the requirement of a State public health plan by the DoH and a Local public health plan by each local government in WA. Mandating public health planning aims to support and drive ongoing improvements to the public health and wellbeing of local communities.

In 2014, Council endorsed the City's first Public Health Plan 2014-17, prepared in line with past recommendations from the *WA Public Health Bill 2008* to improve the health and wellbeing of the community. The City was one of the first WA local governments to develop a Public Health Plan which produced many award winning projects and programs.

At its meeting on 23 August 2021, Council endorsed the City's second plan, the Community Health and Wellbeing Plan 2021-2024 (CHWP) which will meet the requirements of Part 5 of the Act, once formally enacted.

The adoption of the CHWP was a key action in the City's Corporate Business Plan to improve community wellbeing by facilitating the delivery of health and wellbeing programs and services within the community. Using the State Public Health Plan as a guide, the City's CHWP focuses on three objectives:

1. Prevent chronic disease through empowering and enabling people to live healthy lives;
2. Provide environmental health protection for the community; and
3. Improve and maintain Aboriginal and Torres Strait Islander health and wellbeing.

DETAILS OF PROPOSAL

The first annual review of the 48 deliverables in the CHWP has been completed. Actions and achievements relating to each deliverable are detailed in the ***Attachment to this report***. The target status of each deliverable has been reported using the following categories:

Colour	Meaning
On Target	Deliverable is expected to be completed as planned
Needs Attention	Deliverable is in progress but needs attention so it can get on target
Subject to Funding	Deliverable is contingent on funding
At Risk	Deliverable is at risk of not being delivered or completed

Out of the 48 actions within the CHWP:
- 69% (33) are on target
- 2% (1) is at risk of not being achieved
- 6% (3) were completed
- 8% (4) are subject to funding
- 21% (10) need attention
- 6% (3) have not been started (2 scheduled for implementation in future years).

The following provides detail on the action that has been noted at risk of not being achieved by the end of the CHWP:

Action: *11.2.5.2 Establish a Public Health Stakeholder network with the purpose of encouraging organisations to work together, reduce duplication and share information to assist in ensuring clients of represented organisations receive the best care available to them.*

Deliverable: Identify and engage appropriate health stakeholders. Facilitate quarterly meetings.

Responsible Team/s: Health Services

Comment: Community and service provider stakeholders who participated in consultation for the Plan requested the formation of the group. When the City contacted these stakeholders to establish the network there was no longer enough interest to warrant its establishment. This action is no longer able to be progressed by the City.

Summary of Key Achievements

The following provides a summary of the key achievements in the CHWP's first 12 months:

<u>Wugen Ngarniny (Healthy Eating) colouring in booklets</u>

- Healthy Eating colouring in booklets were developed and released to promote and support the use of local Noongar language (provided courtesy of local Aboriginal Elders) whilst encouraging healthy eating through literacy activities. These were provided through City facilities including the Champion Centre and the libraries for children and their families.

Alcohol Think Again Advertising

- The City partnered with the Armadale Canning Gosnells Local Drug Action Group to run Alcohol Think Again 'I need you to say no' campaign advertising in October/November 2021. A $4000 STRIVE Local Drug Action Group grant was received to support funds for the advertising which included two billboards along Albany Highway and two Armadale train station panels.
- A post campaign report provided by Marketforce revealed that 46,300 individuals were reached throughout the 4 week campaign. 196,800 people in total (including those viewing more than once). On average, those who saw the billboard, did so 4.2 times. The campaign reached 2.7% of people in Perth over 16 years old.
- A media statement was published and the campaign was promoted via City Facebook with the Examiner publishing a newspaper article.

LiveLighter Partnership

- The City entered into a 12-month trial LiveLighter partnership in February 2022 to reproduce healthy recipe booklets in-house with the inclusion of the City's logo and distribute as free hand outs to community members.

City becoming an Act Belong Commit Partner

- A Memorandum of Understanding (MOU) was submitted and endorsed on 12 November 2021 to establish a partnership with Mentally Healthy WA to become an Act Belong Commit partner and to promote the message and campaign among the community.

Community Health and Wellbeing Workshops, Programs and Courses

- The City delivered 11 community health and wellbeing workshops attracting 221 participants.
- The City facilitated the running of 2 community health and wellbeing programs:
    - Yoga program with Communicare's Make Your Move team; and
    - Food Sensations for Adults four week healthy cooking program.
- There was one community health and wellbeing course run: Mental Health First Aid which enabled 12 people to become accredited Mental Health First Aiders.

The attached table outlines all 48 actions of the CHWP, a list of achievements based on the measures set to achieve the expected outcome for each action and its current target status.

ANALYSIS

The progress of the CHWP's 48 actions are monitored and measured against performance indicators in a working document updated by all responsible City Business Units as programs, projects or services are delivered. An annual progress update is proposed to be provided to Council in October/November for the life of the plan.

The following table provides a brief summary of the current target status for 48 actions included in the CHWP:

Target Status	Number of actions
At Risk	1
Needs attention	10
Subject to Funding	4
On Target	33

OPTIONS

Council has the following options:

1. Note the progress update on the actions of the Community Health and Wellbeing Plan 2021–2024 described in this report and attachment.

2. Request further information on the target status of the deliverables of the Community Health and Wellbeing Plan 2021–2024 described in this report and attachment.

CONCLUSION

The purpose of the Community Health and Wellbeing Plan is to contribute to improving health and wellbeing outcomes for City of Armadale residents to enable people to live well and experience the best possible quality of life. Following the first 12 months of the CHWP's implementation 42 out of the 46 actions are on target to be completed by 2024 which is a great outcome. The annual review also identified that, although in progress, 12 actions require attention in the next 12 months and 4 are subject to funding (i.e. won't be progressed without funding). Option 1 is recommended.

ATTACHMENTS

1.⇩ Community Health and Wellbeing Annual Progress Report 2022

RECOMMEND **D27/12/22**

That Council:

1. Note the progress update on the actions of the Community Health and Wellbeing Plan 2021-2024 described in this report and attachment.

Moved Cr R Butterfield
MOTION CARRIED **(6/0)**

1.2 - MOSQUITO MANAGEMENT AND TREATMENT OPTIONS

WARD	:	ALL
FILE No.	:	M/598/22
DATE	:	8 December 2022
REF	:	DD
RESPONSIBLE MANAGER	:	EDDS

In Brief:

- At its meeting on 24 October 2022, Council endorsed a recommendation requesting a report in regard to the Councillor Referral Item – Mosquito issues in parts of Piara Waters and Harrisdale.
- This report provides an analysis of the mosquito treatment options within the City including associated costs, funding opportunities and the identification of priority treatment areas.
- Recommend that Council resolve to list for Council's consideration as part of the 2023/24 budget and Long Term Financial Plan a proposal for the City to amend its Mosquito Management Plan to include some State Government owned land which would include:
  - $35,000 funding for the initial treatment of Piara Nature Reserve;
  - An additional 1.0 FTE (up to $105,701 p.a including on costs); and
  - Funding up to $100,000 for the first year and $64,000 p.a thereafter.

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

Strategic Community Plan

1.2 Improve Community Wellbeing

1.2.4 Facilitate the delivery of health and wellbeing programs and services within the community

2.1 Conservation and restoration of the natural environment

2.1.7 Biodiversity is managed to preserve and improve ecosystem health.

2.1.9 Ensure that the health of the City's natural environment is regularly monitored and the effectiveness of environmental programs are periodically assessed.

Community Health and Wellbeing Plan

11.2.1.2 Minimise the impact of mosquito borne disease in the community through: educating residents and visitors to the City of the risks posed by local mosquito populations and the steps they can take to protect themselves, educating residents on ways they can prevent breeding around their home and provide an emergency response in the event of an outbreak of mosquito borne disease in the region.

11.2.2.2 Implement the City's statutory responsibilities for providing health protection for the community, as legislated by the *Public Health Act 2016, Food Act 2008, Tobacco Products Control Act 2006, Environmental Protection Act 1986* and the *Health (Miscellaneous Provisions) Act 1911*, subsidiary legislation and local laws.

Legal Implications

Health (Miscellaneous Provisions) Act 1911
Environmental Protection and Biodiversity Conservation Act 1999

Council Policy/Local Law Implications

City of Armadale Health Local Laws 2002

Budget/Financial Implications

The City's Environmental Health Technician currently allocates 1 day a week to mosquito monitoring and treatment (0.2FTE).

Both Options are to list proposals for Council's consideration as part of the 2023/24 budget and Long Term Financial Plan.

Option 1 to support amending the City's Mosquito Management Plan include monitoring and treatment of some State Government owned land would require:

- Funding for the initial treatment of Piara Nature Reserve;
- An additional 1.0FTE (up to $105,701 including on costs); and
- Funding of $100,000 (including a vehicle, equipment and chemicals) initially and $64,000 p.a thereafter.

Option 2 to support expanding the City's Mosquito Management Plan to increase its monitoring and control measures of City owned/managed land and some high priority State Government owned land would require:

- Funding for the initial treatment of Piara Nature Reserve;
- A staff increase of 0.5FTE (up to $52,850 including on costs);
- Additional funding of $8,000 (chemicals and equipment).

Consultation

1. Department of Health
2. Other Local Governments

BACKGROUND

At its meeting on 17 October 2022, the Development Services Committee considered a Councillor Referral Item – Mosquito issues in parts of Piara Waters and Harrisdale and recommended:

> *"That Council request a report containing all areas in the City in regards to mosquito treatment including funding, likely costs and establish a list of priority treatment areas".*

At its meeting on 24 October 2022, Council resolved:

> *"That Council, prior to requesting a report, instruct the Mayor to meet with the Local Member for Jandakot, Yaz Mubarakai to request funding to treat mosquitoes in State owned land within his jurisdiction. Following this that Council request a report containing all areas in the City in regards to mosquito treatment including funding, likely costs and establish a list of priority treatment areas".*

Due to the City experiencing a period of population growth and development and given the proximity of development projects to bushland, wetlands and other water courses, there is an increased risk of residents being exposed to disease-vector and nuisance mosquitoes. In 2014 and 2015 the City's mosquito monitoring program of the suburbs of Piara Waters, Roleystone and Wungong identified three species (*Aedes notoscriptus, Culex annulirostris* and *Culex quinquefasciatus)* as potential disease-vector and/or nuisance biting risk to residents which warranted the development of the City's targeted Mosquito Management Plan (MMP).

The MMP currently only includes the mosquito management of City owned and managed land and does not include State Government land. There are a number of significant wetlands within the City that are potential breeding sites for mosquitoes such as Piara Nature Reserve and Forrestdale Lake which are managed by Department of Biodiversity, Conservation and Attractions (DCBA). The City sought action from DCBA on undertaking mosquito control at Piara Nature Reserve to which they formally responded *"DBCA does not financially contribute to mosquito monitoring or control programs"* and that these programs are considered to be local government's responsibility. The Department of Health (DoH) has a funding scheme available to local governments who have a significant public health risk or nuisance associated with mosquitoes therefore it is considered that funding to treat State Government land within local governments is already provided for.

DCBA recommended that *"the City consult with the DoH regarding mosquito numbers at Piara Nature Reserve and should continue monitoring and advice from DoH deem treatment necessary, DBCA would support a treatment program coordinated by the City".* Other local governments such as City of Kwinana have the same challenge but on a far larger scale, The Spectacles is 360 hectares of natural bush and wetlands containing a Water Corporation Peel main drain with the overall site being managed by DCBA. After years of negotiations with the DCBA, Kwinana are now waiting to trial to test the effectiveness of the proposed aerial treatment control option.

RESEARCH

Statutory requirements for mosquito control

Mosquitoes are not just a nuisance they are a significant public health risk as they can transmit a number of serious human diseases. In WA, some types of mosquitoes can transmit debilitating diseases such Ross River Virus (RRV) and Barmah Forest Virus (BFV). In WA, mosquito-borne diseases are a notifiable diseases which requires medical professionals to report confirmed cases to the DoH who then forward the patient's details to the relevant Local Government for follow up to determine the possible location where the disease was contracted.

Currently, there are no specific legal requirements for Local or State Government agencies to carry out mosquito control, however there are a number of Local Governments, including the City, that have adopted local laws either under the *Health (Miscellaneous Provisions) Act 1911* or the *Local Government Act 1995* to address mosquitoes as a nuisance.

The future enactment of Part 5 of the *Public Health Act 2016* mandates the requirement of Local Governments to adopt a Public Health Plan addressing community health needs and concerns. Council adopted its Community Health and Wellbeing Plan 2021-2024 in August 2021, which includes action 11.2.1.2 which indicates that the City will:

"*Continue to implement Mosquito Management Plan, maintenance and management of mosquito populations within the City through relevant trapping, interventions (e.g. treatment with larvicide) and community education*."

Mosquito Management Plan (MMP)

Although mosquitoes have the potential to spread disease or pose a nuisance biting risk, they play an important role in natural ecosystems throughout their lifecycle. Larvae feed on decaying leaves, organic matter and microorganisms in waterbodies, adults act as pollinators as they feed on nectar and they are also a food source for other insects, fish and animals.

Mosquitoes undergo a short four stage life cycle development consisting of egg, larva, pupa and adult which can last from 5-7 days in summer and up to several weeks in the colder months. Mosquitoes can breed in a variety of environmental conditions and breeding habitats. Mosquitoes breed in stagnant/slow moving water such as fresh to brackish or saltwater natural/ constructed water bodies, storm water drains and water-holding containers.

Mosquito management aims to reduce the prevalence of nuisance mosquitoes but more importantly the risk of the public contracting a mosquito-borne disease.

The City's Health Service is responsible for facilitating the implementation, management and review of the actions under the MMP which provides an integrated approach to mosquito management that includes a mosquito monitoring program and physical, cultural, chemical and biological control measures/strategies.

The City's Technical Services is responsible for ensuring new subdivision infrastructure and City built infrastructure is designed and managed to minimize mosquito breeding areas.

1. Mosquito Monitoring Program

During the mosquito breeding season (September-March) the City undertakes routine surveillance of mosquito activity at predetermined locations (chosen as a result of previous findings) including:

- Monthly trapping - adult mosquitoes are collected using carbon dioxide (CO_2) baited light traps that are attached to a tree overnight.
- Monthly larvae dipping - larvae are collected from standing water using a "dipper".
- External contractor identifies the collected mosquito and larval specimens on a species level to help identify possible breeding sites e.g. environmental waterbodies, drains, water holding containers and therefore determine whether or not control measures are necessary and if so what type of control measure is required.

During the 2021/22 monitoring season, the City set up 54 traps across 9 suburbs (Armadale, Champion Lakes, Forrestdale, Harrisdale, Haynes, Kelmscott, Piara Waters, Roleystone and Wungong). Additionally, a total of 9 dip samples were collected across 5 suburbs (Kelmscott, Piara Waters, Harrisdale, Forrestdale and Roleystone).

2. Physical Control

As a part of the Mosquito Monitoring Program potential physical control measures are identified and reported to the relevant City Departments to undertake the works, including but not limited to:

- Maintenance of stormwater drains to facilitate draining and prevent water pooling;
- Maintenance of City managed waterbodies to limit and thin vegetation growth (excluding conservation areas); and
- Filling in small depressions e.g. uneven land clearing, wheel ruts, etc.

The City's Town Planning Scheme identifies parcels of land that require a Structure Plan to be prepared to guide subdivision and development which includes areas that may have the potential to be effect by mosquito breeding due to proximity to wetlands/waterways. Mosquito Management Plans are often required to be submitted as a part of a Structure Plan in some of the City's growth areas.

3. Cultural Control

Cultural control is critical to successful mosquito management. The main objectives are to prevent backyard breeding and to reduce the incidence of residents bitten by mosquitoes. This is achieved through community education programs and increasing awareness of the nuisance and health risks associated with mosquitoes. Residents are encouraged to raise their mosquitoes concerns with the City so an investigation can be instigated and appropriate management action taken, in addition to being considered for future mosquito monitoring. Service request investigations are an opportunity for officers to provide information directly to residents on how they can control mosquitoes on their property.

The City also educates the community on mosquitoes and mosquito-borne diseases at City supported events such as the "Let's Connect Expo" and "Movies in March" by promoting the City's Mosquito Management Program and the Department of Health's 'Fight the Bite' campaign. The public are encouraged to take measures to limit the impact mosquitoes and mosquito-borne disease may have on their health and lifestyle. Information on mosquito abundance, mosquito-borne disease and mosquito

management activities are also provided through the City's social media platforms and the City's website.

Increasing community awareness for future developments is also important. During the subdivision approval process, should it be identified that there is potential for residents to be effected by mosquito activity, a notification, pursuant to Section 165 of the *Planning and Development Act 2005*, can be placed on the certificate of title of the proposed lot(s) advising of the potential hazard.

4. Chemical Control

The City's chemical control measures do not include spraying/fogging (adulticide) to kill adult mosquitoes, the City only applies an insecticide (larvicide) to kill mosquito larvae. Adulticides used in fogging activities will kill other flying insects (e.g. bees, dragonflies) and can also be lethal to fish. The City uses two types of larvicide - Vectoprime and Prolink, the two active ingredients used in these larvicides are S-methoprene which inhibits the growth of the larvae so they cannot develop into an adult and *Bti* (*Bacillus thuringiensis israelensis*) which is a bacterial toxin that kills the larvae. The type of larvicide used is dependent on the breeding site and the larval stage. These chemicals are the most environmentally appropriate products available for mosquito control and are utilised across the world. Both of these larvicides have been approved for use by the Australian Pesticides and Veterinary Medicines Authority and are certified for the management of mosquitoes in natural and urban environments.

During the 2021/22 monitoring season, the City only applied larvicide at 5 sites within Piara Waters, Harrisdale and Kelmscott.

5. Biological Control

Biological control is the most natural option and it is achieved by maintaining healthy, self-sustaining ecosystems to promote natural predation of mosquitoes. To promote healthier aquatic systems, the City reduces the use of nutrient rich fertilisers in public parks that run into a wetlands, therefore assisting in managing the nutrient levels in the water.

MMP Planning

The City continues to follow the suggested recommendations of the MMP to improve its effectiveness:

- Continue adult and larval mosquito monitoring at Piara Waters, Roleystone and Wungong to identify factors contributing to peak abundances and breeding sites (including more detailed habitat characterisation) for species of concern, enabling targeted management;
- Establish monitoring sites for the suburbs of Armadale and Kelmscott, due to the high number of RRV notifications, and where possible include monitoring of additional suburbs in the future, to increase baseline data for the area;
- Identify and investigate potential larval habitat throughout the City of Armadale, to determine potential waterbodies supporting breeding, via mapping or ground-truthing of sites, with the aim of establishing habitat characterisations for species of concern;
- Conduct pre and post-treatment monitoring of adult and larval mosquitoes to assess effectiveness of management actions;

- Determine costings for controls and begin implementation of priority management actions, which may include the development of additional, step-by-step procedures;
- Review and update the Mosquito Management Plan on an annual basis (initially), and consider addition of treatment triggers (based on the results of monitoring and management), to improve efficiency of mosquito management response;
- Undertake an intensive public awareness campaign to reduce the habitat and number of container breeding mosquito species within the area, focusing on rural and semi-rural suburbs; and
- Revise existing guidelines for the development of mosquito management plans for land developers in the future, clearly outlining roles and responsibilities for long-term management actions.

Mosquito Abundance

There is no specific threshold of the number of adult mosquitoes captured in a trap that prompts local government intervention rather local governments depend on analysis of mosquito activity for the area, the species of mosquitoes detected and the reported impact to residents.

In general, if more than 200 mosquitoes are caught in a trap, the breeding site may need to be investigated and treated. This is not a specific standard and is influenced by the number of resident concerns raised and species of mosquitos identified (e.g. non-biters, vectors or nuisance species). It should be noted that many local governments with high mosquito activity have mosquito counts in the thousands.

The City's mosquito counts are often below 50, increasing to over 200 in periods of prime breeding conditions. Mosquito breeding is heavily dependent on the weather conditions given that larvae require water to breed, for example a year with flooding rain that create standing water accompanied by hot temperatures would see a significant increase in the number of mosquitoes.

In 2021/22 a total of 5,380 adult mosquitoes were collected from 47 CO_2 light traps set up by the City (see Attachment) which included significant numbers of:

- *Aedes notoscriptus* and *Culex annulirostris* (known to transmit RRV) in 5 suburbs including Armadale, Forrestdale, Harrisdale, Haynes and Piara Waters, represented by the data in Column A of **Table 2**.
- *Culex quinquefasciatus*, a nuisance mosquito as they bite humans but are unable to transmit disease and *Culex globocoxitus*, a species that rarely bites humans were identified mainly in Harrisdale and Piara Waters, represented by the data in Column B of **Table 2**.

A total of 213 larval specimens were collected from the dip samples in Kelmscott, Piara Waters, Harrisdale, Forrestdale and Roleystone. All *Culex annulirostris* were identified in Forrestdale and Piara Waters. Dips at Piara Waters and Kelmscott contained *Culex quinquefasciatus* whilst *Culex globocoxitus* were found in Harrisdale and Forrestdale dips. The sample from Roleystone identified no mosquito larvae.

Public Health Risk or Nuisance

Whilst the City does undertake routine surveillance it relies on residents to report their concerns about the number of mosquitoes and/or a biting nuisance to identify other potential breeding sites to ensure mosquitoes are being managed effectively. In 2021/22, the City received 24 mosquito related service requests or enquiries. Of these 54% were related to backyard breeding and 38% were related to breeding in the natural environment and 8% were related to development issues which showed a similar trend to the statistics from the previous year.

It is evident in **Table 1** that the higher number of mosquitoes trapped reflects the number of service requests being received for that area with the exception of Wungong in 2020/21 where there were lot of mosquitoes but no services requests. However, it also suggests that the higher numbers of mosquitoes were more likely causing a nuisance rather than a public health issue.

Table 1. Number of mosquito service requests received, adult mosquitoes trapped and RRV cases by suburb for the last 3 seasons.

	2021/22			2020/21			2019/20		
Suburb	**A**	**B**	**C**	**A**	**B**	**C**	**A**	**B**	**C**
Armadale	4	585	2	8	2077	-	3	95	-
Bedfordale	-	-	4	-	-	-	-	-	-
Camillo	-	-	2	2	-	1	1	-	-
Forrestdale	3	198	-	1	1045	2	-	467	-
Harrisdale	2	501	-	1	5	-	-	-	1
Haynes	1	736	-	1	-	-	-	-	-
Hilbert	1	-	-	-	3	-	1	1	-
Kelmscott	-	21	4	4	545	-	2	633	-
Mt Nasura	1	-	1	5	29	-	3	21	-
Mt Richon	1	-	-	-	-	-	-	-	-
Piara Waters	7	2513	1	4	5489	3	1	2287	-
Roleystone	3	251	5	1	171	4	-	63	-
Seville Grove	1	-	-	1	-	1	-	-	1
Wungong	-	5	1	-	1787	-	1	1194	-
Total	**24**	**4942**	**20**	**28**	**11300**	**11**	**12**	**4793**	**2**

A. Mosquito service requests received
B. Adult mosquitoes trapped
C. RRV notifications

Roleystone remains the suburb with the highest number of locally acquired RRV cases for both monitoring seasons. High numbers of RRV in Roleystone is most likely due to heavily wooded areas and bushlands that are natural breeding sites of the *Aedes notoscriptus* mosquito in addition to residential breeding habitat from water holding containers e.g. water tanks, pot plant bases, drains, gutters, stagnant swimming pools, etc.

Table 2 shows that vector species are prevalent in a number of suburbs, however mosquitoes need an "*amplified host*" to spread mosquito-borne disease. Meaning that a kangaroo or other large mammal carrying a transmittable virus (e.g. RRV) must first be bitten by the mosquito, before the mosquito can transmit that virus to humans. Suburbs with more dense residential housing such as Piara Waters and Harrisdale are generally low risk areas for mosquito-borne disease, as the amplified host population nearby is low however the mosquitoes do cause a public nuisance. This table also reveals the effect weather conditions has on mosquito numbers with the 2020/21 data being significantly higher than the previous and post years.

Table 2. Number of adult mosquitoes trapped (according to species type) by suburb for the last 3 seasons.

		2021/22			2020/21			2019/20		
Suburb (#)	**Avg**	**A**	**B**	**C**	**A**	**B**	**C**	**A**	**B**	**C**
Armadale (3)	195	414	118	53	1794	250	33	52	37	6
Champion Lakes (5)	26	48	23	61	39	96	14	6	25	1
Forrestdale (3)	66	45	97	56	768	262	15	337	109	21
Harrisdale (6)	85	226	229	46	4	1	0	-	-	-
Haynes (5)	147	637	72	27	-	-	-	-	-	-
Hilbert (0)	-	-	-	-	1	2	0	0	1	0
Kelmscott (2)	10	10	8	3	158	384	3	224	393	16
Mt Nasura (0)	-	-	-	-	6	23	0	13	3	5
Piara Waters (21)	120	1062	864	587	3566	1145	778	932	694	661
Roleystone (3)	109	162	81	8	82	86	3	20	41	2
Wungong (2)	2	1	4	0	1585	159	43	986	186	22

A – Biting vector species (will bite and capable of transmitting disease) – public health risk
B – Biting non-vector species (will bite but unable to transmit disease) – public nuisance
C – Non-biting species (rarely bite) – public nuisance
(#) – Number of traps set in the 2021/22 season
Avg – Average number of mosquitoes caught in a trap

Mosquito breeding in State Government managed land

The City is receiving concerns from residents regarding mosquito numbers near the large wetlands surrounding the City's growth suburbs managed by State Government agencies. The City does not treat State managed/owned land, however mosquito surveillance does occur near a number of sites. Given this, it is likely that some of these wetlands are potentially breeding mosquitoes. Confirmation would require access to such sites to conduct assessments being granted by the relevant State Government land management agency. This would require the City gaining approval from the relevant State Government agency to gain access to their property and if required undertake the required treatment. Although mosquito breeding does occur in wetlands such as these, surveillance and investigations have shown that breeding occurs more often in open drains containing small amounts of stagnant water, such as swales, which are located throughout the City. Chemical treatment is easily applied to the drains managed by the City, however there are many that belong to the Water Corporation which are inaccessible therefore they are not monitored or treated.

The DoH's Medical Entomology unit provided preliminary advice, based on the City's RRV statistics and the species being identified from its mosquito traps. The advice indicated that it is unlikely that there are extensive natural breeding sites around the Piara Waters and Harrisdale area, apart from Forrestdale Lake. In comparison, Thomsons Lake (Cockburn) and The Spectacles (Kwinana) have quite widespread breeding that impacts on nearby residents. It is more likely that the mosquito issues being reported are localised to breeding in drains or constructed wetlands.

Although DoH has identified Forrestdale Lake as a likely breeding site, it is a RAMSAR conservation wetland, therefore negotiations with the DCBA on possible monitoring and treatment would be required.

State Government Funding

The DoH provides support for local government mosquito management programs through the Contiguous Local Authorities Group (CLAG) funding scheme. CLAGs are formed by one or more adjoining local governments that share common mosquito problems, there are currently 19 CLAGs across WA, only four of which are within the metropolitan area:

- East Swan River (Towns of Bassendean and Victoria Park and Cities of Bayswater, Belmont and Swan);
- Peel (Cities of Mandurah and Rockingham and Shires of Murray and Waroona);
- Southern Metropolitan (Cities of Cockburn and Kwinana);
- Swan-Canning Rivers (Cities of South Perth, Canning, Melville and Perth).

If the City were to consider joining a CLAG, approval will need to be sought from the Mosquito Control Advisory Committee (MCAC), with the minimum requirements being:

- Demonstrating the City has a public health risk and/or a significant nuisance issue associated with mosquitoes;
- Develop a memorandum of understanding (MoU) with joining local governments and the DoH;
- Have the City's Mosquito Management Plan approved by the DoH;
- Submit a CLAG annual report, detailing activities undertaken by the group;
- Commit to contribute 50% funding towards mosquito management requests submitted to the MCAC (may be an option in the future); and
- Commit to contribute annually to a trust fund to ensure CLAG members have the capacity to undertake mosquito management in a year when mosquitoes are particularly significant.

Benefits of joining a CLAG

CLAG members are eligible for financial contribution towards:

- Mosquito larvicides (50%);
- Public education efforts;
- Mosquito management related equipment (50%);
- Minor earthworks to eliminate mosquito breeding sites (50%);
- Staff mosquito control training (1 free registration per annum).

Being in a CLAG gives members the opportunity to develop a positive, knowledge sharing relationship with the DOH which becomes extremely beneficial should the City experience an event such as a RRV outbreak. In addition, quarterly meetings provide a forum for officers to share technical information and experiences which can aid in improving management practices.

Costs of joining a CLAG

The City will benefit from joining a CLAG however it will impact staffing resources through:

- Attendance at quarterly meetings;
- Additional data collection and record keeping to provide sufficient information for annual reporting to DoH;
- Additional monitoring (when required by DoH) to obtain evidence to support funding submissions;
- Submitting an annual budget proposal to the DoH before the start of the financial year in order to apply for funding.

Although the City would receive additional funding, it will have no control over where funds will be spent.

Treatment Options and Costs

As mentioned throughout this report, treatment options are determined on a case by case basis upon a site assessment. Treatment of open drains, stormwater drains, unkempt swimming pools and small environmental waterbodies are quite straightforward and can be achieved within a short timeframe with minimal impact on staff resources. In regard to large waterbodies including wetlands, assessment and treatment options become more complex and time consuming especially on State Government owned land.

To provide an estimate of costs associated with chemical treatment, the City obtained quotes for the potential treatment of Piara Nature Reserve in Piara Waters by a contractor. The following options were provided:

1. Short Term Program (30 day control)
   Involves a site assessment, pre and post treatment larvae dipping/species identification, application of granulated VectoPrime to entire waterbody. Larvicide cost between $5,000 and $10,000 depending on waterbody area and depth.
2. Long Term Slow-Release and Supplement Program (up to 5 months control)
   Involves a site assessment, pre and post treatment larvae dipping/species identification, application of granulated VectoPrime to open waterbody and application of Prolink briquettes (tethered to star picket) to the shallow edges of the waterbody. Larvicide cost between $5,000 and $10,000 depending on waterbody area and depth. Installing star pickets would be additional.
3. Long Term Slow-Release Program (up to 5 months control)
   Involves a site assessment, pre and post treatment larvae dipping/species identification, application of Prolink briquettes (tethered to star picket in shallow edges) to the entire waterbody. Larvicide cost approx. $12,000 but up to $30,000 if there is significant flooding. Installing star pickets would be additional.

The table below shows an estimate of the cost of engaging an external contractor compared to City officers undertaking the work.

Task	Contractor	City officer
Site assessment	3 hours = $320	4 hours = $228
Pre and post treatment larvae dips (10 dips)	6 hours = $480	6 hours = $342
Larvae identification (10 dips)	1 hour per dip = $880	2-3 hours per dip = $1,140-$1,710
Larvicide application (8-10 hours)	2 officers = $1,280	2 officers = $912
Data management/entry	2 hours = $160	2 hours = $114
Assessment report	6 hours = $480	6 hours = $342
Other costs	$1,340	$285
Total	$4,940	$3,933*

* Long term options will require purchase of star pickets (approx. 550 = $3,500) and continued funding for replacement star pickets, which are removed, stolen, etc…

Long term options are preferred however they are very labour intensive and the amount of larvicide required can be very costly. The process involves star pickets being installed in the waterbody at a rate of 10-20m2 with a larvicide briquette then getting attached, the briquette breaks down slowly in water therefore require replacement for ongoing control. Depending on the depth of the waterbody this is achieved by officers wading or by watercraft. This would require at least 2 officers onsite and a third officer if there are significant safety issues for example the presence of snakes in wetlands.

Due to the safety issues and difficulties accessing wetlands, other local governments have considered other alternatives. For example, this year the City of Bayswater became the first local government to engage the services of a drone company to apply larvicide to City wetlands, which have a substantially more mosquitoes than the City. Due to strict regulations around flying drones in populated areas, the process took over 2 years to implement.

Although the City can provide mosquito treatment at a lower cost, the City's Health Service would require additional funding and staff resources to expand the current MMP to effectively monitor and treat to the extent that is required for the City's growth suburbs and State Government owned/managed land.

The request for additional staff resources (0.5FTE up to $52,850p.a including on costs) and funding ($8,000 for chemicals) to expand the current MMP to increase monitoring and control measures is included in the City's Book of Proposals for Council review. Alternatively if the City were to amend the current MMP to include the monitoring and treatment of some State owned land, the additional staff would increase to 1.0FTE (up to $105,701p.a including on costs) and given the long term commitment it would need significant funding, including but not limited to:

- Additional dedicated 4WD vehicle fitted with all the required equipment to enable site accessibility in rough terrain and for large sites and to ensure vehicle availability for scheduled works (currently Health Services have a 2 cab 2WD utility which is insufficient) - $46,000 for initial purchase then $10,000p.a thereafter for maintenance
- Additional larvicides and associated hardware for long term options - $50,000
- Additional mosquito identification costs - $5,000
- Appropriate Personal Protection Equipment (PPE) - $1,000
- Additional storage for additional equipment and larvicides - $1,000.

ANALYSIS

CLAG Funding
Further investigation into the CLAG funding scheme revealed that the City's RRV statistics could demonstrate a significant public health risk required for CLAG eligibility and it appears that the benefits outweigh the costs. Given this and the recommendation in the City's MMP to join a CLAG a conversation was initiated with the chair of the Southern Metropolitan (Cities of Cockburn and Kwinana) CLAG who confirmed acceptance to the group should the City gain the required approvals.

Priority Areas for Treatment
The City is dedicated to providing an effective mosquito management program to reduce the public health risk and nuisance risk to its residents. The City's MMP is designed to be adaptive with the annual review assessing the effectiveness of current operations and identifying future priority areas so the required amendments can be made. Based on the data obtained from the 2021/22 breeding season, the annual report recommended the following:

- Additional trapping and dipping proposed in Bedfordale, Roleystone, Seville Grove, Armadale, Wungong and Forrestdale due to the high mosquito numbers and RRV cases (trapping to continue in Piara Waters, Champion Lakes, Harrisdale, Haynes and Kelmscott).

- More proactive cultural control measures to reduce the RRV risk caused by the "backyard breeder" mosquitoes, especially in suburbs such as Kelmscott, Roleystone and Wungong, where these species are more prevalent. It is essential that residents are aware that they also play an important role in mosquito management by taking measures at their own property to reduce breeding habitats and undertaking personal protection as the City is unable to treat all breeding areas.

For the purpose of this report, a list of priority treatment areas cannot be identified until extensive mosquito breeding monitoring has been undertaken throughout the City.

Investigations into mosquito service requests from residents will continue to provide important information/feedback to the effectiveness of treatment and inform consideration of priority areas across the City.

Treatment Options
As detailed in this report, chemical treatment of mosquitoes in environmental waterbodies is a complex process that requires technical knowledge of mosquitoes to determine the best treatment option. The City does not simply treat areas such as wetlands because they have the potential to breed mosquitoes, monitoring must occur to determine if larvae are present and are at levels of concern, then assessment of the need for treatment can be considered.

