



**ORDINARY MEETING OF COUNCIL
MONDAY, 22 FEBRUARY 2021**

AGENDA

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AGENDA

REPORTS

**DEVELOPMENT SERVICES COMMITTEE MEETING
HELD ON 15 FEBRUARY 2021**

**CORPORATE SERVICES COMMITTEE MEETING
HELD ON 16 FEBRUARY 2021**

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, 22 FEBRUARY 2021

**JOANNE ABBISS
CHIEF EXECUTIVE OFFICER**

18 February 2021

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Leave of Absence previously granted to Cr H T Jones and Cr Silver

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

Nil

4 PUBLIC QUESTION TIME

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

Minimum time to be provided – 15 minutes (unless not required)

Policy and Management Practice EM 6 – Public Question Time has been adopted by Council to ensure the orderly conduct of Public Question time and a copy of this procedure can be found at <http://www.armadale.wa.gov.au/PolicyManual>.

It is also available in the public gallery.

The public's cooperation in this regard will be appreciated.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PETITIONS

7 CONFIRMATION OF MINUTES

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**8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT
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**9 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN
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BUSINESS ARISING FROM REPORT

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BY DECISION**

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WITHOUT DISCUSSION**

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

15 CLOSURE

CITY OF ARMADALE

MINUTES

**OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 15
FEBRUARY 2021 AT 7.00PM.**

PRESENT: Cr D M Shaw (Chair)
Cr C M Wielinga (Deputy Chair)
Cr R Butterfield
Cr C Frost
Cr J Munn CMC
Cr M S Northcott
Cr G J Smith

APOLOGIES: Nil

OBSERVERS: Cr S Peter

IN ATTENDANCE: Ms J Abbiss Chief Executive Officer
Mr P Sanders Executive Director Development Services
Mr G Windass A/Executive Manager Development Services
Mr G Dine Health Services Manager (*via Teams*)
Mrs N Cranfield Executive Assistant Development Services

PUBLIC: 1

*“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.

QUESTION TIME

Nil.

DEPUTATION

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 18 January 2021 be confirmed.

Moved Cr C Frost

MOTION CARRIED

(7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 2 - JAN 2021

Outstanding Matters & Information Items

Report on Outstanding Matters - Development Services Committee

Review before the State Administrative Tribunal (SAT)

Design Review Panel Meetings 2021

Health

Health Services Manager's Report - January 2121

Planning

Planning Applications Report - January 2121

Town Planning Scheme No.4 - Amendment Action Table

Subdivision Applications - WAPC Approvals/Refusals - January 2121

Subdivision Applications - Report on Lots Registered for 2020/2021

Compliance Officer's Report - January 2121

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

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15 FEBRUARY 2021

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1.1 - REVIEW OF LOCAL PLANNING POLICY PLN 2.4 - TREE PRESERVATION

WARD : ALL
FILE No. : M/70/21
DATE : 3 February 2021
REF : SF
RESPONSIBLE : EDDS
MANAGER

In Brief:

- The City's draft Corporate Business Plan, Action 2.5.2.1 identifies the need to 'develop a Local Planning Policy to increase the retention of Tree Preservation within new subdivisions and development'. The City has reviewed and included new requirements in its existing Local Planning Policy PLN 2.4 – 'Tree Preservation' which has been renamed PLN 2.4 – 'Landscape Feature and Tree Preservation'.
- Council at its meeting on 13th December 2020, adopted the amended Policy for the purposes of advertising for a period of 21 days. There were no submissions received during the advertising period.
- Recommend that Council adopt the amended Local Planning Policy PLN 2.4 'Landscape Feature and Tree Preservation Policy'.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

- 2.1.1 Preserve and improve natural areas
- 2.1.3 Ensure that developments are sensitive to pre-existing environmental values
- 2.2.2 Protect and enhance the character of the City's spaces and places.
- 2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.

Legal Implications

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Town Planning Scheme No.4
Local Planning Strategy 2016
WAPC's Liveable Neighbourhoods

Council Policy/Local Law Implications

PLN 2.4 - 'Tree Preservation'

Budget/Financial Implications

Nil.

Consultation

The review of Local Planning Policy PLN 2.4 'Tree Preservation' was undertaken in consultation with the following Directorates:

- Planning Services
- Environmental Services
- Engineering and Subdivision Design
- Parks Services

Following Council's decision on the 22nd November 2020 to adopt the amended Local Planning Policy PLN 2.4 'Landscape Feature and Tree Preservation', the Policy was advertised in accordance with Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 21 days.

BACKGROUND

Identified in the City's draft Corporate Business Plan is a number of actions associated with the need to increase the preservation of trees within new subdivisions and development, as well as an action to advocate for environmental offsets, such as tree planting within the City of Armadale municipal boundary. The actions are described below:

'2.1.7.4 Through planning and engineering policies and processes advocate for environmental offsets to be located within the City boundaries'

'2.5.2.1 Develop a Local Planning Policy and associated amendments to the City's engineering guidelines to increase the level of Tree Preservation within new subdivisions and developments'

As a precursor to Action 2.5.2.1 a Councillor item was raised by Cr Wielinga at the meeting of Council on the 23rd September 2019 requesting the following:

'The matter of a review of the Tree Preservation Policy be referred to the Development Services Committee'.

Whilst further details were not provided in support of the Councillor item it is understood the request related to Tree Preservation Orders in Road Reserves, which is proposed to be addressed in this report.

The City has an existing Local Planning Policy PLN 2.4 'Tree Preservation' which guides the retention of significant trees identified by the City and the community and outlines the procedures for ensuring their retention over the long term. The policy makes reference to a number of provisions in Town Planning Scheme No.4 (TPS No.4) that guide the retention of significant trees however the Policy is established for Tree Preservation Orders under Clause 80A which states the following:

"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 tree unless the Local Government grants approval or rescinds the notice or order."

The introduction of the Policy provides a list of the many different mechanisms to protect vegetation within the City. To enhance the preservation of significant environmental assets such as ‘Significant Trees’, the City has identified an opportunity to expand the scope of what is considered an environmental asset by considering ‘Landscape Features’. Landscape Features could include ‘groups of trees’, ‘water features’ or ‘topographical landscape features’ which may be worth retaining. By recognising ‘Landscape Features’ as an environmental asset the City can aim to preserve more of its natural environment when new structure plans, subdivisions and development is considered.

In addition to considering increasing the scope of significant environmental assets for consideration and protection, the City has also identified the need to further explore the need to provide specific guidance on identifying ‘Significant Trees’ and ‘Landscape Features’ during all phases of the planning, engineering and development processes. This is considered necessary to provide clarity on the investigations required to ensure significant environmental assets such as ‘Significant Trees’ and ‘Landscape Features’ are captured early in the planning and engineering studies phases and that there is continuity from the entire development cycle – i.e. planning, engineering to development. This approach is also seen as being aligned with the State Planning Framework, specifically the Western Australian Planning Commission’s (WAPC’s) ‘Liveable Neighbourhoods’ Policy which makes provision to consider the retention of environmental assets in the early phases of planning in predominately new growth areas. This is identified in Element 1 – Community Design under ‘Site and Context Analysis requirements’, specifically:

‘1.2 – Identify and respond to significant environmental assets such as landform, geology, areas of landscape significance, Environmental Policy Protection areas, bushlands, wetlands and foreshore reserves in the proposed urban structure’

‘1.3 – Enhance local identity by recognising and incorporating local character values, landmark, heritage, views and any other significant natural and cultural assets’

The City’s current policy also has the scope to consider introducing guidance on the issue of vegetation offsets in situations where trees may need to be removed and replacement trees provided as ‘environmental offsets’. A recent recommendation by Council to the WAPC on the Structure Plan for Lot 9006 Reilly Road and Lot 9005 Wright Road, Harrisdale (June 2020), advised the Federal Department of the Environment and Energy and the State Government Departments of Biodiversity, Conservation and Attractions, and Department of Water and Environmental Regulation of the City’s position to have *‘environmental offset funds obtained by the developers to be used to acquire land or provide environmental management of equivalent areas of Threatened Ecological Community or natural vegetation within the City of Armadale or adjoining Local Governments’*.

The City’s position on this Structure Plan and any future application can be formalised by being introduced into a Policy framework which will assist in providing guidance to developers when similar proposals come forward in the future. It is acknowledged that the City can advocate for this position to State and Federal agencies, who make most of the decisions on offsets.

The Policy does have the structure to be expanded to include provisions that aim to guide the retention of ‘Significant Trees’ and ‘Landscape Features’ throughout the entire planning and development process in addition to providing guidance on how to achieve ‘environmental offsets’ in the City’s municipal boundary. Accordingly, in place of establishing a new Local Planning Policy, the City is recommending the review of PLN 2.4 ‘Tree Preservation’ to incorporate the mentioned elements to achieve the Corporate Business Plan actions.

At its meeting on the 13th December 2020, Council resolved to adopt the amended Local Planning Policy PLN 2.4 ‘*Landscape Feature and Tree Preservation*’ (renamed) for the purposes of public consultation.

DETAILS OF PROPOSAL

The revised Local Planning Policy PLN 2.4 ‘*Landscape Feature and Tree Preservation*’ includes the following changes:

- Title of the Policy to change from ‘*Tree Preservation*’ to ‘*Landscape Feature and Tree Preservation*’;
- The need to identify significant landscape features and trees at various stages of the Planning, Engineering and Development process as reflected in the expanded ‘Policy Objectives’;
- The inclusion of definitions for ‘Landscape Feature(s)’ and ‘Significant Tree(s)’;
- Overview of when the Policy is to apply – i.e. at District Structure Plans, Local Structure Plans, Subdivision Applications, Development Applications and where individual nomination occurs for Tree Preservation Orders by the community or a Government organisation;
- Detailed overview of the information required by the City through the various planning stages – i.e. District Structure Plans, Local Structure Plans, Subdivision Applications, Development Applications, Civil Design, Earthworks and at Practical Completion (for subdivision works);
- Linking the relevance of the Policy to the State Planning Framework, specifically ‘Liveable Neighbourhoods’ which also seeks to identify and retain significant environmental assets as part of the Structure Plan and Subdivision process;
- The introduction of policy provisions to identify the preferred location of ‘environmental offsets’; and
- The Policy also includes provisions which relate to when a significant tree has been removed without the City’s authorisations.

A copy of the existing Policy with the proposed changes identified in red text and the revised Local Planning Policy PLN 2.4 ‘Landscape Feature and Tree Preservation’ is included in the Attachments.

Public Advertising of amended Local Planning Policy PLN 2.4 – ‘Landscape Feature and Tree Preservation’.

Public consultation was undertaken over a 21 day period and concluding on the 25th January 2021. Advertising was carried out by way of advertisements in the local newspapers and inclusion on the City’s “out for comment” section of its website. No submissions were received during the advertising period.

COMMENT

The City's current Local Planning Policy PLN 2.4 '*Tree Preservation*' works with the City's Town Planning Scheme No.4 and the City's established Policies and Practices to set the framework for the retention of significant trees, providing guidance to landowners and the City on the assessment of significant trees in relation to Tree Preservation Orders under Clause 80A of Schedule A of TPS No.4.

The amendments to the Local Planning Policy aim to expand the scope of the Policy to cover 'Landscape Features' which includes the identification of landscape elements such as groups of vegetation and / or trees or water bodies for retention in future subdivision and development. The Policy also brings into focus existing WAPC Policies such as Liveable Neighbourhoods Policy which encourages the retention of significant trees and landscape features as part of the Structure Planning and Subdivision process. By linking the Local Planning Policy to the State Government's Liveable Neighbourhoods Policy, the Policy will define how landowners / developers are to investigate and retain significant environmental assets during the Planning and Development process and in turn satisfy the City's objective to investigate and protect significant environmental assets as well as responding to the objectives of the Liveable Neighbourhoods Policy. The amended Policy will also support the City's role in providing advice on the Structure Plan and Subdivision process applications to the WAPC who determines these applications.

In addition the revised PLN 2.4 - '*Landscape Feature and Tree Preservation*' has been expanded to identify the various planning phases where consideration to Landscape Features and Significant Trees should be given and defines the information that is required to be prepared by proponents and submitted to the City for assessment. This includes the preparation of Landscape Feature and Tree Retention Strategies and Plans at the District Structure Plan, Local Structure Plan, Subdivision and Development stages. The Policy also provides guidance on what information is required at the Civil Design, Earthworks and Practical Completion stage of a project so that it captures the 'entire planning and development' cycle process. In response to these inclusions, the City's Subdivision Guidelines (engineering and water management strategies) will need to be updated should the Policy be adopted by Council.

To support the protection and enhancement of 'Landscape Features' and 'Significant Trees', the amended policy introduces provisions that outline the process to be taken when significant trees have been removed with or without prior authorization from the City. The provisions provide a framework for landowners / developers to follow which encourages replacement vegetation through 'environmental offsets' with guidance on where environmental offsets are to be provided. This includes a preference for vegetation to be provided through purchase of land or through planting within existing reserves within the City's municipal boundary. This may be a negotiated outcome, however the City may still be able to, prosecute such clearing under relevant legislation.

To enable the City's Policy to expand the scope of the protection of significant trees across the City's reserves (i.e. roads), text and notations that identify that there are other mechanisms to support the protection of trees in reserves rather than the use of Clause 80A of Schedule A of TPS No.4 has been removed from the Policy. The City can now consider invoking a Tree Protection Order on its reserves to ensure greater protection over its own environmental assets.

The new content of the revised policy has been carefully reviewed by the City through a Cross-Directorate approach, covering off various aspects touching on this issues including planning, subdivision design and engineering, parks and landscaping and environmental considerations. During the advertising period, the amended policy was referred to the Department for Planning, Lands and Heritage for consideration and no objections were received.

ANALYSIS

Procedure for amending a Local Planning Policy under Town Planning Scheme No.4

The making of Local Planning Policies is covered by Part 2 of Town Planning Scheme No.4. Briefly, the remaining procedure involves:

- Review or adopt (with or without modifications) the amended policy in the light of submissions; and
- If the City resolves to adopt the policy, publishing of a notice in a newspaper circulating in the district and if the policy affects the interests of the Western Australian Planning Commission, forwarding a copy of the Policy to the Commission.

The proposed policy may affect the interests of the Commission so it is recommended that a copy be forwarded to the Commission.

OPTIONS

That Council:

1. Resolve to adopt the amended Local Planning policy PLN 2.4 *'Landscape Feature and Tree Preservation'* (with our without modification).
2. Resolve not to adopt the amended Local Planning Policy PLN 2.4 *'Landscape Feature and Tree Preservation'* and provide reasons for doing so.

CONCLUSION

No submissions on the amended policy were received during the public consultation period nor were any received from the Western Australian Planning Commission. The revised Local Planning Policy PLN 2.4 *'Landscape Feature and Tree Preservation'*, will work alongside the City's Town Planning Scheme No.4, State Government Planning Policies (i.e. Liveable Neighbourhoods) and the City's established procedures and practices to provide a comprehensive framework for the City, landowners and developers. The revised policy will encourage stakeholders to identify significant Landscape Features and Trees early in the engineering and planning processes to ensure the best possible opportunity for their retention and enhancement through the entire subdivision and development process.

It is recommended that Council resolve to adopt the amended Local Planning Policy in accordance with Option 1 above.

ATTACHMENTS

1. [↓](#) Local Planning Policy PLN 2.4 Tree Preservation (with modifications)
2. Local Planning Policy PLN 2.4 Tree Preservation (final version)

RECOMMEND

D4/2/21

That Council:

1. **In accordance with Schedule 2, Part 2, clause 4 (3) and (4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopt the amended Local Planning Policy PLN 2.4 – Landscape Feature and Tree Preservation.**
2. **Publishes a notice in a newspaper circulating in the district stating the amended Local Planning Policy PLN 2.4 – Landscape Feature and Tree Preservation has been adopted.**
3. **Forward a copy of the Policy to the Western Australian Planning Commission.**
4. **Note that the City’s Subdivision Guidelines (engineering and water management strategies) will need to be updated to reflect the new Policy.**

Moved Cr C M Wielinga
MOTION CARRIED

(7/0)

1.2 - PROPOSED LOCAL PLANNING POLICY PLN 3.4 - DESIGNING OUT CRIME

WARD : ALL
FILE No. : M/77/21
DATE : 3 February 2021
REF : SW
RESPONSIBLE : EDDS
MANAGER

In Brief:

- An action arising from Strategic Community Plan Review workshops held early in 2020 was to develop a Local Planning Policy for Crime Prevention Through Environmental Design.
- The intent is that the Local Planning Policy should require specific development to incorporate designing out crime principles.
- In December 2020 Council resolved to advertise draft Local Planning Policy PLN 3.14.
- Draft Local Planning Policy PLN 3.14 was advertised for public comment from 31 December 2020 to 21 January 2021, and no submissions were received.
- Recommend that Council adopt Local Planning Policy PLN 3.14 without modification

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

1.2.3 Recognise initiatives to improve perceptions of safety.

2.5.1.1 Implement the Local Planning Strategy recommendations through amendments to TPS No.4, Structure Plans, Planning Policies and Strategies

Legal Implications

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No.4

Council Policy/Local Law Implications

PLN 2.9 - Landscaping
ENG 16 – Graffiti

Budget/Financial Implications

Nil.

Consultation

The draft policy was advertised to the public in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Community Engagement Strategy 2018/19 – 2022/23.

BACKGROUND

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the design, planning and structure of neighbourhoods. The application of CPTED principles to built-form design seeks to reduce the real or perceived opportunities for crime, largely through the improvement and on-going maintenance of surveillance.

Local Government assesses and determines development applications and has an opportunity, through that role, to apply CPTED principles to built-form design. That is already done to some extent, through the application of the Residential Design Codes to residential development and other design considerations, however opportunities exist to broaden the application of CPTED principles.

The following action was an outcome from Strategic Community Plan Review workshops held in January 2020 - March 2020:

“Key Actions under Community Outcome – 1.2 Improve Community Wellbeing

1.1.1.5 Development a Local Planning Policy for Crime Prevention Through Environmental Design”.

Local Planning Policy PLN3.14 responds to the requirements sought under the Strategic Community Plan.

Designing Out Crime Planning Guidelines

The Western Australian Planning Commission (WAPC) document *“Designing Out Crime Planning Guidelines”* was published in June 2006. This planning guideline has been earmarked for review, however a draft has not yet been released for comment.

Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015* provide for the preparation of Local Planning Policies, which can address matters such as neighbourhood planning and built-form design. The regulations also specify the process that should be followed in order to establish a Local Planning Policy.

DETAILS OF PROPOSAL

The draft policy would apply to a broad range of commercial, industrial and residential uses and addresses both large scale proposals, such as Structure Plans, and small to medium scale development applications. It would operate by:

- Explaining the relevant CPTED objectives and principles which are consistent with the abovementioned WAPC Guidelines; and
- Requiring that certain types of planning applications be accompanied by a CPTED statement: this statement will demonstrate, in checklist form, that the application has been prepared in accordance with the Policy principles.

Detailed assessment of the proposal will ensure that the design provides all of the required elements, as per the statements in the checklist. The submission of the CPTED Statement would become a statutory requirement in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, Clause 63(1)(d), which permits Local Authorities to request the submission of material accompanying a planning application.

CPTED statements would be provided for the following types of applications:

- New construction within areas zoned District Centre, Local Centre, Mixed Business/Residential, General Industry, Industrial Business and Strategic Regional Centre.
- Multiple Dwelling development of over 20 units;
- Development with an estimated cost exceeding \$2 million (including Development Assessment Panel determined applications); and
- Any other development which, in the view of the City of Armadale, may affect the perception of public safety.

A copy of the proposed Local Planning Policy and CPTED Statement checklist is presented in the Attachments to this report.

COMMENT

Outcomes from Public Advertising

Draft Local Planning Policy PLN 3.14 was advertised for public comment from 31 December 2020 to 21 January 2021, in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Community Engagement Strategy 2018/19 – 2022/23. No submissions were received during the advertising period.

Proposed Local Planning Policy

This proposed policy would:

- Complement the objectives of the City's Local Planning Strategy, which aims to facilitate the development of safe communities;
- Broaden and strengthen the application of CPTED principles to planning applications in the City's local context; and
- Be consistent with the intent of the WAPC's *Designing Out Crime Planning Guidelines* and the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Although the policy would establish criteria that an applicant would have to address, and the City subsequently assess and require, it is considered that the potential benefits of having a safer physical environment outweigh the costs associated with that additional work. The succinct format of the CPTED checklist is intended to be simple and easy to apply and assist in the application/assessment process as much as possible.

Modifications to CPTED Statement

The following potential improvements to the CPTED statement were noted during the advertising period, and have been incorporated into the attached version of the document:

- The addition of a column where the applicant can provide commentary on how their application addresses the relevant designing out crime requirements, or explain why their application does not address those requirements;
- Modification of the text about the carpark signage recommending that users lock their vehicle before leaving it.

These changes to the CPTED statement are not substantial and do not require re-advertising of the Policy.

ANALYSIS

Procedure for amending a Local Planning Policy under Town Planning Scheme No.4

The making of Local Planning Policies is covered by Part 2 of Town Planning Scheme No.4. Briefly, the remaining procedure involves:

- Review or adopt (with or without modifications) the amended policy in the light of submissions; and
- If Council resolves to adopt the policy, publishing of a notice in a newspaper circulating in the district and if the policy affects the interests of the Western Australian Planning Commission, forwarding a copy of the Policy to the Commission.

The proposed policy is considered unlikely to affect the interests of the Commission, therefore there is no need to refer the Policy to the Commission.

OPTIONS

1. Council could resolve to adopt the Local Planning Policy PLN 3.14 Designing Out Crime with or without modifications.
2. Council could resolve not to adopt Local Planning Policy PLN 3.14 Designing Out Crime.

CONCLUSION

The draft Local Planning Policy would facilitate development that would assist in reducing the likelihood of crime and anti-social behaviour. In this regard, Option 1 is recommended.

ATTACHMENTS

1. Local Planning Policy PLN 3.14 - Designing Out Crime Draft Version
2. Crime Prevention Through Environmental Design Statement checklist

RECOMMEND

D5/2/21

That Council:

1. **In accordance with Schedule 2, Part 2, clause 4 (3) and (4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopt Local Planning Policy PLN 3.14 - Designing Out Crime as attached.**
2. **Publishes a notice in a newspaper circulating in the district stating that Local Planning Policy PLN 3.14 - Designing Out Crime has been adopted without modifications.**

Moved Cr J H Munn
MOTION CARRIED

(7/0)

2.1 - LOCAL LAWS - HOARDING IN RESIDENTIAL AREAS (REFERRAL ITEM)

At the Council meeting held on 25th January 2021, Cr Munn referred the following matter to the Development Services Committee.

That the matter of a report on local laws to deal with hoarding in residential areas be referred to the Development Services Committee.

Comment from Cr Munn

Over the years there has been to my knowledge 4-5 cases of residents hoarding rubbish from miles around in their back and front gardens and often spilling out on the street verges. This has been to the disadvantage to their neighbours in continuing unsightliness, destruction of a pleasant street scape and making it almost impossible for them to sell their properties, without taking a huge loss.

Can we investigate eg. a Local Law which can deal with this problem? How do other Councils deal with this problem in a residential area?

Officer Comment

The City has dealt with over 20 hoarding properties in recent years under the various pieces of legislation. Hoarding continues to be a difficult and time consuming matter to resolve, particularly where individuals have health conditions.

The relevant legislation includes:

- The City's *Removal of Refuse, Rubbish and Disused Materials Local Laws* contains provisions to enable the City to issue Notices, undertake removal of rubbish and commence legal action to potentially recuperate costs.
- The City is able to issue a Directions Notice under Section 218 of the *Planning and Development Act 2005* for the unauthorised storage of household rubbish and items on a property to be removed within 60 days.
- In respect to the rubbish located inside a residence, the City has power to issue a Section 139 Notice under the *Health (Miscellaneous Provision) Act 1911*.
- The City's *Activities and Trading in Thoroughfares and Public Places Local Law and Litter Act 1979* contains provision to enable the City to issue notices for materials, rubbish and obstructions located on the verge.

The City is able to commence legal action against any landowner that fails to comply with any Notice issued under the respective legislation.

Whilst the legal framework is in place to prosecute and issue fines, unfortunately legal action is not always effective at resolving the problem of hoarding or removing rubbish. Specific details of the subject property and the City's actions to resolve the matter will be provided as part of a separate Memo to Councillors. The City has trialled a number of initiatives to resolve hoarding with the success often depending on the cooperation of the individuals involved and their personal circumstances.

ATTACHMENTS

There are no attachments for this report.

Committee Discussion

Committee discussed the various hoarding properties that the City has dealt with over recent years, the impacts of hoarding on the community, the expenditure of funds to resolve hoarding and the need to advocate for improvements in legislation to resolve problems of hoarding and/or removing rubbish.

RECOMMEND

D6/2/21

That Council request the Western Australian Local Government Association (WALGA) Zone representative to request an update from WALGA regarding the matter of hoarding.

**Moved Cr J H Munn
MOTION CARRIED**

(7/0)

2.2 - LIVEABLE NEIGHBOURHOODS DOCUMENT (REFERRAL ITEM)

At the Council meeting held on 25th January 2021, Cr Peter referred the following matter to the Development Services Committee.

That the matter of a report on the status of the State Government's Liveable Neighbourhoods document (version 2015) and also enquiring with WALGA to write to the WAPC seeking an update and requesting to progress the document to its adoption be referred to the Development Services Committee.

Comment from Cr Peter

Liveable Neighbourhoods (version 2015) form the policy has undergone a format restructure based on six elements to improve the application of its objectives and requirements. The new version resolves the policy conflict and duplication, particularly with the key provisions of existing WAPC development control policies related to road planning, school sites, and public open space.

As per the TSC report (T72/1/21), there were 14 footpath broken complaints in the 2019/20 period, but the actual damage may be far more than reported cases. Even though the real reason for the most reported cases is not directly connected to verge trees, there is a high chance of increasing the footpath damage caused by verge trees very soon because of the lack of verge reserve. It may cause financial and reputational damage and affect the safety of the pedestrians of the city.

I believe the real reason for the footpath damage caused by the verge trees is because of a lack of verge reserve under the current planning policy. I acknowledge the verge trees as a green asset to the City, and their vital role in stormwater flood mitigation, protection of road systems, reduction of wind speed and storm-related damage, urban shade and reduction of a heat island effect, improved air quality.

One of the vital benefits of the current version of Liveable Neighbourhoods is, it could provide more space for the verge trees to grow without causing damage to footpaths or roads.

Officer Comment

The Liveable Neighbourhoods Policy replaces the current Western Australian Planning Commission's (WAPC's) development control policies. The WAPC initiated a review of Liveable Neighbourhoods and released a document in 2015. To date, the WAPC has not progressed this Policy document to finalisation or an update. In November 2020, the WAPC advised that the review will be considered and finalised as part of the Design WA Project, which to date has involved review of the Residential Design Codes and the preparation of a Precinct Design Policy.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

D7/2/21

That Council request the Chief Executive Officer to write to the Western Australian Planning Commission (WAPC) and the Western Australian Local Government Association (WALGA) requesting an update on the status of the Liveable Neighbourhoods Version 2015 document.

**Moved Cr J H Munn
MOTION CARRIED**

(7/0)

COUNCILLORS' ITEMS

Nil

4.1 - NORMALISATION OF CHAMPION DRIVE PRECINCT

On the 24th December 2020, planning authority for the Champion Drive Precinct within the former Armadale Redevelopment Authority Area (now DevelopmentWA) was formally transferred from DevelopmentWA to the City of Armadale and Western Australian Planning Commission through an amendment to the *Metropolitan Redevelopment Authority Regulations Amendment (No.2) 2020* published in the Government Gazette.

Amendments to the Metropolitan Region Scheme and City of Armadale Town Planning Scheme No.4 to support the transfer of the planning framework have also been gazetted, with these amendments having becoming operational at the point of normalisation on 24th December 2020.

The Development Contribution Plan (DCP) which applied to the Champion Drive Precinct was formally rescinded at the point of normalisation. Rescinding of DevelopmentWA's DCP was previously supported by Council given that most of the infrastructure identified in the DCP had already been delivered or would normally be delivered by developers through normal subdivision and development requirements.

Upon the Champion Drive DCP being rescinded, DevelopmentWA transferred a total of \$260,156.52 to the City which represented the balance of funds that remain in the DCP at the point of normalisation. These funds may now be used on the provision of DCP works (including environmental requirements) in the Precinct area. A report will be presented to Council for consideration of proposals for the expenditure of these funds.