It is common for residents to want a quick fix such as spraying/fogging to kill adult mosquitoes when they are causing a nuisance but this approach only delivers short term relief as the breeding issue is not resolved and chemicals used to kill all flying insects are harmful to fish, therefore this approach is only considered if there is an immediate serious public health risk.

Given the increasing community concern in the Piara Waters area and the public health risk due to consistent RRV cases, it would be recommended that an external contractor be engaged to assess the mosquito breeding activity at Piara Nature Reserve as it retains water throughout the year; if there is a significant issue long term treatment (Option 2 or 3 $10-35,000) be implemented.

From historical aerial photographs other wetlands surrounding~~,~~ Piara Waters, Harrisdale and Forrestdale (apart from Forrestdale Lake) appear to completely dry out from January to July, therefore long term treatment is not an option. However, there are large number of open drainage networks throughout the area that hold water throughout the year; some are City owned and others belong to Water Corporation or WA Planning Commission. Ideally it would be recommended that all the open drainage networks within the City holding water are monitored monthly and either short or long term treatment is undertaken but, as detailed in this report, it would require additional staff and funding. Currently, Health Services is only able to dedicate 0.2FTE of its Environmental Health Technician to the implementation of the MMP. There are a number of local governments that have at least one (1.0) FTE Environmental Health Officer, or Technical Officer or Mosquito Control Officer dedicated to mosquito management.

The City are currently monitoring the accessible open drainage network on City managed land and have been treating, where necessary, in response to concerns from Piara Water and Harrisdale residents.

OPTIONS

Council have the following options:

1. List for Council's consideration as part of the 2023/24 budget and Long Term Financial Plan a proposal for the City to amend its Mosquito Management Plan to include some State Government owned land which would include:

    a. Once off funding up to $35,000 to engage a contractor to undertake a site assessment of the mosquito breeding activities at Piara Nature Reserve and apply chemical treatment if required (subject to DCBA permission);
    b. Funding up to $100,000 for first year (including a vehicle, equipment, chemical, analysis, PPE) and annual funding up to $64,000 thereafter; and
    c. An additional 1.0FTE – Environmental Health Technician/Mosquito Management Officer (up to $105,701p.a including on costs).

2. List for Council's consideration as part of the 2023/24 budget and Long Term Financial Plan a proposal for the City to expand its Mosquito Management Plan to increase its monitoring and control measures (primarily on City owned/managed land, with the inclusion of only high priority State Government owned land) which would include:

    a. Once off funding up to $35,000 to engage a contractor to undertake a site assessment of the mosquito breeding activities at Piara Nature Reserve and apply chemical treatment if required (subject to DCBA permission);
    b. Annual funding up to $8,000 for additional chemicals and equipment; and
    c. An additional 0.5FTE – Environmental Health Technician/Mosquito Management Officer (up to $52,850 p.a including on costs)

3. Resolve not to support the City amending its Mosquito Management Plan to include some State Government owned land and expanding its Mosquito Management Plan to increase monitoring and control measures.

CONCLUSION

The City's targeted MMP was developed after routine mosquito monitoring identified species that are a public health risk and/or create a public nuisance. Council has requested for a list of priority areas for treatment to be established; this is the intention of the MMP. Across the entire City, mosquito activity is monitored through routine surveillance and service request investigations which is compared against the number of RRV notifications to identify areas that require attention.

The City will further explore the option to join a CLAG as it is a recommendation in the City's MMP before considering making an application to join the Southern Metropolitan (Cities of Cockburn and Kwinana) CLAG.

The options reflect the different options of the level of service the City can deliver. If the desire is for an all-inclusive City wide all year round proactive approach to mosquito management then Option 1 will achieve this. Option 2 is a more modest version of option 1 with mosquito management being limited to the breeding season and Option 3 will see the City maintain the existing level of service.

Therefore Option 1 is recommended.

ATTACHMENTS

1. Number of adult mosquitoes between September 2021 and March 2022 by trap location and species identified

Officer's Recommendation

List for Council's consideration as part of the 2023/24 budget and Long Term Financial Plan a proposal for the City to amend its Mosquito Management Plan to include some State Government owned land which would include:

a) Once off funding up to $35,000 to engage a contractor to undertake a site assessment of the mosquito breeding activities at Piara Nature Reserve and apply chemical treatment if required (subject to DCBA permission);
b) Funding up to $100,000 for first year (including a vehicle, equipment, chemical, analysis, PPE) and annual funding up to $64,000 thereafter; and
c) An additional 1.0FTE – Environmental Health Technician/Mosquito Management Officer (up to $105,701p.a including on costs).

Committee Discussion

Committee discussed the recent meeting with the Member for Jandakot and funding request to treat mosquitoes in State owned land, timeframes and deferral of consideration of the Recommendation until such time as a response is received.

MOTION put by Cr R Butterfield

RECOMMEND **D28/12/22**

That Council defer consideration of the Recommendation until such time as a response is received in relation to correspondence to be sent to the Member for Jandakot requesting State Government assistance with Mosquito mitigation measures on Piara Waters Nature Reserve and Anstey Keane Bushland area.

Moved Cr R Butterfield
MOTION not opposed, DECLARED CARRIED (6/0)

3.2 - SOUTH WEST SETTLEMENT - REFERRAL OF LAND PARCELS FOR INCLUSION IN THE NOONGAR LAND ESTATE - STAGE 3

WARD	:	ALL
FILE No.	:	M/556/22
DATE	:	8 December 2022
REF	:	DS
RESPONSIBLE MANAGER	:	EDDS

In Brief:

- Under the South West Native Title Settlement, land will be transferred into a new Noongar Land Estate as part of the resolution of native title in the South West of WA.
- The Noongar Land Estate will hold and manage land assets for cultural, social and economic benefit of future generations of the Noongar community.
- The Department of Planning, Lands and Heritage (DPLH) requests the City to provide comment on 9 Crown Reserve properties identified for possible transfer into the Noongar Land Estate. This is the third stage of the request from DPLH.
- Recommend that:
  - The City does not support transferring Reserves 37697, 36215, 28218, 35959, 31641, 32018, 35543 and 29405 (consisting of two lots)
  - The City progresses acceptance of Management Orders to the City for Reserves 28218, 35959, 31641 and 32018.
  - The City write to the DPLH regarding inefficiencies relating to the Noongar Land Estate referral process.

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

Strategic Community Plan 2020-30

1.1 Foster and strengthen community spirit
  1.1.4 Preserve and celebrate the City's built, natural and cultural heritage
2.1 Conservation and restoration of the natural environment
  2.1.1 Support and implement sustainability initiatives throughout the City
3.2 Positive image and identity for the City
  3.2.1 Prioritise the creation and promotion of a positive image and identity for the City in order to change the perception and narrative about Armadale and make it a location of choice for residents, businesses and visitors.
3.4 Thriving Tourism Industry
  3.4.2 Encourage the development of new attractions, accommodation and activities for tourists, particularly day trippers
4.1 Strategic leadership and effective management
  4.1.1 Advocate for the delivery of key transformational projects

Community Health and Wellbeing Plan 2021 – 2024

4.1 Improve and maintain Aboriginal and Torres Strait Islander health and wellbeing
11.3.2 Enhance the City's partnership with the local Aboriginal and Torres Strait Islander community

Legal Implications

Transfer of Land Act 1893
Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Metropolitan Region Scheme
City of Armadale Town Planning Scheme No.4
Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016
Land Administration (South West Native Title Settlement) Act 2016
Environmental Protection Act 1986
Environmental Protection and Biodiversity Conservation Act (Commonwealth) 1999
Aboriginal Heritage Act 1972

Regional Land Use Policy Implications

Jandakot Regional Park Management Plan 2010
State Planning Policy 3.7: Planning in Bushfire Prone Areas
Perth and Peel @ 3.5 million - South Metropolitan Peel Sub-regional Planning framework (2018)
Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (2001) (District Structure Plan)
State Planning Policy 2.0: Environment and Natural Resources Policy

Council Policy/Local Law Implications

Local Planning Strategy 2016
PLN 2.4 - Landscape Feature and Tree Preservation
Local Biodiversity Strategy

Budget/Financial Implications

Accepting Management Orders for any parks will have to be accounted for in budgets related to managing reserves.

Consultation

1. The City's relevant business units have been consulted and requested to make comment on the properties proposed to be transferred into the Noongar Land Estate.
2. The City has liaised with the Department of Planning, Lands and Heritage and secured an extension of time to provide its comments.

BACKGROUND

The South West Native Title Settlement is a landmark native title agreement reached between the State Government and six Noongar Agreement Groups. The Settlement recognises the six Agreement Groups as the Traditional Owners of the south west of Western Australia. Under the Settlement, native title in this area is being resolved in exchange for a negotiated package of benefits including the creation of a "Noongar Land Estate". The Department of Planning, Lands and Heritage (DPLH) is administering the land aspects of the Settlement, including the transfer of land into the Noongar Land Estate and to progress this outcome, DPLH will be consulting with the 103 local governments within the Settlement area.

Under the Settlement, the State Government committed to identify a combination of unencumbered, unallocated Crown land, unmanaged reserves and State Government owned Freehold land within the Settlement Area that may be suitable for inclusion into the Noongar Land Estate. This work is undertaken by the DPLH on behalf of the State of Western Australia. In March 2021, the DPLH commenced the staged process of referring Land Lists identified for transfer to the City for comment.

The City received the first Stage referral in 2021, which identified a total of 9 properties in Roleystone, Karragullen and Bedfordale for consideration to transfer to the Noongar Land Estate (the properties were freehold land owned by the DPLH and Unallocated Crown Land proposed as Reserve with power for the Land Subsidiary to lease). Council considered the Stage 1 referral at the November 2021 meeting (D42/11/21). Council resolved that subject to the State Government undertaking comprehensive consultation with neighbouring landowners and local communities surrounding each proposed land transfer, that the City raises no general objection to the transfer of four (4) of the 9 properties into the Noongar Land Estate. Council did not support the transfer of the other five (5) properties into the Noongar Land Estate as it assessed these were unsuitable for transfer.

The City received the Stage 2 referral in March 2022, which identified a total of 4 parcels in Forrestdale and Leslie/Ashendon for transfer. These parcels are designated as a Reservation (Parks and Recreation or Government Purposes) or Unallocated Crown land. Council considered the Stage 2 referral at its April 2022 meeting (D15/4/22). Council resolved that the City raises no general objection to a large land parcel in Leslie/Ashendon with "Powers to Lease", but did not support the transfer of the remaining three (3) properties into the Noongar Land Estate based upon the environmental values linked to the Jandakot Regional Park and recommended to pursue a joint management arrangement for these sites with the Department of Biodiversity, Conservation and Attractions (DBCA).

With both Stage 1 and Stage 2 referrals, Council resolved to not object to the transfer of certain parcels subject to the DPLH:

1. Undertaking comprehensive consultation with neighbouring landowners and local communities surrounding each proposed land transfer property;
2. Environmental assessment including any potential contamination of each proposed property;

3. surveying the sites and assessment of existing structures,
4. confirming service connection requirements; and
5. confirming that bushfire hazards are appropriately managed with the preparation of a Bushfire Management Plan where necessary.

DETAILS OF PROPOSAL

On 5 October 2022, the DPLH referred the Stage 3 referral to the City and relevant State agencies for comment. The referral to stakeholders is a key part of the process being followed by the Department which advises that stakeholder's responses will be considered in its subsequent decisions on the land transfers.

Stage 1 referral was predominantly DPLH Freehold land and Unallocated Crown Land, with the Stage 2 referral detailing either existing Crown Reserves or Unallocated Crown Land. Stage 3 focuses on smaller Unmanaged Reserves generally created through the land subdivision process. The DPLH has indicated that the Management Orders issued to the Noongar Land Estate may include the power to lease, sublease or licence any part of the reserve.

Compliance with zoning and planning laws
The body managing the Noongar Land Estate (Land Subsidiary) will be required to comply with all applicable laws and to obtain standard planning, development and other regulatory approvals to develop or undertake activities on the Noongar Land Estate. Any lessee of the Noongar Land Estate will also need to comply with all applicable laws.

Land for Consideration under Stage 3 Referral
The following is a list of properties that the DPLH is seeking comments on:

- Lot 2021 Albany Highway, Mount Nasura;
- Lot 3313 Coventry Road, Roleystone;
- Lot 3126 Balgor Court, Kelmscott;
- Lots 3051, 3975 and 2155 Mackie Road, Roleystone;
- Lot 3094 Calliandra Place, Roleystone; and
- Lots 2438 and 2474 Glebe Road, Roleystone.

As part of Stage 3, the DPLH request that referral agencies and the City provide comments on each of the properties and specifically asks the following questions:

1. *Is the City actively using or managing the land for public purposes in accordance with the vesting?*
2. *Does the City have any interest in utilising the reserve for public purposes in the future?*
3. *If no to questions 1 and 2, please advise if the City supports the transfer of this land to the Noongar People under the Settlement.*

Response Time

DPLH indicated a response was required within 14 days or by 19 October 2022, which is a substantial reduction in timeframe from Stage 2 where a response time of 40 days was initially requested with a further extension granted. The City indicated to the DPLH that an extension would be required until January 2023 to provide an adequate time for Council consideration.

COMMENT

Future land use and development of Crown Reserves transferred to the NLE

Reserves identified for allocation into the Noongar Land Estate will be held under a Management Order. The Noongar Land Estate will have the care, control and management of reserve land under a Management Order with specified conditions for the agreed purpose of "*Noongar Social, Cultural or Economic benefit*". The conditions of the Management Order over reserve land may include the power to lease, sublease or licence any part of the reserve consistent with the reserve purpose. The Land Subsidiary for the Noongar Land Estate as the management body must meet the standard land holding costs associated with reserve land.

The specific use of a reserve will be determined by the Noongar Land Estate in consultation with the relevant Noongar Regional Corporation(s) and in accordance with the conditions set out in the Management Order. The Minister for Lands retains the standard statutory rights, powers and duties in relation to the reserve land under the *Land Administration Act 1997* and the *Land Administration (South West Native Title Settlement) Act 2016*.

Section 20A Reserves Under Stage 3 Referrals

The Stage 3 referral consists of Reserves with no vested authority and designated as Section 20A Reserves dedicated to "Recreation" or "Public Recreation" purposes. The Section 20A Reserves being considered for transfer within Stage 3 are adjoining residential or special rural development in all instances and are typically smaller in size than reserves referred to the City for consideration in the Stage 1 and 2 referrals.

"Section 20A" relates to the former *Town Planning and Development Act 1928*, where land was given up as public open space through the subdivision process and vested in the Crown as a "Reserve for Recreation". Following the creation of a Crown Reserve, the local government may agree to request from the DPLH or apply for the vesting of the land and assume responsibility for its development and maintenance through the issue of a Management Order.

The DPLH has indicated in the referral that "*the reserves may not be actively managed or utilised for the intended purpose in all instances – where this has occurred, identifying an alternative landholder and management body can achieve good outcomes on the ground*." In this case of the land referred to the City for inclusion into the Noongar Land Estate in Stage 3, no Management Orders were issued and therefore management of the reserves has not formally been transferred to the City or to any other management body. The City could be informally managing the reserves detailed within Stage 3 without management orders and most are likely to be used by the community for the reserves dedicated purpose of "Recreation" or "Public Recreation".

ANALYSIS

Each of the 9 parcels of land proposed for transfer to the Noongar Land Estate under this Stage 3 referral is discussed below.

With all parcels referred to the City in Stage 3 - there are no existing Management Orders in place for the Section 20A reserves. Therefore the response to the DPLH's first question is that the City is not using or managing the land in accordance with any vesting. Recommendations for questions 2 and 3 are addressed under each Reserve.

Reserve 28218 (Lot 2021) Albany Highway, Mount Nasura:
This Reserve is identified as a Class C Reserve for the purpose of "Recreation" with date of gazette in 1966 and was ceded as part of Subdivision 23457. It is 1,771m² in size, with a 20 metre frontage to Derry Avenue and nearby to the intersection at Albany Highway. Directly to the southeast is 12 Wangoola Terrace which contains the Wirra Willa Gardens which is listed as Management Category 1 listing in the City's Local Heritage Survey and under the Heritage Council State Register. Wirra Willa Gardens has been acquired by the City. Residential development abuts on the northwest side of the reserve.

Reserve 28218 was addressed as part of the City's Public Open Space Strategy in 2002 which considered the potential of reserve cancellation, rezoning and disposal with any proceeds from the disposal to upgrade parks through Precinct G of the POS Strategy (CS47/10/04). A submission identified the importance of the site given the proximity to Wirra Willa Gardens, with the reserve offering a vegetative buffer and possibility for future consolidation into Wirra Willa Gardens. It was resolved by Council that consideration of Reserve 28218 be deferred (CS24/3/05) until the completion of the "City's Gateways" project.

As part of a previous private Development Application relating to the Wirra Willa Gardens in 2016, the City progressed an agreement with the Department of Lands to permit parking within the Reserve and management of the Reserve subject to development proceeding at Wirra Willa Gardens. Whilst this Development Application did not proceed, the City still has an interest in the future of this Reserve due to the recent acquisition of Wirra Willa Gardens by the City with the aim of restoring the heritage gardens.

Recommendation (Reserve 28218):

2. *Does the City have any interest in utilising the reserve for public purposes in the future?*

The Reserve should be maintained by the City alongside Wirra Willa Gardens private lot for the benefit of the public. The City recommends that Reserve 28218 is excluded from transfer to the Noongar Land Estate and that the City request and accept a Management Order of the Reserve in favour of the City for recreational purposes.

Reserve 37697 (Lot 3313) Coventry Road, Roleystone:
This Reserve is identified as a Class C Reserve for the purpose of "Public Recreation" with date of gazette in 1982 and was ceded as part of Subdivision 54004. The size of this Reserve is approximately 4.5 hectares and it is designated under the MRS as a Reservation for "Parks and Recreation". To the south are other Regional Reserves and to the north are Special Rural lots. Access to Reserve 37697 is available from Coventry Road. Due to the obscure battleaxe shape of the parcel, a portion of the reserve on the eastern side narrows to less than 6m where access is provided to the southern portion of the reserve.

The POS Strategy considered by Council at its meeting in October 2002 recommended (CS42/02) writing to the Department of Conservation and Land Management (or CALM now replaced by the Department of Biodiversity, Conservation and Attractions or DBCA) and recommended that the unvested Crown Land be transferred to the Conservation Commission as the site lies within a Regional Park (now part of Bayowla National Park). The City wrote to Department of Land Administration (DOLA) and CALM asking for vesting in the Conservation Commission in May 2002, but the outcome of this letter is unknown.

Recommendation (Reserve 37697):

2. *Does the City have any interest in utilising the reserve for public purposes in the future?*

The City does not recommend that the City manage the Reserve as it is located within Banyowla National Park which is managed by DBCA. Management jurisdiction of the City is not required as State Government should be managing adjacent regional reserves under a Park Management Plan.

3. *If no to questions 1 and 2, please advise if the City supports the transfer of this land to the Noongar People under the Settlement.*

The City recommends that Council not support the transfer on the basis that Reserve 37697 falls within Banyowla National Park which should remain under a singular management authority of the State or the DBCA.

Reserve 36215 (Lot 3126) Balgor Court, Kelmscott:
This Reserve is identified as a Class C Reserve for the purpose of "Public Recreation" with a date of Gazette in 1979 and was ceded as part of Subdivision 27708. This reserve is triangular in shape with a total size of 7,200m^2 and is designated under the MRS as a Reservation for "Parks and Recreation". To the east is Wungong Regional Park, to the north is Special Rural development and to the west is Residential development. Access to Reserve 36215 is available from a cul-de-sac at the end of Balgor Court.

Reserve 36215 was considered previously in the POS Strategy and Council resolved in March 2005 (CS47/10/04) to request that the reserve be transferred to CALM/DBCA as the site is considered part of a Regional Park.

Recommendation (Reserve 36215):

2. *Does the City have any interest in utilising the reserve for public purposes in the future?*

The City does not recommend acquiring management of the Reserve as it is located within a Regional Park. Management jurisdiction of the City is not required as the State Government should be managing adjacent regional reserves under a Park Management Plan.

3. *If no to questions 1 and 2, please advise if the City supports the transfer of this land to the Noongar People under the Settlement.*

The City recommends objecting to the transfer on the basis that Reserve 36215 falls within a Regional Park which should remain under a singular management authority of the State or the DBCA.

Reserve 35543 (Lot 3051), Reserve 29405 (Lots 3975 and 2155) Mackie Road, Roleystone
These Reserves are identified as Class C Reserves for the purpose of "Public Recreation" with date of gazette in 1968 for Lots 2155 and 3975, and 1978 for Lot 3051 respectively. These Reserves were ceded as part of Subdivisions 41421 and 23516. The combined total of the three adjoining lots is 6,967m^2. The lots are surrounded by residential development on all sides with Lot 2155 containing a narrow 4 metre wide access to Mackie Avenue. Due to the land locked nature of Lots 3051 and 3975, these sites can only be accessed through Lot 2155.

Reserves 35543 and 29405 were considered as part of the City's POS Strategy where both Reserves were considered for cancellation and disposal, but were deferred subject to consideration of the Canning Contour Channel (CS42/02) within the Municipal Heritage Inventory as a portion of the Channel abuts to the south. Whilst sections of the Canning Contour Channel are recognised in the Municipal Heritage Inventory and the State Register of Heritage Places, the sections of the Channel adjoining these Reserves were not included. It was noted in the POS Strategy that the Reserves were steep with poor surveillance and were not considered useable for recreation purposes.

Recommendation (Reserves 35543 and 29405):

2. *Does the City have any interest in utilising the reserve for public purposes in the future?*

The City does not recommend acquiring management of the reserves due to the size and landlocked nature of each reserve not providing recreational benefit or being conducive to routine maintenance.

3. *If no to questions 1 and 2, please advise if the City supports the transfer of this land to the Noongar People under the Settlement.*

The size, gradient and limited access to the reserves limits usability for purposes or activities relating to the aboriginal community and the City, with the management of the land for public purposes being difficult with limited benefits. The most appropriate outcome for these reserves is for disposal to the adjoining landowners and amalgamate the reserves into the adjoining residential lots for management. It is recommended that DPLH investigate disposal of these lots to the adjoining landowners.

Reserve 35959 (Lot 3094) Calliandra Place, Roleystone

Lot 3094 referred to as Calliandra Reserve is identified as a Class C Reserve for the purpose of "Public Recreation" with a date of Gazette of 1979 and was ceded as part of Subdivision 39959. Calliandra Reserve is 1,632m^2 with direct access to Calliandra Place to the north and abuts a Water Corporation Reserve to the south which contains a portion of the Canning Contour Channel. Residential development abuts the Calliandra Reserve on the east and west.

Reserve 35959 was considered in the POS Strategy where Council resolved (CS42/02) to treat the site in a similar manner to Reserves 35543 and 29405 by deferring consideration of vesting or reserve cancellation due to proximity of the Canning Contour Channel. The section of Canning Contour Channel abutting the Reserves ultimately wasn't included in the MHI and remains under the management authority of the State and the Water Corporation. It appears that the reserve wasn't reconsidered for vesting or cancellation following the formalisation of the MHI.

Recommendation (Reserve 35959):

2. *Does the City have any interest in utilising the reserve for public purposes in the future?*

Calliandra Reserve provides an important public purpose to the surrounding community, given that the size of the Reserve is appropriate for recreation, has significant vegetation with mature trees and provides access for local residents to the Canning Contour Channel for recreational pursuits. Calliandra Reserve is consistent with the types of Reserves managed by the City and it is recommended that the City accept management of this Reserve to preserve the public benefits and protection of vegetation.

Reserve 31641 (Lot 2438) and Reserve 32018 (Lot 2474) Glebe Road, Roleystone

Lot 2438 referred to as Glebe Reserve and Lot 2474 referred to as Quenda Reserve are identified as Class C Reserves for the purpose of "Recreation" with a date of gazette of 1972 and 1973 respectively. These Reserves were ceded as part of Subdivisions 30297 and 26523. Glebe Reserve is a rectangular lot of 2,428m^2 and Quenda Reserve is 1,750m^2 in size. Both Reserves have direct access to Glebe Road. Glebe Reserve abuts a large undeveloped landholding to the north and a residential lot to the south, with Quenda Reserve abutting smaller residential lots to the north, west and south.

Reserve 31641 (Glebe Reserve) was discussed within the POS Strategy and it was recommended (CS42/02) that the City accept vesting of the Reserve. Reserve 32018 (Quenda Reserve) was not considered in the POS Strategy.

Recommendation (Reserve 31641 and 32018):

2. *Does the City have any interest in utilising the reserve for public purposes in the future?*

The City identifies the Reserves to serve an important recreation function to the surrounding landowners due to their size and location. There is the potential of Reserve 31641 being consolidated into public open space upon future development of 131 Peet Road to the north. It is recommended that the City request and accept Management Orders for management of both lots to preserve the public benefit and conservation/recreation purpose of each Reserve.

DPLH Referral Process

As part of the Stage 2 referral report (D15/4/22), the City noted the inefficiencies caused by the ad-hoc nature of the referrals and the significant amount of time and resources required by the City to respond to the referrals in the requested 40 day timeframes. All of the referrals were forwarded to the City by way of an excel spreadsheet without any supporting documentation or background information aside from a generic 'Frequently Asked Questions' (FAQ) document.

There is a lot of unknown variables associated with the land transfers that haven't been clarified and have made it difficult for the City to form recommendations. The City also acknowledges that whilst the listed reserves may be of significance to the Noongar people that wasn't disclosed in the referral, parcels of land were included in each referral that did not appear appropriate or logical for transfer due to size, location or other factors. The focus by DPLH should be identifying larger unencumbered parcels as opposed to smaller constrained Section 20A reserves in developed residential areas which were ceded through subdivisions for recreational purposes with complex or difficult management requirements and multiple surrounding landowners or management entity's.

In the Stage 1 and 2 referrals the DPLH requested that the City provide excessive additional information consisting of 9 separate questions for each parcel, which would be outside the scope of a standard referral. It appeared that the DPLH expected the City to provide this information rather than the DPLH completing a more thorough review prior to sending the referrals. The City addressed these issues in the Stage 2 referral response to the DPLH. As part of the Stage 3 referral, the amount of questions requested from the City were consequently reduced and simplified. However, the DPLH also reduced the time for response from 40 days to 14 days as the DPLH is "*working in accordance with tight project*

timeframes." At this point, the DPLH have not indicated how many more parcels of land or further stages of referrals will be issued to the City and have previously indicated that the process could take up to 5 years in total.

The matter of the inefficiencies and resources caused by the DPLH referral process was addressed at a October 2022 WALGA AGM meeting, where the Shire of Gingin had been issued a referral from the DPLH identifying 45 parcels of land with a 40 day timeframe for response. In addition to the 45 parcels, the Department had previously indicated that some 230 more locations had been identified for future possible transfer within the Shire of Gingin. The comments made on behalf of officers at the Shire of Gingin mirrored many of the same issues or concerns from officers at the City of Armadale relating to unknown future uses of the sites, limited supporting information as part of the referrals and short timeframe for response. The following motion was carried as part of the AGM Meeting:

"That WALGA advocate to the State Government that Local Governments be provided with the full list of potential land to be requested for transfer as part of the South West Native Title Settlement and that a minimum of three months be provided for Council to provide feedback."

In order to supplement the position of WALGA, it is recommended that the City write a response to the DPLH discussing the DPLH's methods of referral and addressing the following points:

- Shorter and unrealistic timeframes imposed upon the City to provide a response despite the DPLH being aware that referrals should be presented to Council for consideration.
- Multiple batches of properties are being referred to the City in an ad-hoc manner, sometimes without any prior notice and requiring the City to allocate resources to prepare a response in a short timeframe.
- The referrals have been sent with an attached excel spreadsheet and pin numbers, without supporting materials such as maps, background information and justification for DPLH's reasons for selecting each site.
- Prior referrals (Stage 1 and 2) requested that the City provide excessive information requiring an in-depth investigation into the site by the City that should've been completed by the DPLH.
- Land is being proposed for transfer that shouldn't be considered suitable by DPLH for the purpose of the Noongar Land Estate given its limited benefits and adding an additional land management body may result in fragmentation of management authorities across reserves consisting of multiple land parcels.
- A vagueness associated with future activities or how the sites will be maintained make it difficult to form a recommendation by the City if the transfer is supported.
- The DPLH treating the referrals to the City as a matter of process to quickly transfer land en-mass, as opposed to completing full investigation of appropriate parcels to benefit the Noongar Land Estate for transfer and incorporating the City's recommendation and comments through the referral process.

OPTIONS

Council has the following options:

1. Provide recommendations to the DPLH in accordance with the above officer's report.
2. Provide an alternative recommendation either for individual properties or for all the properties, providing its reasons.
3. Choose to not provide information or a recommendation, acknowledging that DPLH will take this as indicating the City has no comment on the land parcels referred.

CONCLUSION

Option 1 is recommended.

All parcels of land identified for Stage 3 transfer to the Noongar Land Estate are Section 20A reserves, which have been provided through the subdivision process for the purpose of providing public open space in residential areas. No background information or justification has been provided by the DPLH as to the methodology for selecting the reserves for transfer. Surrounding residents should also benefit from the Reserves and it is recommended that access to the Reserves and use of the Reserves is not restricted to the general public in all instances.

ATTACHMENTS

1. Location and Aerial Plans - Reserve 28218 - Lot 2021 Albany Highway, Mount Nasura
2. Location and Aerial Plans - Reserve 37697 - Lot 3313 Coventry Road, Roleystone
3. Location and Aerial Plans - Reserve 36215 - Lot 3126 Balgor Court, Kelmscott
4. Location and Aerial Plans - Reserve 35543 and 29405 - Lots 3051 and 2155 Mackie Road, Roleystone
5. Location and Aerial Plans - Reserve 35959 - Lot 3094 Calliandra Place, Roleystone
6. Location and Aerial Plans - Reserve 32018 and 31641 - Lots 2438 and 2474 Glebe Road, Roleystone

RECOMMEND **D29/12/22**

That Council:

1. Advise the Department of Planning, Lands and Heritage that there are no existing vesting arrangements or Management Orders issued to the City for parcels identified within the Stage 3 Southwest Native Title referral.

2. Advise the Department of Planning, Lands and Heritage that the City's response is subject to:

a) access to all Reserves remaining open to the public at all times;
b) comprehensive consultation with neighbouring landowners and local communities surrounding each proposed land transfer property prior to any transfer of properties;
c) environmental assessment including any potential contamination of each proposed property; and
d) that all Reserves proposed for transfer are maintained in regards to Bushfire Management.

3. Advise the Department of Planning, Lands and Heritage that the City does not support the transfer of Lot 3313 Coventry Road, Roleystone (Reserve 37697) and Lot 3126 Balgor Court, Kelmscott (Reserve 36215) to the Noongar Land Estate as a Reserve with power to lease due to the reasons of:

a) Future management by a single authority (Conservation Commission or DBCA) is the preferred outcome for ongoing management of the environment and protection from bushfires; and
b) It is not desirable for bushfire and environmental protection reasons to introduce an additional land manager entity.

4. Advise the Department of Planning, Lands and Heritage that the City does not support transfer of Lot 2021 Albany Highway, Mount Nasura (Reserve 28218) as the City has an interest in the Reserve with historical links to State and Local Heritage listed Wirra Willa Gardens and the Reserve retains an important public purpose that should be managed by the City.

5. Advise the Department of Planning, Lands and Heritage that the City does not support transfer of the following Reserves as they retain an important recreation purpose for the public benefit in surrounding residential areas:

a) Lot 3094 Calliandra Place, Roleystone (Reserve 35959)
b) Lot 2438 Glebe Road, Roleystone (Reserve 31641); and
c) Lot 2474 Glebe Road, Roleystone (Reserve 32018).

6. Advise the Department of Planning, Lands and Heritage that the City does not support transfer of the following Reserves as they provide no apparent recreational use or benefit to the Noongar Land Estate or the City and should be considered for disposal and amalgamation into the adjoining residential land parcels:

a) Lot 3051 Mackie Road, Roleystone (Reserve 35543); and
b) Lots 3975 and 2155 Mackie Road, Roleystone (Reserve 29405).

7. Write to the Department of Planning, Lands and Heritage requesting a Management Order and vesting of the Reserves in the City for the following lots:

a) Lot 2021 Albany Highway, Mount Nasura (Reserve 28218)
b) Lot 3094 Calliandra Place, Roleystone (Reserve 35959)
c) Lot 2438 Glebe Road, Roleystone (Reserve 31641); and
d) Lot 2474 Glebe Road, Roleystone (Reserve 32018).

8. Write to the Department of Planning, Lands and Heritage regarding the inefficiencies resulting from the South West Settlement referrals and request that all land for future consideration at the City be identified as part of a single referral with an appropriate timeframe for comment.

Moved Cr S J Mosey
MOTION CARRIED (6/0)

LOCATION PLAN
Tree Preservation Order
Lot 801 (No. 1) Ardross Street, Seville Grove

35 0 35 70m

SCALE 1 : 3500

CITY OF Armadale

4.1 - TREE PRESERVATION ORDER AT LOT 810 NO.1 ARDROSS STREET, SEVILLE GROVE

WARD	:	PALOMINO
FILE No.	:	M/476/22 – PLU/HP/4 - PR36434
DATE	:	28 November 2022
REF	:	KC
RESPONSIBLE MANAGER	:	EDDS

In Brief:

- A request has been received to remove Tree Protection Order (TPO) 16 located at Lot 801 (No.1) Ardross Street, Seville Grove.
- Council reaffirmed TPO No.16 at its meeting on 21 January 2013 (D3/1/13) and approved undertaking remedial arboricultural works identified in the arborist's April 2011 report.
- Recommend that Council reaffirm TPO No.16 and not allow the removal of the registered tree at Lot 801 (No.1) Ardross Street, Seville Grove, and approve the undertaking of remedial arboricultural works as identified in the arborist's June 2022 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

2.2.2 Improve the amenity of streetscapes in established suburbs to provide an attractive, shaded network that connects residents to locations of interest.

2.5.1 Ensure the City's planning framework is modern, flexible, responsive and aligned to achieving the outcomes of the Strategic Community Plan and Corporate Business Plan.

2.5.2 Seek the retention of trees in new subdivisions and developments.

Legal Implications

Planning and Development Act 2005

Town Planning Scheme No.4

Council Policy/Local Law Implications

Urban Forest Strategy

Local Planning Policy 2.4 – Landscape Feature and Tree Preservation

AERIAL PLAN
Tree Preservation Order
Lot 801 (No. 1) Ardross Street, Seville Grove

19 0 19 37m

SCALE 1 : 1866

Based on information provided by and with the permission of the Western Australian Land Information Authority trading as Landgate (2012). Aerial photograph supplied by Landgate, Photomaps by HeartMap.

CITY OF Armadale

DATE 5 January 2021 - REVISION 2101
p:\autocad\agenda_drawings\2022\11.november\tpo_kc\tpo_ardross_st.dwg

Budget/Financial Implications
Arborist assessment and operational works form part of Parks and Reserves budget.