MEETING DECLARED CLOSED AT 7.36 PM

DEVELOPMENT SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
15 FEBRUARY 2021		
ATT NO.	SUBJECT	
1.1 REVIEW OF LOCAL PLANNING POLICY PLN 2.4 – TREE PRESERVATION		
1.1.1	Local Planning Policy PLN 2.4 Tree Preservation (with modifications)	
1.1.2	Local Planning Policy PLN 2.4 Tree Preservation (final version)	
1.2 PROPOSED LOCAL PLANNING POLICY PLN 3.4 - DESIGNING OUT CRIME		
1.2.1	Local Planning Policy PLN 3.14 - Designing Out Crime Draft Version	
1.2.2	Crime Prevention Through Environmental Design Statement checklist	

The above attachments can be accessed from the Minutes of the Development Services Committee meeting of 15 February available on the City's website

CITY OF ARMADALE

MINUTES

OF CORPORATE SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY,
16 FEBRUARY 2021 AT 7:00PM.

PRESENT:

- Cr JH Munn CMC (Chair)
- Cr C A Campbell JP (Deputy Chair)
- Cr R Butterfield (Deputy for Cr Jones)
- Cr E Flynn
- Cr K Busby
- Cr C Frost
- Cr G Nixon

APOLOGIES: Cr H T Jones (Leave of Absence)

OBSERVERS:

- Cr Peter
- Cr Northcott
- Cr Smith

IN ATTENDANCE:

Ms J Abbiss	Chief Executive Officer
Mr J Lyon	Executive Director Corporate Services
Mr P Sanders	Executive Director Development Services
Mr K Ketterer	Executive Director Technical Services
Mr N Kegie	A/Executive Director Community Services
Mr M Hnatojko	Executive Manager Corporate Services
Mr B D'Lima	Manager ICT
Mr K Yeoh	Manager Financial Services (<i>Via Teams</i>)
Mrs C Whittington	Community Facilities Planning Coord (<i>Via Teams</i>)
Mrs R Milnes	Manager Community Development
Mrs J Sutherland	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/your_council/councillors.”

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 Corporate Services Committee Meeting held on 8 December 2021 be confirmed.

**Moved Cr E J Flynn
MOTION CARRIED**

(7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

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

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1.1 - LIST OF ACCOUNTS PAID - JANUARY 2021

WARD : ALL
 FILE No. : M/65/21
 DATE : 2 February 2021
 REF : JS
 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 January to 31 January 2021 as well as the credit card statements for December 2020.

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
 4.3.1.1 Implement the Annual Budget as derived from the Corporate Business Plan

Legal Implications

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

6.10. Financial management regulations

Regulations may provide for —

- (d) *the general management of, and the authorisation of payments out of —*
- (i) *the municipal fund; and*
 - (ii) *the trust fund,*
- of a local government.*

Regulation 13(1), (3) & (4) of the *Local Government (Financial Management) Regulations 1996* refers, ie.

13. *Lists of Accounts*

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (3) *A list prepared under subregulation (1) is to be —*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*
- (4) *After the list referred to in subregulation (1) has been prepared for a month the total of all other outstanding accounts is to be calculated and a statement of that amount is to be presented to the council at the meeting referred to in subregulation (3)(a).*

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

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

Consultation

Nil

BACKGROUND

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

COMMENT

The List of Accounts paid for the period 1 January to 31 January 2021 is presented as an attachment to this report as well as the credit card statements for December 2020.

ATTACHMENTS

1. [1](#) Monthly Cheque Listing and Credit Card Summary

CS1/2/21

RECOMMEND

That Council note the List of Accounts paid as presented in the attachment to this report and summarised as follows:

Municipal Fund

Accounts paid totalling \$11,781,732.66 on Batch 2578-2586, Cheques 033168, 033172-033181, Direct Debits and PY01.15-PY01.16

Credit Card

Accounts Paid totalling \$1,458.73 for the period ended December 2020.

Moved Cr G Nixon**MOTION CARRIED****(7/0)**

1.2 - STATEMENT OF FINANCIAL ACTIVITY - DECEMBER 2020

WARD : ALL
 FILE No. : M/54/21
 DATE : 29 January 2021
 REF : MH
 RESPONSIBLE : Executive Director
 MANAGER : Corporate Services

In Brief:

- This Report presents the City's Monthly Financial Report for the six (6) month period ended 31 December 2020.
- This Report recommends accepting the Financial Report for the six (6) month period ended 31 December 2020, 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
 4.3.1.1 Implement the Annual Budget as derived from the Corporate Business Plan

Legal Implications

*Local Government Act 1995 – Part 6 – Division 3 – Reporting on Activities and Finance
 Local Government (Financial Management) Regulations – Part 4 – Financial Reports.*

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

The Statement of Financial Activity, as presented, refers and explains.

Consultation

Nil

BACKGROUND

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

COMMENT

Presented as an attachment is the Monthly Statement of Financial Activity for the six (6) month period ended 31 December 2020.

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

These indicators are:

Revenue

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

Expense

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

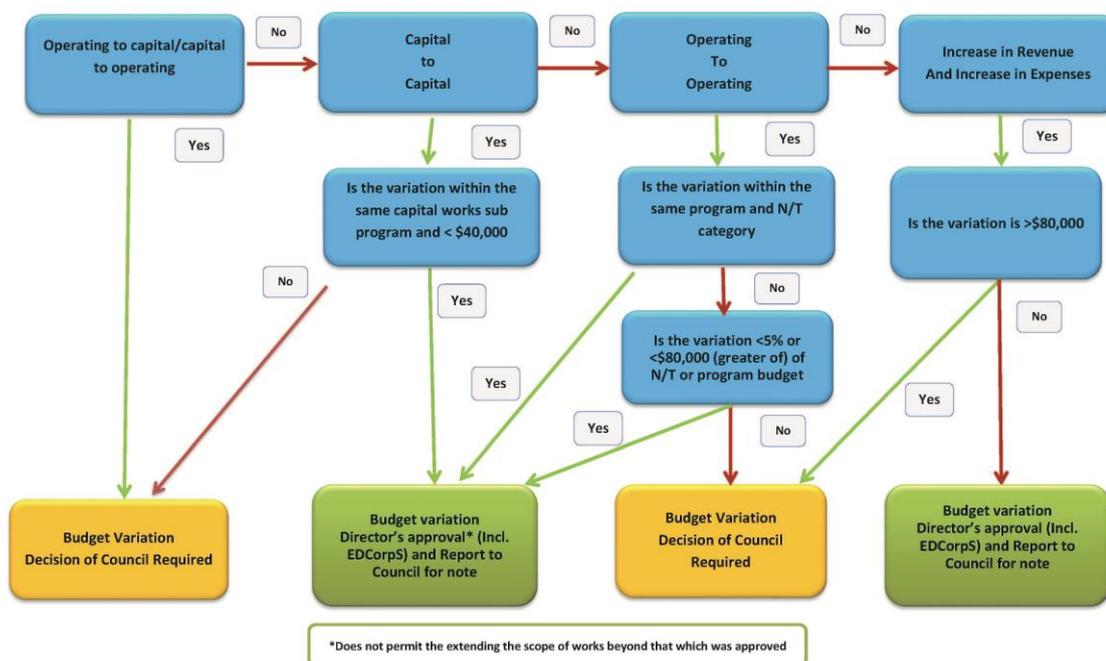
DETAILS OF PROPOSAL

At the 22 June Ordinary Meeting, Council adopted the Budget Variations Process Map. 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).



Budget Variation Process Map



Whilst there are a number of variances noted in the attached report, two matters are specifically brought to the attention of Council.

1. A review of the Annual Budget has revealed a budget error with respect to the application of the Australian Accounting Standards AASB 15 and AASB 1058. These new Standards were implemented for the FY20 Annual Financial Statements and the FY21 Annual Budget. A number of additional disclosures, notes and adjustments were required, and one adjustment to the Rate Setting Statement was omitted. This has been reported via memo to Council and it is intended to make a recommendation in the subsequent Monthly Financial Statements report to the end of January 2021.
2. Revenues continue to exceed year to date budget from Development Approvals (including building, planning and subdivisions), property settlements and interim rates. This has been a direct result of the Government's economic stimulus package and a buoyant property market.

ATTACHMENTS

1. December 2020 - Monthly Financial Statement

RECOMMEND

CS2/2/21

That Council:

1. **pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accepts the Statement of Financial Activity for the six (6) month period ended 31 December 2020;**
2. **notes that there are reportable actual to budget material variances for the period; and**
3. **notes the correction to the 2021 Annual Budget and the officer's advice that a recommendation will be made to Council in the next Monthly Financial Statement report (Year-to-Date January 2021).**

Moved Cr C Frost**MOTION CARRIED****(7/0)**

1.3 - STATEMENT OF FINANCIAL ACTIVITY - JANUARY 2021

WARD : ALL
 FILE No. : M/55/21
 DATE : 29 January 2021
 REF : MH
 RESPONSIBLE : Executive Director
 MANAGER : Corporate Services

In Brief:

- This Report presents the City's Monthly Financial Report for the seven (7) month period ended 31 January 2021.
- This Report recommends accepting the Financial Report for the seven (7) month period ended 31 January 2021, noting there are reportable actual to budget material variances for the period.
- This Report also recommends that the adopted 2020/21 Annual Budget be amended by;
 - Decreasing the transfer to Asset Renewal Reserve by \$1.24M from \$1.62M to \$0.38M
 - Decreasing the transfer to Civic Precinct Reserve by \$2M from \$2.5M to \$0.5M

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
 4.3.1.1 Implement the Annual Budget as derived from the Corporate Business Plan

Legal Implications

Local Government Act 1995 – Part 6 – Division 3 – Reporting on Activities and Finance
Local Government (Financial Management) Regulations – Part 4 – Financial Reports.

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

The Statement of Financial Activity, as presented, refers and explains. In the preparation of the 20/21 Annual Budget, an application of new Accounting Standards was incorrectly applied by officers and a correction is now required.

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

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:

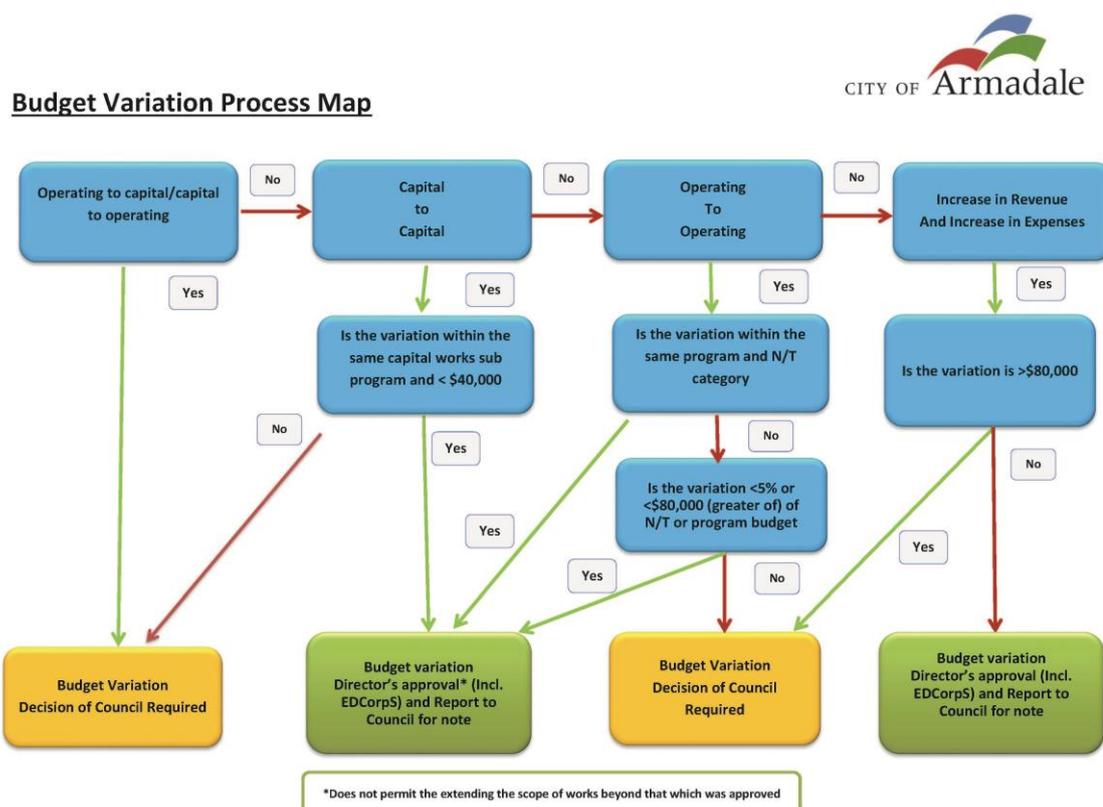
1. **Period Variation**
Relates specifically to the value of the Variance between the Budget and Actual figures for the period of the report.
2. **Primary Reason**
Explains the primary reasons for the period Variance. As the report is aimed at a higher level analysis, minor contributing factors are not reported.

3. Budget Impact

Forecasts the likely \$ 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 22 June Ordinary Meeting, Council adopted the Budget Variations Process Map. 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 OF PROPOSAL

Presented as an attachment is the Monthly Statement of Financial Activity for the seven (7) month period ended 31 January 2021. The statements show the 20/21 Annual Budget is out of balance in contract liabilities by \$3.234M.

The contract liabilities position in the 2021 Annual Budget resulted from the incorrect application by officers of a change to the Accounting Standards (AASB 1058) and the impact on the Statutory Rate Setting Statement (Reg 22 and 32) in the budget, required under the *Local Government (Financial Management) Regulations 2006*.

The position specifically relates to the movement in the Developer Contribution Scheme liability and a final accounting step that was omitted. The treatment resulted in municipal funds being allocated in the budget, which were not available.

There are a range of options available to Council to address this issue. These options include:

- reducing the transfers to cash reserves; and/or
- drawing on other reserves (Future Projects) to supply the funds; and/or
- reprioritising capital works; and/or
- drawing on the FY20 surplus that was set aside in cash reserves for the Harrisdale Library project; and/or
- identifying cuts to operating expenditure; and/or
- carrying the position into next financial year.