Consultation
1. Bowden Tree Consultancy

BACKGROUND

The registered tree at 1 Ardross Street or matters associated with removal of this tree have been considered or discussed at numerous Committee and/or Council meetings. The subject meetings include:
- October 2011
- November 2011
- December 2011
- June 2012
- August 2012
- September 2012
- October 2012
- January 2013
- November 2022 (this report)

The City has expended considerable resources on this matter and has followed a pragmatic process that has considered the advice of relevant professionals to determine if removing the tree is appropriate or not. To date, Council has not supported removal of the tree and City officers also support this position.

The original Outline Development Plan (ODP) for the area now composing Ardross Street, Braemore Street and Williams Road, required the retention of trees which formed part of the original tree belt on the rural holding that was subsequently rezoned and subdivided for residential purposes. The original effectiveness of the ODP and subdivision approval had been diminished over time by virtue of change of ownership. To address this, Council subsequently placed Tree Preservation Orders (TPOs) over these trees at its meeting on 24 August 1994 (D354/94 refers) to give greater effect to the original intentions of the ODP and subsequent subdivision requirements. The tree belt now runs along Braemore Street and Williams Road.

The subject tree (TPO No.16) was part of this tree belt and is located within the property of 1 Ardross, being a *Corymbia maculata* (Spotted Gum). The TPO for 1 Ardross St came into force on 15 August 1994. A letter dated 24 August 1994 was sent to the landowners (whom are still the current landowners) informing them of this.

It is noted that TPO No.16 forms part of the original tree belt where significant *C. maculata* still have TPO's in place over them:
- 76 Challis Road, Seville Grove
- 81 Williams Road, Seville Grove
- 83 Williams Road, Seville Grove
- 85 Williams Road, Seville Grove
- 27 Braemore Street, Seville Grove
- 29 Braemore Street, Seville Grove
- 43 Braemore Street, Seville Grove

In April 2008 the landowners of 1 Ardross Street had an additional dwelling approved at their property. This dwelling was to be located approximately 3.5m away from the trunk of the registered tree at the property. The approval contained a condition in relation to the registered tree being retained and protected. The approved new dwelling has since been constructed. As noted, the TPO has been in place at the property since 1994. Prior to the new dwelling being constructed, the registered tree was within the large back/side yard of the property at 1 Ardross Street and clear of any buildings.

In June 2008 the City provided comments to the Western Australian Planning Commission (WAPC) on the proposed subdivision of Lot 229. The City recommended refusal of the subdivision as it proposed green title lots as opposed to survey-strata lots. Additionally, the applicant was aiming to develop the property at R30 density code in accordance with Clause 4.2.4(a)(ii) of TPS4. The proposed lot sizes did not meet the minimum size requirements of State Planning Policy 7.3 – *Residential Design Codes.* The intention to retain existing trees was undertaken as part of the ODP for the subject area, including implementing lot depths of 36.5m with building setbacks of 10m in order to accommodate the trees. The proposal to subdivide would vary this setback.

Despite the City's recommendation, the WAPC approved subdivision of the lot into two freehold green title lots in September 2008 (i.e. No.1 and 1A Ardross Street). The WAPC approval did advise the landowners that any development on the land should comply with the development approval granted by the City in April 2008 or such other approval as the City may issue. Accordingly, the City's April 2008 approval required protection and retention of the registered tree at the property.

In September 2009, the landowners requested amendments to their grouped dwelling approval. The amendments were not considered significant and resulted in the dwelling remaining a similar distance away from the registered tree. The amendments were approved by the City and the previous condition in relation to retention and protection of the registered tree still applied.

In February 2011 the landowners approached the City seeking permission to remove the TPO over the tree. They requested removal of the tree due to the safety concerns they believe this created. Prior to the new dwelling being constructed the landowners advised they were not concerned with leaves and bark dropping, as noted in their request:

"*….in the past this did not worry us as it was just an open space* (i.e. back/side yard area) *and did not interfere with us or cause any real danger, just a mess every year when it dropped its leaves and bark".*

Following the landowner's request, the City's Parks and Reserves Department commissioned a certified arborist to undertake an arboriculture assessment on the registered tree in April 2011. In the assessment synopsis it was noted:

"*The tree identified within this report provides a range of benefits and contributes to the amenity and environmental value of the surrounding urban area, and is recommended for retention. Assessment has revealed a well-formed crown structure and high tree vitality; with a recommendation for remedial arboricultural works to remove the dead branches from the crown of the tree only. Consideration could also be given to irrigation of the absorptive root zone to alleviate the desiccation of the upper profile and to return soil moistur*e".

The Parks Department recommended that minor works by a certified contractor under its supervision be approved rather than rescinding the TPO and removing the registered tree. Subsequently, at its meeting on 8 November 2011 (D87/11/11), Council resolved to approve maintenance of the tree by remedial arboricultural works.

The issue of TPOs was raised as a Councillor Item at Council's meeting on 12 December 2011 (D101/12/11). City Officers subsequently reviewed Local Planning Policy 2.4 (PLN 2.4) - *Landscape Feature and Tree Preservation*. The review of Policy PLN 2.4 addressed matters associated with the condition and impacts of a tree over its life cycle and how such matters are identified and considered within applicable decision making processes. Amendments included assessing the condition of the tree and its existing and potential impacts. Such an assessment is the final matter that is considered in deciding if a TPO should be issued.

Council supported the advertising of the resulting proposed amended Policy PLN 2.4 at its meeting on 25 June 2012 (D35/6/12). As part of this report, Council resolved to not rescind TPO No.16 as no factors had changed in relation to this TPO since November 2011.

During the review of Policy PLN 2.4 the landowners of 1 Ardross Street were invited to make a submission, however no written submission was received by the City. Additionally, despite the City approving works on TPO No.16 to address concerns raised in November 2011, the landowners had not arranged for the works to occur.

Council adopted the amended Policy PLN 2.4 at its meeting on 24 September 2012 (D65/9/12).

A petition signed by 68 residents was tabled at Council's meeting on 22 October 2012 (383/10/12), the prayer of which reads:-

"*We the undersigned request the City of Armadale Council remove the Tree Protection Order (TPO) 16 located on private property at Lot 801 (1) Ardross Street, Seville Grove."*

Council subsequently received the petition and referred it to the Development Services Committee for consideration. Council resolved to decline the request to rescind TPO No.16 at its meeting on 21 January 2013 (D3/1/13) given the tree was found to be sound and worthy of retention.

DETAILS OF PROPOSAL

The landowners at 1 Ardross Street in Seville Grove contacted Councillors in April 2022 requesting a meeting to discuss the TPO No.16 and the associated processes. The request was forwarded on to City Officers for investigation. Whilst the request was not explicit in nature, the landowners did advise they seek to *"have total control over this magnificent tree and to be able to make decisions that suit us down the track if necessary"*, implying a request for the City/Council to rescind the TPO.

Recent tree assessments were undertaken by the City's Service Delivery (Parks) on 26 April 2022 in response to the landowners' request, including a Visual Tree Assessment undertaken by the City's Parks Officers. The City Officers observed the tree to be healthy, does not pose an immediate risk and that no further works are required.

Officers of the City's Parks Department wrote to the landowners on 29 April 2022 reiterating the City's position to retain the TPO. The landowners were reminded that all trees with TPOs are inspected 5-yearly with the latest inspection of these trees having occurred during May and June 2021.

Additionally, the City engaged a qualified arboriculturalist to assess the tree. This assessment (***refer to the Attachments in this report***) took place on 7 June 2022 and was submitted to the City on 14 June 2022. The assessment revealed TPO No.16 has *"satisfactory structural condition whilst tree vitality (health condition) was assessed as high, indicative of the capacity of the tree to produce response growth/ new wood as part of self-optimization to maintain strength and stability."* The subsequent risk assessment summary noted a low risk rating for the upper trunk section, a low risk rating for stems and first order branches and a moderate risk rating for the naturally occurring dead branches.

This assessment advised that consideration could be given to dead wooding to remove the dead branches greater than 50mm in diameter from the crown of the tree.

Figure: Photograph of TPO No.16 taken for the arboricultural report.

COMMENT

Under Part 3.6 of Policy PLN 2.4, the City's Parks and Reserves Department reinspects all registered trees at least every 5 years. As part of a reinspection, the City's Service Delivery (formerly Parks and Reserves Services) considers Significance Criteria as per Clause 3.2.1 of Policy PLN 2.4 to assist in determining the appropriateness of a tree remaining registered or to determine what action is required to ameliorate the impacts and improve the condition of a registered tree.

Should a landowner identify that a tree the subject of a TPO is deteriorating, then the owner can provide evidence to the City and/or the City can arrange for an inspection of the tree. Following such a request, the City's Service Delivery inspect the tree to determine if remedial action is necessary. It is noted that the landowners at 1 Ardross Street have made use of this provision and contacted the City in 2011 regarding TPO No.16. The City's Parks and Reserves Services responded by arranging an arboriculture assessment on the registered tree in April 2011, with remedial works supported by Council resolution (D87/11/11) at the time.

ANALYSIS

Schedule A, Clause 80A of Town Planning Scheme No.4 (TPS4) states "*The Local Government may by notice served upon individual landowners or upon a subdivider of land, require the preservation of a tree or group of trees. Thereafter, no landowner shall cut, remove or otherwise destroy any trees unless the Local Government grants approval or rescinds the notice or order".*

Local Planning Policy 2.4 – *Landscape Feature and Tree Preservation* (Policy PLN 2.4) provides guidance on the application and administration of circumstances where Clause 80A of Schedule A (henceforth referred to as Tree Preservation Orders) may be applied, providing the framework for City Officers for the assessments of TPOs.

The City's Urban Forest Strategy notes that the holistic benefits of a healthy urban forest provide more than aesthetic and recreational values and include interrelated social, economic and environmental benefits. An urban forest is now understood as critical urban infrastructure and is to be managed for health and wellbeing of community. The City's Urban Forest Strategy advises that an urban forest requires adequate planning, implementation and management. The framework of Policy PLN 2.4 aims to implement the vision of the Urban Forest Strategy, with the considered use of TPOs supporting existing landscape character; supporting shared responsibility, and encouraging backyard and private areas to contribute to the urban forest.

As urban development increases, the provision and protection of trees in the public and private realms becomes increasingly more significant. The City has considered these impacts and Council supported expansion of the scope of Policy PLN 2.4 at its meeting on 22 February 2021 (D4/2/21) to include the protection of local landscape features and tree retention, giving due consideration to the WAPC's operational policy 'Liveable Neighborhoods'.

Policy PLN 2.4 notes that the tree condition and impact assessment will be the final matter that is considered in deciding if a TPO should be issued. If the condition or impacts of a tree are deemed unacceptable by the City, it may be recommended or decided by Council that a TPO is not issued, or is rescinded.

It is noted the arborist advised in their 2011 assessment that the tree provides a range of benefits and contributes to the amenity and environmental value of the surrounding urban area and is recommended for retention. The City noted in its report considered by Council at its meeting on 21 January 2013 (D3/1/13) that removal of this TPO would compromise the heritage and landscape value of the belt of trees originally protected by the ODP, which remains in good condition and enhance the area's visual amenity. The arboricultural assessment in 2022 found the tree is in a satisfactory structural condition whilst tree vitality (health condition) was assessed as high, indicative of the capacity of the tree to produce response growth/ new wood as part of self-optimization to maintain strength and stability.

Given TPO No.16 is located in a residential area, removal of the TPO would remove protective mechanisms for its retention and ongoing contribution to the local amenity and urban forest strategy.

OPTIONS

Council has the following options:

1. Reaffirm Tree Preservation Order No.16 at Lot 801 (No.1) Ardross Street, Seville Grove and support maintenance as outlined in the arborist's report dated 14 June 2022 with appropriate conditions.

2. Rescind Tree Preservation Order No.16 from the registered tree at Lot 801 (No.1) Ardross Street, Seville Grove.

CONCLUSION

The registered tree at 1 Ardross Street, Seville Grove has been assessed as having satisfactory structural condition with high tree vitality. On balance, the landowners retain the rights to full use and enjoyment of the property, including undertaking remedial works to the registered tree, despite the Tree Preservation Order in place. The City's approval of ongoing maintenance works to the Tree Preservation Order No.16 is consistent with previous arrangements and recommendation of arborist reports.

ATTACHMENTS

1. Arboricultural Report - 1 Ardross Street, Seville Grove

It was MOVED Cr Butterfield, that Condition 3.a) be amended to read "That any remedial pruning works be undertaken by, or supervised by a qualified arborist, AQF Level 3 in arboriculture holding current workers compensation and public liability insurance (with copies to be sighted by City officers prior to the commencement of any work) and in accordance with the Australian Standards Pruning of Amenity Trees AS 4373-2007".

The motion was put to the vote.

RECOMMEND **D30/12/22**

That Council:

1. **Reaffirm Tree Preservation Order No.16 at Lot 801 (No.1) Ardross Street, Seville Grove.**

2. **Approve the maintenance of the tree at Lot 801 (No.1) Ardross Street, Seville Grove, by remedial arboricultural works to remove the dead branches from the crown of the tree only and offer to commission its contractor to undertake the maintenance work outlined in the report dated 14 June 2022 subject to the landowner agreeing to pay the City the cost of the maintenance works.**

3. **Should the landowner wish to commission and pay their own contractor to undertake the maintenance, that permission is granted subject to the following conditions:**

   a) **That any remedial pruning works be undertaken by, or supervised by a qualified arborist, AQF Level 3 in arboriculture holding current workers compensation and public liability insurance (with copies to be sighted by City officers prior to the commencement of any work) and in accordance with the Australian Standards Pruning of Amenity Trees AS 4373-2007;**

   b) **Total cost of pruning works to be borne by the landowner;**

   c) **The City to be notified in writing a minimum of seven days prior to the intended commencement of work, and**

   d) **The maintenance work to be carried out under the supervision and satisfaction of the City's Service Delivery department.**

Moved Cr R Butterfield
MOTION not opposed, DECLARED CARRIED **(6/0)**

4.2 - LATE ITEM - PLANNING INSTITUTE OF AUSTRALIA NATIONAL CONGRESS, ADELAIDE, SA, 24-26 MAY 2023

WARD	:	ALL
FILE No.	:	M/683/22
DATE	:	12 December 2022
REF	:	SS
RESPONSIBLE MANAGER	:	EDDS

In Brief:

- The PIA National Congress will be held at the Adelaide Convention Centre, Adelaide, SA from 24th to 26th May 2023
- 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

☐ **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

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.

Legal 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 City's approved Conference List for both Officers and Elected Members. Officer attendance will be funded from the Planning 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 $4,000 per delegate.

BACKGROUND

The Planning Institute of Australia (PIA) is conducting its 2023 National Congress at the Adelaide Convention Centre, Adelaide, SA from Wednesday 24th to Friday 26th May 2023.

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 December 19th Ordinary Council Meeting, in order to facilitate timely registrations.

DETAILS OF CONFERENCE

The 2023 National Congress provides a professional development experience which will offer insights of international industry leaders. The Conference is promoted as "Planning with Foresight" this year, our National Conferences will aim to help make sense of the future, understand drivers of change that are outside of our control, and preparing for what may lead to success or failure in the future.

In today's rapidly changing world, it is important for planners to integrate foresight into their work to make their communities more resilient. Applying foresight in cycles creates agility and enhances preparedness for disruption before it happens.

The International Keynote Speakers are:

- Mitchell J. Silver - Mitchell is a principal with McAdams, a land planning and design company. He is responsible for providing advisory services in urban planning, parks and public space planning.
- Amanda O'Rourke - Amanda has been with 8 80 Cities since the beginning in 2007. She was a key architect of the 8 80 concept, and has held several positions within the organization. She has been a key driving force in the development and growth of 8 80 Cities and has worked on numerous projects related to parks, public spaces, and sustainable transportation in North America, Europe, Mexico, and Australia.
- Simon Kuestenmacher - Simon is a Director and Co-founder of The Demographics Group. He presents on demographic and global trends that are shaping Australia today and into the future and his observations are enjoyed by corporate, government and industry audiences alike.
- Leonora Grcheva - Leonora has joined DEAL to lead our engagement with cities, municipalities and other place-based administrations that are interested in putting Doughnut Economics into practice in their own context.
- Frith Walker - As a placemaker, Frith understands that the people, stories and needs of an area are crucial to create successful places. Panuku has a vital role to play in making places where people feel a strong relationship with their communities and a commitment to make things better.

- Toney Hallahan - Toney is Associate Director, Western Sydney Planning Partnership and Director of Habitacity, a purpose-led planning, strategy, and futures consultancy. She is also an Associate (Regenerative Cities, Urban Planning & Design) at global foresight consultancy, Centre for Engaged Foresight.
- Ingrid Cumming - Ingrid Cumming is a Whadjuk Balardong Noongar woman from Fremantle, Western Australia and recognised young leader within the First Nations community. Ingrid is the founder and principal consultant of Kart Koort Wiern consultancy, representing First Nations Business globally for over ten years, alumni of Murdoch University and Melbourne Business School.

It is potentially beneficial for an Elected Member to attend the PIA National Congress 2023, given a number of topics may be applicable to the City and offer insight into matters that are impacting the City.

It should be noted that the City's Ordinary Council Meeting is on 22nd May 2023, when the conference is being held. It is potentially beneficial for an Elected Member to attend the PIA National Congress, given a number of topics may be applicable to the City and offer insight into matters that are impacting the City

Committee is reminded of Policy and Management Plan *ADM 3 Conferences, Seminars and Training* in Clause 2(d) of the Management Practice states that:-

> "2(d) - Where a member of Council at the date of the conference, seminar or training course has an electoral term of less than 6 months to complete, such member shall be ineligible to attend unless such is specifically authorised by Council."

CONCLUSION

An Officer may be attending the PIA 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 **D31/12/22**

That Council nominates Cr S J Mosey, Cr P A Hetherington, Cr S Virk and Cr R Butterfield to attend the PIA National Congress 2023.

Moved Cr M J Hancock
MOTION CARRIED **(6/0)**

COUNCILLORS' ITEMS

Nil

6.1 - DEVELOPMENT STATISTICS 2021/2022

The City has forwarded its statistics to WALGA for inclusion into its 2021/2022 report for the *Local Government Performance Monitoring Project (Planning and Building)*. The Growth Alliance Perth and Peel (GAPP) Local Governments initiated this project with WALGA to develop a suite of performance indicators to measure how well Local Government is managing its planning, building and development functions.

The 2021/2022 report will be the sixth (6th) year of the project and the report should be published early in the new year. The number of Local Governments participating in the Project has increased from the original 11 in the first year of the project to 36 this year. When WALGA publishes its 2021/2022 report for the Local Government Performance Monitoring Project (Planning and Building), the City's statistics will be benchmarked against those of other Local Governments and included on the City's website similar to previous years. Results from previous years have been reported to Council and included on the City's website.

A few of the City's key statistics which the Monitoring Project will benchmark against the other Local Governments in the survey are:

- A total of 2766 development and building applications were received in 2021/22;
- The City determined 97% of those applications within statutory timeframes;
- 2196 Building Applications were received and the City determined 99.9% of those applications within statutory timeframes;
- 506 development applications were received and 87% of those applications were determined within statutory timeframes;
- Of those 506 development applications, 89 required advertising for comment and 417 did not require advertising;
- The City received and reported on 5 development applications which were determined by Metro Outer Joint Development Assessment Panel;
- The City received 64 subdivision referrals from the WAPC and 78% of those referrals were responded to within statutory timeframes;
- A total of 909 Planning and Building compliance matters were dealt with in 2021/22.

Participation in this survey indicates the City's continued commitment to providing excellent customer service to the community and industry in the areas of Planning and Building services. The City will work to maintain and improve its performance.

MEETING DECLARED CLOSED AT 8.13 PM

DEVELOPMENT SERVICES COMMITTEE

SUMMARY OF ATTACHMENTS

12 DECEMBER 2022

ATT NO.	SUBJECT	PAGE
1.1	**COMMUNITY HEALTH AND WELLBEING PLAN ANNUAL REPORT**	
1.1.1	Community Health and Wellbeing Annual Progress Report 2022	
1.2	**MOSQUITO MANAGEMENT AND TREATMENT OPTIONS**	
1.2.1	Number of adult mosquitoes between September 2021 and March 2022 by trap location and species identified	
2.1	**PROPOSED TAVERN - LOT 15 (NO.2897) ALBANY HIGHWAY KELMSCOTT**	
2.1.1	Site Plan - Tavern - 2897 Albany Hwy, Kelmscott	
2.1.2	Elevation Plan - Tavern - 2897 Albany Hwy, Kelmscott	
2.1.3	Floor Plan - Tavern - 2897 Albany Hwy, Kelmscott	
2.1.4	Landscaping Plan - Tavern - 2897 Albany Hwy, Kelmscott	
2.1.5	Schedule of Submissions - Tavern - 2897 Albany Hwy, Kelmscott	
3.1	**HARRISDALE NORTH STRUCTURE PLAN - RECOMMENDATION TO WAPC**	
3.1.1	Advertised Proposed Local Structure Plan - Harrisdale North Structure Plan	
3.1.2	Landscape Master Plan - Harrisdale North Structure Plan	
3.1.3	Existing and Proposed Zoning Plan - Harrisdale North Structure Plan	
3.1.4	Special Control Area Map 1 - Harrisdale North Structure Plan	
3.1.5	Special Control Area Map 3 - Harrisdale North Structure Plan	
3.1.6	EPA Advice - Harrisdale North Structure Plan	
3.1.7	Stormwater Management Plan - Harrisdale North Structure Plan	
3.1.8	Stormwater Management Plan - Harrisdale North Structure Plan - Lots 601-606 Balannup Road	
3.1.9	DBCA Geomorphic Wetland Classification Plan - Harrisdale North Structure Plan	
3.1.10	Amended Wetland Mapping - Harrisdale North Structure Plan	
3.1.11	Conservation Significant Flora and Vegetation Values Plan - Harrisdale North Structure Plan	
3.1.12	Vegetation Condition Plan - Harrisdale North Structure Plan	
3.1.13	Bushfire Attack Level Contours Plan - Harrisdale North Structure Plan	

DEVELOPMENT SERVICES COMMITTEE **SUMMARY OF ATTACHMENTS** 12 DECEMBER 2022		
3.1.14	Applicant Alternative Proposed Structure Plan	
3.1.15	Schedule of Submissions - Harrisdale North Structure Plan	
3.1.16	Schedule of Modifications - Harrisdale North Structure Plan	
3.1.17	Recommended Modifications Plan - Harrisdale North Structure Plan	
3.2	**SOUTH WEST SETTLEMENT - REFERRAL OF LAND PARCELS FOR INCLUSION IN THE NOONGAR LAND ESTATE - STAGE 3**	
3.2.1	Location and Aerial Plans - Reserve 28218 - Lot 2021 Albany Highway, Mount Nasura	
3.2.2	Location and Aerial Plans - Reserve 37697 - Lot 3313 Coventry Road, Roleystone	
3.2.3	Location and Aerial Plans - Reserve 36215 - Lot 3126 Balgor Court, Kelmscott	
3.2.4	Location and Aerial Plans - Reserve 35543 and 29405 - Lots 3051 and 2155 Mackie Road, Roleystone	
3.2.5	Location and Aerial Plans - Reserve 35959 - Lot 3094 Calliandra Place, Roleystone	
3.2.6	Location and Aerial Plans - Reserve 32018 and 31641 - Lots 2438 and 2474 Glebe Road, Roleystone	
4.1	**TREE PRESERVATION ORDER AT LOT 810 NO.1 ARDROSS STREET, SEVILLE GROVE**	
4.1.1	Arboricultural Report - 1 Ardross Street, Seville Grove	

The above attachments can be accessed from the Minutes of the Development Services Committee meeting of 12 December 2022 available on the City's website.

CITY OF ARMADALE

MINUTES

OF THE **CORPORATE SERVICES COMMITTEE** HELD IN THE **COMMITTEE ROOM**, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON **TUESDAY, 13 DECEMBER 2022 AT 7.00PM.**

PRESENT:

Cr K Busby (Chair)
Cr M J Hancock
Cr P A Hetherington
Cr S Mosey (Deputy to Cr G Nixon)
Cr M Silver
Cr S Peter

APOLOGIES:

Cr J Keogh (Leave of Absence)
Cr R Butterfield (Deputy to Cr J Keogh)
Cr G Nixon

OBSERVERS:

Cr G Smith

IN ATTENDANCE:

Ms J Abbiss	Chief Executive Officer
Mr J Lyon	Executive Director Corporate Services
Mr P Sanders	Executive Director Development Services *(via Teams)*
Mr M Andrews	Executive Director Technical Services
Ms S van Aswegen	Executive Director Community Services *(via Teams)*
Mr M Hnatojko	Executive Manager Corporate Services
Ms M Bell	Manager City Governance
Mr D Baker	Senior Governance Officer *(via Teams)*
Mrs A Owen-Brown	Executive Assistant Corporate Services

PUBLIC:

Nil.

*"For details of Councillor Membership on this Committee, please refer to the City's website – **www.armadale.wa.gov.au/mayor-councillors-and-wards**."*

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was not read as there were no members of the public present.

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

DEPUTATION

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Corporate Services Committee Meeting held on 22 November 2022 be confirmed.

Moved Cr M J Hancock
MOTION CARRIED (6/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

Items in Issue No.18

Progress Report
Progress Report on Contingency, Operational & Strategic Projects
Outstanding Matters & Information Items
Report on Outstanding Matters – Corporate Services Committee
Economic Development
Tourism & Visitor Centre Report
Report of the Common Seal

If any of the items listed above 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

13 DECEMBER 2022

---

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SUMMARY OF ATTACHMENTS 213

1.1 - LIST OF ACCOUNTS PAID - OCTOBER 2022

WARD	:	ALL
FILE No.	:	M/628/22
DATE	:	21 November 2022
REF	:	MH
RESPONSIBLE MANAGER	:	Executive Director Corporate Services

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 October to 31 October 2022 as well as the credit card statements for October 2022.

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
   4.3 Financial Sustainability
      4.3.2 Undertake active financial management to ensure that the annual budget is achieved and any variances are promptly identified and addressed.

Legal Implications

Section 6.10 (d) of the *Local Government Act 1995* refers, ie.

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 *(Delegation Payment from Municipal and Trust Funds 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 October to 31 October 2022 is presented as an attachment to this report as well as the credit card statements for October 2022.

ATTACHMENTS

1.⇩ Monthly Cheque and Credit Card Report - October 2022

RECOMMEND **CS59/12/22**

That Council note the List of Accounts paid as presented in the attachment to this report and summarised as follows:

Municipal Fund
Accounts paid totaling $12,118,570.73 on transactions 2286 to 3191 & Payrolls dated 2 October, 16 October and 30 October.

Credit Card
Accounts Paid totalling $8,752.62 for the period ended October 2022.

Moved Cr P A Hetherington
MOTION CARRIED (6/0)

1.2 - STATEMENT OF FINANCIAL ACTIVITY - OCTOBER 2022

WARD	:	ALL
FILE No.	:	M/629/22
DATE	:	21 November 2022
REF	:	MH
RESPONSIBLE MANAGER	:	Executive Director Corporate Services

In Brief:

- This report presents the City's Monthly Financial Report for the four (4) month period ended 31 October 2022.
- This report recommends accepting the Financial Report for the four (4) month period ended 31 October 2022, noting there are reportable actual to budget material variances for the period.

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
   4.3 Financial Sustainability
      4.3.2 Undertake active financial management to ensure that the annual budget is achieved and any variances are promptly identified and addressed.

Legal Implications

Local Government Act 1995 – Part 6 – Division 3 – Reporting on Activities and Finance
Local Government (Financial Management) Regulations – Part 4 – Financial Reports.
Local Government Act 1995 – s.6.11 Reserve accounts

(1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

(2) Subject to subsection (3), before a local government —

(a) changes the purpose of a reserve account; or*

(b) uses the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use.*

** Absolute majority required.*

(3) A local government is not required to give local public notice under subsection (2) -

(a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or

(b) in such other circumstances as are prescribed.

(4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.

(5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account

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 this month, is the fourth monthly financial statement (presented in nature and type format) prepared from information posted in the OneCouncil system following the "go live" for Phase One on July 1. Work is continuing on refining and improving the presentation and information in the detailed notes.

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

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

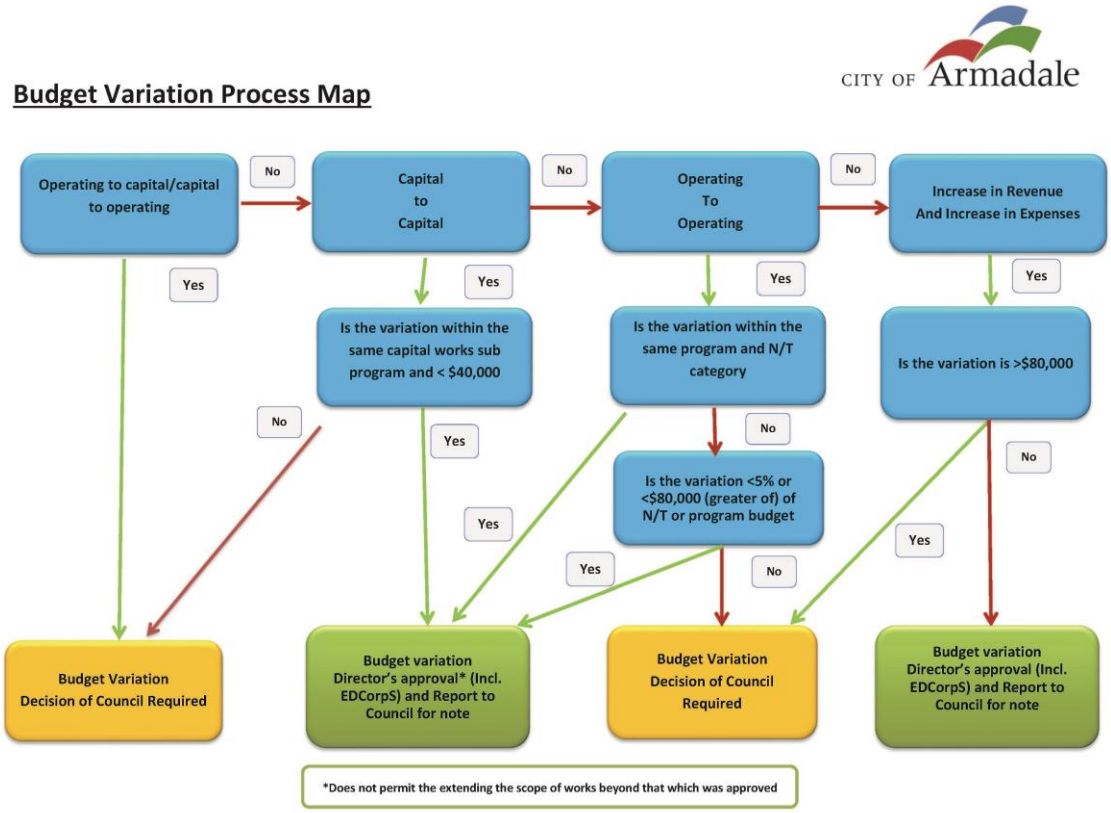
   Relates specifically to the value of the Variance between the Budget and Actual figures for the period of the report.
2. Primary Reason

   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 dollar 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.

At the 27 June 2022 Ordinary Meeting, Council adopted the Budget Variations Process Map which was the same as that adopted for FY22. Budget variations are presented to Council for authorisation by 'Absolute Majority' in circumstances where a forecast variation requires a movement from:

- Operating to Capital
- Capital to Capital over $40,000
- Capital to Operating
- Operating to Operating for amounts greater than 5% or $80,000 (whichever is greater).



DETAILS

Presented as an attachment is the Monthly Statement of Financial Activity for the four (4) month period ended 31 October 2022.

Capital Carry Forward Program Update

Included in the monthly reports is the status of the capital carry forward program as at the end of October 2022 to tie in with the monthly financials report. This is a historical perspective and the Executive Leadership Team regularly review the current status.

The information provided below has been prepared in the format previously reported and is broken up into the different phases as listed.

Project Delivery Phases

The capital projects in the table below have been categorised into the project phases that each project is in.

The phases are:

1. Planning phase – This phase entails establishing the project team and resources, confirming the project business case, and undertaking the project precedent prior to initiating the project. This may include agency approvals, Council approval, business case modelling and concept design, and in some cases land acquisition and utility service provider advice.

2. Design phase - This phase as it suggests includes the detailed design and specifications for the project, the full project costings, and regulatory approvals.

3. Procurement & Contracts phase – This phase establishes the contracts and resources required to construct and deliver the project and confirms the stages of construction.

4. Construction phase – Effectively the project build and test.

5. Project completion phase – This phase involves acceptance and handover/practical completion and any peripheral works to complete the project which do not form part of the main project.