The basis for the City officer recommendation on how to address the correction required for the 20/21 Budget is to find a solution that has the least material impact on the planned projects and operations.

Therefore the recommendation would be to reduce currently planned transfers to reserves specifically;

	FY21 Original Budget	FY21 Amended Budget	Proposed Variation
Transfer to Asset Renewal	\$1,623,800	\$383,800	(\$1,240,000)
Transfer to Civic Precinct	\$2,500,000	\$500,000	(\$2,000,000)

ATTACHMENTS

1. January 2021 - Monthly Financials - Council

Officer's Report Recommendation

That Council:

1. pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accepts the Statement of Financial Activity for the seven (7) month period ended 31 January 2021;
2. notes that there are reportable actual to budget material variances for the period; and
3. AMENDS the adopted 20/21 Budget by;
 - (a) Decreasing the transfer to Asset Renewal Reserve by \$1.24M from \$1.62M to \$0.38M; and
 - (b) Decreasing the transfer to Civic Precinct Reserve by \$2M from \$2.5M to \$0.5M.

Committee Discussion

Committee discussed the options on whether to decrease the transfer to Asset Renewal Reserve or the transfer to Civic Precinct Reserve. Committee agreed to amend the recommendation by deleting part (a) and decreasing the transfer to Civic Precinct Reserve by \$2.5M. The recommendation is amended to reflect this.

RECOMMEND

CS3/2/21

That Council:

- 1. pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accepts the Statement of Financial Activity for the seven (7) month period ended 31 January 2021;**
- 2. notes that there are reportable actual to budget material variances for the period; and**
- 3. AMENDS the adopted 20/21 Budget by decreasing the transfer to Civic Precinct Reserve by \$2.5M from \$2.5M to \$0M.**

**Moved Cr G Nixon
MOTION CARRIED**

(7/0)

1.4 - RATE EXEMPTION APPLICATIONS - FOUNDATION HOUSING LIMITED - LOT 13 - 81 DOORIGO ARMADALE

WARD : PALOMINO
 FILE No. : M/409/20
 DATE : 17 July 2020
 REF : SW
 RESPONSIBLE : Executive Director
 MANAGER : Corporate Services

In Brief:

- This Report presents rates exemption application from Foundation Housing Limited for the property at 81 Doorigo Road Armadale, used for crisis accommodation.
- The Report recommends that an exemption is granted on 81 Doorigo Road Armadale whilst used for crisis accommodation.

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

Nil

Strategic Implications

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

Legal Implications

Local Government Act 1995

s6.26 Rateable land

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
 (i) *land used exclusively for charitable purposes;*

Charities Act 2013

12 Definition of charitable purpose

(1) In any Act:

charitable purpose means any of the following:

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

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

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

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

The completed application for rates exemption was received on 9 June 2020 and subsequently, the City corresponded with the Applicant over the ensuing months to confirm details and seek additional information to support the application.

The property changed usage on 5 December 2019. The rates revenue reduction if a rates exemption was granted would be:

GRV General Rates 2019/20	\$ 676.67
GRV General Rates 2020/21	\$1,179.00
	<u>\$1,855.67</u>

Consultation

Applicant – Foundation Housing Limited

BACKGROUND

Within the City there are currently two hundred and eight four (284) properties meeting the criteria for non-rateable land, in accordance with section 6.26 of the *Local Government Act 1995*. Notionally, the value of rates forgone in 2019/20 was \$1.4M.

This is the first rates exemption application in 2020/21 under section 6.26(2)(g) relating to charitable purpose.

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

Year	Properties	Estimated Rates
2014/15	36	\$332,366
2015/16	38	\$355,612
2016/17	44	\$416,030
2017/18	51	\$462,258
2018/19	64	\$583,000
2019/20	111	\$786,208
2020/21	0	\$0.00

The Applicant, Foundation Housing Limited currently has a rates exemption on two other properties under the City, which are used for housing people with disabilities. This property is leased from Housing Authority. Foundation Housing Limited has stated that the housing is used for crisis care accommodation under the crisis accommodation program.

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

- Constitution of Foundation Housing.
- General Purpose Financial Report for the year ended June 30 2019.
- Notice of Endorsement for Charity Tax Concessions.
- Certificate of Registration of a Company.
- Community Housing Agreement with Department of Housing.

DETAILS OF PROPOSAL

Foundation Housing Limited have applied for a rates exemption on a single property, 81 Doorigo Road Armadale under the *Local Government Act 1995* Section 6.26(g) “land used exclusively for charitable purposes”. Through discussions with the applicant it has been advised that the property is used for crisis care accommodation under the crisis accommodation program.

COMMENT

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

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

- (a) the purpose of preventing and relieving sickness, disease or human suffering;
- (c) the purpose of relieving the poverty, distress or disadvantage of individuals or families;

It has been assessed that the crisis care accommodation is for public benefit through preventing and relieving sickness, disease, human suffering, poverty, distress or disadvantage of individuals or families.

CONCLUSION

It is recommended that Council approve the application for 81 Doorigo Road Armadale whilst used for crisis care accommodation.

ATTACHMENTS

1. Rates Exemption Application and supporting documents - 81 Doorigo Road - *This matter is considered to be confidential under Section 5.23(2) (e iii) of the Local Government Act, as it deals with the matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person*

RECOMMEND

CS4/2/21

That Council pursuant to Section 6.26(2) (g) of the *Local Government Act 1995* approves a rates exemption on property assessment 21614 Lot 13, 81 Doorigo Road Armadale, owned by Housing Authority, leased by Foundation Housing Limited effective from 5 December 2019 on the basis the land is and continues to be used exclusively for the charitable purposes of crisis care accommodation.

Moved Cr C A Campbell
MOTION CARRIED

(7/0)

1.5 - RATES CONCESSION OPTIONS 2021

WARD : ALL
 FILE No. : M/87/21
 DATE : 8 February 2021
 REF : MH
 RESPONSIBLE : Executive Director
 MANAGER : Corporate Services

In Brief:

- This report provides options for the limiting of Rates for FY 21/22.
- Recommend that Council considers the options in this Report as part of the City's COVID-19 Response and Recovery in the 21/22 Annual Budget deliberations.

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

Nil

Strategic Implications

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

Legal Implications

Local Government Act 1995 – Section 6.28 Basis of Rates
Local Government Act 1995 – Section 6.47 Rates Concession

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Outlined within this report.

Consultation

Council - Via Cr Munn Referral Matter (CS61/11/20)

BACKGROUND

This report is in response to the Councillor Referral Matter raised by Cr Munn whereby Council adopted on 23 November 2020:

“That Council receives a report on the possibility of and options for capping rate increases in 2021.”

COMMENT

In its response to the COVID-19 pandemic, Council provided a rates freeze as a key component of the 20/21 Budget.

Council in this Budget agreed to subsidise 16,311 properties through an allocation of \$1.87M from the COVID-19 Response and Recovery Reserve. The application of a rates concession was necessary due to the State Government’s decision not to defer the implementation of the general revaluation.

In a general revaluation, a redistribution of values means that some property rates go up and some go down. It does not necessarily mean that the Local Government will receive any more rates. It is essentially a mechanism to split the total rates required to fund the annual budget between neighbours within suburbs and between suburbs.

In order for the City to freeze its rates revenue and meet its commitment for ratepayers to not pay more than the previous year, Council decided to apply a rates concession to 16,311 properties out of the total of 37,190, who would have otherwise actually experienced a rates increase due to the general revaluation.

The City will soon be completing its deliberations on the 4 Year Budget in conjunction with the Corporate Business Plan and the Long Term Financial Plan, which will be reviewed in March 2021. These documents will help inform a rating strategy that will be applied in the preparation of the 21/22 Annual Budget.

Financial Implications

The COVID-19 Response and Recovery Reserve currently has an available balance of \$1.6M. The purpose of the Reserve is to fund the response and recovery actions of the City during the Pandemic so could be used to provide a further concession to the rate payers.

The table of potential options below uses various forms of concession amounts and totals on both residential and all categories of properties. It has been created to highlight a number of different ways and the different costs to the City that would be applicable for all of the options, if one of them is adopted for the 21/22 Annual Budget. The table is also provided as an attachment.

It assumes that Council again freezes its total rate revenue (excluding interim rates).

COVID-19 Concession FY22		Total # Properties	Concession # Properties	Full Concession (Total)	Full Concession (Average)	FY22 Concession Allocation	FY22 Concession Limit	FY22 Concession Limit (Average)	# Prop <25% of full concession	# Prop 25%<50% of full concession	# Prop 50%<75% of full concession	# Prop ≥75% of full concession	# Prop Total
Option 1: \$500,000: Residential	Residential	33,884	15,540	\$1,249,524	\$80	\$500,000	\$37.50	\$32	856	4,466	3,453	6,765	15,540
Option 2: \$500,000: All Categories	Residential	33,884	15,540	\$1,249,524	\$80	\$475,713	\$35.30	\$31	1074	4,837	3,577	6,052	15,540
	Business	1,057	291	\$362,700	\$1,246	\$10,032	\$35.30	\$34	110	77	42	62	291
	Vacant	2,249	480	\$255,638	\$533	\$14,711	\$35.30	\$31	125	78	83	194	480
	TOTAL	37,190	16,311	\$1,867,862	\$114.52	\$500,456		\$31	1309	4,992	3,702	6,308	16,311
Option 3: \$1,000,000: Residential	Residential	33,884	15,540	\$1,249,524	\$80	\$1,000,895	\$145.00	\$64	77	66	242	15,155	15,540
Option 4: \$1,000,000: All Categories	Residential	33,884	15,540	\$1,249,524	\$80	\$945,068	\$110	\$61	99	150	614	14,677	15,540
	Business	1,057	291	\$362,700	\$1,246	\$23,901	\$110	\$82	45	39	25	182	291
	Vacant	2,249	480	\$255,638	\$533	\$31,141	\$110	\$65	79	27	16	358	480
	TOTAL	37,190	16,311	\$1,867,862	\$114.52	\$1,000,110		\$61	223	216	655	15,217	16,311
Option 5: \$1,600,000: Residential <i>(only \$1.249M required)</i>	Residential	33,884	15,540	\$1,249,524	\$80	\$1,249,524	Nil	\$80	0	0	0	15,540	15,540
Option 6: \$1,600,000: All Categories	Residential	33,884	15,540	\$1,249,524	\$80	\$1,215,749	\$10,300	78	0	2	1	15,537	15,540
	Business	1,057	291	\$362,700	\$1,246	\$181,008	\$10,300	622	2	0	4	285	291
	Vacant	2,249	480	\$255,638	\$533	\$203,298	\$10,300	424	1	0	2	477	480
	TOTAL	37,190	16,311	\$1,867,862	\$114.52	\$1,600,055		\$98	3	2	7	16,299	16,311
Option 7: \$50 cap: Residential	Residential	33,884	15,540	\$1,249,524	\$80	\$621,653	\$50.00	\$40	362	3,270	2,680	9,228	15,540
Option 8: \$50 cap: All Categories	Residential	33,884	15,540	\$1,249,524	\$80	\$621,653	\$50	\$40	362	3,270	2,680	9,228	15,540
	Business	1,057	291	\$362,700	\$1,246	\$23,661	\$50	\$47	93	48	47	103	291
	Vacant	2,249	480	\$255,638	\$533	\$19,280	\$50	\$40	111	55	42	272	480
	TOTAL	37,190	16,311	\$1,867,862	\$114.52	\$664,594		\$41	566	3,373	2,769	9,603	16,311
Option 9: \$100 cap: Residential	Residential	33,884	15,540	\$1,249,524	\$80	\$912,900	\$100.00	\$59	111	251	841	14,337	15,540
Option 10: \$100 cap: All Categories	Residential	33,884	15,540	\$1,249,524	\$80	\$912,900	\$100	\$59	111	251	841	14,337	15,540
	Business	1,057	291	\$362,700	\$1,246	\$22,533	\$100	\$77	47	46	19	179	291
	Vacant	2,249	480	\$255,638	\$533	\$29,524	\$100	\$62	84	27	19	350	480
	TOTAL	37,190	16,311	\$1,867,862	\$114.52	\$964,957		\$59	242	324	879	14,866	16,311

A snapshot of each Option has been prepared which has calculated what the average rate change would be by suburb if the option is adopted as part of the 21/22 Annual budget.

Option 1

Based on **Residential Properties** only, with a total concession of **\$500,000**, yielding an average concession of \$32.

To interpret the table, the final four columns can be read as:

- 6,765 residential properties receive 75% or more of the 2020/21 concession;
- 3,453 residential properties receive a concession of between 50% to 75% of the 2020/21 concession;
- 4,466 residential properties receive a concession of between 25% to 50% of the 2020/21 concession;
- 856 residential properties receive a concession of 25% or less of the 2020/21 concession; and
- 18,344 residential properties have no change to the 2020/21 property rates.

Option 2

Based on **All Properties**, with a total concession of **\$500,000**, yielding an average concession of \$31.

To interpret the table, the final four columns can be read as:

- 6,308 of all properties receive 75% or more of the 2020/21 concession;

- 3,702 of all properties receive a concession of between 50% to 75% of the 2020/21 concession;
- 4,992 of all properties receive a concession of between 25% to 50% of the 2020/21 concession;
- 1,309 of all properties receive a concession of 25% or less of the 2020/21 concession; and
- 20,879 of all properties have no change to the 2020/21 property rates.

Option 3

Based on **Residential Properties** only, with a total concession of **\$1,000,000**, yielding an average concession of \$64.

To interpret the table, the final four columns can be read as:

- 15,155 residential properties receive 75% or more of the 2020/21 concession;
- 242 residential properties receive a concession of between 50% to 75% of the 2020/21 concession;
- 66 residential properties receive a concession of between 25% to 50% of the 2020/21 concession;
- 77 residential properties receive a concession of 25% or less of the 2020/21 concession ; and
- 18,344 residential properties have no change to the 2020/21 property rates.

Option 4

Based on **All Properties**, with a total concession of **\$1,000,000**, yielding an average concession of \$61.

To interpret the table, the final four columns can be read as:

- 15,217 of all properties receive 75% or more of the 2020/21 concession;
- 655 of all properties receive a concession of between 50% to 75% of the 2020/21 concession;
- 216 of all properties receive a concession of between 25% to 50% of the 2020/21 concession;
- 223 of all properties receive a concession of 25% or less of the 2020/21 concession; and
- 20,879 of all properties have no change to the 2020/21 property rates.

Option 5

Applies to every **Residential Property** that would have otherwise been subject to an increase as a result of the general revaluation resulting in a cost of \$1.249M. It leaves \$250,000 in the COVID-19 Response and Recovery Reserve.

Option 6

Utilises the **Full Funds Available in the COVID-19 Response and Recovery Reserve for All Properties** i.e. \$1.6M. The average limit is \$98.

To interpret the table, the final four columns can be read as:

- 16,299 of all properties receive 75% or more of the 2020/21 concession;
- 7 of all properties receive a concession of between 50% to 75% of the 2020/21 concession;
- 2 of all properties receive a concession of between 25% to 50% of the 2020/21 concession;
- 3 of all properties receive a concession of 25% or less of the 2020/21 concession; and
- 20,879 of all properties have no change to the 2020/21 property rates.

Option 7

Based on **Residential Properties** only, with a **Concession Limit of \$50**, total concession of \$621,000, yielding an average concession of \$40.

To interpret the table, the final four columns can be read as:

- 9,228 residential properties receive 75% or more of the 2020/21 concession;
- 2,680 residential properties receive a concession of between 50% to 75% of the 2020/21 concession;
- 3,270 residential properties receive a concession of between 25% to 50% of the 2020/21 concession;
- 362 residential properties receive a concession of 25% or less of the 2020/21 concession; and
- 18,344 residential properties have no change to the 2020/21 property rates.

Option 8

Based on **All Properties**, with a **Concession Limit of \$50**, total concession of \$664,000, yielding an average concession of \$41.

To interpret the table, the final four columns can be read as:

- 9,603 of all properties receive 75% or more of the 2020/21 concession;
- 2,769 of all properties receive a concession of between 50% to 75% of the 2020/21 concession;
- 3,373 of all properties receive a concession of between 25% to 50% of the 2020/21 concession;
- 566 of all properties receive a concession of 25% or less of the 2020/21 concession; and
- 20,879 of all properties have no change to the 2020/21 property rates.

Option 9

Based on **Residential Properties** only, with a **Concession Limit of \$100**, total concession of \$913,000, yielding an average concession of \$59.

To interpret the table, the final four columns can be read as:

- 14,337 residential properties receive 75% or more of the 2020/21 concession;

- 841 residential properties receive a concession of between 50% to 75% of the 2020/21 concession;
- 251 residential properties receive a concession of between 25% to 50% of the 2020/21 concession;
- 111 residential properties receive a concession of 25% or less concession of the 2020/21 concession; and
- 18,344 residential properties have no change to the 2020/21 property rates.

Option 10

Based on **All Properties** only, with a **Concession Limit of \$100**, total concession of \$964,000, yielding an average concession of \$59.

To interpret the table, the final four columns can be read as:

- 14,866 of all properties receive 75% or more of the 2020/21 concession;
- 879 of all properties receive a concession of between 50% to 75% of the 2020/21 concession;
- 324 of all properties receive a concession of between 25% to 50% of the 2020/21 concession;
- 242 of all properties receive a concession of 25% or less of the 2020/21 concession; and
- 20,879 of all properties have no change to the 2020/21 property rates.

Further Comment

The speed at which the Pandemic Emergency situation can change was experienced by all West Australians on Sunday 31 January 2021, with the announcement by the Premier of a snap five day lock down. W.A. was fortunate in that (at the time of reporting), no new cases through community transmission have been experienced since the lock down.

The Federal Government have advised that the roll out of the COVID-19 vaccine will happen in stages based on categories of risk, with emergency services personnel, the sick and the elderly being the first priority.

By the end of October, it is expected that the vaccine will have been made available to all Australians.

CONCLUSION

There are a number of different concession options that Council could consider to assist rate payers which could be funded predominately from the COVID-19 Response and Recovery Reserve. However, it is not recommended to determine an option in the absence of considering the full context of the City's financial position through the Annual Budget.

ATTACHMENTS

1. Rates Concession Options 2021

RECOMMEND

CS5/2/21

That Council considers the information in this Report as part of the City's COVID-19 Response and Recovery response in the 21/22 Annual Budget deliberations, informed further by the Pandemic Emergency status and the Federal and State Government's advice and response at that time.

Moved Cr C Frost

MOTION CARRIED**(7/0)**

**

2.1 - 2021 ORDINARY COUNCIL ELECTIONS

WARD : ALL
FILE No. : M/688/20
DATE : 6 January 2021
REF : NP
RESPONSIBLE : Executive Director
MANAGER : Corporate Services

In Brief:

Council is requested to declare;

- the Western Australian Electoral Commissioner (WAEC) responsible for the conduct of the 2021 Ordinary Election or poll;
- the Western Australian Electoral Commissioner responsible for the conduct of any other election or poll that may arise between now and the 2023 Ordinary election;
- that all elections or polls conducted during this time be undertaken using the postal method.

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 Visionary Civic Leadership and sound Governance
4.1.3 Support the role of the elected body

Legal Implications

Local Government Act 1995 & associated Election Regulations

- s.4.7 – Ordinary elections day usually the third Saturday in October
s.4.20(4) – Appointment of the WAEC to conduct the election
s.4.61(2)(5)&(6) – Postal Voting Method

Council Policy/Local Law Implications

Policy ADM 24 – Election Signs

Budget/Financial Implications

Election costs of the two elections which occurred in 2017 and 2019 have been \$169,000 and \$188,000 respectively. The 2021 Council election cost estimate is approximately \$210,000 to \$230,000 (Inc GST), which is provided for in the draft four year budget and Long Term Financial Plan. The estimate is based on seven vacancies and a participation rate of around 35% of the total 58,000 electors.

Consultation

Western Australian Electoral Commission (WAEC)

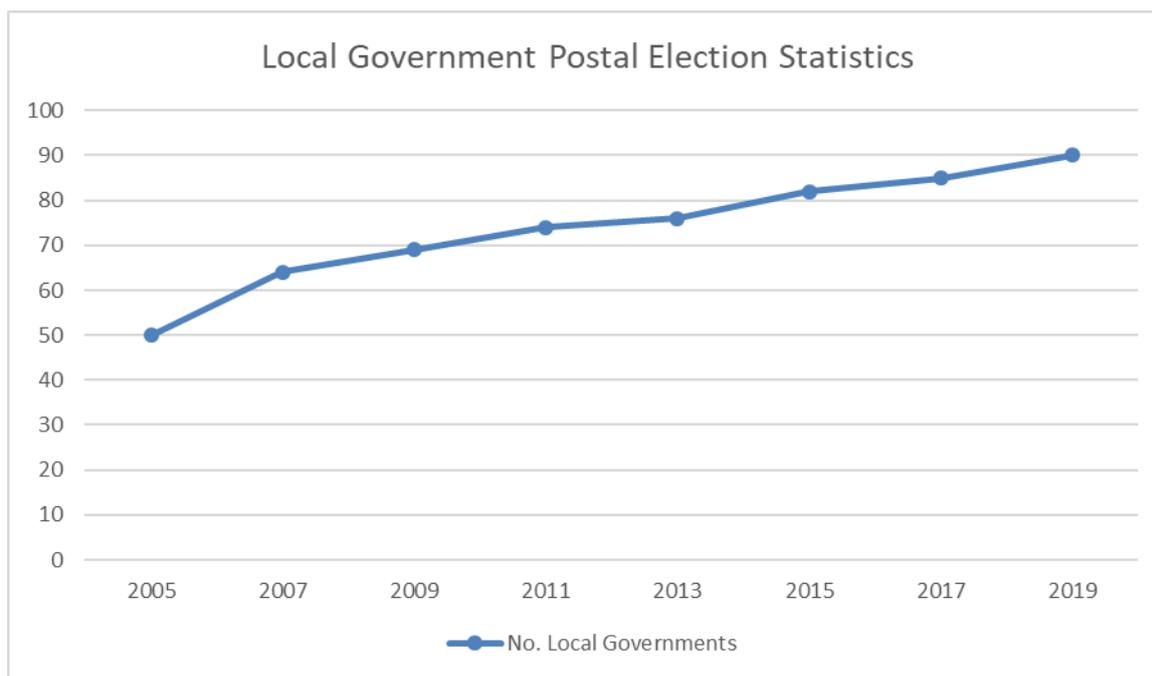
BACKGROUND

Section 4.61 of the *Local Government Act 1995* provides that a local Government may decide the method of conducting a Local Government election. The two methods available are a postal election or a voting in person election.

Council has opted to use the “Postal” election method rather than the “In-Person” method since 1997. Past year ordinary election statistics are:

Year	No. Ward Elections Held	Total No. of Electors	Turnout performance %	Actual Total Cost \$ (ex GST)
2005	4	19,406	35.80%	\$48,300
2007	6	29,975	31.28%	\$73,000
2009	6	30,693	30.60%	\$77,600
2011	6	32,636	26.33%	\$95,400
2013	6	35,776	27.07%	\$104,330
2015	7	43,988	24.31%	\$127,400
2017	6	43,383	33.20%	\$168,587
2019	7	54,154	26.90%	\$187,834

In 2019, 90 local governments had the WAEC conduct their postal elections, which represents a continual increase in local governments opting for the postal method since 2005 (Refer to following graph).



DETAILS OF PROPOSAL

The next local government ordinary elections are to be held on Saturday 16 October 2021.

Correspondence received from the Western Australian Electoral Commissioner advises, in part, as follows:

“The current procedure required by the Local Government Act 1995 is that my (The WA Electoral Commissioner) written agreement has to be obtained before the vote is taken. To facilitate the process, you can take this letter as my agreement to be responsible for the conduct of the ordinary elections in 2021 for the City of Armadale in accordance with section 4.20(4) of the Local Government Act 1995, together with any other elections or polls that may also be required. My agreement is subject to the proviso that the City also wishes to have the election undertaken by the WAEC as a postal election.”

To facilitate the City’s 2021 ordinary elections being conducted on a postal voting basis, the necessary declarations have to be made by Council by **28 July 2021** at the latest.

COMMENT

Under current legislation, only the WAEC is permitted to conduct postal voting services. WALGA has for a number of years advocated that Local Governments be given a choice of postal election providers e.g. Australian Electoral Commission, primarily to achieve cost competitiveness, the City has previously supported this WALGA position.

It is considered prudent for Council to extend its declaration to include any other election (including extraordinary) that may occur between now and the 2021 ordinary elections. This would then allow the WAEC to conduct any election necessary to fill any vacancy that may arise thereby reducing any procedural delays

OPTIONS

The (2) options available to Council to conduct the 2021 Ordinary Elections and any other elections/polls are:

1. *a postal election* which according to current legislation must be conducted by the WAEC, or
2. *an in-person election* conducted by the City's CEO.

Option 1 is considered more convenient for electors and is more likely to result in increased participation rates than in-person elections.

CONCLUSION

It is proposed that the City's 2021 ordinary elections continue to be conducted on a postal election basis, and accordingly, the WA Electoral Commissioner be declared responsible for the conduct of these elections.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

CS6/2/21

That Council:

1. **in accordance with section 4.20(4) of the *Local Government Act 1995* the Western Australian Electoral Commissioner to be responsible for the conduct of the 2021 City of Armadale ordinary elections together with any other elections or polls which may also be required between this resolution date and the 2023 ordinary elections; and**
2. **in accordance with section 4.61(2) of the *Local Government Act 1995* all elections and polls as referred to in part (1) be conducted on a postal basis.**

ABSOLUTE MAJORITY RESOLUTION REQUIRED

Moved Cr K Busby
MOTION CARRIED

(7/0)

***3.1 - COMMUNITY SPORTING & RECREATION FACILITIES FUND GRANT
OUTCOMES AND IMPLICATIONS - FORRESTDALE HUB AND MORGAN PARK***

WARD : MINNAWARRA
FILE No. : M/863/20
DATE : 21 December 2020
REF : CW
RESPONSIBLE : Executive Director
MANAGER : Corporate Services

In Brief:

In September 2020, Council resolved (C26/9/20) to submit applications for the Community Sporting and Recreation Facilities Fund (CSRFF), 2021-2022 Funding Round, for the Forrestdale Hub Sporting Facilities and Morgan Park projects.

The outcome of the grant applications has now been advised and was less than applied for. This report considers options to allow project planning to continue for delivery in 2021-22 as planned.

Recommend that Council:

- Consider an increase of the loan amount included in the draft budget documents for Forrestdale Hub from \$2,145,000 to \$2,840,000.
- Consider an increase of the loan amount included in the draft budget documents for Morgan Park from \$3,070,000 to \$3,610,000.
- Instruct the Chief Executive Officer to direct staff to continue to explore external funding and advocacy opportunities.

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 Active community life that is safe and healthy
1.2.2 Provide opportunities to improve health outcomes for everyone

- 1.3 The community has the services and facilities it needs
 - 1.3.1 Plan for services and facilities in existing and emerging communities
 - 1.3.2 Deliver services
- 2.3 Well managed infrastructure
 - 2.3.1 Apply best practice design and construction methodologies for provision of infrastructure

Legal Implications

Local Government Act 1995

- s 6.20 – Power to borrow
- s. 6.21 – Restrictions on borrowing

Local Government (Financial Management) Regulations 1996

- r. 27 – Notes to annual budget, when required
- r.29 – Borrowings information required in notes
- r.48 – Borrowings, information about in annual financial report

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Forrestdale Hub

The Forrestdale Hub project spans two financial years and comprises the William Skeet oval upgrade (currently underway), the redevelopment of sporting facilities, the redevelopment of the community facilities and affiliated elements, for a total of \$7,295,000.

The allocation of \$1,560,000 in the current budget, is for the sports field and lighting upgrade and also the detailed design for the new facilities. This is funded through development contributions of \$1,260,000 and a previously received CSRFF grant of \$300,000.

The allocation of \$5,735,000 in 2021/22 is to deliver the new sports pavilion and the new hall/community spaces building. The 2021/22 expenditure is to be funded by a loan, POS funds, development contributions and the CSRFF grant.