FY21/22 CFWDS with Funding Source – 31 October 2022			*Spend % is actual and committed purchase orders against budget*		
	Original Project Budget	**Cfwd Budget**	**Spend**	Funding Source	Comments
	$	**$**	**%**		
Planning Phase					
Landfill Gas Capture	315,300	315,300	4%	Reserve	Target completion – Qtr 3 FY23
Railway Avenue	2,990,000	2,990,000	0%	Grant/Muni	PTA liaison re alignment ongoing. A revised design is being confirmed which will achieve Council's objectives. Report forthcoming in due course.
Eighth Rd	5,657,300	1,500,000	0%	Grant	Design review and land acquisition in progress
Hawkestone Rd	58,900	56,674	0%	Muni	Design review and land acquisition in progress – construct FY24
Street Lighting New	25,000	21,743	100%	Muni	Completed – final invoices pending
Kelmscott Streetscape	75,000	75,000	0%	Muni	Likely finish Qtr 4 FY23
Champion Lakes Resource Centre	291,000 (Revised)	277,678 (Revised)	9%	Reserve	Scope and design in progress
St Francis Xavier Church	100,000	97,000	0%	Muni	Scope and design in progress
Final Cover and Rehab – Landfill	7,280,000	2,000,000	0%	Reserve	DEWR approvals in progress. The project strategy is under review and will be considered in budget review.
Stereo Armadale Hall	40,000	40,000	0%	Muni	Target completion – Qtr 2 FY23
Basketball Backboards	90,000	90,000	0%	Muni	Target completion – Qtr 2 FY23
Public Art	100,000	100,000	0%	Muni	Target completion for Derry Ave mural – Qtr 3 FY23
Total Planning Phase	**17,022,500**	**7,563,395**			

FY21/22 CFWDS with Funding Source – 31 October 2022			*Spend % is actual and committed purchase orders against budget*		
	Original Project Budget	**Cfwd Budget**	**Spend**	Funding Source	Comments
	$	**$**	**%**		
Detailed Design Phase					
Entry Statement – Forrestdale	24,000	23,760	2%	Muni	Likely completion – Qtr 4 FY23, subject to manufacturing
Entry Statement – Kelmscott	24,000	24,000	0%	Muni	Likely completion – Qtr 4 FY23, subject to manufacturing
Municipal Reserves	73,400	73,400	0%	Muni	In design – completion Qtr 4 FY23
Rothery Park	320,000	317,250	0%	Reserve	In design – completion Qtr 4 FY23
Gwynne Park Football Pavilion	185,000	160,860	0%	Muni	To be completed – second half FY23
Alfred Skeet Oval Pavilion	42,000	133,833	0%	Muni	Target completion – Qtr 4 FY23
Piara Waters Library	8,480,000 (Revised)	1,774,600 (Revised)	19%	Reserve	Design to be completed Qtr 2 FY23. Report to Council on Construction Tender due March ’23.
Morgan Park	3,756,500	386,000 (Revised)	22%	Grant	Design to be completed Qtr 2 FY23
Forrestdale Hub	5,835,000	600,000 (Revised)	18%	DCP/Muni	Design to be completed Qtr 2 FY23
Drop n Shop Parking and Entrance Road	100,000	100,000	0%	Reserve	Target completion – Qtr 2 FY23
Detailed Design Total	**18,839,900**	**3,593,703**			
Procurement and Contracts Phase					
Gwynne Park	30,000	29,550	39%	Muni	Target completion – Qtr 2 FY23
Neilson Avenue	25,900	25,900	0%	Muni	Construction contingency funds
Reg Williams Reserve	120,000	117,806	88%	Muni	Target completion – Qtr 2 FY23
Shipwreck Park	170,000	170,000	100%	Muni	Contract awarded
Procurement Total	**345,900**	**343,256**			
Construction Qtr 1 Completion					
Data Connection - landfill	35,500	16,206	0%	Reserve	Completion date pending external service provider
Lina Hart Reserve	45,000	45,000	97%	Muni	Completed
Rosette Park	58,100	58,100	92%	Muni	Practical completion Nov 22
Champion Centre solar	100,000	42,702	0%	Muni	Completion Qtr 2 FY23
Construction Qtr 1 Completion Total	**238,600**	**162,008**			
Construction Qtr 2 Completion					
CCTV – Landfill	33,400	30,500	0%	Reserve	Associated with Weighbridge project, Q3 FY23 completion.
Corondale Reserve	674,800	528,513	100%	POS/T	Completed – final invoices pending
Gwynne Park	96,500	81,527	60%	Muni	Completed – final invoices pending
Ticklie Park	760,300	87,648	13%	POS/T	Completed – final invoices pending

FY21/22 CFWDS with Funding Source – 31 October 2022			*Spend % is actual and committed purchase orders against budget*		
	Original Project Budget	**Cfwd Budget**	**Spend**	Funding Source	Comments
	$	**$**	**%**		
Trailer Transfer Area	100,000	52,056	100%	Reserve	Complete
Weighbridge Replacement	380,000	351,146	83%	Reserve	Expected to be completed Q3 FY23
San Jacinta Reserve	35,000	31,800	39%	Muni	Completed – final invoices pending
Bedfordale Pavilion	683,000	429,694	100%	Muni	Internal works completed
Robot Park	90,000	89,396	74%	Muni	Completed
Construction Qtr 2 Completion Total	**2,853,000**	**1,682,280**			
Construction Qtr 4 Completion					
RK Bush Fire Brigade	**5,390,900** (Revised)	**4,329,247** (Revised)	**8%**	Grant and Reserve	Tender has been let following Council decision and completion expected Qtr 2 FY24. Refer item *CEO1/11/22*
Completion Phase – Qtr 1					
Armadale Road	179,300	116,416	0%	Grant/Muni	Anticipating completion in Qtr 2 FY23
John Dunn Hall	3,562,000 (Revised)	831,342 (Revised)	100%	Muni and Reserve	Works in progress – nearing completion
Palomino Reserve	84,000	65,072	93%	Muni	Works in progress – nearing completion
Rotary Park	24,000	7,582	31%	Muni	Completed
Rushton Park	11,900	10,613	100%	Muni	Completed
Trailer Transfer Area	49,400	38,094	38%	Reserve	Works in progress – nearing completion
Westfield Heron Reserve	1,500,100	322,470	75%	Grant	Completed – final invoices pending
Warton Rd	904,300	173,300	0%	Muni	COG to advise when completed
Alderson Park	75,000	51,724	100%	Muni	Works in progress – nearing completion
Chiltern Estate	100,000	6,862	48%	Muni	Completed
Bronzewing Reserve	75,000	31,492	12%	Muni	Completed
Creyk Park	20,000	16,078	30%	Muni	Project in consolidation
AFAC Solar	722,300	74,471	78%	Grant	Works in progress – nearing completion
Leachate Drainage	50,000	14,124	0%	Reserve	Completion date under review
Site Fencing Landfill	50,000	37,784	59%	Reserve	Works in progress – nearing completion
Security Landfill	50,000	31,183	58%	Reserve	Works in progress – nearing completion
Optic Fibre to Depot	210,000	163,020	100%	Muni	Works in progress – nearing completion
Completion Phase – Qtr 1 Total	**7,667,300**	**1,991,627**			
Completion Phase – Qtr 4					
Skeet Rd Planting	345,100	7,529	100%	DCP	Completed
Skeet Rd Consolidated	307,600	41,796	76%	Reserve	Maintenance period extended
Completion Phase – Qtr 4	**652,700**	**49,325**			

FY21/22 CFWDS with Funding Source – 31 October 2022			*Spend % is actual and committed purchase orders against budget*		
	Original Project Budget	**Cfwd Budget**	**Spend**	Funding Source	Comments
	$	**$**	**%**		
Total					
Supplier Delay					
Heavy Plant Items	2,864,000	2,864,000	100%	Reserve	All items ordered – 2 Waste Trucks delivered Sept
Light Fleet Items	1,125,158	1,125,158	78%	Reserve	Some items ordered – 1 Utility delivered in September
Supplier Delay Total	**3,989,158**	**3,989,158**			
CFWD PROJECT TOTAL (Revised)		**23,703,999**			**Original carry forward $18.84M**

Major Projects Review

Council, in November (CEO1/11/22 and CS54/11/22) approved amendments to the FY23 project values of six carry forward projects listed in the tables above. The carry forward amount in the table has now been listed as the amended FY23 annual budget amount and the original project cost is now the amended total project cost based on the resolution.

These items are the Roleystone Karragullen Volunteer Bush Fire Brigade Station, Champion Lakes Resource Centre, John Dunn Pavilion, Piara Waters Library, Morgan Park Pavilion and the Forrestdale Hub Hall and Pavilion.

Monthly Financials

This month there have been three presentation changes to the report. The Explanation of Material Variances page previously provided at Note 10 has been moved to Note 1 directly after the Statement of Financial Activity by Nature or Type.

Two new notes have been added – Note 5 – Other Current Assets and Note 8 – Lease Liabilities. The report continues to be worked on and refined in line with the information that is now available in the One Council system and further enhancements will be made over the coming months.

Rates Debtors

The rates debt data for $250 and over (excluding pensioners) as produced by the system is provided below. Further efforts into collecting the 3 year plus category is underway and each of these debtors will be contacted over the next few months and individual collection actions based on the type and size of the debt will be determined.

Oct-22		Non Pensioner							
		One Year		Two Years		Three + Years		TOTAL	
		#	$	#	$	#	$	#	$
ALL	Year One	454	569,335	198	422,641	184	397,215	836	1,389,191
ALL	Year Two				254,176		378,481		632,657
ALL	Year Three						555,192		555,192
TOTAL		**454**	**569,335**	**198**	**676,817**	**184**	**1,330,888**	**836**	**2,577,040**
Change from last month		-163	-$243,475	-21	-$64,212	-23	-$68,565	**-207**	**-$376,252**
YTD Change		-523	-$687,626	-44	-$130,380	-31	-$117,082	**-598**	**-$935,088**

Sundry Debtors

Significantly more time is now being spent on following up the collection of sundry debtors as the total due is higher than normal. In particular, Finance is working collaboratively with the Waste Management team to get the commercial tipping fees due back to a normal trading level. There are also large DCP invoices that are due and payable and these are being followed up with Development Services. This area will be a priority focus over the coming months and further updates to Council will be provided during that time.

OneCouncil Implementation

The City successfully implemented the first phase of the *OneCouncil* ERP project on 1st July this year. Phase one included Human Resources & Payroll, Supply Chain, Assets and Finance. As reported to Council, asset migration has continued in the second half of the year, due to the size and complexity of asset data. The migration was recently completed in November. Revenue systems currently remain in the *Authority* system and will be implemented as part of Phase Two. These systems include rates, sundry debtors and cash receipting.

At this point in time, and midway through the *OneCouncil* implementation, the City's financial information is being captured in two systems, *Authority* and *OneCouncil*. The revenue information is transferred to the *OneCouncil* system for reporting via an automated bridging process.

The asset data migration and automated bridging process has required estimates to be made in the financial statements for the purpose of producing the monthly financial report, for items such as depreciation, asset disposals, and some receivables. Further, there is a configuration change required to the bridging process, in order for the Finance Team to perform reconciliations. Therefore, these Statements represent the most accurate information available, but maybe subject to change. It is expected that the Statements and Notes will be fully automated for the statements to be presented in February 2023.

ATTACHMENTS

1. Small Balalnce Rates Interest Written Off - October 2022
2. October 2022 - Monthly Financial Report

RECOMMEND **CS60/12/22**

That Council pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accept the Statement of Financial Activity for the four (4) month period ended 31 October 2022; and:

i. Note that there are reportable actual to budget material variances for the period
ii. Note the $256.89 small rates debts written off under Primary Delegation 1.0 and Secondary Delegation CORPS 1.1.

Moved Cr S Peter
MOTION CARRIED **(6/0)**

1.3 - LONG TERM FINANCIAL PLAN (LTFP): 2024-2043

WARD	:	ALL
FILE No.	:	M/618/22
DATE	:	14 November 2022
REF	:	MH/AW
RESPONSIBLE MANAGER	:	Executive Director Corporate Services

In Brief:

- The Long Term Financial Plan (LTFP) FY24 to FY43 has been developed and was introduced to Councillors in a Workshop in early November 2022.
- The LTFP incorporates and builds on the same principles and outputs as the Four Year Budgets previously adopted by Council.
- The current draft of the LTFP sets the base line version, which will continue to be a live document throughout the year as inputs change and get updated via the Annual Budget process.
- The base line will allow the development and analysis of various scenarios.
- Recommend that Council endorse the baseline LTFP for the period 2024 to 2043 as a reference document for further financial planning activities.

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

Strategic leadership and effective management

4.1.2 Develop and maintain a comprehensive suite of strategies and plans to guide the City's delivery of infrastructure and services to the community.

4.3.1 Undertake strategic financial planning to ensure that appropriate services are effectively delivered, assets are efficiently managed and renewed, and funding strategies are equitable and responsible.

Legal Implications

Section 6.2 of the *Local Government Act 1995* (Local Government to prepare an annual budget) and Regulation 19DA of the *Local Government (Administration) Regulations 1996* (Corporate Business Plan requirements)

Section 6.2 Local government to prepare annual budget

(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

(2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —

(a) the expenditure by the local government; and

(b) the revenue and income, independent of general rates, of the local government; and

(c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

19DA. Corporate business plans, requirements for (Act s. 5.56)

(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.

(3) A corporate business plan for a district is to —

(a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and

(b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and

(c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

(4) A local government is to review the current corporate business plan for its district every year.

(5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.

(6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications.*

*Absolute majority required.

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

The output tables provided in this Report are a snapshot of what the model produces and provide an indication annually of the City's financial position and overall budget position based on the current assumptions in use.

Consultation

- Councillors
- Executive Leadership Team
- Operational Management Team.

BACKGROUND

The Long Term Financial Plan (LTFP) forms part of the Council's Integrated Planning and Reporting Framework and is fundamental for evaluating the impacts of service delivery and capital investment choices on the financial sustainability of the City. Given the importance, Council has set a Key Performance Indicator to review the Long Term Financial Plan (LTFP).

The new LTFP model has been developed in conjunction with the West Australian Treasury Corporation, with similar functionality and insights to the Four Year Budget. The perspectives are now able to be extrapolated out over a twenty year period based on a series of key assumptions. The LTFP also produces the Statutory Statements and Ratios for the 20 year period (see attached).

The LTFP has utilised information from other informing Strategies and Plans, such as the Community Infrastructure Plan and Asset Management Plans and will enable the impact of those inputs to be assessed over the medium to long term.

Scenarios will be developed over the coming month for Council to review and evaluate the impacts of strategic choices around the timing and level of investment in strategic initiatives and projects.

The LTFP and the Scenarios will inform the Annual Budget as part of the financial planning process annually, and will continue to be updated with changes to assumptions as and when they are required throughout the year.

DETAILS OF PROPOSAL

Critical issues for the City of Armadale

Previous financial planning activities have identified a number of critical issues for Councillors to consider. These issues revolve around:

1. Addressing the deficit operating position over the medium to long term, to realise a balanced or surplus operating position
2. Establishing the desired rating effort, level of rates and user pays fees and charges, cognisant of the principles of affordability and beneficiary pays
3. Confirming the range, scope and cost of services, which in Council's view, meets the expectations of the community
4. Determining the timing and application of capital investment, to strike a balance between asset renewal and the provision of new assets. This builds capacity to renew assets when they reach the end of their useful life and provide new assets to meet community demand;
5. Addressing the commitment to asset renewal in the medium to long term to ensure sufficient future capacity and ensure intergenerational equity
6. Establish reasonable limitations on future borrowings
7. Intergenerational equity in the context of planned transfers to reserves for future projects.

More recently, the issues have centred on the short term supply chain issues and escalating construction costs.

Financial Strategies adopted in the latest version of the Four Year Budget/LTFP

Against a backdrop of financial and economic indicators, such as the Local Government Cost Index, Councillors provided guidance on a preferred set of assumptions and financial strategies which were adopted in April and June this year, through the financial planning, four-year budget and annual budget process. The strategies aim to consolidate and improve the financial position of the City, and to ensure capacity to deliver important services to the community in the future.

The strategies for the initial four years that are incorporated in the draft LTFP:

1. Growth - Adopt Moderate growth in rateable property growth at 750, then 750,700,700 respectively over the years FY23 to FY26 @ $1,450/residential property
2. Rates Index - Apply an index of 4.0%, then 3.1%, 2.7%, 2.7% respectively over the years FY23 to FY26 to General Rates
3. Fees & Charges Index - Apply an index of 3.5% then 2.6%, 2.2%, 2.2% respectively over the years FY23 to FY26 to Fees & Charges, including Waste Fees
4. Employee Cost Index - Apply an index of 1.5% then 2.25%, 2.25%, 2.5% respectively over the years FY23 to FY26 to employee costs
5. Materials & Contracts Index - Apply an index of 3.5% then 2.6%, 2.2%, 2.2% respectively over the years FY23 to FY26 to Materials & Contractors; Facilities Maintenance, Utilities & Insurance
6. Levels of Service - Maintain the current levels of service
7. Strategy - Include the adopted ICT strategy as per CS/3/2/22
8. Community Infrastructure Plan - Defer Piara West Sports Field & Pavilion $421k to outside of the 4YB period (previously FY26)
9. Capital Investment Program - Split the capital projects of Anstey Keane Community Facilities and Piara Waters Sports Facilities by keeping the oval component in this 4YB and moving the pavilion components to outside of the 4YB period
10. Capital Investment Program - Apply an index of 1.75% then 1.75%, 2%, 2% respectively over the years FY23 to FY26 to the Asset Renewal commitment
11. Capital Investment Program - Apply an index of 3.5% then 2.6%, 2.2%, 2.2% respectively over the years FY23 to FY26 to the municipal funds allocated for capital investment new and upgrade
12. Gifted Assets - Apply an estimate of $40,000 per new lot for rateable property growth for the gifted assets
13. Borrowings and Debt Servicing – No change to existing strategy, i.e. $50M, cap on borrowings unless additional revenue streams, or cost savings are identified to service the additional debt as part of the investment business case
14. Cash Reserve Transfers - No allocation of $0.5M to the Future Projects Reserve due to the $1M allocated in FY22
15. Proposals – determine the funding allocation to proposals once external project funding sources confirmed.

Key Assumptions Used in the LTFP

Projecting from year 5 to year 20 (FY27 to FY46), a number of assumptions must be made to establish a base position. The table below outlines the key assumptions that underpin the draft LTFP, which are set in five-year blocks.

KEY ASSUMPTIONS	FY27 to FY31	FY32 toFY36	FY37 to FY41	FY42 to FY46
New Rateable Residential Property Per Annum	500	500	500	500
New Rateable Commercial Property Per Annum	15	15	15	15
Revenue - Growth (patronage) in Fees & Charges	1.00%	1.00%	1.00%	1.00%
Revenue - Growth (population/households) in other Revenue	1.00%	1.00%	1.00%	1.00%
Revenue - Indexing (CPI)	3.00%	3.00%	3.00%	3.00%
Expenses - Growth (population/households/area)	3.00%	4.00%	5.00%	5.00%
Expense - Growth resulting from Capital Projects	4.00%	4.00%	5.00%	5.00%
Expense - Indexing (CPI)	3.00%	3.00%	3.00%	3.00%

Asset Renewal Transfer Top Up	6,000,000	6,500,000	7,000,000	7,500,000
Gifted Assets per new lot	$40,000	$40,000	$40,000	$40,000
Interest earnings	1.0%	1.0%	1.0%	1.0%
New Borrowings Interest Rate	4.5%	4.5%	4.5%	4.5%
Borrowings Threshold	60.00%	60.00%	60.00%	60.00%

The useful life of assets provides a rate of depreciation, which in turn effect the operating position. The useful life and depreciation rate assumptions used in the plan are:

Asset Group	Asset Class	Useful life (years)	Depreciation rate (%)
Property, plant and equipment	Buildings	40	2.50%
Property, plant and equipment	Furniture and Equipment	11	9.09%
Property, plant and equipment	Plant & Machinery	5	20.00%
Infrastructure	Roads	75	1.33%
Infrastructure	Drainage	125	0.80%
Infrastructure	Pathways	50	2.00%
Infrastructure	Parks and Reserves	80	1.25%
Infrastructure	Waste	30	3.33%
Other	Landfill Cell	5	20.00%
Other	Rehabilitation Asset	3	33.33%

One of the main assumptions is the growth from new rateable properties per annum, set at 500 per year. This is quite a conservative estimate, resulting in 10,000 new rateable properties over 20 years, the majority from the Wungong development area. Growth in other revenue and expenses is also conservative.

Indexing of costs and revenues denoted by “Revenue - Indexing (CPI)” and “Expense - Indexing (CPI)” has been set at 3%, within the Reserve Bank’s target range.

The Asset Renewal commitment is established by setting a regular transfer to the asset renewal reserve, stepped up every five years.

The borrowings threshold is still set at 60% of operating revenue as per the threshold currently set by Council.

All of the key assumptions will be reviewed as part of the next iteration of the LTFP to be completed following the next Annual Budget processing commencing in February 2023.

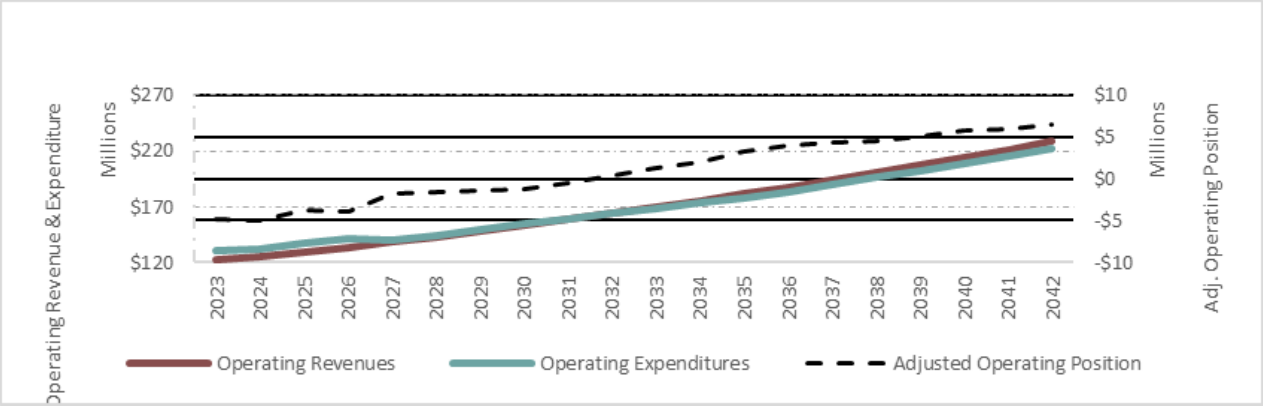
The Operating Position

One of the most critical financial performance indicators for Local Government is its operating position, measured by the Operating Surplus ratio. The ratio measures whether underlying long-run revenue (net of capital related revenue such as grants for capital works) is expected to exceed underlying long-run operating expenses (including asset depreciation). Ideally, an operating surplus allows Council’s to invest in new community assets and manage intergenerational equity through loan payments or cash set aside in reserves for future use.

The LTFP FY24-43 shows operating surpluses commencing in 2032. The Capital Investment program has a significant bearing on the operating position, and a greater investment in capital projects would push out the transition year that the operating position turns from deficit into surplus. The overall growth assumptions in revenue will be tested further during the upcoming annual budget process. Adjustments are made to reveal the underlying operating position due to the impact of the OneCouncil project, funded by a loan and the Smart LED Street Lighting project, also funded by a loan. The latter project results in a $1M reduction in operating costs once fully implemented.

TABLE 2.2 - Operating Position	Budget Y1	LTFP Y1	LTFP Y2	LTFP Y3	LTFP Y4	LTFP Y5	LTFP Y6	LTFP Y7	LTFP Y8	LTFP Y9	LTFP Y10
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Operating Revenues	122,852,730	124,652,800	129,551,700	133,571,000	138,713,573	142,915,937	148,149,161	153,216,441	158,588,833	164,105,327	169,528,430
Operating Expenditures	(130,061,500)	(131,387,150)	(137,167,693)	(141,409,092)	(140,528,930)	(144,520,775)	(149,478,943)	(154,398,965)	(159,116,917)	(163,676,428)	(168,173,194)
Operating Position	(7,208,770)	(6,734,350)	(7,615,993)	(7,838,092)	(1,815,357)	(1,604,838)	(1,329,782)	(1,182,524)	(528,084)	428,899	1,355,236
Adjusted Operating Position	(4,802,970)	(5,007,350)	(3,661,293)	(3,883,392)	(1,815,357)	(1,604,838)	(1,329,782)	(1,182,524)	(528,084)	428,899	1,355,236
Operating Surplus Ratio	(5.54%)	(5.13%)	(5.55%)	(5.54%)	(1.29%)	(1.11%)	(0.89%)	(0.77%)	(0.33%)	0.26%	0.81%
Adjusted Operating Surplus Ratio	(3.76%)	(3.86%)	(2.75%)	(2.83%)	(1.29%)	(1.11%)	(0.89%)	(0.77%)	(0.33%)	0.26%	0.81%

TABLE 2.2 - Operating Position	LTFP Y11	LTFP Y12	LTFP Y13	LTFP Y14	LTFP Y15	LTFP Y16	LTFP Y17	LTFP Y18	LTFP Y19	LTFP Y20
	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
Operating Revenues	175,379,925	181,328,992	187,523,091	193,890,335	200,465,995	207,227,208	214,169,379	221,333,986	228,696,389	236,276,131
Operating Expenditures	(173,347,951)	(178,137,521)	(183,521,264)	(189,560,088)	(195,920,654)	(202,214,162)	(208,342,547)	(215,322,153)	(222,188,492)	(229,377,871)
Operating Position	2,031,974	3,191,471	4,001,828	4,330,247	4,545,342	5,013,046	5,826,832	6,011,834	6,507,897	6,898,259
Adjusted Operating Position	2,031,974	3,191,471	4,001,828	4,330,247	4,545,342	5,013,046	5,826,832	6,011,834	6,507,897	6,898,259
Operating Surplus Ratio	1.17%	1.79%	2.18%	2.28%	2.32%	2.48%	2.80%	2.79%	2.93%	3.01%
Adjusted Operating Surplus Ratio	1.17%	1.79%	2.18%	2.28%	2.32%	2.48%	2.80%	2.79%	2.93%	3.01%



The Overall Budget Position

The overall budget position is currently unbalanced for each year. It most years, the extent of the imbalance is not material – around 1% of the total budget. However there are some years where flattening the municipal fund spend on the capital investment program and the reserve transfers will need to occur. For example, in 2038 and 2039 there is a $6.9M budget deficit and budget surplus respectively. Flattening the program over the two years would resolve the issue.

The overall budget position is generally positive, red highlighting the years where a budget deficit occurs.

	Budget Y1	LTFP Y1	LTFP Y2	LTFP Y3	LTFP Y4	LTFP Y5	LTFP Y6	LTFP Y7	LTFP Y8	LTFP Y9	LTFP Y10
TABLE 1 - Overall Budget Position	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Budget Surplus/(Deficit)	-	1,333,117	2,094,431	2,602,029	(504,092)	1,682,498	(1,276,569)	426,406	(1,392,701)	2,679,360	941,755

	LTFP Y11	LTFP Y12	LTFP Y13	LTFP Y14	LTFP Y15	LTFP Y16	LTFP Y17	LTFP Y18	LTFP Y19	LTFP Y20
TABLE 1 - Overall Budget Position	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
Budget Surplus/(Deficit)	466,329	2,814,115	4,641,814	5,377,547	(6,928,698)	6,953,534	1,091,724	1,475,748	8,447,525	3,051,661

Capital Investment Program

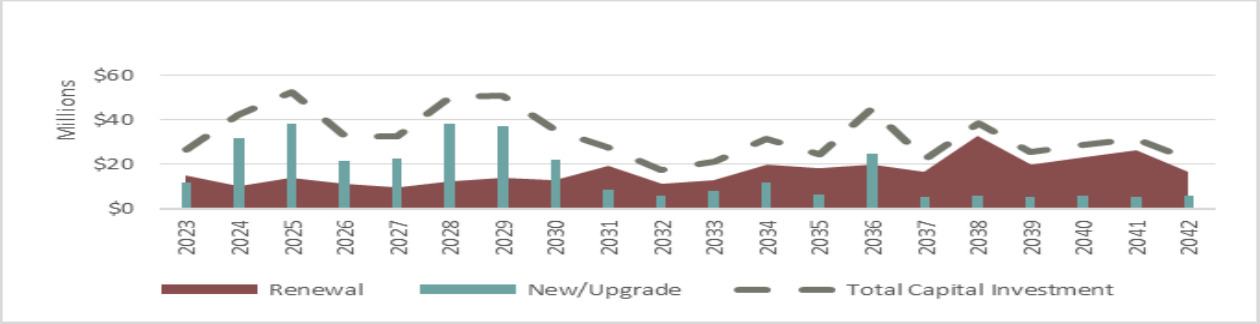
Asset Renewal, Upgrade and New Investment

Initial observations from the 20 year capital program note an increasing actual spend on asset renewal as the City's assets age. This is predictable from the asset modelling and 50 year Infrastructure Funding Renewal Strategy (IFRS) Councillors will be familiar with.

Investment in upgraded and new assets drops off in the later years of the plan, reflective of the shorter Community Infrastructure Plan time horizon (it ends in 2036) and other projects yet to be considered, modelled and included, particularly from the City Centre Investment Framework. Peak years in FY25, FY28 and FY29 require further analysis on program and delivery capacity. Significant road, building and open space projects create the higher investment, including Eighth Road, Forrestdale and Anstey-Keane POS/Community buildings and the Regional Recreation Reserve.

TABLE 7 - Capital Investment by Type	Budget Y1	LTFP Y1	LTFP Y2	LTFP Y3	LTFP Y4	LTFP Y5	LTFP Y6	LTFP Y7	LTFP Y8	LTFP Y9	LTFP Y10
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Renewal	15,116,700	10,181,200	14,177,400	11,485,300	9,940,100	12,123,200	13,921,400	12,941,800	19,232,100	11,512,700	13,157,000
New/Upgrade	11,657,700	32,010,900	38,330,400	21,344,650	22,856,100	38,046,500	36,963,100	22,189,200	8,616,700	6,045,400	7,956,000
Total Capital Investment	26,774,400	42,192,100	52,507,800	32,829,950	32,796,200	50,169,700	50,884,500	35,131,000	27,848,800	17,558,100	21,113,000

TABLE 7 - Capital Investment by Type	LTFP Y11	LTFP Y12	LTFP Y13	LTFP Y14	LTFP Y15	LTFP Y16	LTFP Y17	LTFP Y18	LTFP Y19	LTFP Y20
	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
Renewal	20,017,800	18,220,000	20,096,100	16,619,700	32,769,700	19,844,600	23,054,900	26,184,000	16,800,100	20,076,100
New/Upgrade	11,578,600	6,504,000	24,766,800	5,497,000	5,647,400	5,497,000	5,647,400	5,497,000	5,647,400	5,497,000
Total Capital Investment	31,596,400	24,724,000	44,862,900	22,116,700	38,417,100	25,341,600	28,702,300	31,681,000	22,447,500	25,573,100

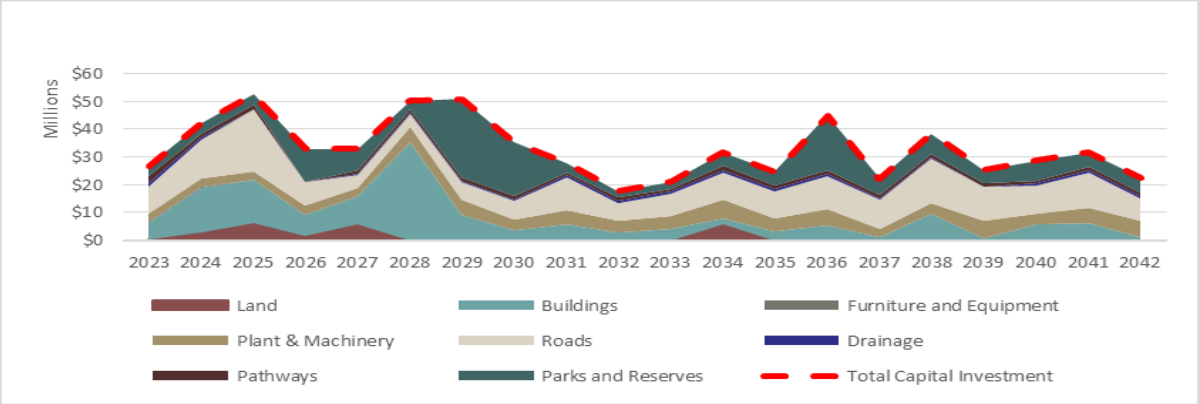


Capital Investment by Class of Asset

The same perspective by asset class reveals the capital investment in different assets. The nature of Building assets requires intermittent injection of renewal projects to maintain major structural components of buildings – roof, mechanical structures etc. and this is apparent in the chart below.

TABLE 9 - Capital Investment by Asset Class	Budget Y1	LTFP Y1	LTFP Y2	LTFP Y3	LTFP Y4	LTFP Y5	LTFP Y6	LTFP Y7	LTFP Y8	LTFP Y9	LTFP Y10
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Land	12,000	2,835,800	6,038,600	1,539,100	5,602,200	-	-	-	-	-	-
Buildings	6,167,000	15,887,700	15,813,200	7,663,950	10,404,400	35,394,600	9,116,500	3,615,000	5,528,000	2,789,200	4,106,700
Furniture and Equipment	478,400	555,000	120,500	40,800	-	-	-	-	-	-	-
Plant & Machinery	2,968,000	2,739,400	2,897,100	3,274,900	2,701,700	5,415,200	5,498,000	3,764,300	5,265,300	4,242,400	4,473,600
Roads	9,651,000	14,151,500	22,379,800	8,273,000	4,814,500	4,576,600	6,164,300	6,812,100	11,934,100	6,494,300	7,983,200
Drainage	1,275,000	825,000	50,000	250,000	542,500	542,500	542,500	542,500	800,900	800,900	800,900
Pathways	2,556,800	1,085,800	1,566,100	100,000	970,500	1,106,300	1,176,800	1,267,900	969,200	1,014,700	1,205,900
Parks and Reserves	3,666,200	4,111,900	3,642,500	11,688,200	7,760,400	3,134,500	28,386,400	19,129,200	3,351,300	2,216,600	2,542,700
Total Capital Investment	**26,774,400**	**42,192,100**	**52,507,800**	**32,829,950**	**32,796,200**	**50,169,700**	**50,884,500**	**35,131,000**	**27,848,800**	**17,558,100**	**21,113,000**

TABLE 9 - Capital Investment by Asset Class	LTFP Y11	LTFP Y12	LTFP Y13	LTFP Y14	LTFP Y15	LTFP Y16	LTFP Y17	LTFP Y18	LTFP Y19	LTFP Y20
	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
Land	5,622,200	-	-	-	-	-	-	-	-	-
Buildings	2,389,500	3,088,700	5,283,000	902,700	9,376,300	497,200	5,655,500	6,036,400	1,274,500	6,353,900
Furniture and Equipment	-	-	-	-	-	-	-	-	-	-
Plant & Machinery	6,606,200	4,595,000	5,801,700	3,328,500	4,085,000	6,539,000	3,826,500	5,430,100	5,817,400	3,852,000
Roads	9,596,600	9,932,500	11,829,000	10,359,300	15,777,900	12,031,000	10,007,600	12,800,700	7,956,900	7,463,500
Drainage	800,900	800,900	800,900	450,000	491,900	368,100	897,400	891,200	923,300	635,900
Pathways	1,931,000	1,456,600	1,289,600	1,289,600	1,366,900	1,179,900	971,900	1,179,600	1,269,600	1,895,700
Parks and Reserves	4,650,000	4,850,300	19,858,700	5,786,600	7,319,100	4,726,400	7,343,400	5,343,000	5,205,800	5,372,100
Total Capital Investment	**31,596,400**	**24,724,000**	**44,862,900**	**22,116,700**	**38,417,100**	**25,341,600**	**28,702,300**	**31,681,000**	**22,447,500**	**25,573,100**



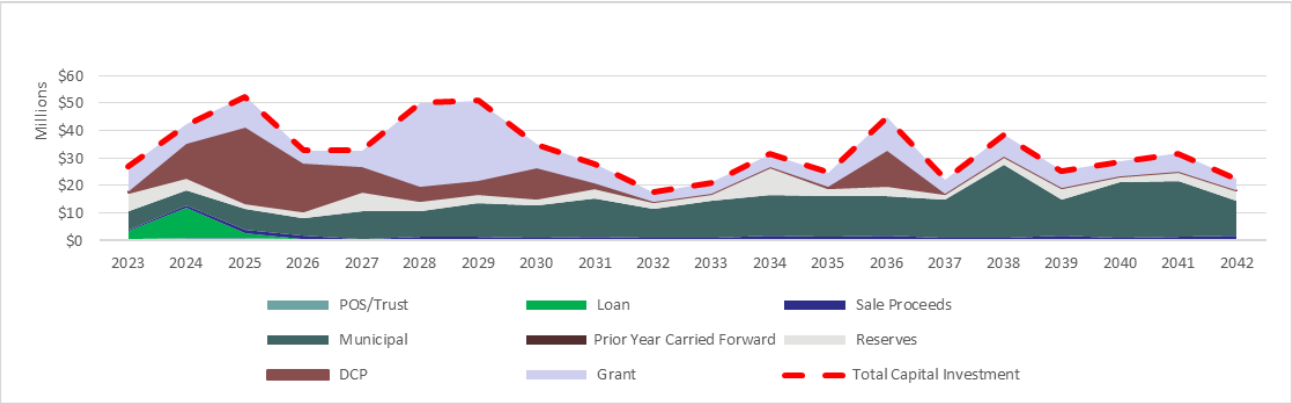
One of the issues that is currently being considered is capacity to deliver the indicative program each year. There are some peak years – 2029 for example, where the program is perhaps beyond the current capacity. These issues can be resolved with a smoothing out of the program. The work on this will occur during the upcoming annual budget process.