The financial forecast for the project is shown in the following table;

Particulars	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8
	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Capital Allocation	1,560,000	5,735,000	0	0	0	0	0	0
Operational Allocation	0	0	108,500	108,500	108,500	108,500	108,500	108,500
Renewal Allocation	0	0	210,900	210,900	210,900	210,900	210,900	210,900
Loan Proceeds	0	(2,145,000)	0	0	0	0	0	0
Interest Expense	0	0	86,400	79,000	71,300	63,300	54,900	46,200
Principal	0	0	183,300	190,700	198,400	206,400	214,800	223,500
Revenue	0	0	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)
POS	0	(495,000)	0	0	0	0	0	0
Capital Grants	(1,560,000)	(3,095,000)	0	0	0	0	0	0
Municipal Funds	0	0	579,100	579,100	579,100	579,100	579,100	579,100

Particulars	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Total
	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	
Capital Allocation	0	0	0	0	0	0	0	7,295,000
Operational Allocation	108,500	108,500	108,500	108,500	108,500	108,500	108,500	1,410,500
Renewal Allocation	210,900	210,900	210,900	210,900	210,900	210,900	210,900	2,741,700
Loan Proceeds	0	0	0	0	0	0	0	(2,145,000)
Interest Expense	37,200	27,800	18,000	7,900	0	0	0	492,000
Principal	232,500	241,900	251,700	261,800	0	0	0	2,205,000
Revenue	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	(130,000)
POS	0	0	0	0	0	0	0	(495,000)
Capital Grants	0	0	0	0	0	0	0	(4,655,000)
Municipal Funds	579,100	579,100	579,100	579,100	309,400	309,400	309,400	6,719,200

The capital grant line item of \$3,095,000 in 2021/22 is comprised of an assumed DCP3 allocation of \$2,200,000 and an assumed CSRFF grant of \$895,000.

The current confirmed DCP3 allocation is \$1,900,000, which may increase to the forecast amount of \$2,200,000 as part of the current DCP3 review, however this is not yet confirmed.

The City applied for a CSRFF grant of \$920,000, (the maximum eligible amount for this project) and has been granted \$500,000, leaving a total shortfall at this point of \$695,000 as shown in the following table;

Funding Model	Forecast Assumptions	2020-21	2021-22 Forecast	2021-22 Current
North Forrestdale DCP	\$ 3,460,000	\$ 1,260,000	\$ 2,200,000	\$ 1,900,000
POS	\$ 495,000	\$ -	\$ 495,000	\$ 495,000
CSRFF	\$ 1,195,000	\$ 300,000	\$ 895,000	\$ 500,000
Loan Proceeds	\$ 2,145,000	\$ -	\$ 2,145,000	\$ 2,145,000
	\$ 7,295,000	\$ 1,560,000	\$ 5,735,000	\$ 5,040,000

Shortfall	\$ 695,000
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Morgan Park Pavilion and Playing Field Reconfiguration

This project relocates the pavilion to a more suitable location. The relocation will require some reconfiguration of the grounds and upgrades to lighting. The proposed oval reconfiguration includes the facility infrastructure required for athletics.

Funding of \$3,570,000 for 2021/22 is included in the draft Corporate Business Plan, with the capital grant forecast of \$700,000 anticipated through the CSRFF grant.

Particulars	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8
	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Capital Allocation	200,000	3,570,000	0	0	0	0	0	0
Operational Allocation	0	0	52,500	52,500	52,500	52,500	52,500	52,500
Renewal Allocation	0	0	122,500	122,500	122,500	122,500	122,500	122,500
Loan Proceeds	(200,000)	(2,870,000)	0	0	0	0	0	0
Interest Expense	0	5,700	145,300	132,600	119,300	105,400	91,000	77,000
Principal	0	37,700	266,300	279,000	292,300	306,200	277,200	291,200
Revenue	0	0	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)
Capital Grants	0	(700,000)	0	0	0	0	0	0
Municipal Funds	0	43,400	566,600	566,600	566,600	566,600	523,200	523,200

Particulars	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Total
	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	
Capital Allocation	0	0	0	0	0	0	0	3,770,000
Operational Allocation	52,500	52,500	52,500	52,500	52,500	52,500	52,500	682,500
Renewal Allocation	122,500	122,500	122,500	122,500	122,500	122,500	122,500	1,592,500
Loan Proceeds	0	0	0	0	0	0	0	(3,070,000)
Interest Expense	62,200	46,700	30,500	13,400	0	0	0	829,100
Principal	306,000	321,500	337,700	354,800	0	0	0	3,069,900
Revenue	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	(260,000)
Capital Grants	0	0	0	0	0	0	0	(700,000)
Municipal Funds	523,200	523,200	523,200	523,200	155,000	155,000	155,000	5,914,000

The City applied for a CSRFF grant of \$1,088,000, (the maximum amount eligible for this project) and was granted \$160,000, to be used just for the sports field reconfiguration resulting in funding shortfall of \$540,000.

Funding Model	Forecast Assumptions	2020-21	2021-22 Forecast	2021-22 Current
CSRFF	\$ 700,000	\$ -	\$ 700,000	\$ 160,000
Loan Proceeds	\$ 3,070,000	\$ 200,000	\$ 2,870,000	\$ 2,870,000
	\$ 3,770,000	\$ 200,000	\$ 3,570,000	\$ 3,030,000

Shortfall	\$ 540,000
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Council recently commenced a review of the *first draft* of the four year budget. The impact of the report recommendation on the four year budget will be to:

- Increase the total borrowings by \$1.1M, total loans now peaking in FY22 at \$51.2M;
- Increase debt servicing by \$200k per annum;
- Increase operating (interest) expenses by \$40k per annum, a decrement to the City's operating position; and
- Reduce (a decrement to) the overall budget surplus / (deficit) by \$200k per annum.

As an alternative, Council may wish to consider accessing its reserve funds. The Recreation Facilities Reserve Fund in particular remains uncommitted in the four year budget. This reserve fund was established in 2006 and has accumulated over that time to \$674,000 at the end of FY20.

Similarly the Land Acquisition Cash reserve has accumulated from 2006 and has not been accessed, nor is it provisioned for use in the four year budget. This reserve fund has a balance of \$471,000. Unlike the Future Recreation Facilities Reserve, the Council would need to deal with the formalities of s 6.11(2) of the *Local Government Act 1995*, with respect to providing

public notice of changing the purpose/utilisation of a reserve fund. The purpose of this reserve is “to assist in future acquisitions of land”.

Consultation

1. City of Armadale Executive Leadership Team
2. Officers from the Department of Local Government, Sport and Cultural Industries CSRFF team

BACKGROUND

The Department of Local Government, Sport and Cultural Industries (DLGSC) provides financial assistance to community groups and local governments to develop basic infrastructure for sport and recreation through the Community Sporting and Recreation Facilities Fund (CSRFF), with a total pool available of \$12 million in 2021-2022, up to a maximum of \$2 million.

In September 2020, Council resolved (C26/9/20) to submit applications for the 2021-2022 CSRFF funding round for the Forrestdale Hub Sporting Facilities and Morgan Park projects as below.

Project	Total Project Value	CSRFF Grant	Ranking	Rating
Forrestdale Hub Sporting Facilities Upgrade	\$7,295,000	\$920,000	1	A
Morgan Park Pavilion and Playing Field Reconfiguration	\$3,770,000	\$1,088,000	2	A

The results of the annual and forward planning grants round of the DLGSC CSRFF grant have been released, with the outcomes as follows:

Key Project	Amount requested	Amount granted
Forrestdale Sporting Facilities	\$920,000	\$500,000
Morgan Park Pavilion and Playing Field Reconfiguration.	\$1,088,000	\$160,000 (playing fields only)

While the City applications achieved a significant allocation of the available \$12 million pool, the amount was less than applied for and the external funding targets have not been attained to meet the project budget funding model.

Note - the \$160,000 granted from CSRFF for Morgan Park is for the playing field reconfiguration components only.

Grant agreements in line with the above approvals have been received from the DLGSC and were to be returned by 31 January. An extension has been obtained to allow Council time to consider this report. Confirmation of project funding should be in place before committing to acceptance of the grants.

DETAILS OF PROPOSAL

Forrestdale Sporting Facilities

The funding shortfall, including current assumptions, is \$695,000 as detailed in the budget section earlier in this report.

It is possible that additional funds may become available as a result of the current DCP3 review, however this will not be finalised until mid 2021.

While there is some possibility of supplementary CSRFF funding, DCP3 increase or other external sources, it is proposed that the loan amount of \$2,145,000 be increased to \$2,840,000 to cover the shortfall. In the event that additional funds are secured, the amount required from the loan will be reduced.

Morgan Park Pavilion and Playing Field Reconfiguration

The funding shortfall is \$540,000 as detailed in the budget section earlier in this report. This is the shortfall to deliver the project in its entirety, including the playing field reconfiguration, and the new relocated building and carpark.

The CSRFF funding of \$160,000 is only for the playing field elements. While an option may be to proceed with the playing field reconfiguration in 2021/22 and defer the relocation of the pavilion to a later year pending future external funding, this is not recommended for three main reasons;

- Disruption to user groups for 2 seasons rather than one
- There is no guarantee that further grants would be secured
- The reconfiguration of the grounds is a consequence of the relocation of the pavilion. Should the relocation not proceed the grounds reconfiguration would be an unnecessary expense

It is proposed that the loan amount of \$3,070,000 be increased to \$3,610,000 to cover the entire shortfall. As with the Forrestdale project, in the event additional funds are secured, the amount required from the loan will be reduced.

COMMENT

Forrestdale Hub

The current CSRFF funding grant is applicable to some elements of the sporting pavilion facilities only (eg. change rooms, sports storage), not the community hall or other elements, and only the sporting pavilion was the subject of the current grant application.

This means that an option is to complete this element of the Hub project within existing funding allocations, and hold off on a decision on the community and other elements pending, confirmation of other funding sources.

It is anticipated that the DCP3 review will be completed mid 2021, which could still allow for additional funds in order to deliver the community hall project within the current budget forecast.

It is anticipated that the City will submit further CSRFF funding applications in future small grants rounds, for minor project elements to further complement the budget – for example the hard-courts, as per DLGSC staff advice.

The elements of Forrestdale Hub located at William Skeet have been long awaited and subject of some uncertainty around the Armadale Road duplication project. The local users and community are looking forward to the completion of this project, and deferring or delaying the project would most likely lead to some disappointment.

Morgan Park

The CSRFF funding awarded is only for the playing field elements. Should Council decide to only deliver that portion of the project, then current funding allocation is sufficient. The building and carpark components are approximately \$3,000,000 with the remainder for playing field reconfiguration, including 50 lux lights, irrigation adjustments, new sporting infrastructure access paths etc.

DLGSC officers informally advised that a grant for the building as a separate project would be viewed favourably in subsequent rounds, however this is not guaranteed.

Both resident clubs that currently operate from Morgan Park have high member numbers and utilisation. It would not be recommended to extend the disruption to both clubs by staging the project over more than one year.

Alternative Funding Sources

The City's external grant funding strategy usually includes Lotterywest, however the reallocation of all Lotterywest funds to the COVID relief fund resulted in this source of funding being discontinued for the time being. This was reported to Council through the CBP CAPEX review.

With respect to Forrestdale, should the DCP3 review result in an additional allocation, this would reduce the need to draw on the total loan funds proposed.

OPTIONS

1. Increase the loan amount by the shortfall.

This will allow the project to progress with detailed planning for both projects in readiness for delivery in 2021-22. Should any other funding sources be identified, then the loan amount may be reduced.

2. Stage the delivery of each project:

Forrestdale Hub

The CSRFF funding is only applicable to the sporting facilities redevelopment. This element could be progressed initially, with the community hall/facilities subject to further confirmation of additional funding sources. Staging the project could be accommodated within 2021-22.

Morgan Park

The CSRFF funded element being the playing field reconfiguration (including lights), could be delivered independently of the building replacement, however not the other way around. This would allow delivery of this component in 2021-22, with a resubmitted application for the building component in 2021, for 2022-23 delivery.

Should the building components be deferred for a 2022-23 delivery pending a further CSRFF application, this may compete against proposed applications for Gwynne Park facilities in

that year (subject to pending Council workshop and decisions). In which case it may be that a staging approach will not yield significant additional grant funding.

A staged delivery option for Morgan Park would also extend the disruption to the resident community groups.

3. Defer works until additional funding is secured:

Deferring the works at Forrestdale while possible, would not be recommended due to the high level of community expectation of delivery of this project. The Morgan Park project was brought forward significantly so a 12 month deferral, while not desirable, could be seen as a viable option preferable to staging. However this would not meet the rationale of accelerating delivery of the project due the facility's current state, high level of use and as an economic stimulus response to COVID-19.

4. Access the City's Cash Reserves to fund the shortfall

This will also allow the project to progress with detailed planning for both projects in readiness for delivery in 2021-22. Should any other funding sources be identified, then the reserve transfer may be reduced. Note that Council may need to repurpose one reserve in the total amount is to be funded.

Option 1 or 4 are the preferred options.

CONCLUSION

Both projects have been identified as priority key projects for delivery by the City, and will have significant community impact.

Due to the required effort in detailed planning to allow delivery in 2021-22, early confirmation of funding status will allow for progression and certainty in delivery, including the execution of the CSRFF grant agreements.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

CS7/2/21

That Council:

1. **Consider an increase of the loan amount included in the draft FY22 to FY25 4 year budget and the draft FY22 annual budget documents for Forrestdale Hub from \$2,145,000 to \$2,840,000.**
2. **Consider an increase of the loan amount included in the draft FY22 to FY25 4 year budget and the draft FY22 annual budget documents for Morgan Park from \$3,070,000 to \$3,610,000.**
3. **Instruct the Chief Executive Officer to direct staff to continue to explore external funding and advocacy opportunities,**
4. **Authorise the Chief Executive Officer to execute the CSRFF grant agreements.**

Moved Cr C A Campbell
MOTION CARRIED

(7/0)

3.2 - DRAFT CITY OF ARMADALE ACCESS AND INCLUSION PLAN 2021-2026

WARD : ALL
FILE No. : M/14/21
DATE : 8 January 2021
REF : LB
RESPONSIBLE MANAGER : Executive Director
Community Services

In Brief:

- This report presents the draft City of Armadale Access and Inclusion Plan 2021-2026.
- Recommend that:
Council endorse the draft City of Armadale Access and Inclusion Plan 2021-2026, so that it may proceed to public comment in February 2021.

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 - 2030

Aspiration 1: Community

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

1.4.2 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.

Legal Implications

Disability Services Act 1993 (amended in 2004)

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Nil

Consultation

1. Department of Communities – Disability Services
2. Western Australia Access and Inclusion Network
3. City of Armadale Access and Inclusion Network
4. City of Armadale Disability Access and Inclusion Reference Group
5. City of Armadale Councillors – through survey
6. Disability Sector Service Providers – through survey and interview
7. Community Members – through survey
8. All City of Armadale Staff – through internal survey

BACKGROUND

This report was considered at the Community Services Committee held on 2 February 2021 (C3/2/21) however the Committee decided to defer the item as per the following resolution:

That Council defer consideration of this item to the meeting of the Corporate Services Committee on 16 February 2021.

Access and Inclusion Plans for Local Governments

It is a requirement of the *Disability Services Act 1993* that Local Government authorities develop and implement an Access and Inclusion Plan for the purpose of ensuring that people with disability have equal access to its services, facilities and information. Access and Inclusion Plans also provide an effective framework for Local Governments to aim to provide an accessible and inclusive community for people of all abilities.

The City of Armadale adopted its first Disability Services Plan in 1995 to address the barriers in the community for people with disability. This Plan addressed both statutory requirements under the *Disability Services Act 1993* and obligations under the Commonwealth Disability Discrimination Act. Under the *Disability Services Act 1993*, the City is mandated to develop and implement an Access and Inclusion Plan spanning a five year period. The City is then required to report on the seven Access and Inclusion outcomes and strategies outlined in the Plan annually.

The current Disability Access and Inclusion Plan covers the financial years 2016/2017 through to 2020/2021. The City therefore is required to implement a new Plan covering the financial years 2021/2022 through to 2025/2026.

DETAILS OF PROPOSAL

In 2020 a review was undertaken of the Disability Access and Inclusion Plan 2016 – 2021. It is proposed that Council endorses the attached draft Access and Inclusion Plan 2021 – 2026 provided as an attachment to this report.

Comparison between the current and draft Disability Access and Inclusion Plan

The key differences between the draft Access and Inclusion Plan 2021 – 2026 and the City's current Disability Access and Inclusion Plan 2016 – 2021 comprise the following:

- The draft Plan proposes that its title changes from the Disability Access and Inclusion Plan to the Access and Inclusion Plan. This reflects the Department of Communities (Disability Services) statement advising that this title change is becoming the norm for Access and Inclusion Plans; reflecting the more universal approach local government authorities are taking to cities being accessible to residents of all abilities.
- The draft Plan includes statistics and data regarding disability demographics in Armadale.
- The draft Plan includes access and inclusion elements that are applicable to people with disability from different groups within the community.
- The draft Plan includes definitions of key terms and the inclusion of peak bodies and State/National strategic documents allowing for a deeper understanding and comprehension of the area. The draft Plan also relates to and addresses these State and National strategic documents.
- The draft Plan underwent a more comprehensive consultation process involving an increased number of service providers and City staff, and includes an analysis of the consultation including direct feedback.
- The draft Plan includes a detailed Implementation Plan.
- The draft Plan includes an eighth objective addressing social inclusion as applicable to ensuring people with disability from specific groups within the community can be included in social, educational and recreational activities.
- The draft Plan addresses Health and Wellbeing, which is becoming an increasing focus for State and National disability organisations. This has been aligned with the City's Health and Wellbeing Plan.
- The draft Plan includes images of community members and service providers at City programs, events and venues which promote and highlight accessibility including International Day of People with Disability, the accessible Highland Gathering Route, Armadale Fitness and Aquatic Centre, NAIDOC Celebrations, and Wayfinding Signage.
- The draft Plan also includes additional features, including a message from the Mayor, an acknowledgement of the community members and service providers who contributed to the development of the Plan, and an acknowledgement of Country.

Outcomes and Strategies

The Implementation Plan lists the eight Outcomes of the Access and Inclusion Plan (seven required by the Disability Services Act and an additional outcome, also suggested by the Department of Communities to consider, to address the area of social inclusion.

The Plan then lists the strategies to meet these outcomes, identifies the responsible department, and provides a timeline for implementation.

These outcomes and strategies are:

1. **People with disability have the same opportunities as other people to access the services of, and any events organised by, the City of Armadale.**
 - 1.1 Access and inclusion are a part of the way the City of Armadale plans and evaluates events.
 - 1.2 External groups to consider access and inclusion in the planning of events and services in the City of Armadale.
 - 1.3 Ensure current information and clear communication of services and events.
2. **People with disability have the same opportunities as other people to access the buildings and other facilities of the City of Armadale.**
 - 2.1 Infrastructure planning and refurbishment of buildings and facilities to include access and inclusion requirements.
 - 2.2 Continuous improvement of external infrastructure.
 - 2.3 Updated information is available to residents about the accessibility of buildings, facilities and parks.
 - 2.4 Recreation Centres to provide accessible and inclusive activities, programs and equipment.
 - 2.5 Libraries to offer accessible equipment, technology, and materials.
3. **People with disability receive information from the City of Armadale in a format that will enable them to access the information as readily as other people are able to access it.**
 - 3.1 Information is available in alternative formats.
 - 3.2 Continuous improvement to the accessibility of the City of Armadale website and documents.
 - 3.3 Marketing is consistent with accessibility standards for information.
 - 3.4 Accessible information and methods of communication are available in a range of formats.
4. **People with disability receive the same level and quality of service from the staff at the City of Armadale as other people receive from staff at the City of Armadale.**
 - 4.1 Disability Awareness Training is continuously improved.
 - 4.2 Information and resources are readily available to staff regarding access and inclusion.
 - 4.3 Staff induction includes access and inclusion.
 - 4.4 Feedback informs continuous improvement.

5. **People with disability have the same opportunities as other people to make complaints to the City of Armadale.**
 - 5.1 Complaints can be lodged through multiple means.
 - 5.2 Complaint mechanisms and feedback systems are regularly reviewed to ensure that people with disability have equal accessibility to lodge complaints.

6. **People with disability have the same opportunities as other people to participate in any public consultation by the City of Armadale.**
 - 6.1 Consultation is sought on strategic issues regarding access and inclusion as required.
 - 6.2 A range of consultation techniques are utilised.
 - 6.3 Consider access and inclusion in the planning, design and delivery of consultation.

7. **People with disability have the same opportunities as other people to obtain and maintain employment with the City of Armadale.**
 - 7.1 Recruitment practices ensure equal opportunity of employment.
 - 7.2 Opportunity for work experience and employment of people with disability is promoted and supported.
 - 7.3 Continue to invest in building and promoting an inclusive workplace culture.
 - 7.4 Support external microenterprise where feasible.

8. **Provide information, opportunities and encouragement to the community regarding social inclusion for people with disabilities.**
 - 8.1 Promote positive community attitudes towards social inclusion for people with disabilities within specific groups.

COMMENT

The Access and Inclusion Plan 2021 – 2026 is important to ensuring the City not only complies with the Disability Services Act, but exceeds the seven outcome areas by taking a locally relevant approach based on comprehensive consultation, analysis and good practice. The draft Plan includes information about other community sectors relating to social inclusion for people with disability within specific groups, references and relates to State and National strategies, and includes an Implementation Plan indicating the City's active commitment to providing an accessible and inclusive city.

OPTIONS

Council has the following options:

1. That Council endorse the draft City of Armadale Access and Inclusion Plan 2021 - 2026, allowing the draft Plan to proceed to the stage of public comment and feedback.
2. That Council does not endorse the draft City of Armadale Access and Inclusion Plan 2021 - 2026.

3. That Council amends the draft City of Armadale Access and Inclusion Plan 2021 – 2026.

Option 1 is recommended.

CONCLUSION

The draft Access and Inclusion Plan 2021 – 2026 is presented to Council for endorsement. It outlines the actions required to progress maximum accessibility and inclusivity in the City of Armadale across eight outcome areas. Once endorsed, the draft Plan will be made available for public comment and feedback prior to a final Plan being developed. This final Plan will be presented to Council for final endorsement, and the Department of Communities for final review and acceptance.

ATTACHMENTS

1. DRAFT Access and Inclusion Plan 2021 - 2026 - Revised

RECOMMEND

CS8/2/21

That Council endorse the draft City of Armadale Access and Inclusion Plan 2021-2026 as attached, allowing the draft Plan to proceed to the stage of the public comment and feedback.

**Moved Cr G Nixon
MOTION CARRIED**

(7/0)

**

**3.3 - PROVISION OF ICT TECHNICAL RESOURCE TO IMPLEMENT AUDIT
RECOMMENDATIONS**

WARD : ALL
FILE No. : M/83/21
DATE : 7 February 2021
REF : BGD
RESPONSIBLE : Executive Director
MANAGER : Corporate Services

In Brief:

- The City has undertaken several Information Technology related audits over the past 2 years, each with recommendations to be actioned.
- COVID response has delayed action on several items.
- Recommend that Council:
 1. Agrees to allocate \$125,000 from the Business Recovery Account to the Implementation of ICT Security Projects; and
 2. Amends the 2020/2021 budget

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

- 4.2.2 Implement business plans and practice that improve service delivery
4.2.2.2 Implement ICT system improvements

Legal Implications

Nil

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

The full cost of a System Engineer is approximately \$125,000 for the 12-month period.

The Business Recovery Account was established with \$900,000.

To date, the Council has only approved \$40,000 for the provision of a contract Rates Officer position for a period of 6 months (OCM, 24/8/20).

Consultation

ICT Services Business Unit

BACKGROUND

Business Recovery Account

To recover the backlog and manage the residual impacts of the COVID-19 Pandemic responses, the 2020/21 Annual Budget provides for the establishment of a Business Recovery budget. This budget is funded from FY20 surplus funds brought forward, as a result of unspent salaries and wages budgets and includes a provision of \$900,000 in the CEO Administration area.

Expenditure funded from this account is generally to be of a project nature. That is, the expenditure will be for a specific purpose which has a set timeframe, agreed outcome and fixed cost.

Approval for the allocation of funds from the Business Recovery budget operates on a month by month basis, via the Corporate Service Committee with approval for expenditure from this account required by Council (OCM 24/8/20).

Cybersecurity Maturity

Over the past two (2) years the City has undertaken several reviews and audits in relation to its cybersecurity maturity and general computer controls. These included:

1. A City initiated *Cybersecurity Test* and *Cybersecurity Maturity Assessment*, completed October 2018 (with minor updates and finalisation in May 2019.)
2. An Internal *General Computer Controls Audit*, completed November 2019.
3. A *General Computer Controls Audit* by the Office of the Auditor General, completed November 2020.

Additionally, the City is currently commencing a *Cybersecurity Audit* by the Office of the Auditor General.

The audits carried out to date have raised various recommendations to improve Cybersecurity and IT Risk postures. Prior to the onset of the COVID-19 Pandemic, the City had already commenced various improvement works in this area, some triggered by various audit findings and others initiated proactively by the City.

Due to the effort required by the City's information technology resources during the COVID-19 response, most of these projects were placed on hold and a backlog has now developed. With technology and cybersecurity threats advancing continually, and additional audits occurring, the City needs to return to the projects that were placed on hold and also implement the new audit recommendations that have arisen.

DETAILS OF PROPOSAL

In order to expedite the implementation of various controls recommended by the audits and the City's proactive projects, it is proposed that a temporary IT System Engineer resource is recruited for a period of twelve months. This resource will augment the current IT resources at the City, providing (where appropriate) backfill for existing ICT staff whom have the specialist skills to deliver the required projects.

The requirement for this resource is related directly to the disruption caused by COVID-19 to the City's ICT Services Business Unit. Therefore, it is proposed that this temporary resource be funded through the COVID-19 Business Recovery Reserve.

The list of ICT Security Projects that will be delivered is included in the confidential attachment.

As this resource will span two financial years, it is recommended that the funds be placed in the Computer Technologies Reserve, such that the respective amounts can be transferred from the reserve for the FY21 and FY22 years respectively.

Finally, reporting on the implementation of the projects will occur through the City Audit Committee as part of the Audit follow up reporting.

OPTIONS

1. Council could agree to the allocation of recovery funds, which will facilitate the implementation of security projects in accordance with the timeframes indicated in the response to the Audits; or
2. Not agree to the funding allocation, in which event the timeframes for implementing the security projects will need to be re-evaluated and prioritised.

ATTACHMENTS

1. Audit Response Projects - *This matter is considered to be confidential under Section 5.23(2) (e iii) of the Local Government Act, as it deals with the matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person*

CS9/2/21

RECOMMEND

That Council:

- 1 AGREES to allocate \$125,000 from the Business Recovery Account to the Implementation of ICT Security Projects;**
- 2. Pursuant to s6.8 of the *Local Government Act 1995*, AMENDS* the 2020/2021 budget as follows:**

Decrease in Operating Expenditure

Business Recovery Account \$125,000

Increase in Operating Expenditure

ICT Employee Costs Account for FY21 \$31,000

(First three months)

Reserve Transfers

Transfer to the Computer technologies Reserve \$94,000

(set aside the balance to draw on in FY22 for the remaining nine months)

***ABSOLUTE MAJORITY RESOLUTION REQUIRED**

**Moved Cr R Butterfield
MOTION CARRIED**

(7/0)

COUNCILLORS' ITEMS

1 Australia Day Entertainment (Cr Grant Nixon)

Cr Nixon requested that the matter of Australia Day entertainment be reviewed prior to next year.

2 Public Liability Insurance (Cr Colin Campbell)

Cr Campbell requested that the matter of payment of public liability insurance for non-incorporated groups be reviewed.

RECOMMEND

CS10/2/21

That Council refers the following Councillor Items:

- Australia Day Entertainment
- Public Liability Insurance

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

Moved Cr C A Campbell

MOTION CARRIED

(7/0)

CHIEF EXECUTIVE OFFICER'S REPORT

1 COVID-19 Recovery

COVID-19 has remained heavily in the spotlight in recent weeks with parts of WA going into a snap lockdown from 6pm on Sunday 31 January and this time with stricter lockdown protocols as to what essential services entailed. The COVID Response team met twice on Sunday and very quickly put plans in place for the 5-day lockdown period with the closure of all of its administration and community facilities. Bin and verge collections continued as essential services during the week. The COVID Response Team met on each of these 5 days immediately after the Premier's announcement to ensure the City was responding to the latest information.

It was a challenging week for Perth with both the City of Swan and Shire of Mundaring facing devastating bushfires and the City reached out to both local governments with offers of assistance and did regular checks with City staff living in the affected areas.