Funding the Capital Investment Program

Funding the capital program requires multiple sources. Of interest is the Municipal funds allocated to the Capital program each year. In the first ten years of the plan, the investment is around $11M, increasing to around $16.5M in the second ten year period. This is reflective of a higher spend in asset renewal, and conversely transfers to the asset renewal reserve will drop off compared to current levels.

TABLE 10 - Capital Investment Funding	Budget Y1	LTFP Y1	LTFP Y2	LTFP Y3	LTFP Y4	LTFP Y5	LTFP Y6	LTFP Y7	LTFP Y8	LTFP Y9	LTFP Y10
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
DCP	658,900	12,260,300	27,320,000	17,226,450	8,693,500	4,908,900	4,641,800	11,007,000	1,948,000	-	-
POS/Trust	360,200	1,088,000	875,900	672,600	-	-	-	-	-	-	-
Grant	8,711,000	6,959,300	11,517,700	4,832,000	6,257,400	30,778,400	29,170,950	8,895,550	6,898,250	3,390,850	4,060,100
Reserves	6,629,000	4,779,500	2,297,600	2,617,100	7,288,300	3,636,300	3,285,800	2,502,300	3,469,400	2,691,100	2,670,200
Loan	2,939,000	10,835,800	1,945,000	-	-	-	-	-	-	-	-
Sale Proceeds	653,400	829,700	939,900	1,059,400	722,600	1,559,900	1,408,200	1,073,000	1,486,900	1,153,300	1,144,400
Prior Year Carried Forward											
Municipal	6,822,900	5,439,500	7,611,700	6,422,400	9,834,400	9,286,200	12,377,750	11,653,150	14,046,250	10,322,850	13,238,300
Total Capital Investment	26,774,400	42,192,100	52,507,800	32,829,950	32,796,200	50,169,700	50,884,500	35,131,000	27,848,800	17,558,100	21,113,000

TABLE 10 - Capital Investment Funding	LTFP Y11	LTFP Y12	LTFP Y13	LTFP Y14	LTFP Y15	LTFP Y16	LTFP Y17	LTFP Y18	LTFP Y19	LTFP Y20
	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
DCP	-	400,000	12,668,500	-	-	-	-	-	-	-
POS/Trust	-	-	-	-	-	-	-	-	-	-
Grant	4,942,000	5,034,750	12,209,100	5,248,150	8,032,650	6,084,000	5,147,500	6,468,850	4,122,150	3,800,250
Reserves	10,030,200	3,071,600	3,851,200	2,119,900	2,649,500	4,367,300	2,468,500	3,591,100	3,862,200	2,486,400
Loan	-	-	-	-	-	-	-	-	-	-
Sale Proceeds	1,889,200	1,316,400	1,650,500	908,600	1,135,500	1,871,700	1,058,000	1,539,000	1,655,200	1,065,600
Prior Year Carried Forward										
Municipal	14,735,000	14,901,250	14,483,600	13,840,050	26,599,450	13,018,600	20,028,300	20,082,050	12,807,950	18,220,850
Total Capital Investment	31,596,400	24,724,000	44,862,900	22,116,700	38,417,100	25,341,600	28,702,300	31,681,000	22,447,500	25,573,100

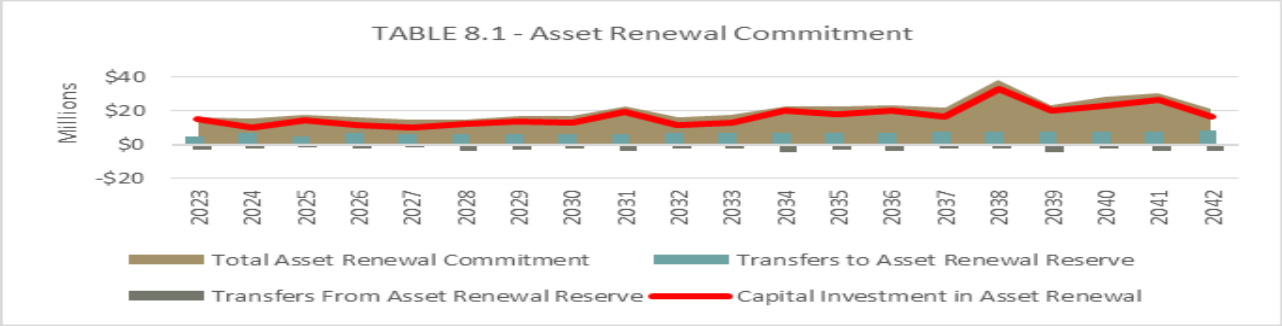


Asset Renewal

The LTFP Model has allocated $6M, $6.5M, $7.0M and $7.5M transfer to the asset renewal reserve for each of the five year blocks from FY27 onwards. Also of note from the table below is the increased capital investment in asset renewal (our actual expenditure on assets) as assets age. Further work will be undertaken to model this in conjunction with the IFRS. There are peak years of Asset Renewal investment based on the fixed transfers mentioned above. Year 15 (2038) is $38M for example. Smoothing out the renewal capital program could eliminate these peaks if desirable, however the long term perspective ought to retain a focus on the IRFS and the reserve fund balance. The section on the City's cash reserves illustrates this perspective further.

	Budget Y1	LTFP Y1	LTFP Y2	LTFP Y3	LTFP Y4	LTFP Y5	LTFP Y6	LTFP Y7	LTFP Y8	LTFP Y9	LTFP Y10
TABLE 8.1 - Asset Renewal Commitment	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Capital Investment in Asset Renewal	15,116,700	10,181,200	14,177,400	11,485,300	9,940,100	12,123,200	13,921,400	12,941,800	19,232,100	11,512,700	13,157,000
Transfers to Asset Renewal Reserve	4,440,500	7,073,400	4,992,400	7,024,800	6,282,300	6,328,200	6,355,100	6,385,800	6,424,700	6,954,200	6,996,900
Transfers From Asset Renewal Reserve	(3,212,100)	(2,210,600)	(1,747,200)	(2,195,500)	(1,686,100)	(3,636,300)	(3,285,800)	(2,502,300)	(3,469,400)	(2,691,100)	(2,670,200)
Total Asset Renewal Commitment	16,345,100	15,044,000	17,422,600	16,314,600	14,536,300	14,815,100	16,990,700	16,825,300	22,187,400	15,775,800	17,483,700

	LTFP Y11	LTFP Y12	LTFP Y13	LTFP Y14	LTFP Y15	LTFP Y16	LTFP Y17	LTFP Y18	LTFP Y19	LTFP Y20
TABLE 8.1 - Asset Renewal Commitment	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
Capital Investment in Asset Renewal	20,017,800	18,220,000	20,096,100	16,619,700	32,769,700	19,844,600	23,054,900	26,184,000	16,800,100	20,076,100
Transfers to Asset Renewal Reserve	7,040,100	7,066,400	7,106,400	7,638,900	7,694,100	7,744,600	7,778,400	7,831,500	8,373,900	8,419,000
Transfers From Asset Renewal Reserve	(4,408,000)	(3,071,600)	(3,851,200)	(2,119,900)	(2,649,500)	(4,367,300)	(2,468,500)	(3,591,100)	(3,862,200)	(2,486,400)
Total Asset Renewal Commitment	22,649,900	22,214,800	23,351,300	22,138,700	37,814,300	23,221,900	28,364,800	30,424,400	21,311,800	26,008,700



Asset Renewal Effort

Consistent with aging assets, the tables below show an increasing actual spend against the annual depreciation (wear and tear) of assets. It increase from around 65% of depreciation expense presently to around +90% in the second half of the LTFP.

TABLE 8.2 - Asset Renewal Effort	Budget Y1	LTFP Y1	LTFP Y2	LTFP Y3	LTFP Y4	LTFP Y5	LTFP Y6	LTFP Y7	LTFP Y8	LTFP Y9	LTFP Y10
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Replacement Value of Assets	1,644,433,522	1,680,498,022	1,740,019,822	1,803,530,522	1,849,696,972	1,890,385,272	1,943,752,072	1,996,490,572	2,035,460,772	2,059,616,772	2,082,202,272
Annual Depreciation	25,106,196	25,311,977	25,812,015	27,190,290	26,379,345	26,589,006	26,858,264	26,980,039	26,924,423	26,505,819	26,236,913
Asset Renewal Commitment	16,345,100	15,044,000	17,422,600	16,314,600	14,536,300	14,815,100	16,990,700	16,825,300	22,187,400	15,775,800	17,483,700

TABLE 8.2 - Asset Renewal Effort	LTFP Y11	LTFP Y12	LTFP Y13	LTFP Y14	LTFP Y15	LTFP Y16	LTFP Y17	LTFP Y18	LTFP Y19	LTFP Y20
	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
Replacement Value of Assets	2,106,725,072	2,132,636,072	2,155,190,872	2,195,006,172	2,217,777,372	2,240,018,272	2,259,900,172	2,282,373,572	2,303,253,572	2,323,935,372
Annual Depreciation	26,068,541	25,340,295	24,950,823	24,634,373	24,483,181	24,197,855	23,468,803	23,186,499	22,589,227	21,992,081
Asset Renewal Commitment	22,649,900	22,214,800	23,351,300	22,138,700	37,814,300	23,221,900	28,364,800	30,424,400	21,311,800	26,008,700

Rates

Rate revenue including growth from new rateable properties averages around $3M to $4M increase in the first half of the LTFP and $4.5M to $5.5M in the second half. The indexing applied is 3% for all of the years from FY27 onwards.

Rateable Property Growth

The LTFP is currently using a key assumption of 500 new rateable residential properties per annum and 15 new rateable commercial properties from FY27 onwards. This could be considered conservative based on recent years but could also be considered excessive in downturn years in the event they occur in the outer years. For modelling purposes the same growth numbers per annum have been used but will be reviewed during the annual budget process.

TABLE 17 - Rate Revenue	Budget Y1	LTFP Y1	LTFP Y2	LTFP Y3	LTFP Y4	LTFP Y5	LTFP Y6	LTFP Y7	LTFP Y8	LTFP Y9	LTFP Y10
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
General Rates (indexed)	(76,270,100)	(79,976,400)	(83,511,900)	(87,081,900)	(91,168,390)	(94,787,720)	(98,515,631)	(102,355,378)	(106,310,318)	(110,383,907)	(114,579,702)
Rates Growth	(1,355,800)	(1,399,000)	(1,375,500)	(1,431,100)	(1,025,365)	(1,056,126)	(1,087,810)	(1,120,444)	(1,154,057)	(1,188,679)	(1,224,339)
Totals Rates	(77,625,900)	(81,375,400)	(84,887,400)	(88,513,000)	(92,193,755)	(95,843,846)	(99,603,440)	(103,475,822)	(107,464,376)	(111,572,586)	(115,804,042)

TABLE 17 - Rate Revenue	LTFP Y11	LTFP Y12	LTFP Y13	LTFP Y14	LTFP Y15	LTFP Y16	LTFP Y17	LTFP Y18	LTFP Y19	LTFP Y20
	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
General Rates (indexed)	(118,901,372)	(123,352,692)	(127,937,552)	(132,659,957)	(137,524,034)	(142,534,034)	(147,694,334)	(153,009,442)	(158,484,004)	(164,122,803)
Rates Growth	(1,261,070)	(1,298,902)	(1,337,869)	(1,378,005)	(1,419,345)	(1,461,925)	(1,505,783)	(1,550,957)	(1,597,485)	(1,645,410)
Totals Rates	(120,162,442)	(124,651,594)	(129,275,420)	(134,037,962)	(138,943,379)	(143,995,959)	(149,200,117)	(154,560,399)	(160,081,490)	(165,768,213)

Growth in fees, charges and expenses

Growth in the model has been indexed from FY27 onwards as there is no current data to provide expected outcomes in this area year by year. Growth will continue to be a focus in the first four years and during the annual budget process where the latest available data will be input into the model.

In the table below, over the term, the cumulative growth adds $4.7M to the cash budget over the term, which then turns into a deficit to the operating position of $4.3M once the non-cash provision of deprecation is factored in. Refer year 20, (2043) below for the cumulative impact.

TABLE 4.2 - Cummulative Growth	Budget Y1	LTFP Y1	LTFP Y2	LTFP Y3	LTFP Y4	LTFP Y5	LTFP Y6	LTFP Y7	LTFP Y8	LTFP Y9	LTFP Y10
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Operating Revenue	1,785,900	3,556,300	5,344,600	7,218,800	8,282,711	9,378,428	10,506,903	11,669,118	12,866,085	14,098,844	15,368,469
Operating Expenditure	(1,557,000)	(3,248,825)	(4,407,496)	(5,862,048)	(6,715,950)	(7,523,560)	(8,629,099)	(9,768,304)	(10,776,244)	(11,676,098)	(12,585,441)
Cumml.Net Growth p.a. (ex. depn)	228,900	307,475	937,104	1,356,752	1,566,761	1,854,868	1,877,803	1,900,815	2,089,841	2,422,746	2,783,028
plus: depreciation	(435,581)	(874,852)	(1,321,049)	(1,789,486)	(2,238,002)	(2,688,972)	(3,145,106)	(3,602,508)	(4,057,677)	(4,506,882)	(4,951,967)
Growth Impact on the Operating Position	(206,681)	(567,377)	(383,945)	(432,734)	(671,241)	(834,104)	(1,267,302)	(1,701,694)	(1,967,836)	(2,084,136)	(2,168,939)

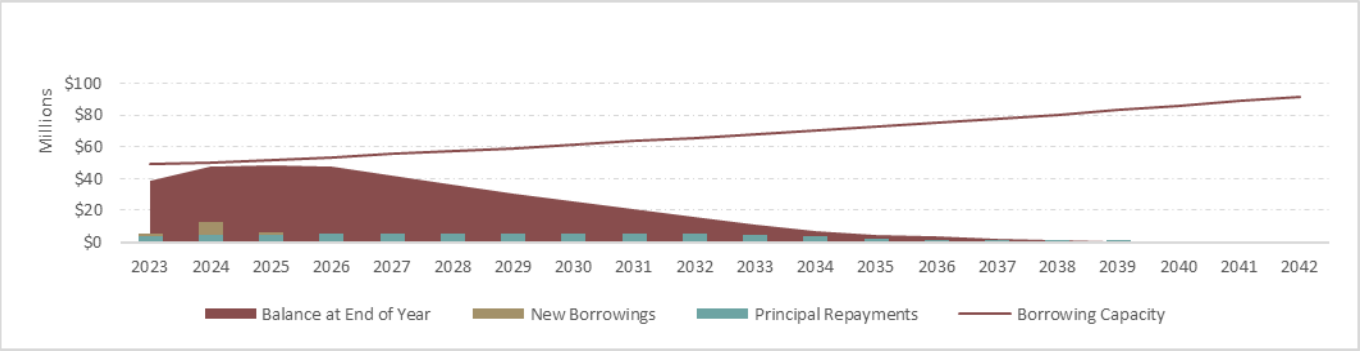
TABLE 4.2 - Cummulative Growth	LTFP Y11	LTFP Y12	LTFP Y13	LTFP Y14	LTFP Y15	LTFP Y16	LTFP Y17	LTFP Y18	LTFP Y19	LTFP Y20
	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
Operating Revenue	16,676,064	18,022,767	19,409,750	20,838,220	22,309,421	23,824,633	25,385,176	26,992,408	28,647,728	30,352,578
Operating Expenditure	(13,566,741)	(14,567,058)	(15,624,237)	(17,101,860)	(18,349,025)	(19,661,697)	(21,037,830)	(22,485,424)	(24,002,385)	(25,597,280)
Cumml.Net Growth p.a. (ex. depn)	3,109,323	3,455,709	3,785,513	3,736,360	3,960,396	4,162,937	4,347,346	4,506,984	4,645,343	4,755,298
plus: depreciation	(5,393,382)	(5,823,780)	(6,248,283)	(6,666,900)	(7,083,925)	(7,496,242)	(7,895,866)	(8,292,138)	(8,678,879)	(9,055,187)
Growth Impact on the Operating Position	(2,284,058)	(2,368,071)	(2,462,770)	(2,930,540)	(3,123,529)	(3,333,305)	(3,548,519)	(3,785,153)	(4,033,535)	(4,299,890)

Borrowings

The model currently assumes that there are no new loans following the capital program in 2025. Therefore the outcome currently shown is that the balance of borrowings is steadily reduced per annum with zero borrowings projected to occur in 2041. This of course is unlikely, but it highlights that Council is yet to consider and decide on future capital investment, funded from borrowings in the latter part of the plan.

TABLE 12 - Borrowings	Budget Y1	LTFP Y1	LTFP Y2	LTFP Y3	LTFP Y4	LTFP Y5	LTFP Y6	LTFP Y7	LTFP Y8	LTFP Y9	LTFP Y10
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Balance at Beginning of Year	37,241,370	38,654,050	47,173,540	48,243,650	47,171,080	41,847,100	36,375,630	30,757,630	25,753,230	20,705,450	15,759,070
New Borrowings	5,344,800	12,762,800	5,899,700	3,954,700	-	-	-	-	-	-	-
Principal Repayments	3,932,080	4,243,310	4,829,590	5,027,270	5,323,980	5,471,470	5,618,000	5,004,400	5,047,780	4,946,380	4,521,990
Balance at End of Year	38,654,090	47,173,540	48,243,650	47,171,080	41,847,100	36,375,630	30,757,630	25,753,230	20,705,450	15,759,070	11,237,080

TABLE 12 - Borrowings	LTFP Y11	LTFP Y12	LTFP Y13	LTFP Y14	LTFP Y15	LTFP Y16	LTFP Y17	LTFP Y18	LTFP Y19	LTFP Y20
	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
Balance at Beginning of Year	11,237,080	7,168,040	4,875,400	3,393,510	2,361,830	1,300,120	207,340	-	-	-
New Borrowings	-	-	-	-	-	-	-	-	-	-
Principal Repayments	4,069,040	2,292,640	1,481,890	1,031,680	1,061,710	1,092,780	207,340	-	-	-
Balance at End of Year	7,168,040	4,875,400	3,393,510	2,361,830	1,300,120	207,340	-	-	-	-
Check	-	-	-	-	-	-	-	-	-	-



Cash Reserves

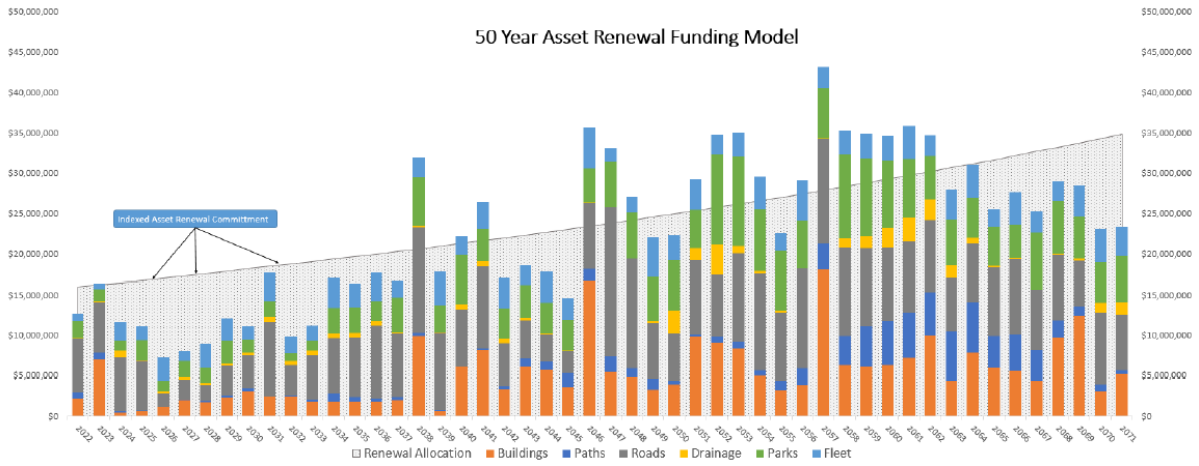
Cash reserves accumulate in the base LTFP, but reflect further planning that needs to occur around the accumulation and application of cash reserves.

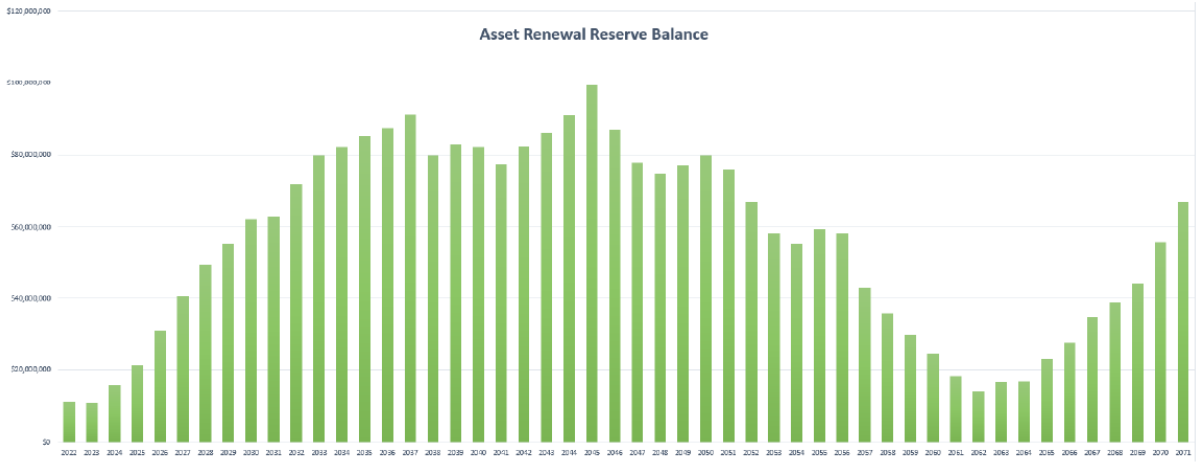
TABLE 14 - Reserve Balances - EOFY	Budget Y1	LTFP Y1	LTFP Y2	LTFP Y3	LTFP Y4	LTFP Y5	LTFP Y6	LTFP Y7	LTFP Y8	LTFP Y9	LTFP Y10
	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Asset Renewal	15,289,502	20,152,302	23,397,502	28,226,802	32,823,002	35,514,902	38,584,202	42,467,702	45,423,002	49,686,102	54,012,802
Contributions	1,917,645	1,658,745	1,675,345	1,692,045	1,708,945	1,726,045	1,743,345	1,760,745	1,778,345	1,796,145	1,814,145
DCP	26,220,478	25,273,178	8,925,878	128,228	2,617,270	4,921,918	5,990,241	6,132,330	5,941,372	5,740,946	5,798,346
Employee Provisions	9,414,908	9,509,108	9,604,208	9,700,308	9,797,308	9,895,308	9,994,308	10,094,208	10,195,108	10,297,108	10,400,108
Future Operational Works	2,884,275	2,912,975	2,942,075	2,971,575	3,310,075	3,343,175	3,530,975	3,566,275	3,601,975	3,637,975	3,674,375
Future Projects & Works	24,024,317	23,695,517	24,741,217	25,488,717	25,743,617	26,001,017	26,261,017	26,523,617	26,788,817	27,056,717	27,327,317
Future Projects & Works (Waste Services)	24,322,319	25,200,819	26,595,119	28,078,319	25,518,719	27,375,119	29,341,719	31,273,919	33,067,329	34,707,256	36,177,960
Total Cash Reserves	104,073,444	108,402,644	97,881,344	96,285,994	101,518,936	108,777,484	115,445,807	121,818,796	126,795,948	132,922,249	139,205,053

TABLE 14 - Reserve Balances - EOFY	LTFP Y11	LTFP Y12	LTFP Y13	LTFP Y14	LTFP Y15	LTFP Y16	LTFP Y17	LTFP Y18	LTFP Y19	LTFP Y20
	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
Asset Renewal	56,644,902	60,639,702	63,894,902	69,413,902	74,458,502	77,835,802	83,145,702	87,386,102	91,897,802	97,830,402
Contributions	1,832,245	1,850,545	1,869,045	1,887,745	1,906,645	1,925,745	1,945,045	1,964,545	1,984,145	2,003,945
DCP	5,856,346	5,914,946	5,974,046	6,033,746	6,094,046	6,154,946	6,216,446	6,278,646	6,341,446	6,404,846
Employee Provisions	10,504,108	10,609,108	10,715,208	10,822,408	10,930,608	11,039,908	11,150,308	11,261,808	11,374,408	11,488,108
Future Operational Works	3,711,075	3,748,175	3,785,675	3,823,575	3,861,775	3,900,375	3,939,375	3,978,775	4,018,575	4,058,775
Future Projects & Works	27,600,617	27,876,617	28,155,417	28,437,017	28,721,417	29,008,617	29,298,717	29,591,717	29,887,617	30,186,517
Future Projects & Works (Waste Services)	31,840,615	32,865,776	33,668,333	34,228,475	34,400,536	34,352,023	34,034,894	33,390,829	32,374,677	31,032,107
Total Cash Reserves	137,989,908	143,504,869	148,062,626	154,646,869	160,373,529	164,217,416	169,730,487	173,852,422	177,878,671	183,004,700

Asset Renewal cash reserve

The Asset Renewal reserve accumulates generally in accordance with the IRFS. This is premised on the fixed commitment discussed earlier in this report. Of interest in the accumulation to $97M in year 20 (2043) of the plan. Contrast this with the 50-year IRFS and Reserve model, and the indication is that the City is on track to maintain its assets to the agreed level of service, noting the predicted balance required in 2045 in the charts below.





DCP cash reserves

The base LTFP is yet to factor in Wungong DCP developer contributions and DCP expenditures. As a consequence, the DCP reserve does not accumulate over the plan. This aspect will be adjusted in due course. Notwithstanding, the asset base does grow through gifted assets from future development in the Wungong area.

Future Projects cash reserves

The Future Projects reserve accumulates through an annual allocation of $0.5M per annum, to $30M over the term. It remains for the Council to determine its preferences and priorities in terms of the allocation of funds, which will largely centre around the City Centre Investment Framework outcomes.

Future Projects Waste Services cash reserves

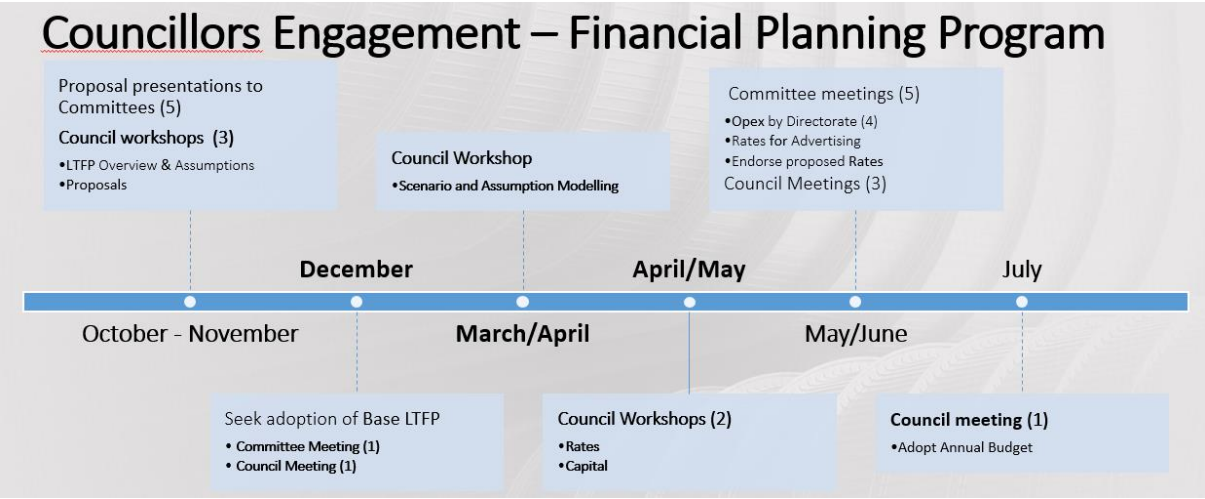
The Waste Reserve is utilised for infrastructure maintenance but accumulates to enable the full rehabilitation of the site once closed. The rehabilitation itself, estimated in the Waste Strategy at around $20M is not yet factored in, pending review of the Strategy. Hence the accumulation of the reserve.

Further work on the baseline LTFP

The LTFP is considered a base line document and has a number of items that will be reviewed during the budget process. These include:

1. Reconciled annual CAPEX program matched to delivery capabilities
2. Reviewing funding of the CAPEX program, particular municipal funding of new works.
3. Assessment of the forecast supply and cost factors in the economy
4. Investment in City Centre major projects.

Process
Following the base LTFP endorsement this December, the Financial Planning program moves into scenario development ahead of a March/April workshop. The Annual Budget and Four Year Budget Outputs will commence review in February 2023. Further workshops on rates, capital investment and operational budgets will follow, leading to the adoption of the Annual Budget in July. This a month later than last year due to GRV Revaluation occurring next year.



CONCLUSION

The base LTFP is presented to establish an initial position to model various scenarios and assumptions around growth, investment and strategy. In conjunction with other informing plans and strategies, it assists the Council with important decisions on resource allocation and investment, that ultimately deliver on the outcomes set out in the Strategic Community Plan.

The base LTFP:

- Indicates an improving operating position
- Illustrates capacity for investment in transformation projects
- Highlights that Council can leverage its borrowing capacity in the medium term
- Sets out a capital investment program that requires a minor review in terms of capacity to deliver
- Takes a conservative approach to growth.

ATTACHMENTS

1. LTFP Statutory Statements

RECOMMEND **CS61/12/22**

That Council endorse the baseline Long Term Financial Plan for the period 2024 to 2043 for use in financial planning, including further modelling around assumptions, scenarios and strategy review.

Moved Cr M J Hancock **(6/0)**

**

1.4 - YEAR END FINANCIAL POSITION - 30 JUNE 2022

WARD	:	ALL
FILE No.	:	M/654/22
DATE	:	24 November 2022
REF	:	MH/AO/KY
RESPONSIBLE MANAGER	:	Executive Director Corporate Services

In Brief:

- This report presents the year end financial position for the financial year ending 30 June 2022, contrasted with the estimated position carried forward into the FY22/23 Annual Budget.
- The closing surplus, indicated by the Net Current Asset position is $16,029,223. After allowing for project carried forwards, project loan funding, advance payment of Financial Assistance Grant, performance based Workers Compensation adjustment transfer to Reserve and the previously unallocated surplus from FY21, the remaining available surplus is **$3,202,000**.
- Recommend that the adopted FY22/23 Annual Budget be amended to record the budget surplus and Council determine the allocation of the surplus funds through a workshop and subsequent 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

4.3 Financial Sustainability

4.3.2 Undertake active financial management to ensure that the annual budget is achieved and any variances are promptly identified and addressed.

Legal Implications

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure—

*(b) is authorised in advance by resolution**

** Absolute majority required.*

Local Government (Financial Management) Regulations 1996

30. Previous financial year figures to be shown for comparison

(1) In the annual budget—

(a) the income statement for the previous financial year; and

[(b) deleted]

(c) the rate setting statement for the previous financial year; and

*(d) the information referred to in regulation 27(g), 27(i)(i), 27(j), 27(k)(i), 27(k)(ii) and 29(f) for the previous financial year, are to be prepared in a manner that clearly compares the estimates in the annual budget in respect of each statement or piece of information, as the case requires, with the equivalent financial results at 30 June of the previous financial year (**comparative figures**).*

(2) If at the time of preparation of the annual budget a financial result referred to in subregulation (1) is not known, an estimate of that result may, if it is disclosed as an estimate, be included in the annual budget.

31. Net current assets at start of financial year to be shown

(1) The annual budget is to include the net current assets carried forward from the previous financial year.

(2) If at the time of preparation of the annual budget the net current assets is not known, an estimate of that figure may, if it is disclosed as an estimate, be included in the annual budget.

Australian Accounting Standard (AASB)

***AASB 1059** – Service Concession Arrangements.*

An arrangement whereby a government or other public sector body contracts with a private operator to develop (or upgrade), operate and maintain the grantor's infrastructure assets such as roads, bridges, tunnels, airports, energy distribution networks, prisons or hospitals.

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

The Report Recommendation proposes amendments to the adopted 2022/23 Annual Budget (FY23) as a consequence of having confirmed the year end result for the 2021/22 financial year (FY22).

Consultation

- Executive Leadership Team (ELT)
- Organisational Management Team (OMT).

BACKGROUND

The closing surplus, represented by the Net Current Asset position is $16,029,223. After allowing for carried forward funds for projects, the advanced payment of the Federal Assistance Grant (FAG), provision for Workers Compensation adjustment transfer to Reserve , the previously unallocated surplus from FY21 ($2,273,673 – CS70/11/21)[1] and loan funds to be drawn down on projects in progress, the remaining available surplus for Council's discretion is **$3,202,000**.

Closing Surplus (Net Current Asset Position)	**$16,029,223**
Less:	
1. Projects Carry Forwards	-$7,223,888
2. Financial Assistance Grant, Paid in Advance	-$2,997,306
3. Performance based Workers Compensation Reserve transfer	-$365,000
4. Previously Unallocated FY21 Surplus	-$2,273,673
Plus Projects in Progress:	
5. Roleystone Theatre - Loan Funds to be drawn down	$38,848
6. One Council Project - Loan Funds unspent	-$6,204
Year End Surplus	**$3,202,000**

[1] In the adopted FY23 budget, the FY21 Surplus Funds are transferred to the Future Projects Fund for determination by Council. Subsequently, two reports in November on Major Projects allocated funds from this reserve/surplus

1. Projects Carried Forward Items

The following items were considered separate to the formulation of the Annual Budget for 2022/23 and were adopted by Council on 22 August (CS41/8/22).

Carry Forward budgets of $7.2M from the 2021/22 budget estimate comprised of:

Property, Plant and Equipment	$ 453,020
Infrastructure Projects	$ 3,511,775
Business Recovery & Dept. Services	$ 1,834,544
Project Planning	$ 483,893
Environmental Projects	$ 715,570
Community Projects	$ 225,086
TOTAL	**$ 7,223,888**

2. FY23 FAG paid in advance

Embedded in the closing surplus is an advance payment of the FY23 Financial Assistance Grant (FAG) paid by the Commonwealth Government of $2,997,306. This was incorporated in the Annual Budget, and is deducted from the closing surplus when calculating the final budget surplus available for Council discretion.

3. Performance Based Workers Compensation Adjustment Transfer to Reserve

The City improved its management of health and safety risks, injury management and rehabilitation, which resulted in payments below the workers compensation threshold. This provides surplus funds to transfer to the Workers Compensation Reserve. Note that in years of good performance, the rate paid is 1.12% compared to a "call up" rate of (+)1.45% in years where claims exceed the threshold.[2]

4. Previously Unallocated FY21 Surplus

At the end of June 30, 2022, the FY21 surplus of $2,273,673 was unallocated and included in the calculation of the net current asset position of the City.

Council decided to transfer these funds to the Future Projects Reserve in the FY23 financial year and made provision in the FY23 Annual Budget to do so. The intent was to hold the funds in reserve as contingency. Therefore, at 30 June 22 the FY21 funds need to be accounted for.

As a footnote, in November 2022, Council resolved to apply these surplus funds in part to assist with cost escalations and grant funding shortfalls for major projects. Reports (CEO1/11/22) and (CS54/11/22) refer.

[2] The City opts for performance based premiums with a discount. Further details on the scheme available on request.

5.Projects in Progress – Loan Funds to be drawn down and remain unspent

Two, in progress projects are funded by loan funds and span multiple years.

These projects are:

- Roleystone Theatre - Loan Funds to be drawn down $38,848; and
- One Council Project - Loan Funds unspent $6,204.

From a cash flow point of view, the Roleystone Theatre loan funds will be drawn down in FY23, meaning that the Municipal funds has financed the FY22 expenditure until such time as the loan funds are drawn down.

As such, the surplus is increased to recognize the component of the projects expended to 30 June, with loan funding due in the FY23 year.

The One Council Project Loan Funds unspent has the reverse effect where the surplus is decreased due to the funds drawn down being received but remaining unspent.

ANALYSIS

The variance to the amended budget is made up of a combination of increases or decreases to the operating budget along with the finalisation of asset capitalisations and changes to accounting treatments. A brief overview follows.

	Note	2022 Adopted Budget $	2022 Revised Budget $	2022 Actuals $	2022 Variances $
Net Current Assets at Start of Financial Year (FY21 b/fwd)		**1,043,100**	**12,774,983**	**12,774,984**	
Operating Activities					
Revenue from Rates and Operating Activities	a	114,882,800	114,376,461	116,643,919	2,267,458
Expenditure from Operating Activities	b	(123,744,500)	(127,210,940)	(118,074,010)	9,136,930
Net Operating Result including Non Cash Items		**(8,861,700)**	**(12,834,479)**	**(1,430,091)**	**11,404,388**
Less: Non-Cash Amounts Excluded from Operating Activities	c	*24,396,700*	*26,574,228*	*32,952,978*	*6,378,750*
Amount Attributable to Operating Activities		**15,535,000**	**13,739,749**	**31,522,887**	**17,783,138**
Investing Activities					
Capital Investment, Gifted Assets, Developer Contr. & Grants	d	**(32,583,800)**	**(49,750,641)**	**(16,791,431)**	**32,959,210**
Financial Activities					
Net Reserve Trfs, New Borrowings & Loan repayments	e	**16,005,700**	**25,809,682**	**(11,477,217)**	**(37,286,899)**
Net Current Assets at End of Financial Year (FY22 c/fwd)		**-**	**2,573,773**	**16,029,223**	**13,455,449**

Determination of the Surplus	
Net Current Assets at End of Financial Year (FY22)	16,029,223
Less:	
(i) Projects Carried Forward (August 2022 Report to Council)	(7,223,888)
(ii) FY23 Financial Assistance Grant Paid in Advance in FY22	(2,997,306)
(iii) FY21 Surplus (CS 70/11/21) - Transfered to Future Project Funding (FY23 Budget)	(2,273,673)
(iv) FY22 Performance Based Workers Comp -Transfer to Reserve (FY23 Budget)	(365,000)
(v) One Council Project - Unspent Loan Funds drawn down	(6,204)
Plus:	
(vi) Capital Projects in Progress - Loan Funds to be drawn down	38,848
2021/22 Closing Surplus / (Deficit)	**3,202,000**

Notes:

a. Higher Operating Revenues were achieved in Building & Planning Services and Waste Services than budgeted. In contrast, interest earnings were below the forecast estimates due to continuing lower interest rates. The City also received an advanced receipt of the Financial Assistance Grant in FY21/22, which had the effect of increasing grant revenues for FY22.

b. Lower Operating Expenditures were achieved mainly from savings in Employee Costs including salaries and wages due to vacancies, the training budget, various and operational costs in Waste Services and operational budgets not being fully spent in Parks and Property Services. Supply issues affected in part the expenditure from these budgets.

c. Item C facilitates accounting adjustments to the Rate Setting Statement to account for non cash items such as depreciation, profit and loss on disposals of assets and changes in contractor liabilities (typically DCP's). These changes do not impact the budget surplus position, but they need to be accounted for when determining the surplus.

d. Investing activities reflect the City's capital investment program. In FY22, a high capital investment program coupled with supply issues resulted in a number of projects remaining in progress, in some cases leading to extension to completion dates. In conjunction, grant funding which matches the delivery program was also affected.

e. Financing activities refer to reserve transfers (both in and out), new borrowings and repayments of the loans. Similar to the above, reserve transfers and borrowings mirror the Capital Investment program delivery, hence the variation to budget. In most cases, projects have been carried forward with associated funding.

Application of the Year-End Surplus

This report advises of a year-end surplus available for Council's discretion of **$3,202,000** and it is open to Council to consider the allocation of funds, in due course.

Previously the Council has set aside funds in the Future Projects Reserve if a budget surplus has resulted. This has built the Future Projects reserve fund over time to build capacity to deliver strategic projects such as City Centre Investment projects. More recently, surplus funds were set aside in the Future Projects reserve as contingency for funding and cost escalation uncertainties.

This report recommends that Council notes the FY22 surplus and considers the allocation of funds during financial planning and budgeting workshop which will be held over the next six months, before formally deciding on the matter. Importantly, the workshops will provide the opportunity to discuss:

- project opportunities
- financing opportunities
- addressing the challenges and risks that the City continues to face in delivering services and projects
- the current operating environment, with many issues directly or indirectly related to the shortage of labour and cost of living.

For the time being, Council may wish to transfer the funds to the future projects reserve. In doing so, it will be important to track and keep account of these separate funds, until Council makes a final decision. If Council is amenable to transfer the funds, the budget will require amending and the funds set aside will be reported through the Monthly Financial Statements, as a sub component of the Future Projects reserve.

OPTIONS

The budget surplus is a 'one off' and so should not be allocated to any proposal that has a recurrent (year-on-year) impact. So Council has the following options:

1. Amend the FY23 budget and allocate the surplus funds, to the Future Projects Reserve Fund for allocation following financial planning workshops.

2. Amend the FY23 budget to establish (record) the surplus, and determine the allocation of funds at a future date. This is achievable by simply amending the FY23 budget to account for the surplus in the Net Current Asset Position.

3. Allocate the funds to a service or project (not recommended).

Option 1 is recommended.

CONCLUSION

It is proposed that the adopted 2022/23 Annual Budget be amended as per the following report recommendation.

ATTACHMENTS

There are no attachments for this report.

Committee Discussion

Cr Peter proposed to amend the Recommendation as follows:

~~***3. Pursuant to section 6.8 of the Local Government Act 1995, make a further amendment* to the adopted 2022/23 Annual Budget to transfer the FY22 surplus to the Future Projects Reserve, as follows:***~~

~~***a. Increase the transfer to the Future Projects Reserve by $3,202,000 from $4,538,529 to $7,740,529.***~~

3. The FY22 surplus is to be considered by Council following financial planning and budgeting workshops to discuss options.

~~***4. The FY22 surplus to be considered by Council following financial planning and budgeting workshops to discuss options.***~~

4. Note that the balance of the FY21 surplus is set aside in the Future Projects reserve and any allocations of those funds as determined by Council, will be reported to Council through the monthly financial statements report.

~~***5. Notes that the balance of the FY21 and FY22 Surpluses set aside in the Future Projects reserve, including any allocations of those funds as determined by Council, will be reported to Council through the monthly financial statements report.***~~

5. Note that the FY22 surplus and any allocations of those funds as determined by Council, will be reported to Council through the monthly financial statements report.

Moved Cr Peter
Seconded Cr Busby
CARRIED 6/0

RECOMMEND **CS62/12/22**

That Council:

1. **Note the report of the year end position (subject to final audit) and the resulting surplus of $3,202,000.**

2. **Pursuant to section 6.8 of the *Local Government Act 1995*, amend* the adopted 2022/23 Annual Budget as follows:**

a) the net current asset position brought forward to provision for:

Closing Surplus (Net Current Asset Position)	**$16,029,223**
Less:	
1. Projects Carry Forwards	-$7,223,888
2. Financial Assistance Grant, Paid in Advance	-$2,997,306
3. Performance based Workers Compensation Reserve transfer	-$365,000
4. Previously Unallocated FY21 Surplus	-$2,273,673
Plus Projects in Progress:	
5. Roleystone Theatre - Loan Funds to be drawn down	$38,848
6. OneCouncil Project - Loan Funds unspent	-$6,204
Year End Surplus	**$3,202,000**

3. **The FY22 surplus is to be considered by Council following financial planning and budgeting workshops to discuss options.**

4. **Note that the balance of the FY21 surplus is set aside in the Future Projects reserve and any allocations of those funds as determined by Council, will be reported to Council through the monthly financial statements report.**

5. **Note that the FY22 surplus and any allocations of those funds as determined by Council, will be reported to Council through the monthly financial statements report.**

ABSOLUTE MAJORITY RESOLUTION REQUIRED

Moved Cr S Peter
Seconded Cr K Busby
MOTION CARRIED **(6/0)**

2.1 - LEASING - ORCHARD HOUSE

MEETING CLOSED TO PUBLIC
MOVED Cr M Silver
That the meeting be closed to members of the public as the matter is considered to be confidential under Section 5.23(2) (c) of the Local Government Act 1995 as *discussion of this matter in an open meeting would on balance be contrary to the public interest because the matter relates to a contract entered into or which may be entered into by the City of Armadale*.
CARRIED (6/0)
Meeting declared closed at 7.15pm

WARD	:	ALL
FILE No.	:	M/605/22
DATE	:	9 November 2022
REF	:	AO
RESPONSIBLE MANAGER	:	Executive Director Corporate Services

In Brief:
- A confidential report is presented separately to this Agenda.

Strategic Implications

4.1 Strategic Leadership and effective management
4.1.3 Develop organisational frameworks to achieve consistency, transparency and clarity of decision making processes
4.2 A culture of innovation
4.2.1 Embrace the use of technology to achieve improved efficiency and effectiveness of City functions

Legal Implications

Nil.

Council Policy/Local Law Implications

- ADM25 – Risk Management Policy.

Budget/Financial Implications

The extension proposal extends the Lease term for 5 months, with two 3 month extension options. This will increase rent revenues received in 2022/23 and if the extension options are exercised, in 2023/24.

Consultation

Details are outlined in the confidential report.

A Confidential Report is presented separately to this Agenda.

ATTACHMENTS

RECOMMEND **CS63/12/22**

That Council approve the recommendation as detailed in the attached Confidential Report.

Moved Cr S Peter
MOTION CARRIED **(6/0)**

MEETING OPENED TO PUBLIC
MOVED Cr M Silver that that the meeting be opened
CARRIED (6/0)
Meeting declared open at 7:18pm

2.2 - INDEPENDENT MEMBER ON THE AUDIT COMMITTEE

WARD	:	ALL
FILE No.	:	M/674/22
DATE	:	2 December 2022
REF	:	AO
RESPONSIBLE MANAGER	:	Executive Director Corporate Services

In Brief:

- A confidential report is presented separately to this Agenda.

Strategic Implications

4.1.3.7 Maintain a system of internal audit and independent external expert representation on the City's Audit Committee.

Legal Implications

- *Local Government Act 1995*

7.1A. Audit committee
(1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
(2) The members of the audit committee of a local government are to be appointed by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

** Absolute majority required.*

Council Policy/Local Law Implications

- City of Armadale Audit Committee Terms of Reference.

Budget/Financial Implications

Payment to the external member on the City Audit Committee is made in accordance with the City Audit Committee Terms of Reference and is included in the 2022/23 Annual Budget.

Consultation

Details are outlined in the confidential report.

A Confidential Report is presented separately to this Agenda.

ATTACHMENTS

RECOMMEND **CS64/12/22**

That Council approve the recommendation as detailed in the attached Confidential Report.

Moved Cr S Peter
MOTION CARRIED **(6/0)**

COUNCILLORS' ITEMS

Nil.

CHIEF EXECUTIVE OFFICER'S REPORT

Nil.

EXECUTIVE DIRECTOR'S REPORT

Nil.

MEETING DECLARED CLOSED AT 7.19PM

CORPORATE SERVICES COMMITTEE

SUMMARY OF ATTACHMENTS

13 DECEMBER 2022

ATT NO.	SUBJECT	PAGE
1.1	**LIST OF ACCOUNTS PAID - OCTOBER 2022**	
1.1.1	Monthly Cheque and Credit Card Report - October 2022	
1.2	**STATEMENT OF FINANCIAL ACTIVITY - OCTOBER 2022**	
1.2.1	Small Balalnce Rates Interest Written Off - October 2022	
1.2.2	October 2022 - Monthly Financial Report	
1.3	**LONG TERM FINANCIAL PLAN (LTFP): 2024-2043**	
1.3.1	LTFP Statutory Statements	

The above attachments can be accessed from the Minutes of the Development Services Committee meeting of 13 December 2022 available on the City's website.

CHIEF EXECUTIVE OFFICER'S REPORT

19 DECEMBER 2022

INDEX

1. REPORTS

1.1 PETITION - BAROSSA LOOP SKATE PARK CLOSURE 215

1.2 WALGA BEST PRACTICE GOVERNANCE REVIEW - COUNCIL FEEDBACK 220

1.3 COUNCILLORS INFORMATION BULLETIN - ISSUE NO 20/2022 229

ATTACHMENTS 231

1.1 - PETITION - BAROSSA LOOP SKATE PARK CLOSURE

WARD	:	RANFORD
FILE No.	:	M/669/22
DATE	:	30 November 2022
REF	:	JA/NM/DH
RESPONSIBLE MANAGER	:	Executive Director Technical Services

In Brief:

- A non-conforming petition was presented at the Ordinary Council Meeting of 28 November 2022, which requests Council to replace and reconsider the skate park modifications proposed the Barossa Loop Reserve, Harrisdale.
- This report recommends that Council note the results of the investigation of the petitioners' concerns and inform the petition convener accordingly.

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

1.3 Community facilities meet community needs

1.3.1 Ensure the equitable provision of Community Facilities throughout the City.

1.4 An inclusive and engaged community

1.4.2 Encourage the provision of inclusive and accessible facilities, services and programs within the community.

1.4.4 Facilitate the provision of facilities, services and programs to meet the needs of the City's current and future demographics.

2.2 Attractive, inclusive and functional public places
2.2.4 Develop, improve and maintain quality parks, playgrounds and public open spaces throughout the City.

Legal Implications

General assessment of relevant legislation (e.g. *Local Government Act 1995)* has not revealed any restrictions.

Council Policy/Local Law Implications

General assessment has not revealed any applicable policies/local laws.

Budget/Financial Implications

The adoption of the recommendation associated with this report has no direct financial implication.

Consultation

- Inter Directorate
- ELT
- Local Residents
- Satterley Property Group

BACKGROUND

At the Council meeting on 28 November 2022 a non-conforming petition containing 47 signatories was tabled by Cr Kamdar, the prayer of which reads:

> "*We, the residents of Harrisdale, hereby write a request to City of Armadale on your public notice of Skatepark (the park) that the Council replace and reconsider park modifications to Barossa Loop Skate Park, Harrisdale."*

At the Council meeting on 9 May 2022, it was determined that the area in which Barossa Skate Park currently resides, be repurposed to a more passive landscaped environment, T1/5/22 refers. In particular the skate park would be removed, replaced with landscaping and the basketball hoop would be removed from the multicourt frame.

The decision was in response to a recent independent assessment of the noise attributed to the site, which noted variations from permitted noise levels. Numerous alternatives were considered in the process, including mitigation techniques such as noise walls or low-noise basketball backboards however no other 'active' solutions were deemed viable in this location.

The Noise Assessment was undertaken as a response to a petition received on 9 November 2020 and the second petition presented on 25 January 2021. The two petitions voiced concerns that the current location of the skate park is inappropriate with complaints including experiencing anti-social behavior and high noise levels.

DETAILS OF PROPOSAL

The petition details concerns that Barossa Park in its current form provides a unique combination of play facilities which service a variety of age groups. The petition notes that observations have been made by the petitioners over the recent 6-8 months that there has been limited use of Skate Park by adults and elder teenagers and the space is utilised by families.

The petition in particular requests that Council communicates on the following items:

1. *Whether the section of park – climbing tower, scooter tracks and basketball court – be kept as is during the modification, if not then (refer item 2)*
2. *Can council consider other alternatives for toddlers, preschooler's, early teens at the same location*
3. *Council can consider other alternatives for toddlers, preschooler's, early teens at other locations with committed dates and funding?*
4. *Council's commitment and statment on community mental health and safety due to removal of this facility and acknowledgment of concern.*

COMMENT

In response to Items 1 & 2 noted above, to clarify the climbing tower and scooter tracks will remain open during construction and will be an area unaffected by the changes proposed. The multi court will remain in place with the basketball hoop removed, the multi court will still be available for use for games and ball sports including soccer.

Image 1 – The scooter track and climbing frame will remain open during construction and in place going forward.

Image 2 – the court and multi goal will remain open during construction and in place going forward. The basketball hoop will be removed permanently.

In response to Item 3, at its April 2022 meeting Council endorsed a Study on providing outdoor youth facilities in Harrisdale and Piara Waters. The City has engaged a consultant and recently sought community input into the development of the Study. The Study is expected to be presented to Council in the first half of 2023. It is expected the Study will provide a list of considered locations with scales of infrastructure proposed for future budget consideration. Any future skate park plans will be contingent on finding a suitable location and securing funding.

In response to Item 4, it was noted during the Committee Discussion of 2 May 2022 that it was unfortunate to have to amend a facility of this nature. However, the resulting noise assessment supported the concern that noise levels attributed to the facility were higher than regulated limits. Numerous alternatives were considered, however no 'active' recreation solutions were deemed viable.

CONCLUSION

A non-conforming petition requesting reconsideration of park modifications to Barossa Loop Skate Park, Harrisdale was received by the Council on 28 November 2022.

The petition details concerns that Barossa Park in its current form provides a unique combination of play facilities which service a variety of age groups. The petition requests that Council communicates on a number of items, which have been noted within.

It is recommended that Council note the outcomes of the investigation into the concerns raised in the petition and notify the petition convener of the outcome of the City's investigation.

ATTACHMENTS

1. Non Conforming Petition - Barossa Loop Skate Park Closure - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*

RECOMMEND **CEO7/12/22**

That Council:

1. **Note the results of the investigation of the petitioners' concerns relating to the Skate Park at Barossa Loop, Harrisdale.**
2. **Inform the petition convener accordingly.**

1.2 - WALGA BEST PRACTICE GOVERNANCE REVIEW - COUNCIL FEEDBACK

WARD	:	ALL
FILE No.	:	M/660/22
DATE	:	28 November 2022
REF	:	AO/BG/DB
RESPONSIBLE MANAGER	:	Executive Director Corporate Services

In Brief:

- WALGA has commenced a review of its organisational governance and is soliciting feedback from the sector on the governance models it is considering.
- Council has been requested to provide by way of resolution, its feedback on what it sees as the most appropriate governance model.
- Recommend that Council authorise the CEO to advise WALGA of its preferred governance model.

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

Nil.

Legal Implications

Nil.

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

Nil.

Consultation

- Executive Leadership Team.

BACKGROUND

The Western Australian Local Government Association (WALGA) is, *"…an independent, member based, not for profit organisation representing and supporting the WA Local Government sector."*

WALGA carries out advocacy and lobbies for legislative change on behalf of the 139 Local Governments in Western Australia and negotiates service agreements for the sector. WALGA is not a government department or agency.

Whilst it is an incorporated association, the organisation is constituted by section 9.58 of the *Local Government Act 1995* (Act). WALGA, in its current form, was given effect by an amendment to the Act in 2003. Prior to this, advocacy bodies (some formerly constituted under previous local government legislation) included the Western Australian Municipal Association, the Country Shire Councils' Association, and the Local Government Association.

In 2017 the Minister for Local Government announced a review of the Act, which included extensive community and sector consultation throughout its review period amongst a range of key focus areas. Detail of this has been provided to Council before, and Council provided its responses to the proposed reforms (CEO1/12/21).

One of the themes arising from stakeholder and public consultation for the Act review, was the role of WALGA and perceived confusion over WALGA's role, given that it is constituted by the Act but is an independent advocacy body that is an incorporated association.

As part of the reform process, a member panel was formed who subsequently made recommendations in relation to WALGA. In March 2022, in confirming the final makeup of the reforms to be introduced, it was announced that WALGA will no longer be constituted under the Act. The timing for this change is not known.

DETAILS OF PROPOSAL

In 2019, WALGA developed its Corporate Strategy 2020-2025 and in doing so identified a key strategic priority to undertake a Best Practice Governance Review (BPGR). The stated objective of the BGPR is to ensure WALGA's governance and engagement models are "contemporary, agile, and maximise engagement with members." WALGA solicited stakeholder responses from a range of sources in the state and local government sector throughout 2020 and 2021.

In March 2022, WALGA commissioned the BPGR and established a Steering Committee to guide the BPGR. Information provided shows that the BPGR Steering Committee had five meetings between 5 May 2022 and 10 August 2022. The direction provided by the Steering Committee determined benchmarking for WALGA's governance models as follows:

- Agreement on five 'comparator organisations' – Australian Medical Association WA, Chamber of Commerce and Industry WA, Chamber of Minerals and Energy, Australian Hotels Association WA and the Pharmacy Guild.

- Review of governance models of local government associations in other Australian states and territories, and New Zealand.

- Drafting of governance principles that will underpin future governance models.

- Finalisation of governance principles and principle components across the domains of: 'Representative, Responsive and Results Oriented'.

WALGA has presented a number of models that it sees as being the most appropriate governance models for an organisation of its type. WALGA states that it has benchmarked against other local government associations elsewhere in Australia as well as large incorporated bodies not related to the public sector. The full discussion paper from WALGA is attached to this report.

The models are presented as follows:

Option 1 Two tier model, existing Zones	Option 2 Board with Regional Bodies	Option 3 Board, Amalgamated Zones	Option 4 Member elected Board, Regional Groups	**Option 5 Current Model**
Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents	Board (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents	Board (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents	Board (11 members) 8 elected via direct election, incl. Board elected President Up to 3 independents	State Council (25 members) 24 State Councillors 1 President
Policy Council (25 members) 24 members plus President	Regional Bodies (4 metro, 4 country)	Zones (6 metro, 6 country)	Policy Teams / Forums / Committees	Zones (5 metro, 12 country)
Zones (5 metro, 12 country)	Policy Teams / Forums / Committees	Policy Teams / Forums / Committees	Regional Groups	Policy Teams / Forums / Committees

WALGA has requested Council provide its feedback on the options being considered, via Council resolution by 23 December 2022.

OPTIONS

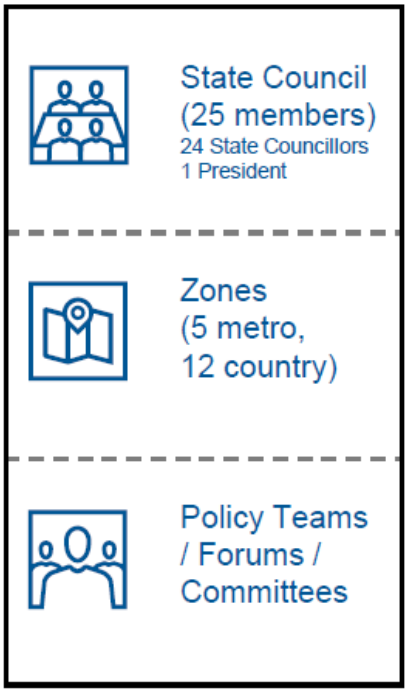
The options put forward by WALGA represent governance models deemed most suitable for an organisation with a specialist interest and with a wide diversity in its membership base. The full detail of these options are set out in Attachment 1 (Background Paper) and Attachment 2 (Consultation Paper).

The principal question for Council is:

> *Which one of the proposed models will ensure the City continues to have a voice, and that Armadale's interests will be adequately represented?*

The following discussion outlines the alternatives to the current governance structure. Option 5 in the WALGA discussion documents sets out the current governance structure, so this report starts with Option 5.

Option 5 is the current governance model. It features a State Council, supported by the zone structure (5 metro, 12 country) and various policy teams, forums, or committees. The current arrangement is based strongly on representation with State Council members elected by and from the zones.



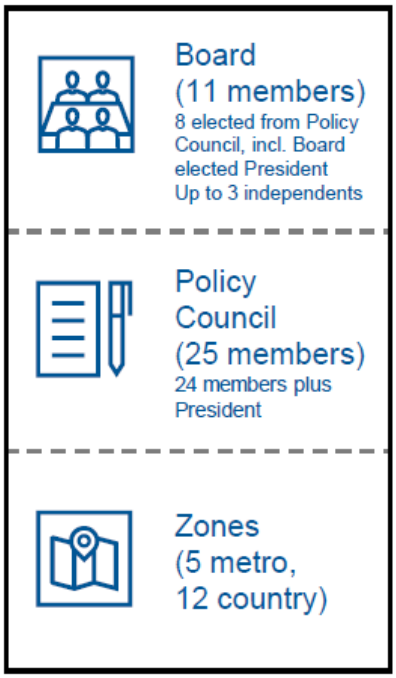
Whilst it is understood WALGA wishes to consider whether the current model is fit-for-purpose, the other reasons WALGA have provided for the review are *"...misalignment between key governance documents; constitution amendments for State Councillors' Candidature for State and Federal elections; and legislative reforms for the Local Government Act 1995, and for the Industrial Relations Act 1979."*

The options 1 to 4 address this separation of governance.

Option 1

This option retains the current WALGA Zone structure of 5 metro and 12 regional zones. In this model, a governance body is separated from what was essentially the State Council in the current structure, with the State Council becoming the Policy body. The zones become the third tier of WALGA's proposed governance structure.

This model keeps the policy making element of WALGA distinct and separate from the governing body, so that the governing body can focus on organisational management.



This model does not dilute the current representation, as the current policy and advocacy formulation undertaken by the State Council is retained in the Policy Council, and the zone structure is also retained. This could be considered important, as the proposed structure reflects the diversity of the State and the issues that member local governments bring to WALGA that will vary across the regions. It also gives the City the opportunity to continue to influence the policy positions of WALGA.

It is a concern however that the Policy Council cannot endorse the Policies put forward. That is a matter for the Board, whom it is stated has responsibility for policy endorsement. This seems to be inconsistent with the current structure.

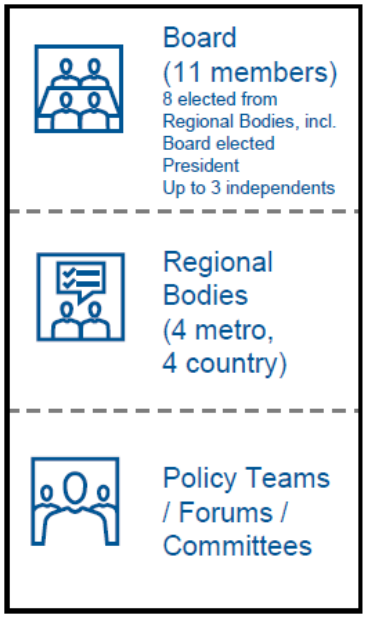
Option 2

Option 2 maintains the governing board as per Option 1, however underpinning it are 8 'Regional Bodies (4 metro, 4 country) and a subordinate array of policy teams, forums, and/or committees.

This option is not considered ideal. It is considered that the regional bodies could weaken the City's ability to influence board appointments or policy development. The boundaries do not reflect the current zone (4 Metro – North, South, East and Central) and a question should be asked around communities of interest.

The relationship between regional bodies and the Board is also unclear under this model, but it is clear that the Board drives policy development which makes the representation on the board crucial under this model.

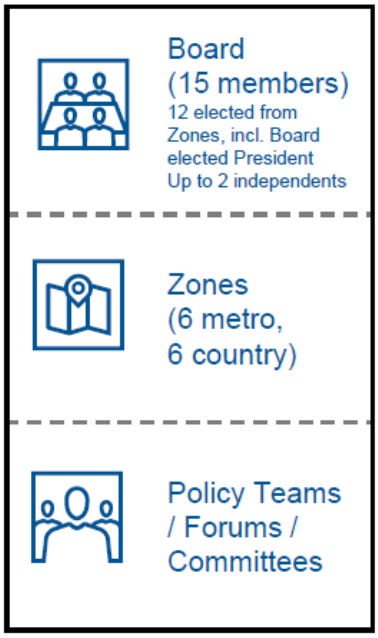
The regional body structure and limited board positions with five metro zones dropping down to four.



Option 3

This option is similar to Option 1, in that the zone model is retained and kept at the second tier of the governance model, but rationalised. The makeup of the zones appear to mirror the administrative divisions of the State (regional boundaries) which could be beneficial for aligning WALGA's policymaking and representation with the State's regions.

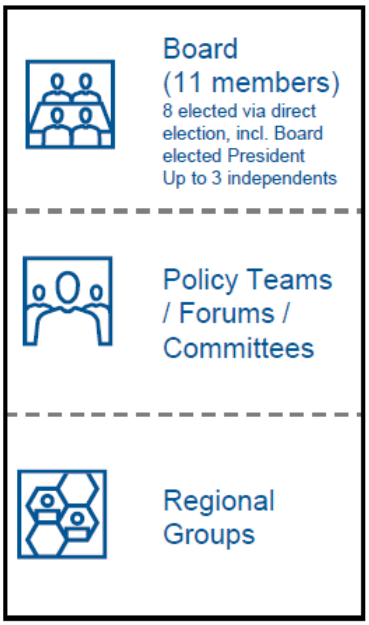
The governing board is retained, with more board members than the other models proposed. A consideration is whether the member representation on the board, evenly split between city and country (6 from Perth/Peel and 6 from regional WA), is reasonable given the significant imbalance in population of Perth of regional and rural areas. However, from a City perspective, the streamlining of representation from the current zone structure may well be of benefit.



Given the reduced representation, the ability for member councils and their representatives to be rotated through the zones and the board would be important to ensure a breadth of representation of local governments on the Board.

Option 4

This option dispenses with the zone system entirely and has a board consisting of 11 members, with 8 of those members "elected via direct election, with each member local government to vote". 4 members will come from metropolitan local governments and 4 from country local governments.



This is not considered a viable governance model because of the potential for politicisation of the board, via directly elected candidates who may have the financial resources behind them to mount an election campaign, rather than nominated by their peers on merit and endorsed by their local governments. It also means, with no zone structure (at least, none shown) and limited board membership, the City's chances of obtaining membership of the board would be reduced significantly.

ANALYSIS

WALGA has conducted a deliberative process through its internal Steering Committee (Best Practice Governance Review Steering Committee) and has settled on the 5 models outlined above.

The options proposed show that WALGA is considering a reduction in its elected representation given that all the options (bar the current model and Option 1) show reduced representation and a proposed transition from the 'state council' model to a board model. Benchmarking against other local government associations in Australia and "comparator organisations" has been done. WALGA states that the comparator organisations were chosen on the basis of their similarity to WALGA as a WA member-based peak industry organisation.

It is also apparent that some changes are proposed to the zone structure, either in numbers or by regional grouping. The methodology behind these particular changes is not clear, nor is the layout/structure. It would have been preferable for WALGA to separately consult with the sector about the detail of any changes to the zone structure as this is the primary vehicle by which local governments have their representation with the organisation and drive advocacy for issues in their respective zones or regions.

Notably, WALGA has benchmarked against other like organisations, especially, local government representative bodies in Australia. Whilst this is a prudent measure based purely on a simple metric of comparing governance models, it doesn't take into account the substantial differences that exist between Western Australia and other jurisdictions (eg. New South Wales) in terms of demographics, geography and of course, numbers of member councils. For these reasons, officer opinion is that by necessity WALGA needs a governance model that provides adequate representation reflective of the diversity of the local government sector, and the diversity of communities that exist in WA.

WALGA is attempting to proactively review its governance model prior to the reforms proposed by the Minister for Local Government coming into effect. A counter to this is that this is a premature action to take because the final detail of the amendments to the Act, as they concern WALGA (and the wider sector), are not yet known.

If WALGA is removed from the Act, it's constitution and governance bodies must be in accordance with the requirements of the *Associations Incorporation Act 2015*. This is reflected in Option 1, which broadly adopts the 'model' structure for incorporated bodies provided by that Act and its Regulations.

CONCLUSION

WALGA has formed the view that it is an opportune time to review its governance model and is soliciting stakeholder views on a range of options it is considering.

Officer opinion is that, if there is to be a change to the governance model of WALGA to one of the versions proposed, Option 1 presents the model with least change, as it retains the current representative zone structure with no dilution, but places a governing board above it to manage organisational governance. This would remove organisational governance from the representative bodies (for example, adopting the annual association budget) and leave the zones and the proposed 'Policy Council' to focus on advocacy, industry support and policy development. Option 3 provides for a more streamline structure and with even representation between Metropolitan and Country Zones. The decision making abilities of the Policy Council and Board do need to be clarified.

The other models are not ideal as they tend to dilute representation and could mean that it may be more difficult for the City to influence and have a seat at the decision making table.

It is open for Council to suggest an alternative or variant to the options. It is also open to Council to support the current arrangement (Option 5), or to decline to make a choice on the matter.

ATTACHMENTS

1.⇩ WALGA Background Paper November 2022
2.⇩ WALGA Discussion Paper - November 2022

RECOMMEND **CEO8/12/22**

That Council:

1. **Note the proposed governance models presented by WALGA.**

2. **Support *Option 3* as Council's preferred governance model for WALGA.**

3. **Authorise the CEO to provide WALGA with Council's opinion in respect of its preferred governance model, noting that it is ultimately a decision for the State Council of WALGA to determine in accordance with its constitution.**

1.3 - COUNCILLORS INFORMATION BULLETIN - ISSUE NO 20/2022

WARD	:	ALL
FILE No.	:	M/643/22
DATE	:	22 November 2022
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. 20/2022 to be received by Council

Strategic Implications

The following general information and memorandums were circulated in Issue No 20/2022 on 15 December 2022.

COMMENT

Correspondence & Papers

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

Outstanding Matters & Information Items
Report on Outstanding Matters
Library Upcoming Events
Community Planning
Community Development
Recreation Services
Library and Heritage Services
Ranger & Emergency Services

Information from Corporate Services

Progress Report
Progress Report on Contingency, Operational & Strategic Project
Outstanding Matters & Information Items

Report on Outstanding Matters – Corporate Services Committee
Economic Development
Tourism & Visitor Centre Report
Accounting Reports
Nil
Report of the Common Seal

Information from Development Services

Outstanding Matters & Information Items
Report on Outstanding Matters - Development Services Committee
Review before the State Administrative Tribunal (SAT)
Health
Health Services Manager's Report - November 2022
Planning
Planning Applications Report - November 2022
Schedule of current Town Planning Scheme No.4 Amendments
Subdivision Applications - WAPC Approvals/Refusals - November 2022
Subdivision Applications - Report on Lots Registered 2022/2023
Compliance Officer's Report - November 2022
Building
Building Services Manager's Report - November 2022
Building Health/Compliance Officer's Report - November 2022

ATTACHMENTS
There are no attachments for this report.

RECOMMEND **CEO9/12/22**

That Council acknowledge receipt of Issue 20/2022 of the Information Bulletin

CHIEF EXECUTIVE OFFICER'S REPORT

ATTACHMENTS

19 DECEMBER 2022

ATT NO.	SUBJECT	PAGE
1.2	**WALGA BEST PRACTICE GOVERNANCE REVIEW - COUNCIL FEEDBACK**	
1.2.1	WALGA Background Paper November 2022	232
1.2.2	WALGA Discussion Paper - November 2022	252

Best Practice Governance Review

Background Paper

Contents

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1	Background, Approach and Timeline	3
2	Jurisdictional Analysis	6
3	Comparator Organisations	9
4	Governance Principles	17

Best Practice Governance Review

1. Background, Approach and Timeline

Background and Approach

Background and approach that led to the development of the governance principles for the Best Practice Governance Review.

Background

The Western Australian Local Government Association (WALGA) developed it's Corporate Strategy 2020-25, and in doing so identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members. Other drivers for the review included:

- Misalignment between key governance documents; Constitution, Corporate Governance Charter, State Council Code of Conduct, and Standing Orders – stemming from varying amendments.
- State Council's 3 September 2021 resolution requesting amendment to the Constitution to "*deal with matters related to State Councillors' Candidature for State and Federal elections*".
- Proposed legislative reforms to remove WALGA from being constituted under the *Local Government Act 1995* (WA).
- Constitutional requirements for WALGA to become a registered organisation under the *Industrial Relations Act 1979* (WA), which would enable WALGA to make applications in its own right to the Western Australian Industrial Relations Commission

In March 2022 State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review.

The BPGR Steering Committee had its first meeting on 5 May 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change. At the meeting, five comparator organisations were identified to be used in a governance model comparative analysis. Steering Committee meetings 2 to 5 had a focus on the development of governance model principles.

This document

This document presents the key insights from the jurisdictional and comparator organisation analysis that supported the development of the governance principles. The final section presents the endorsed governance principles.

Jurisdictional Analysis – This section compares WALGA to equivalent jurisdictional associations (e.g. LGASA). This provides key insights into the size and election processes of WALGA compared to equivalent associations.

Comparator Organisations – This section compares WALGA's governance arrangements to five comparator organisations that were agreed a the BGPR Steering Committee meeting 1. This provides key insights into the size, election processes and recent governance changes of these five comparator organisations.

Governance Model Principles – The governance model principles were developed through BPGR Steering Committee meetings 2 to 5. This provides a structure for understanding how the current governance model of WALGA and any future governance model aligns to these principles.

The following slide outlines the timeline of key events and meetings that formed part of the BPGR.

Timeline

Timeline of key events with a focus on the BPGR Steering Committee meetings throughout May to August 2022

VALGA Corporate Strategy 020-25
n 2019, a five-year Corporate trategy was developed and dentified that a governance model vas key to delivery of the strategy. 9 interviews and 2 workshops overing 20 Local and State Government leaders informed the trategy.

Stakeholder Engagement Project, GRA Partners, 2021
45 responses received from Federal and State Government and Opposition.

Commissioning of Best Practice Governance Review
In March 2022, WALGA commissioned PwC to support the BPGR Project.

First BPGR Steering Committee meeting held
On 22 May 2022, the first meeting of the BPGR Steering Committee identified five comparator organisations for the Review.

Third BPGR Steering Committee meeting held
On 28 June 2022, an options paper was reviewed.

State Council updated
On 3 August 2022, an update on the BPGR was provided to State Council.

Principles shared
In September 2022 agreement on the next steps for sharing the principles with Local Government members.

2020 · 2021 · 2022 · NOW

2019 Governance Review
A governance review was undertaken in 2019 that led to numerous process changes.

State Council Performance Assessment, 2020
17 survey responses and comments received from State Councillors.

WALGA Stakeholder Engagement Project, Marketforce 2021
105 survey responses and 42 interviews were facilitated across 95 Local Governments.

Second BPGR Steering Committee meeting held
On 8 June 2022, the initial draft of comparator organisations was presented and assessment criteria was identified.

Fourth BPGR Steering Committee meeting held
On 18 July 2022, core principles were decided to guide the BPGR.

Fifth BPGR Steering Committee meeting held
On 10 August 2022, core principles for the BPGR were finalised.

Best Practice Governance Review

2. Jurisdictional Analysis

Analysis: Jurisdictional equivalents to WALGA

Jurisdictional equivalents of WALGA have been analysed according to their size and election methods.

Background

Prior to the BPGR Project commencing in March 2022, work was undertaken to understand governance arrangements in other jurisdictions. The focus of this work was on associations from other Australian states, as well as New Zealand.

The full list of associations are:

- Local Government NSW (LGNSW)
- Municipal Association Victoria (MAV)
- Local Government Association of Tasmania (LGAT)
- Local Government Association of South Australia (LGASA)
- Local Government Association of Queensland (LGAQ)
- Local Government Association of Northern Territory (LGANT)
- Local Government Association of New Zealand (LGNZ)

The assessment of these associations focused on providing insights into the following domains:

- **Size of Board:** How many board members are there in comparison to the 25 WALGA board members?
- **Method of Election of President:** How is the President elected to the board?
- **Method of Election of Board Members:** How are board members elected?

Key Insights

Key insights following the comparison of WALGA to equivalent associations are outlined below:

- **Size of Board** – while WALGA's board (State Council) contains the largest number of representatives, it can be seen that boards of Local Government Associations tend to be relatively large. The average board size (using Queensland's policy executive, not board) is 15.4.
- **Method of Election of President** – WALGA is an outlier: all other Presidents are elected directly by the membership. Perhaps this is a reflection of the prevalence of Council elected Mayors and Presidents in WA.
- **Method of Election of Board Members** – The majority of associations use regional groupings (equivalent to our Zones) to elect board members. The New Zealand hybrid model of electing representatives from geographic zones and sector groups (metro, provincial, rural, regional) is of interest.

The following slide presents this information for each of the seven associations.

Summary: Jurisdictional equivalents to WALGA

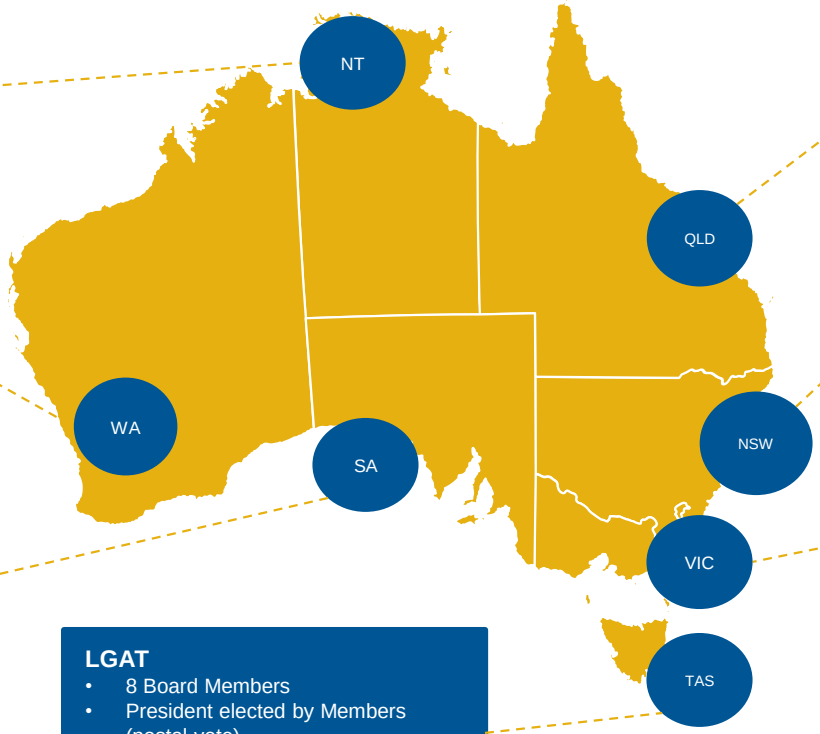
Summary of jurisdictional analysis of WALGA equivalents in relation to their Board membership, election methods and number of Local Governments.

LGANT
- 9 Board Members
- President elected by Members (AGM)
- Board Members elected by Members
- 22 Local Governments

WALGA
- 25 Board Members
- President elected by the Board
- Board Members elected by Zones
- 139 Local Governments

LGASA
- 10 Board Members
- President elected by Members (postal vote)
- Board Members elected by Regional Organisations
- 74 Local Governments

LGAT
- 8 Board Members
- President elected by Members (postal vote)
- Board Members elected by Zone equivalent
- 29 Local Governments



LGAQ
- 4 Board Members / 16 Policy Executive
- President elected by Members (AGM)
- Board Members elected by and from Policy Executive
- Policy Executive elected by Zone equivalent
- 78 Local Governments

LGNSW
- 19 Board Members
- President elected by Members (AGM)
- Board Members elected by Members
- 128 Local Governments

MAV
- 13 Board Members
- President elected by Members (AGM)
- Board Members elected by Zone equivalent
- 89 Local Governments

LGNZ
- 18 Board Members
- President elected by Members (AGM)
- Board Members elected by Zones and Sector Groups
- 78 Local Governments

Best Practice Governance Review

3. Comparator Organisations

Comparator organisations

Comparison of WALGA's governance model to the governance models of five comparator organisations.

Background

The BPGR Steering Committee had its first meeting on the 5 May 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change.

At the meeting, five comparator organisations were identified to be used in a governance model comparative analysis. The organisations were selected on the basis of their similarity to WALGA as WA member-based peak industry organisations.

The selected organisations were: Australian Medical Association (AMA) WA, Chamber of Commerce and Industry (CCI) WA, Chamber of Minerals and Energy (CME), Australian Hotels Association (AHA) WA and Pharmacy Guild (PG) WA Branch.

Process

WALGA supplied a range of background documents to assist in undertaking the initial desktop comparison. This included the Constitution, Corporate Governance Charter, Corporate Strategy 2020-2025, Standing Orders, Elected Member Prospectus, Flow Chart – WALGA Zone and State Council Process, Final Report – State Councils and Zone Structure and Process Working Group.

The documentation used for the comparator organisations were typically the:

- Constitution – which serves as the instrument for establishment of the association;
- Annual reports – which contains information about an association's performance over a 12-month period; and
- Organisational website – which may outline the structure and current composition of the board, council and the leadership team of the organisations.

Interviews were successfully arranged with three of the five organisations. They were AMA WA, CCI WA and CME WA. The document analysis and interviews provided insights into the size, election methods and recent changes within these organisations.

Key insights

Key insights through the comparison of WALGA to the five comparator organisations are outlined below:

- **Size of Board** – WALGA's board (State Council) was larger than all other comparator organisation's boards.
- **Election methods** – election methods varied across the comparator organisations but many involved election through the membership.
- **Change** – three of the five organisations had recently undergone changes or reviews of their governance structures. There were a range of drivers for this change including: to increase the decision making ability of the board; to use specific working groups to focus on specific topics of interest and to increase representativeness of specific groups (e.g. Aboriginal and Torres Strait Islanders).

The following slide presents summary information on the size and election methods of the five comparator organisations. This is then followed by more detailed background into each organisation, their governance structure and any outcomes from conversations with these organisations.

Summary: Governance structure analysis

WALGA's governance structure was analysed in comparison to five comparator organisations

Organisational Comparisons	Number of Board Members	President Elected by	Board Members elected by
WA Local Government Association (WALGA)	25	The Board	Zones
Australian Medical Association (AMA)	9	AMA WA Members	Members of the Association
Chamber of Commerce and Industry WA (CCIWA)	7 to 10	The Board	• Up to 12 elected by Members • Up to 8 appointed by the Board • Up to 8 appointed by the Council
Chamber of Minerals and Energy (CME)	6 to 11	Ordinary Members	Executive Councillors
Australian Hotels Association (AHA) WA	17	The Branch Committee of Management	The Branch Committee of Management
Pharmacy Guild (PG) – WA branch	16 to 22	The Branch	Financial Members from the same region as the Branch

Note: The Council, Branch, or Board chosen from the organisations above were chosen for how appropriate their structure is as a comparison to the WALGA State Council.

Organisational Analysis: Australian Medical Association (AMA) WA

With over 5,000 members, the AMA (WA) is the largest independent professional organisation for medical practitioners and medical students in the State. Total revenue and other income for AMA nationally in 2020 was reported as $21,928,000.

Organisational Information

The AMA (WA) Board was created in 2017 and is comprised of the President, Immediate Past President, two Vice Presidents and five members of Council who are elected to sit on the Board (9 in total).

The AMA (WA) Council consists of four office bearers (President, Immediate Past President, two Vice Presidents). Additionally, there are the Specialty Group Representatives (e.g. General practice, surgery); Practice Group Representatives (e.g. rural doctors, public hospital doctors); Ordinary Council Members; and, Co-opted Council Members. Majority of the representatives and members represent their specialty (e.g. anesthetics) or group of representative (e.g. medical student society).

The AMA Federal Council meets quarterly and is the AMA's main policy-making body. It is a forum to identify and debate emerging issues of relevance to the membership. The Federal Council's primary role is to: Form the policy of the AMA; Propose changes to existing policy; and Elect representatives to roles and committees. There is one State and one Area nominee from WA on the Federal Council.

The Leadership team consists of seven staff. CEO, CFO, COO, General Manager Training and Recruitment, Operations Manager, General Manager Financial Services and an HR manager.

Governance Structure*

The Board comprises of approximately 9 members.

The Board focuses on governance, managing the Association's conduct and business, and ensuring conformity with the constitution.

The Board may increase or decrease the number of Advisory Council members as needed. However, it currently has 4 members.

The General Council focuses on advocacy, policy making, and representation of the association.

The Board and Council is also supported by Specialty Group Representatives, Practice Group Representatives, Ordinary Council Members, and Co-Opted Council Members.

Outcomes of Organisation Discussion

- **Governance Review:** The 2020 annual report mentions that an organisation-wide review was undertaken with the transformation in the process of being implemented until March 2020 (COVID).
- **Representation:** It is more important to restrict the number of Board members than Councillors. Board members are involved in making policy and governance decisions, requiring a greater decision-making capability; Councillors are more involved in stakeholder engagement and solving specific issues through working groups, therefore Council size has less impact to efficiency and effectiveness of the model.
- **Engagement:** The president is the spokesperson when it comes to policy issues. Councillors represent the views of Specialty Groups, Practice Groups, and the medical profession as a whole.
- **Feedback on the current model:** Board members have previously taken the role because they are passionate, but do not necessarily have the right expertise, resulting in poor governance. Board members who have leadership and governance experience have proven to be effective in the updated model. The Board would benefit from an independent audit partner and increased diversity in specialty, a simplified purpose of the Board and Council Advisory, and a reduced number of meetings each year.

**The AMA WA Constitution does not specify the number of Board or Council members. Member numbers are indicative and have been taken from the current Board & Council.*

Organisational Analysis: Chamber of Commerce and Industry (CCI) WA

CCIWA is a not-for-profit member organisation providing information, professional services and support for businesses in Western Australia, with over 2,000 WA members. Total revenue and other income for 2021 was reported as $34,270,130.

Organisational Information

The CCIWA operates as a company limited by guarantee. This came into effect on 11 January 2019. The change in status means that CCIWA is now incorporated under the *Corporations Act 2001* (Cth) rather than the State legislation covering incorporated associations.

Based on the constitution, the number of board members can be between 9-12 (including President & Vice President). The current board has only 6 members including the President and Vice President.

There is a General Council. The constitution states that Councillors can be up to certain numbers depending on who they were elected by. The resulting effect is a council that does not have consistent numbers of members and does not need to fill all positions. This is unlike WALGA's governance model where representatives are elected by zones.

The Board is responsible for the sound governance of the organisation, whereas the General Council provides input to the organisations policy; provides advice to the Board; acts as a point of interface; elects and appoints Council Elected Directors; and passes resolutions relating to specific handling of assets and raising and borrowing funds.

Governance Structure

The Board comprises of 9 – 12 members.

The Board focuses on strategic priorities, financial performance and compliance issues.

The General Council consists of up to 28 Councillors.

The General Council focuses on developing and being spokespersons on public policy frameworks and positions.

The governance structure is supported by bespoke working groups, formed from Councillors as relevant for specific strategic and policy issues.

Outcomes of Organisation Discussion

- **Governance Review:** CCIWA conducted a review of their 2018 Constitution, resulting in changes contained in the 2021 Constitution, including: The governance model was revised to increase the decision-making capability of the board; The structure of the General Council was determined to be too generic causing low Councillor attendance. After the review, Councillors were split into bespoke working groups for specific policy issues for the upcoming 12-month period. This resulted in higher councillor attendance, than the previous governance model.
- **Representation:** In the new revision of the constitution, two new types of Councillors were included to increase representation for their respective groups. Future Leader Councillors, from members of University business schools; and First Nations Business Councillors, elected from First Nations Members.
- **Feedback on the current model:** In the current governance model, when a board member leaves, a temporary team member is appointed since board members can only be elected in general meetings.

Organisational Analysis: The Chamber of Minerals and Energy (CME) WA

CME WA is the peak resources sector representative body in Western Australia whose member companies generate 95% of all mineral and energy production and employ 80% of the sector's workforce in the State.

Organisational Information

The Corporate Governance Charter (Charter) provides guidance on the respective roles, responsibilities and authorities of members of the Executive Council (Executive Councillors) and members of the Advisory Board (Advisory Board Members) in setting the direction, management and control.

The number of Vice Presidents is determined by the Executive Council, the constitution contains no limit on the number of Vice Presidents and so the number of Vice Presidents is excluded from the diagram to the right.

Executive Councillors are elected by Ordinary Members, and there can be no less than 10.

The Role of the Advisory Board is to act as a traditional board providing strategic oversight on behalf of the Chamber. Key interface with the Executive Management Team on organisational matters, including strategy, operating accounts, governance and risk.

Governance Structure

Advisory Board comprises of 5-10 members.	The Advisory Board provides strategic oversight and acts as the key interface with the Executive Management team on strategy, operating accounts, governance and risk.
Executive Council (10+ members).	The Executive Council most senior interface to guide and prioritise the agenda of the Chamber and its respective committees and holds final decision-making authority re: annual financial reports/statements.

The governance structure is supported by committees including bespoke working groups, appointed by Executive Council as relevant for specific strategic and policy issues.

Outcomes of Organisation Discussion

- **Governance Review:** CME recently engaged in a governance review. In April 2020, CME put in place a governance charter. This codified processed and structures, clarified lines of accountability and included a director's code of conduct.
- **Representation:** Members who express an interest, get a seat at the table for the Executive Council. There are approximately 60 ordinary members with 16-20 regularly attending council meetings. This group is intended to provide a litmus check that the broader membership needs are being met.
- **Engagement:** Although the board is strongly engaged in the work and responsibilities it holds, there is the varying engagement of the executive council – this is broadly because due to the large array of issues it covers – the organisation would love to see stronger engagement in this area.
- **Feedback on the current model:** Based on the age of the organisation, the current pyramid structure works. This is successful largely due to the governance charter which provides clarity in role and structure for the organisation.

Organisational Analysis: Australian Hotels Association (WA)

The Australian Hotels Association (AHA) represents more than 5,000 members across Australia serviced by a network of branches based in every state and territory, plus a Canberra-based National Office. Total revenue and other income for AMA nationally in 2020 was reported as $2,257,963.

Organisational Information

AHA was founded in 1892 and now represents more than 80% of the Western Australian hotel and hospitality industry.

The organisation has a branch in each state and territory, including a division in each branch known as the National Accommodation Hotels Division. The organisation and each of its branches have their own set of rules by which they are governed. However, ultimate authority is deferred to the National Board of the organisation.

All issues and opportunities are addressed by The Branch Committee of Management (The Branch). Consisting of six ordinary members, elected by members of the branch, and the president from each of the Territorial and Non-Territorial Divisions of the Branch. This includes a President, Senior Vice President, Vice President, Treasurer, Accommodation President and Country Representative. The President, Senior Vice President (SVP) and Vice President (VP) are elected by The Branch.

AHA developed a subsidiary known as 'Tourism Accommodation Australia (TAA)'. TAA publicly represents and lobbies specifically for accommodation hotels separately from the AHA's general hospitality members. However, membership to both AHA and TAA is granted to accommodation properties. There are 11 Divisional Presidents – 7 represent different Areas/Regions and 4 represent different membership groups.

Governance Structure*

Branch Committee of Management has 6 Ordinary members & the president of each Territory/Non-Territory Division (11).

Focuses on staff remuneration/conditions, branch transactions, disbursements, funds and resolves delegated Commonwealth industrial disputes.

There is no council or other governing entity to provide support to the Branch Committee of Management.

Relevance to WALGA BPGR

AHA was contacted to schedule an interview; however, there was no response following multiple requests. The following insights have been made by research on their publicly available governance information and documentation.

- **Composition:** Similar to WALGA's State Council, the AHA Governance structure only has one governing entity, The Branch Committee of Management. The number of branch members (17) is smaller than WALGA (25).
- **Responsibilities:** The AHA Branch Committee of Management is responsible for financial activities; however, the Rules document does not mention that they are responsible for activities that other comparator organisations governing entities are, such as policy creation or ensuring compliance.
- **Lack of compliance with constitution:** The Rules of the AHA WA Branch document acts as the Association's constitution. However, there are many conflicts between the governance structure in the Branch Rules document, and the governance structure depicted on AHA WA's website. For example, in the document the supreme governing body of the Branch is the Branch Committee of Management, whereas on the website it is the Executive Management team. Additionally, there is no mention of a board in the Rules document, but there is a Board of Management on the website.

**The governance structure has been taken from the Rules of the AHA WA Branch document instead of the current governance structure depicted on the website, due to conflicting information.*

Organisational Analysis: Pharmacy Guild (WA Branch Focus)

Pharmacy Guild supports over 5,800 pharmacies across Australia. It is broken up into Territory Branches with more than 600 pharmacies as members in WA (est. 2017).

Organisational Information

The Pharmacy Guild's WA Branch's Annual Report can only be viewed by Members of the Organisation.

The Branch consists of the Branch Executive, and the Branch Committee. Where the Branch Executive consists of the Branch President, Branch Vice President(s) and the National Councillor(s). Additionally, in the Branch Executive, the position of Branch President and Vice President can also be held by a National Councillor, resulting in different numbers of Branch Executives between states.

The National council has the power to determine and direct policy, settle disputes, control the national fund, appoint an auditor and other activities relating to being the supreme governing entity.

The constitution does not specify who exactly elects the Branch President, or the Branch Vice Presidents, only that they are elected from the Branch. Whereas Branch Committee Members are elected by financial members in that region.

The Branch and the National Council shall appoint their own auditor. Resulting in potential conflicts of interest, as hypothetically the Branch and the National Council can appoint an auditor who audits in their favour.

Governance Structure*

Branch Executive consists of 2 – 6 Executive Members.

All powers and functions of the Branch Committee between meetings of the Branch Committee.

Branch Committee consists of 7 - 14 committee members (excluding the Branch executive).

Control the Branch fund, decide the agenda for and attend special meetings.

There is only one governing entity in WA for Pharmacy Guild, however the WA Branch consists of National Councillors, from the National Council which is the supreme governing body for the Pharmacy Guild. However, the Branch Committee can create subcommittees to carry out particular functions.

Relevance to WALGA BPGR

Pharmacy Guild WA was contacted to schedule an interview; however, they responded that they do not have time to discuss their governance model. The following insights have been made by research on their publicly available governance information and documentation.

- **Representation:** The interests of members are represented by the Branch Committee Members who are elected by the financial members of the same regions. Additionally, the interests of the National Council are represented in Branches by the National Councillors appointed in each Branch.
- **Composition:** The governance structure of the Branches of the Pharmacy Guild is adaptable to the needs of the Branch. Since the Branch Committee members can decide the number of Committee members needed in their branch, they can do so based on the needs of the Branch at any point in time, making the composition and size of the Branch adaptable to emerging needs. Also, the creation of additional branches and amalgamations of current branches is up to the decision of the National Council, enabling the National Council to alter the composition of the governance model nation-wide as needed. Branches can also create subcommittees as needed.

**Since the number of members in governance entities is mentioned in the Constitution, the numbers have been estimated based on the current membership as per the Guild's website.*

Best Practice Governance Review

4. Governance Principles

Development of Governance Principles

BPGR Steering Committee (SC) meetings and how they lead to the development of the proposed governance principles.

BPGR Steering Committee meetings

The BPGR Steering Committee (SC) was established by State Council to guide the review. SC Meetings 2 through to 5 acted as key inputs into the development of the Governance Model principles. The focus of SC Meetings two through to five led to the development of the governance principles.

SC Meeting 2 - On 8 June 2022, the initial draft of the comparator organisations and their governance structures was presented. The SC identified four assessment criteria for the purposes of assessing potential governance models. The assessment criteria were: (1) representation, (2) efficiency, (3) contemporary, and (4) sustainable. An Options Paper was then developed, using the assessment criteria against two governance model options.

SC Meeting 3 - On 28 June 2022, a discussion of the DRAFT Options Paper took place. The SC decided that a workshop was required to take a step back and develop the core governance principles (rather than assessment criteria) that needed to underpin any future governance model for WALGA.

SC Meeting 4 - On 18 July 2022, the SC discussed the principles and identified four principles that should guide WALGA's governance. They were Representative, Responsive, Results Oriented and Renewal. Renewal was the principle that some SC members deemed as optional and is not included as a separate principle. Some elements of renewal are incorporated into the other three principles.

SC Meeting 5 - On 10 August 2022, the SC discussed and finalised the proposed principles. Discussion focused on the principle components and their likely governance implications. Several activities also occurred around this SC meeting. This include an update to State Council at the Information Forum on 3 August 2022, finalisation of principles on 17 August 2022 to inform AGM Item and finalisation of Agenda Item for 2022 AGM, including approval by State Council.

Key outcomes

The SC agreed on the proposed governance model principles, their component parts and the implications of these principles. Specifically:

- **Principle definition** – the definition of each of the three principles.
- **Principle component** – the key component parts of each principle.
- **Principle component description** – a description of each principle component.
- **Governance implications** – the governance implications of each of the principle components.

The following slide presents the principles, their components and a description and their governance implications.

Endorsed Governance Principles

The principles for assessing WALGA's governance model options and governance implications

	Principle	Principle component	Component description	Governance implications
Representative	WALGA unites and represents the entire local government sector in WA and understands the diverse nature and needs of members, regional communities and economies.	Composition	The composition of WALGA's governance model represents Local Government members from metropolitan and country councils.	The governing body will maintain equal country and metropolitan local government representation.
		Size	An appropriate number of members/representatives oversees WALGA's governance.	Potential reduction in the size of the overarching governing body.
		Diversity	WALGA's governance reflects the diversity and experience of its Local Government members.	Potential for the introduction of a mechanism to ensure the governance model comprises an appropriate diversity of skills and experience.
		Election Process	Considers the processes by which WALGA's governance positions are elected and appointed.	Consideration of alternative election and appointment arrangements, with the President to be elected by and from the governing body.
Responsive	WALGA is an agile association which acts quickly to respond to the needs of Local Government members and stakeholders.	Timely Decision Making	WALGA's governance supports timely decision making.	WALGA's governance model facilitates responsive decision making.
		Engaged Decision Making	WALGA's Local Government members are engaged in decision making processes.	WALGA's governance model facilitates clear and accessible processes for Local Government members to influence policy and advocacy with consideration to alternatives to the existing zone structure.
		Agility	Considers the flexibility of WALGA's governance to adapt to changing circumstances.	WALGA's governance model is agile and future proofed for external changes.
Results Oriented	WALGA dedicates resources and efforts to secure the best outcomes for Local Government members and supports the delivery of high-quality projects, programs and services.	Focus	Considers the clarity and separation of responsibilities and accountabilities of WALGA's governance.	Governance bodies have clearly defined responsibilities and accountabilities, with the capacity to prioritise and focus on strategic issues.
		Value Added Decision Making	Facilitates opportunities for value to be added to decision making.	Adoption of best practice board processes, and introduction of governance structures that are empowered to inform decisions.
		Continuous Improvement	Considers regular review processes for components of the governance model, their purpose and achieved outcomes.	WALGA's governance is regularly reviewed every 3 to 5 years to ensure the best outcomes are achieved for Local Government members.

Thank you

For more information, visit our website or contact Tim Lane, Manager Association and Corporate Governance, at tlane@walga.asn.au or 9213 2029.

WALGA

Best Practice Governance Review

Consultation Paper – Model Options

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Best Practice Governance Review

1. Introduction

Introduction

Background

The Western Australian Local Government Association (WALGA) developed it's Corporate Strategy 2020-25, and in doing so identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members.

Other drivers for the review included: misalignment between key governance documents; constitution amendments for State Councillors' Candidature for State and Federal elections; and legislative reforms for the *Local Government Act 1995*, and for the *Industrial Relations Act 1979*.

In March 2022, State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review.

The BPGR Steering Committee had five meetings between 5 May 2022 and 10 August 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change. Key outputs from the BPGR Steering Committee meetings included:

- Agreement on five comparator organisations – Australian Medical Association (AMA) WA, Chamber of Commerce and Industry (CCI) WA, Chamber of Minerals and Energy (CME), Australian Hotels Association (AHA) WA and the Pharmacy Guild (PG).
- Review of governance models of Local Government Associations in other Australian States and Territories, and New Zealand.
- Drafting of governance principles that will underpin future governance models.
- Finalisation of governance principles and principle components across the domains of: **Representative, Responsive and Results Oriented**.

These activities are outlined in more detail in the Background Paper.

This document

This document outlines:

Principles: The governance model principles and principle components across the domains of: Representative, Responsive and Results Oriented. The principles were endorsed at the WALGA AGM on 3 October 2022.

Governance model options: Presents four potential governance model options and the structure and roles associated with each option. The four options are:

- **Option 1:** Two tier model, existing zones
- **Option 2:** Board, regional bodies
- **Option 3:** Board, amalgamated zones
- **Option 4:** Member elected board, regional groups
- **Option 5:** Current model

Alignment to principles: Each of these options are then assessed as to whether they align with the principles and their components. The assessment considers the option and whether it meets, partially meets or does not meet the principle component. Alongside this assessment are some discussion points. An example of this relates to diversity.

Diversity is a component of the governance model being representative. Diversity here may include consideration of whether the governance model comprises an appropriate diversity of skills and experience. It also provides opportunity to consider whether the governance model provides opportunity for members of diverse backgrounds e.g. people of Aboriginal and Torres Strait Islander descent, people with Culturally and Linguistically Diverse backgrounds.

Within all the model options, direct relationship with WALGA and regional / subregional collaboration would continue to be encouraged.

Best Practice Governance Review

2. Governance Principles

Governance Principles

The following Governance Principles were endorsed by members at the 2022 AGM

	Principle	Principle component	Component description	Governance implications
Representative	WALGA unites and represents the entire local government sector in WA and understands the diverse nature and needs of members, regional communities and economies.	Composition	The composition of WALGA's governance model represents Local Government members from metropolitan and country councils.	The governing body will maintain equal country and metropolitan local government representation.
		Size	An appropriate number of members/representatives oversees WALGA's governance.	Potential reduction in the size of the overarching governing body.
		Diversity	WALGA's governance reflects the diversity and experience of its Local Government members.	Potential for the introduction of a mechanism to ensure the governance model comprises an appropriate diversity of skills and experience.
		Election Process	Considers the processes by which WALGA's governance positions are elected and appointed.	Consideration of alternative election and appointment arrangements, with the President to be elected by and from the governing body.
Responsive	WALGA is an agile association which acts quickly to respond to the needs of Local Government members and stakeholders.	Timely Decision Making	WALGA's governance supports timely decision making.	WALGA's governance model facilitates responsive decision making.
		Engaged Decision Making	WALGA's Local Government members are engaged in decision making processes.	WALGA's governance model facilitates clear and accessible processes for Local Government members to influence policy and advocacy with consideration to alternatives to the existing zone structure.
		Agility	Considers the flexibility of WALGA's governance to adapt to changing circumstances.	WALGA's governance model is agile and future proofed for external changes.
Results Oriented	WALGA dedicates resources and efforts to secure the best outcomes for Local Government members and supports the delivery of high-quality projects, programs and services.	Focus	Considers the clarity and separation of responsibilities and accountabilities of WALGA's governance.	Governance bodies have clearly defined responsibilities and accountabilities, with the capacity to prioritise and focus on strategic issues.
		Value Added Decision Making	Facilitates opportunities for value to be added to decision making.	Adoption of best practice board processes, and introduction of governance structures that are empowered to inform decisions.
		Continuous Improvement	Considers regular review processes for components of the governance model, their purpose and achieved outcomes.	WALGA's governance is regularly reviewed every 3 to 5 years to ensure the best outcomes are achieved for Local Government members.

WALGA

Best Practice Governance Review

3. Options and Current Model

Options and Current Model

Five options, including the Current Model, with details of each of their key governance bodies

Option 1 – Two tier model, existing Zones	Option 2 – Board, Regional Bodies	Option 3 – Board, Amalgamated Zones	Option 4 – Member elected Board, Regional Groups	Option 5 – Current Model
Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents	Board (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents	Board (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents	Board (11 members) 8 elected via direct election, incl. Board elected President Up to 3 independents	State Council (25 members) 24 State Councillors 1 President
Policy Council (25 members) 24 members plus President	Regional Bodies (4 metro, 4 country)	Zones (6 metro, 6 country)	Policy Teams / Forums / Committees	Zones (5 metro, 12 country)
Zones (5 metro, 12 country)	Policy Teams / Forums / Committees	Policy Teams / Forums / Committees	Regional Groups	Policy Teams / Forums / Committees

Option 1 – Two Tier Model, Existing Zones

A description of the governance body structure and role for Option 1

Governance Body	Structure	Role
Board	11 members: 8 representative members elected from and by the Policy Council (4 Metro, 4 Country). The Board then elect the President from the representative members. The Board will appoint up to 3 independent, skills or constituency directors.	Meet 6 times per year. Responsible for governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.
Policy Council	24 members plus President. Members elected by and from the Zones (12 from 5 Metro Zones, 12 from 12 Country Zones).	Meet at least 2 times per year to contribute to policy positions and advocacy for input into Board, and to liaise with Zones on policy and advocacy. The Policy Council can form Policy Teams, Policy Forums and Committees, which would have responsibility for specific functions, such as policy development.
Zones	5 Metro, 12 Country.	Meet at least 2 times per year to raise policy issues, elect representatives to the Policy Council, and undertake regional advocacy and projects as directed by the Zone.

Option 2 – Board, Regional Bodies

A description of the governance body structure and role for Option 2

Governance Body	Structure	Role
Board	11 members: 8 representative members elected from and by the Regional Bodies (4 Metro, 4 Country). The Board then elect the President from the representative members. The Board will appoint up to 3 independent, skills or constituency directors.	Meet 6 times per year responsible for governance of WALGA including strategy, financial oversight, policy development, advocacy priorities, employment of CEO, etc.
Regional Bodies	Metro: North, South, East and Central. Country: Mining & Pastoral, Agricultural, Peel/ South West/Great Southern, Regional Capitals. *Note: Local Governments can nominate their preferred regional body, with membership of the regional bodies to be determined by the board.*	Meet at least 2 times per year to contribute to policy development and advocacy, and to elect Board members (1 from each of the Metro Regional Bodies and 1 from each of the Country Regional Bodies).
Policy Teams / Forums / Committees	Membership drawn from the Board and Regional Bodies with some independent members.	Responsible for specific functions – such as policy development – as determined by the Board.

Option 3 – Board, Amalgamated Zones

A description of the governance body structure and role for Option 3

Governance Body	Structure	Role
Board	15 members: 12 elected from the Zones (6 from Metro/Peel, 6 from Country). President to be elected by the Board. The Board will appoint up to 2 independent, skills or constituency directors.	Meet 6 times per year. Responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.
Zones	Metro/Peel: • Central Metropolitan • East Metropolitan • North Metropolitan • South Metropolitan • South East Metropolitan • Peel Country*: • Wheatbelt South • Wheatbelt North • Mid West / Murchison / Gascoyne • Pilbara / Kimberley • South West / Great Southern • Goldfields / Esperance **indicative, re-drawing required*	Meet at least 2 times per year to contribute to policy development and advocacy, and to elect Board members.
Policy Teams / Forums / Committees	Membership drawn from Board with some independent members.	Responsible for specific functions – such as policy development – as determined by the Board.

Option 4 – Member Elected Board, Regional Groups

A description of the governance body structure and role for Option 4

Governance Body	Structure	Role
Board	11 members: 8 representative members elected via direct election, with each member Local Government to vote (4 elected by and from Metropolitan Local Governments, 4 elected by and from Country Local Governments). President elected by the Board from among the representative members. The Board will appoint up to 3 independent, skills or constituency directors.	Meet 6 times per year and responsible for governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.
Policy Teams / Forums / Committees	Membership drawn from Board with some independent members.	Meet at least 2 times per year. Responsible for specific functions – such as contributing to policy development – as determined by the Board.
Regional Groups	Determined by members to suit needs. E.g. Regional Capitals, GAPP, VROCs, CEO Group, existing Zones.	Feed into policy development processes and undertake advocacy and projects as determined by the groups.

Option 5 – Current Model

A description of the governance body structure and roles for the Current Model

Governance Body	Structure	Role
State Council	24 members plus the President. Members elected by and from the Zones (12 from 5 Metropolitan Zones, 12 from 12 Country Zones).	Responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy, employment of CEO, etc.
Zones	5 Metro, 12 Country.	Consider the State Council Agenda, elect State Councillors, and undertake regional advocacy / projects as directed by the Zone.
Policy Teams / Forums / Committees	Membership drawn from State Council with some independent members.	Responsible for specific functions – such as contributing to policy development, financial oversight etc. – as determined by State Council.

WALGA

Best Practice Governance Review

4. Alignment to Principles

Option 1 – Two Tier Model, Existing Zones

Option 1 and its alignment to the principles

Option 1 – Two tier model, existing Zones

Board (11 members)
8 elected from Policy Council, incl. Board elected President
Up to 3 independents

Policy Council (25 members)
24 members plus President

Zones (5 metro, 12 country)

	Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
Representative	Composition	Meets	• Board will have equal metropolitan and country membership
	Size	Meets	• Board is smaller
	Diversity	Meets	• Consideration of appointment processes for independent members
	Election Process	Meets	• Board to be elected from Policy Council
Responsive	Timely Decision Making	Meets	• Meeting frequency aligned to governing body roles
	Engaged Decision Making	Meets	• Board meetings are not dependent on other governing body meetings
	Agility	Partial	• Board is future-proofed from external changes • Zone structures still underpin Council
	Focus	Partial	• Prioritisation and focus may be a challenge
Results Oriented	Value Added Decision Making	Meets	• Best practice board approaches will be adopted
	Continuous Improvement	Meets	• Board would be responsible for ongoing reviews of governance body roles in consultation with members

Option 2 – Board, Regional Bodies

Option 2 and its alignment to the principles

Option 2 – Board, Regional Bodies

Board (11 members)
8 elected from Regional Bodies, incl. Board elected President
Up to 3 independents

Regional Bodies (4 metro, 4 country)

Policy Teams / Forums / Committees

	Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
Representative	Composition	Meets	• Board will have equal metropolitan and country membership • How to establish regional body membership is a consideration
	Size	Partial	• Board is smaller • Number of regional bodies is a consideration
	Diversity	Meets	• Consideration of appointment processes for independent members
	Election Process	Meets	• Board election from regional bodies
Responsive	Timely Decision Making	Meets	• Meeting frequency aligned to governing body roles
	Engaged Decision Making	Meets	• Board meetings are not dependent on regional body meetings
	Agility	Meets	• Board and regional bodies are future proofed from external changes
Results Oriented	Focus	Partial	• There may be challenges defining accountabilities and responsibilities of regional bodies
	Value Added Decision Making	Meets	• Best practice board approaches will be adopted
	Continuous Improvement	Meets	• Board will be responsible for ongoing reviews of governing body roles in consultation with members

Option 3 – Board, Amalgamated Zones

Option 3 and its alignment to the principles

Option 3 – Board, Amalgamated Zones

Board (15 members)
12 elected from Zones, incl. Board elected President
Up to 2 independents

Zones (6 metro, 6 country)

Policy Teams / Forums / Committees

	Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
Representative	Composition	Partial	• Board will have equal metropolitan and country membership • There may be composition challenges for amalgamated zones
	Size	Partial	• Board is smaller • Amalgamation of zones to 12 in total
	Diversity	Meets	• Consideration of appointment processes for independent members
	Election Process	Meets	• Board election from zones
Responsive	Timely Decision Making	Meets	• Meeting frequency aligned to governing body roles
	Engaged Decision Making	Meets	• Board meetings are aligned to zone meetings
	Agility	Meets	• Board is future proofed from external changes
Results Oriented	Focus	Partial	• Prioritisation and focus may be a challenge
	Value Added Decision Making	Meets	• Best practice board approaches will be adopted
	Continuous Improvement	Meets	• The Board would be responsible for ongoing reviews of governance body roles in consultation with members

Option 4 – Member Elected Board, Regional Groups

Option 4 and its alignment to the principles

Option 4 – Member elected Board, Regional Groups

Board (11 members)
8 elected via direct election, incl. Board elected President
Up to 3 independents

Policy Teams / Forums / Committees

Regional Groups

	Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
Representative	Composition	Partial	• Board will have equal metropolitan and country membership • Membership of regional groups dynamic and ad hoc
	Size	Partial	• Board is smaller
	Diversity	Meets	• Consideration of appointment processes for independent members
	Election Process	Meets	• Board election from a general meeting
Responsive	Timely Decision Making	Meets	• Meeting frequency aligned to governing body roles
	Engaged Decision Making	Meets	• Board meetings are not dependent on policy teams / regional group meetings
	Agility	Meets	• Board is future-proofed from external changes
Results Oriented	Focus	Partial	• Policy teams / Regional Group meetings to influence priorities
	Value Added Decision Making	Meets	• Best practice board approaches will be adopted
	Continuous Improvement	Meets	• Board would be responsible for ongoing reviews of governing body roles in consultation with members

Option 5 – Current Model

Current model and its alignment to the principles

Option 5 – Current Model

State Council (25 members)
24 State Councillors
1 President

Zones (5 metro, 12 country)

Policy Teams / Forums / Committees

	Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
Representative	Composition	Meets	• State Council has equal metropolitan and country membership
	Size	Partial	• State Council will retain 25 members
	Diversity	Partial	• No control of diversity of State Council
	Election Process	Meets	• State Council election from zones
Responsive	Timely Decision Making	Partial	• Meeting frequency aligned to governing body roles
	Engaged Decision Making	Meets	• State Council meetings are aligned to zone meetings
	Agility	Partial	• State Council is not future proofed from external changes
Results Oriented	Focus	Partial	• Prioritisation and focus may remain a challenge
	Value Added Decision Making	Partial	• Best practice board approaches will not be adopted
	Continuous Improvement	Meets	• State Council would continue to be responsible for ongoing reviews of governance body roles in consultation with members

WALGA

Best Practice Governance Review

5. Consultation Process and Next Steps

WALGA Best Practice Governance Review

Consultation Process and Next Steps

Consultation Process

Council Position

Member Local Governments are asked to consider this paper and the governance model options put forward and provide a Council endorsed position to WALGA.

It is suggested that Councils endorse a preferred model (which could be the Current Model) and provide a ranking in terms of an order of preference.

Submissions to WALGA are sought by **23 December 2022**.

Supplementary Market Research

An independent market research company has been engaged to ascertain insights from Elected Members and Chief Executive Officers about WALGA's governance model. Qualitative interviews and a quantitative survey will be undertaken to supplement Council positions.

Workshops and Forums

Requests for presentations on the work undertaken by the Steering Committee and the model options, as well as facilitation of workshops and discussions will be accommodated where practicable.

Next Steps

Timetable

- Consultation and engagement with Members on this paper and governance model options will be undertaken from October 2022 until 23 December 2022.
- The Steering Committee will consider the outcomes of the consultation process during January 2023.
- A Final Report with a recommended direction will be the subject of a State Council Agenda item for the March 2023 State Council meeting.

Thank you

For more information, visit our website or contact Tim Lane, Manager Association and Corporate Governance, at tlane@walga.asn.au or 9213 2029.

CITY OF Armadale

ORDINARY MEETING OF COUNCIL
MONDAY, 28 NOVEMBER 2022

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, 28 NOVEMBER 2022 AT 7.00PM.**

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor, Cr Butterfield, declared the meeting open at 7.00 pm.

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2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (previously approved)

PRESENT:

Mayor, Cr R Butterfield presided over	River Ward
Deputy Mayor, Cr K Busby	Minnawarra Ward
Cr J Keogh	River Ward
Cr K Kamdar	Ranford Ward
Cr S Peter JP	Ranford Ward
Cr M S Northcott	Palomino Ward
Cr P A Hetherington	Palomino Ward
Cr M J Hancock	Heron Ward
Cr E J Flynn	Heron Ward
Cr G J Smith	Minnawarra Ward
Cr M Silver	Lake Ward
Cr S S Virk	Lake Ward
Cr G Nixon	Hills Ward
Cr S J Mosey	Hills Ward

IN ATTENDANCE:

Ms J Abbiss	Chief Executive Officer
Mr J Lyon	Executive Director Corporate Services
Mr P Sanders	Executive Director Development Services
Mr M Andrews	Executive Director Technical Services
Mrs S Van Aswegen	Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant
Ms J Cranston	EA to Executive Director of Community Services

Public: 2

LEAVE OF ABSENCE:
Nil

APOLOGIES:
Nil

3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Request for Leave of Absence - Cr E J Flynn (Cr Emma Flynn)

MOVED Cr G Nixon

That Council grant leave of absence to:

- **Cr Emma Flynn for the period Monday 5 December 2022 to Wednesday 7 December 2022 inclusive (does not include an Ordinary Council Meeting).**

MOTION not opposed, DECLARED CARRIED (14/0)

6 PETITIONS

6.1 Petition to Replace and Reconsider Park Modifications - Barossa Loop Skate Park Closure (Cr Keyur Kamdar)

MOVED Cr S Peter

That Council receive the non-conforming petition.

MOTION not opposed, DECLARED CARRIED (14/0)

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING HELD ON 14 NOVEMBER 2022.

MOVED Cr E J Flynn that the Minutes of the Ordinary Council Meeting held on 14 November 2022 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (14/0)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1 Mayors Announcement

Tuesday 11 October 2022
Attended the Kambarang Festival held at the Champion Centre.
Travelled to Sydney for the National Economic Development Conference 2022.

Wednesday 12 – 14 October 2022
Attended the NEDC 2022 in Sydney along with Cr Peter and Cr Virk.

Friday 14 October 2022
Attended the Kelmscott Show opening along with Cr Busby, Keogh, Mosey, Smith and Silver.

Saturday 15 October 2022
Attended the Kelmscott Show and was interviewed by Heritage FM as part of the show. The Kelmscott Show was very well attended.

Sunday 16 October 2022
Attended and spoke at the Live Lighter Harmony Festival 2022 at Novelli Pavilion, along with Cr's Peter, Silver, Virk, Smith, Busby and Mosey

Monday 17 October 2022
Attended the SECCA workshop at the City of Canning.
Attended the Public Artwork Concept presentations for Derry Avenue Mural.

Wednesday 19 October 2022
Attended the SECCA meeting held at the City of Gosnells.
Attended the Harrisdale Senior High School Valedictory Evening held at UWA's Winthrop Hall.

Thursday 20 October 2022
Attended the 42nd Anniversary Assembly at Cecil Andrew College and presented the City of Armadale Scholar Award 2022.
Attended a meeting with Cr Mosey and resident to discuss local history.

Friday 21 October 2022
Attended the State Conference of the University of the Third Age and gave a closing address.
Cr Busby attended the AusActive National Awards in Sydney. The Armadale Fitness and Aquatic Centre was nominated for 7 awards.

Saturday 22 October 2022
Attended the Roleystone Karragullen Volunteer Bushfire Brigade Awards, along with Cr Mosey.

Sunday 23 October 2022
Attended the official opening day of the Waterwheel Community Shed.

Monday 24 October 2022
Attended a regular meeting with the CEO and Deputy Mayor to discuss local issues.
Mayor's Announcements
25 October – 14 November 2022
Ordinary Council Meeting held on 24 October 2022

Wednesday 26 October 2022
Attended the Australian Local Government Women's Association WA, Mentoring Session on line
Attended the WALGA Environment Policy Team Meeting to discuss a submission to the State Government on bio security.
Attended the Municipal Waste Advisory Committee meeting via TEAMS.

Tuesday 1 November 2022
Attended a regular meeting with the CEO to discuss local matters.

Wednesday 2 November 2022
Attended an Aboriginal school community engagement forum comprising of local family members and the Education Dept along with the Acting Director General of Education Jim Bell at the Champion Centre.
Attended the Clontarf Awards Night at Cecil Andrews College and presented awards.

Friday 4 November 2022
Attended a Cities Power Partnership event hosted by the Town of Victoria Park to learn about WA's clean energy future. Mayors, Councillors, and staff form several nearby local governments were in attendance. Two officers from SEREG also attended, as did Councillor Mosey.
Met with the pastor of a local church to discuss the possibility of providing meals to vulnerable people in Armadale.
Spoke at the Armadale Society of Artists Annual Exhibition held at the Armadale District Hall. The artists were very pleased to have been given permission to move into their new home at the Armadale Arena.

Saturday 6 November 2022
Attended the Deepavali 2022 at Cannington Showgrounds. Councillors Kamdar, Virk and Peter also attended.

Monday 7 November 2022
Attended John Calvin Christian School to present the City's Scholar Award for 2022.

Wednesday 9 November 2022
Attended the Champion Centre to meet with the Commissioner for Children and Young People, Jacqueline McGowan-Jones who is visiting communities across WA.

Thursday 10 November 2022
Hosted the Harrisdale Senior High School Leaders Program excursion to Council Chambers,

with the assistance of Cr Busby.
Attended the Canning Civic Dinner and Fund Raiser at the Canning Exhibition Centre.

Friday 11 November 2022
Attended Armadale RSL Remembrance Day Service held in Memorial Park.
Cr Busby attended the Araluen Botanic Garden Remembrance Day service on my behalf.

Saturday 13 November 2022
Attended AFAC to promote Acts of Kindness project by handing out seed cards. Also the new installation of a free sunscreen kiosk and SunSmart graphics at AFAC to promote sun safety.

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

Nil

10 REPORTS

10.1 DEVELOPMENT SERVICES COMMITTEE MEETING

Report of the Development Services Committee held on 21 November 2022.

CORRECTION:
Page 13 The Lot number in the heading to read "Lot 100"

MOVED Cr M J Hancock that the report, subject to the above correction, be received.

MOTION not opposed, DECLARED CARRIED (14/0)

BUSINESS ARISING FROM REPORT

Recommendation D22/11/22 - Confidential Report - Armadale City Centre Investment Framework and Project Plan

MOVED Cr R Butterfield that this matter be dealt with under Item 14 – Matters Requiring Confidential Consideration.

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation D23/11/22 - Final Adoption - Amendment No.123 - TPS No.4 - Lot 110 (No.9) Foster Road, Kelmscott

Cr K Busby declared a financial interest in D23/11/22 on the basis that a family member is a Director of a company that provide IT services to the business located at this property. Cr Busby left the meeting at 7:05pm.

MOVED Cr M J Hancock

That Council:

1. **Pursuant to Section 75 of the *Planning and Development Act 2005* adopt Amendment No.123 to Town Planning Scheme No.4 as a 'Standard Amendment' in accordance with Part 5, Clause 34 – Standard Amendment, subsection (c), (e),**

(f) and (g) of the *Planning and Development (Local Planning Schemes) Regulations 2015* to:

A. Extend Additional Use No.32 to include Lot 100 (No.9) Foster Road, Kelmscott and amend the Scheme Map accordingly.

B. Amend Additional Use No.32 in Schedule 2:

i. To modify the Description of Land column to state "*Lot 100 (No.9) & Lot 101 (No.3) Foster Road, Kelmscott.*"

ii. To modify Condition 32.1 under the Conditions and Requirements column to state "*A maximum of 10 consulting rooms shall be permitted.*"

iii. To modify Condition 32.3 under the Conditions and Requirements column to state *"Car parking areas adjacent to residential properties and drainage reserve shall be screened with masonry fencing along the common boundaries to the satisfaction of the local government."*

iv. To insert a new Condition 32.6 under the Conditions and Requirements column to state "*Any planning application for development approval is to be accompanied by a tree survey that identifies existing significant trees to be retained.*"

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 Planning, Transport and Ports 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. Should the Hon Minister for Planning, Transport and Ports require any minor modifications to the Scheme Amendment at the final adoption stage, then authorise the Mayor and Chief Executive Officer to sign and seal the modified amendment documents.

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

MOTION not opposed, DECLARED CARRIED (13/0)

Cr K Busby returned to the meeting at 7:06pm

Recommendation D24/11/22 - LATE ITEM - Confidential Report - SAT Mediation - Reconsideration of Conditions - Extractive Industry Expansion (Stage 5) - Lot 9 Brookton Hwy, Karragullen

MOVED Cr R Butterfield that this matter be dealt with under Item 14 – Matters Requiring Confidential Consideration.

MOTION not opposed, DECLARED CARRIED (14/0)

10.2 CORPORATE SERVICES COMMITTEE MEETING

Report of the Corporate Services Committee held on 22 November 2022.

CORRECTION

2023 Calendar of Council and Committee Meetings

Page 66 - Corporate Services Committee meeting date in August 2023 to read 22/08/23.

Page 67 - Include at the end of the table, following explanation for the asterisk for the meeting on 23/10/23*

* Special Council Meeting following Local Government Elections

MOVED Cr K Busby that the report, subject to the above correction, be received.

MOTION not opposed, DECLARED CARRIED (14/0)

BUSINESS ARISING FROM REPORT

Recommendation CS52/11/22 - List of Accounts Paid - September 2022

MOVED Cr K Busby

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 $12,139,649.05 on transactions 1452 to 2285 & Payrolls dated 4 September and 18 September.

Credit Card
Accounts Paid totalling $8,896.42 for the period ended September 2022.

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation CS53/11/22 - Statement of Financial Activity - September 2022

MOVED Cr K Busby

That Council:

Pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accept the Statement of Financial Activity for the three (3) month period ended 30 September 2022; and

i. Note that there are reportable actual to budget material variances for the period
ii. Note the $690.92 small rates debts written off under Primary Delegation 1.0 and Secondary Delegation CORPS 1.1.

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation CS54/11/22 - Major Capital Projects Budget Increases

MOVED Cr K Busby

That Council:

APPROVE an amendment to the Project and FY23 Annual Budgets as follows:

a. Carradine Road Culvert -

(i) Increase the Project Budget and Annual Budget FY23 by $469,300 from $780,000 to $1,249,300;

(ii) Increase transfer from the Asset Renewal reserve in the Annual Budget FY23 by $469,300.

b. Road Resurfacing Program

(i) Increase Project Budget and Annual Budget FY23 by $435,500 from $1,889,800 to $2,325,300;

(ii) Increase transfer from the Asset Renewal reserve in the Annual Budget FY23 by $435,500

c. Piara Waters Library

(i) Increase Project Budget by $660,500 from $7,820,000 to $8,480,000;

(ii) Increase the transfer from the Future Projects Reserve in the Project Budget from nil to $660,500;

(iii) Note the advice regarding project contingency from the recent QS Report and continues to set aside project contingency funds in the Future Projects Reserve.

(iv) Amend the FY23 Annual Budget by increasing the FY23 Budget Estimate for the Piara Waters Library by $1,189,300, from $585,300 to $1,774,600.

(v) Amend the FY23 Annual Budget to transfer funds of $1,189,300 from the Future Community Facilities Reserve.

d. Roleystone Theatre

(i) Increase the Project Budget and the FY23 Annual Budget by $760,700, from $4,195,700 to $4,956,400

(ii) Increase the transfer from the Future Projects Reserve by $760,700.

e. John Dunn Hall-Pavilion

(i) Increase the Project and FY23 Annual Budget by $597,000 from $2,965,000 to $3,562,000

(ii) Increase the transfer from the Future Projects Reserve by $597,000.

f. Champion Lakes Community Building

(i) Increase the Project and FY23 Annual Budget by $91,000 from $200,000 to $291,000

(ii) Increase the transfer from the Future Projects Reserve by $91,000.

g. Forrestdale Hub Hall and Pavilion

(i) Increase the Project Budget and FY23 Annual Budget by $180,000 from $420,000 to $600,000

(ii) Increase the transfer from DCP Funds in the FY23 Annual Budget by $180,000,

from $420,000 to $600,000.

h. Morgan Park Pavilion

(i) Increase the FY23 Annual Budget by $86,000 from $300,000 to $386,000

(ii) Increase the portion of the Grant Funds recognised (used) in the FY23 Annual Budget by $86,000 from $300,000 to $386,000.

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation CS55/11/22 - Local Government Act Review - Implementation of Changes to Representation - Popularly Elected Mayor

MOVED Cr G Nixon, SECONDED Cr K Busby
OPPOSED Cr S Peter

That Council:

1. Further to the request from Hon John Carey MLA, Minister for Local Government on 21 September 2022, advise the City's preference is for the reform pathway, as proposed by Hon John Carey MLA, Minister for Local Government.

2. Authorise the CEO to notify the Director General of the Department of Local Government, Sport and Cultural Industries of Council's decision, by 31 December 2022.

MOTION LOST (6/8)

MOVED Cr S Peter, SECONDED Cr J Keogh
OPPOSED Cr K Busby

That Council:

1. Further to the request from Hon John Carey MLA, Minister for Local Government on 21 September 2022 and in accordance with section 2.11(2) of the *Local Government Act 1995*, resolve to change the method of the filling of the office of the Mayor from the *election by Council* method to the *election by electors* method.

2. Note the change to the method of election of Mayor is proposed by Minister Carey to come into effect for the 2023 local government election.

3. Authorise the CEO to notify the Director General of the Department of Local Government, Sport and Cultural Industries of Council's decision, by 31 December 2022.

ABSOLUTE MAJORITY RESOLUTION REQUIRED

MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY RESOLUTION OF COUNCIL (8/6)

Crs Mosey and Nixon requested that their vote against the Resolution for CS55/11/22 be recorded.

Recommendation CS56/11/22 - 2023 Calendar of Council and Committee Meetings

MOVED Cr S Peter

That Council:

Pursuant to Regulation 12(1) of the *Local Government (Administration) Regulations 1996*, approves for local public notice purposes, the following Council and Committee meeting dates, times and places for the period January 2023 to December 2023 inclusive.

1. MEETING DATES

MONTH 2023	Council	Technical Services Committee	Community Services Committee	Development Services Committee	Corporate Services Committee
Jan	30/01/2023	-	-	-	-
Feb	13/02/2023 27/02/2023	6/02/2023	7/02/2023	20/02/2023	21/02/2023
Mar	13/03/2023 27/03/2023	8/03/2023	7/03/2023	20/03/2023	21/03/2023
Apr	24/04/2023	3/04/2023	4/04/2023	17/04/2023	18/04/2023
May	8/05/2023 22/05/2023	1/05/2023	2/05/2023	15/05/2023	16/05/2023
Jun	12/06/2023 26/06/2023	7/06/2023	6/06/2023	19/06/2023	20/06/2023
Jul	10/07/2023 24/07/2023	3/07/2023	4/07/2023	17/07/2023	18/07/2023
Aug	14/08/2023 28/08/2023	7/08/2023	8/08/2023	21/08/2023	22/08/2023
Sep	11/09/2023 26/09/2023	4/09/2023	5/09/2023	18/09/2023	19/09/2023
Oct	16/10/2023 23/10/2023*	2/10/2023	3/10/2023	9/10/2023	10/10/2023
Nov	13/11/2023 27/11/2023	6/11/2023	7/11/2023	20/11/2023	21/11/2023
Dec	18/12/2023	4/12/2023	5/12/2023	11/12/2023	12/12/2023

* Special Council Meeting following Local Government Elections

2. MEETING TIMES AND PLACES

All Ordinary and Special Council meetings to be held in the Council Chambers, Administration Centre, 7 Orchard Ave, Armadale, and commence at 7.00pm, unless otherwise specified.

All Committee meetings to be held in the Committee Room, Administration Centre, 7 Orchard Ave, Armadale, and commence at 7.00pm unless otherwise specified.

All Council and Committee meetings unless otherwise specifically resolved, are open to the public.

Any variation to this 2023 calendar of meetings will, if practical be advised by prior local public notice.

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation CS57/11/22 – Councillor Items - Committee Meetings in Committee Room and Digital Signatures

MOVED Cr K Busby

That Council refers the following Councillor Item:

- **Timeframe for Committee Meetings to Resume being held in the Committee Room**
- **Minutes to be Signed by Digital Signature**

To the relevant Directorate for action and/or Report to the appropriate Committee.

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation CS58/11/22 – Councillor Item - Councillor Bios on the City's Website

MOVED Cr K Busby

That Council refers the following Councillor Item:

- **Councillor Bios on the City's Website**

To the relevant Directorate for action and/or Report to the appropriate Committee.

MOTION not opposed, DECLARED CARRIED (14/0)

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 (14/0)

BUSINESS ARISING FROM REPORT

Recommendation CEO4/11/22 - Delegation of Power - Criminal Code (Referral Matter)

MOVED Cr S Peter that this matter be dealt with under Item 14 – Matters Requiring Confidential Consideration.

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation CEO5/11/22 - 2022 Performance Review & Criteria for 2022-23 - Chief Executive Officer

MOVED Cr S Peter that this matter be dealt with under Item 14 – Matters Requiring Confidential Consideration.

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation CEO6/11/22 - Councillors Information Bulletin - Issue No 19/2022

MOVED Cr M S Northcott

That Council acknowledge receipt of Issue 19/2022 of the Information Bulletin.

MOTION not opposed, DECLARED CARRIED (14/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Connected Community Christmas Lights Trail and Competition

Notice of the following motion was received from Cr R Butterfield in accordance with Clause 3.8 of the Standing Orders Local Law:

That Council requests the CEO to

1. *Facilitate a Connected Community Christmas Lights Trail and Competition for residents of the City of Armadale, beginning in December 2022*
2. *Allocate $5000 towards prizes.*

Comment from Cr R Butterfield on her proposed motion:

In order to encourage residents to creatively dress their properties with lights and decorations for the festive season, it is proposed that there be a centralised site to register addresses of Light Trail participants. The addition of cash prizes would add a small incentive for people to register their display. Considering the City's focus on reducing its carbon footprint, it would be appropriate to have a category which rewarded the best light display using solar/renewable power.

A Christmas Lights Trail and competition would enable residents of the City of Armadale to view lights within their own City and suburbs, rather than driving to other Local Government areas. It would also engender a sense of community pride and wellbeing. The light competition will offer an opportunity for neighbours (and entire streets) to work together to create a display, whilst also creating community connections.

The Connected Community Christmas Lights Trail aligns with SCP Aspiration 3. Economy. Outcome 3.2 Positive image and identity for the City. (3.2.1) and several other SCP Outcomes.

The prizes could be awarded to the winners at the final Council Meeting of the year on Monday 19th December 2022. The Terms and Conditions for such a competition could easily be adapted from those used by another local government, which already runs a similar successful event.

OFFICER COMMENT

A number of local governments are supporting Christmas Lights Trails to foster community spirit and bolster community connection.

Metropolitan LG's involved in some form of Christmas Lights Trail promotion include:

- City of Gosnells

  Safe Christmas Lights Competition - closes 4 December 2022 with a prize pool of $1800 sponsored by Beyond Bank Australia
- Shire of Serpentine Jarrahdale

  Countdown to Christmas 2022 - Christmas Lights Competition opens 1 November closes 24 November - prize pool of $2,500. Entry to the Christmas Lights Competition is free and open to al SJ residents and businesses
- City of Fremantle
  Small business Christmas Window Display
- City of Kalamunda
  Small business Christmas Window Display

Possible Approach:

The City's Marketing and Communications Team (MarComms) could support the introduction of a City of Armadale Connected Communities Christmas Lights Trail and could launch an online campaign via the City's website, supported by social media and traditional promotional activities. However, it should be noted, the timeframe for going live is tight and measures of success will focus on launch and building awareness with growth and amplification planned for 2023 and beyond.

Potential timeline:

- 29-30 November 2022 - Website landing page created – information about the Connected Communities Christmas Lights Trail, categories available with prize pool details, terms and conditions for entry, entry form, interactive digital map - MarComms and ICT support
- 1 December 2022 - Campaign launched – website page live, promotion starts. Countdown to competition end 15 December 2022
- 1 December - 15 December 2022 - Ongoing promotion, updates via social media
- 15 December 2022 - Competition component closes
- 16 December 2022 - Competition winners drawn/verified and invited to attend Council Meeting on 19 December to receive their prize
- 19 December 2022 - Council meeting – winners presented with prizes by Mayor
- 20 December 2022 - Winners announced on website and social media
- 21 December 2022 - Final promotion of the CoA Connected Communities Christmas Lights Trail - thank everyone for participating and encouraging people to be safe and to watch out for next year's competition

MOVED Cr M J Hancock, SECONDED Cr E J Flynn,

OPPOSED Cr K Busby

That Council requests the CEO to:

1. **Facilitate a Connected Community Christmas Lights Trail and Competition for residents of the City of Armadale, beginning in December 2022; and**
2. **Allocate $1000 cash prize and $1000 worth of vouchers from local businesses from the OTHER EXPENSES budget in the CEO'S OFFICE towards prizes.**
3. **Submit a report to Council detailing the outcomes of the Christmas Lights Trail and outlining options and exploring opportunities for sponsorship for a 2023 Christmas Lights Trail.**

MOTION DECLARED CARRIED (10/4)

12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

13 MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION

13.1 **Review of the Dog Local Law** (Cr Ruth Butterfield)

That the matter of a review of the City's Local Laws Relating to Dogs be referred to the Community Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

MEETING CLOSED TO PUBLIC
MOVED Cr M Northcott
That the meeting be closed to members of the public as the following matters are considered to be confidential under -

- *Section 5.23(2) (c) of the Local Government Act, as the matter relates to a contract entered into or which may be entered into by the City of Armadale.*
- *Section 5.23(2) (f i) of the Local Government Act, as the matter, if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; and*
- *Section 5.23(2) (a) of the Local Government Act, as the matter affects an employee of Council*

Motion Carried (14/0)
Meeting declared closed at 8.25pm
Members of the public left the meeting.

Recommendation D22/11/22 - Confidential Report - Armadale City Centre Investment Framework and Project Plan

Cr K Busby declared an financial in D22/11/22 on the basis that he owns a property in the west of rail precinct Cr Busby left the meeting at 8:26pm.

MOVED Cr M J Hancock

That Council adopt the recommendation as outlined in the Confidential Report and agreed for this to be made public, i.e.

That Council:

1. **Endorse the Investment Framework and Project Plan for the Armadale City Centre as attached to this agenda, including any minor edits required.**

2. **Note that as detailed feasibility business cases and designs are progressed proposals requiring a funding contribution from the City will be listed for future consideration as part of the preparation of the Long Term Financial Plan and annual budgets for Council's consideration.**

3. **On adoption of the Investment Framework and Project Plan by Council the document is to be made public**

MOTION not opposed, DECLARED CARRIED (13/0)

Cr K Busby returned to the meeting at 8.27pm

Recommendation D24/11/22 - LATE ITEM - Confidential Report - SAT Mediation - Reconsideration of Conditions - Extractive Industry Expansion (Stage 5) - Lot 9 Brookton Hwy, Karragullen

MOVED Cr M J Hancock

That Council adopt the recommendation as outlined in the Confidential Report.

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation CEO4/11/22 - Delegation of Power - Criminal Code (Referral Matter)

Council discussed the confidential report and amended the delegation and relevant policy.

MOVED Cr M S Northcott

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

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation CEO5/11/22 - 2022 Performance Review & Criteria for 2022-23 - Chief Executive Officer

J Abbiss, CEO declared a financial interest in this item on the basis that it relates to her contract of employment at the City and left the meeting at 8:34pm.

Part (1) of the Recommendation relating to the CEO KPIs was considered and no amendments were made.

Officers in attendance, except for Mrs S D'Souza, left the meeting at 8.38pm

MOVED Cr J Keogh that Standing Orders be suspended.
Motion Carried (14-0)

Part (2) of the Recommendation relating to the consultant's report on a review of the CEO's Total Reward Package was discussed.

MOVED Cr E Flynn that Standing Orders be resumed.
Motion Carried (14-0)

An amendment to the consultant's recommendation was put and adopted.

MOVED Cr S J Mosey, SECONDED Cr K Busby
OPPOSED Cr E J Flynn

That Council:

1. **Endorses the 2022-23 Key Performance Indicators (KPIs) for the CEO in accordance with Confidential Attachment-1.**
2. **Approves the CEO's Total Reward Package effective 1 July 2022 in accordance with the Confidential Attachment-2 as amended.**

MOTION DECLARED CARRIED (10/4)

MEETING OPENED TO PUBLIC
MOVED Cr M Northcott
That the meeting be opened to members of the public.
Motion Carried (14/0)
Meeting declared open at 8.56pm

Ms J Abbiss, Mr Lyon, Mr Andrews, Mr Sanders, Mrs van Aswegen and Ms Cranston returned to the meeting.
As no members of the public returned to the meeting there was no need for Resolution to D22/11/22 to be read aloud.

15 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 8:56pm

MINUTES CONFIRMED THIS 19 DECEMBER 2022

MAYOR