With Perth recording no new cases during the lockdown, on Friday 5 February the Government announced a transition plan with several new restrictions. City facilities reopened and complied with the restrictions and capacity limits.

On Friday 12 February the Premier confirmed that Perth and Peel would return to pre-lockdown conditions (Phase 4) from midnight on Saturday 13 February. Mask wearing during this two-week period proved to be the only challenging measure but staff and the community complied with the health directives in the knowledge that it was to ensure the safety of staff and the wider community.

EXECUTIVE DIRECTOR'S REPORT

1 Catalyst Project

The Catalyst Project is preparing for recommencement. Recruitment of implementation team members is under way, with two of the four vacancies now filled. Initial discussions with TechnologyOne have commenced, with a view to recommence implementation in March and Go-Live with the first phase in September 2021. The implementation team have now started refamiliarising themselves with the system and developing a work breakdown to replan the Phase 1 schedule.

In preparation for the recommencement of Catalyst, the implementation team have paid a couple of visits to the City of Mandurah. Mandurah have recently completed Phase 1 of their project and have been hospitable in providing Armadale's team with insights, demonstrations, and lessons-learned.

A report will be presented to Council in March with a comprehensive update.

2 Information Communications Technology (ICT)

The ICT Service Business Unit continues to handle an increased support volume since March 2020, with the complexities of a mobile workforce and non-standard laptops and PCs adding to the workload of these team members. Additionally, an increase in staff turnover has in turn increased the workload on ICT in cancelling and creating user accounts, etc.

The ICT team are also busy handling the recommendations from three successive audit reports, while also currently commencing their fourth audit, the Office of the Auditor General's Cybersecurity Audit. The number of recommendations and pace of audits (along with the impacts of COVID) is starting to impede the implementation of audit actions and system improvements.

3 Rates

During the first half of the 20/21 financial year, the Rates team has experienced a high customer service demand from both COVID-19 Related matters and the buoyant property market, the latter increasing the number of settlement enquires and interim rates processing. Coupled with natural turnover in the Team, there is now a backlog of activities to be undertaken. City officers are working through those issues and developing a plan to address the backlog.

There will need to be some form of intervention in this area in the short term to ensure there is no increased financial or reputational risk to the City over the coming months. A further update will be provided to Council next month.

4 City Governance

On 2 February 2021 the following regulations were gazette and took effect on 3 February 2021. These regulations now introduce the remaining parts of the *Local Government Legislation Amendment Act 2019*.

- *Local Government (Administration) Amendment Regulations 2021.*
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021.*
- *Local Government (Model Code of Conduct) Regulations 2021.*

These regulations cover the areas of CEO Standards, Elected Member and employee codes of conduct and are to be implemented within 3 months of gazettal. One aspect of the amendments requires Council to authorise a complaints officer and, due to the timing, this will be presented via the CEO's report

Draft Codes of Conduct are being developed and will be presented via SOHAG.

MEETING DECLARED CLOSED AT 8.31pm

CORPORATE SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
16 FEBRUARY 2021		
ATT NO.	SUBJECT	
1.1 LIST OF ACCOUNTS PAID - JANUARY 2021		
1.1.1	Monthly Cheque Listing and Credit Card Summary	
1.2 STATEMENT OF FINANCIAL ACTIVITY - DECEMBER 2020		
1.2.1	December 2020 - Monthly Financial Statement	
1.3 STATEMENT OF FINANCIAL ACTIVITY - JANUARY 2021		
1.3.1	January 2021 - Monthly Financials - Council	
1.5 RATES CONCESSION OPTIONS 2021		
1.5.1	Rates Concession Options 2021	
3.2 DRAFT CITY OF ARMADALE ACCESS AND INCLUSION PLAN 2021-2026		
3.2.1	DRAFT Access and Inclusion Plan 2021 - 2026 - Revised	

The above attachments can be accessed from the Minutes of the Corporate Services Committee meeting of 16 February available on the City's website

CHIEF EXECUTIVE OFFICER’S REPORT

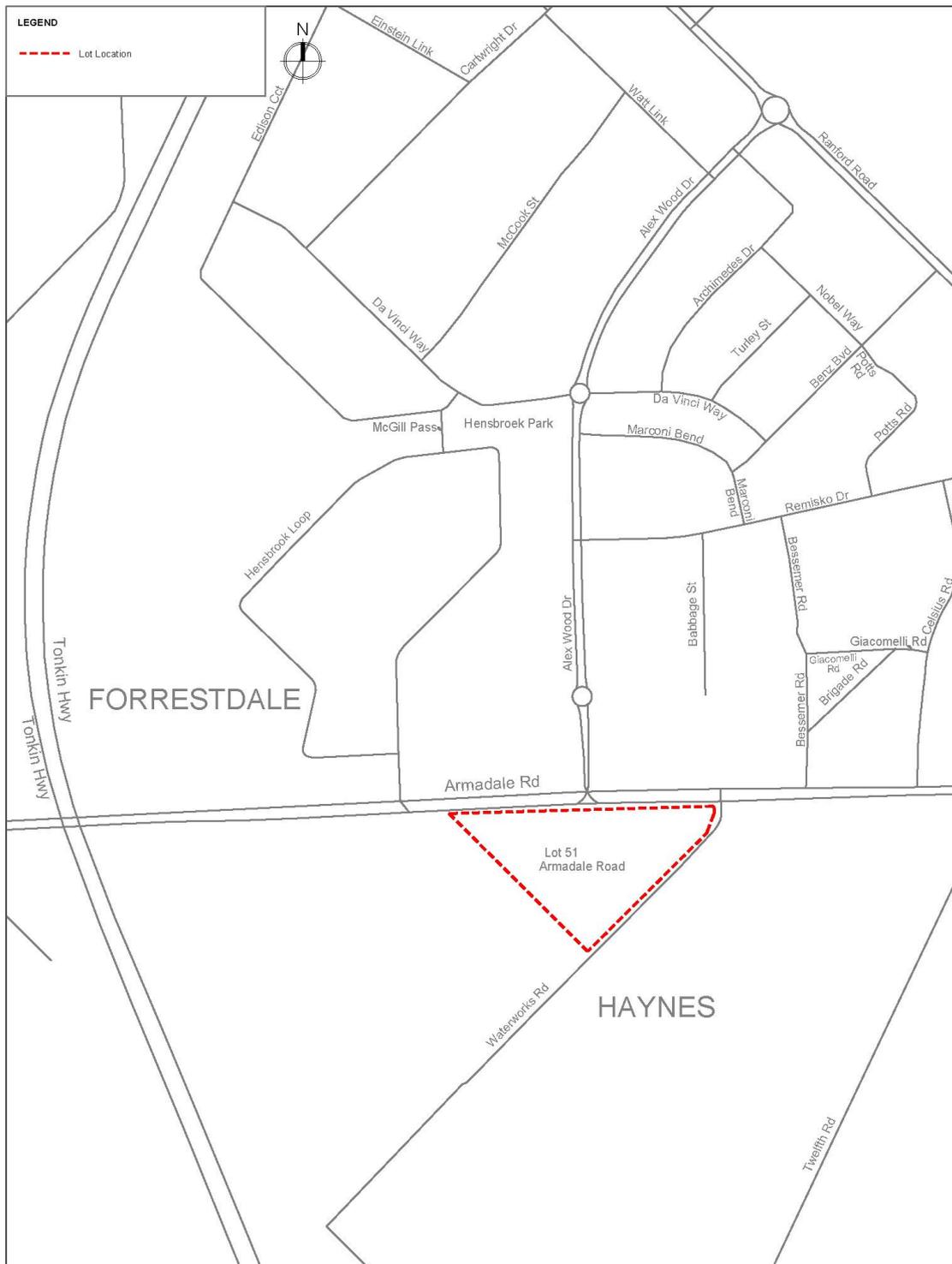
22 FEBRUARY 2021

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Lot 51 Armadale Road
HAYNES
Location Plan

1.1 - ACCESS REQUEST - LOT 51 ARMADALE ROAD, HAYNES

WARD : RANFORD
FILE No. : M/123/21
DATE : 15 February 2021
REF : KA
RESPONSIBLE : Executive Director
MANAGER : Technical Services

In Brief:

- The City has received a request from MCAC Aboriginal Corporation requesting the use of part of Lot 51 Armadale Road, Haynes as a staging area to transport fill material to the Denny Avenue Level Crossing Removal Construction Site
- It is recommended that Council approve the request and grant a license to MCAC Aboriginal Corporation to access the site, subject to the conditions outlined in this report.

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

Nil

Strategic Implications

- 2.3.1. Apply best practice design and construction methodologies for the provision of infrastructure
- 2.3.1.1 Implement a best practice project management approach to the planning and delivery of infrastructure.

Legal Implications

General Assessment of relevant Legislation has not revealed any restrictions.

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

MCAC will be required to pay the relevant fees associated with the lodgment of their application as detailed in the City's 2020/21 Budget. The report also recommends that Council authorise the CEO to negotiate with MCAC Aboriginal Corporation to determine the license fee to be paid by MCAC for the non-exclusive use of the site.

Consultation

1. Inter-Directorate
2. MCAC Aboriginal Corporation
3. Kott Gunning Lawyers

BACKGROUND

The Denny Avenue level Crossing in Kelmscott is one of the first crossings to be removed under the State Government METRONET Level Crossing Removal program. Works on site are currently underway, with Downer EDI (Downer) having been awarded the contract to deliver the project.

Part of the construction works required as result of the removal of the level crossing include raising the rail line over the Davis Road underpass structure which will be achieved via additional fill material (sand) being imported to the site.

In this regard, Downer have approached MCAC Aboriginal Corporation (MCAC) and have engaged them to provide the fill material. MCAC have sourced the material from remote sand pits and will transport the material via road trains. The sand will however be required to be loaded onto smaller trucks prior to being delivered to the construction site.

MCAC have subsequently approached the City requesting to utilise part of Lot 51, Armadale Road in Haynes as a temporary staging area to stock and resupply the trucks that will deliver the fill material to the construction site (Attachment 1 refers).

Lot 51 is located at the intersection of Waterworks Road and Armadale Road in Haynes (the attached location plan refers). The property is owned by the City and is currently used by the City for the temporary storage of construction material. Following receipt of the request from MCAC, the City has assessed the site to determine if it would be suitable as a temporary staging area. It can be confirmed that the site would be suitable for this purpose. Given the importance of the level crossing removal project to the community, providing assistance to MCAC in line with their request is recommended, with appropriate conditions attached to the approval as detailed in this report.

DETAILS OF PROPOSAL

MCAC have advised that they anticipate they would require access to the site for a period of three weeks commencing immediately following approval by Council, but it is recommended that period be extended to six weeks to provide for possible delays in the METRONET project delivery dates. It is proposed that Council approve the access request, and grant MCAC a license to access the site with the following conditions to be attached to the approval.

Conditions

- 1 MCAC Aboriginal Corporation is to provide the following in relation to the staging site management, to the satisfaction of the City:
 - a. An operational plan indicating the full extent of operations, including the hours of operations and applicable dates.
 - b. A site security plan
 - c. A site preparation plan for receipt of sand deliveries
 - d. A site management plan (TMP) for the management of vehicles arriving and departing the site and for the movement of vehicles/plant on the site. This plan is to include all signage and traffic controller locations.
 - e. A sand delivery plan for all arrivals of road trains for the delivery of sand
 - f. A sand loading plan for all removals of sand from the site
 - g. A site rehabilitation plan to restore the site to its previous condition for continued use by the City.
 - h. A dust management plan.
 - i. A contamination management plan.

The plans detailed within condition 1 will all need to be approved by the City prior to the commencement of sand deliveries to the site.

- 2 MCAC Aboriginal Corporation is to provide a \$20M Public Liability Insurance Certificate of Currency with said insurance to be in place for the entirety of the period of access to the site. MCAC Aboriginal Corporation shall indemnify the City against any damages that may arise as a result of their use of the site and will also ensure that all appropriate insurances (including but not limited to workers compensation insurance) are in place for the period of access.
- 3 MCAC Aboriginal Corporation will be required to comply with all Acts affecting or relating to the use of the land during the period of access to the site. MCAC Aboriginal Corporation's use of the site is to be as a temporary staging area to transfer the fill material from road trains to smaller vehicles for transport to the construction site. Any other use is prohibited without the express permission of the City.

- 4 MCAC Aboriginal Corporation is to provide an undertaking to clean the streets on the route of the vehicles of any sand or debris spillage during the works and immediately after the works have been concluded. Failing this being performed to the satisfaction of the City, the City will undertake the required street cleaning and deduct the cost from the bond held against this license.
- 5 MCAC Aboriginal Corporation is to provide a bond of \$50,000 against any:
 - a. Rectification works on the site post completion of the works
 - b. Road cleaning on any of the routes used by the vehicles either delivering sand to the staging area, or by vehicles delivering sand to the construction site.
 - c. Repairs to roads infrastructure on the routes, which can be linked to the additional heavy traffic use on the routes – this includes roads, signage, roundabouts, verges and footpaths.

The bond will be held by the City in trust until such time as the City is satisfied that the terms of condition 5 have been fulfilled by MCAC Aboriginal Corporation. Should MCAC Aboriginal Corporation fail to fulfill condition 5 to the City's satisfaction within 12 weeks of the expiry of the license period, the City will draw down on the bond without further reference to MCAC, to complete the works detailed within Condition 5. In the event of the City drawing down on the bond for this purpose, should any funds remain post completion of the rectification works, the balance of the bond will be returned to MCAC Aboriginal Corporation.

- 6 MCAC Aboriginal Corporation is to note that Railway Avenue from Lowanna Way to Champion Drive is not available as a delivery route as this route is planned to be under reconstruction in the near future. MCAC Aboriginal Corporation is to provide details of the nominated haulage route and ensure all appropriate access permits are in place where applicable. The details of the nominated haulage route are to be provided to the City prior to the commencement of sand deliveries to the site.
- 7 MCAC Aboriginal Corporation are to note that the license granted by the City to access the site is on a non-exclusive basis, with the City retaining access to the site at all times.
- 8 MCAC Aboriginal Corporation will be required to pay the relevant fees associated with the lodgment of their application and the associated assessment of the plans provided as detailed in the City's 2020/21 Budget. MCAC Aboriginal Corporation will also be required to pay the license fee prior to occupation of the site. The license fee is to be negotiated between MCAC Aboriginal Corporation and the City's Chief Executive Officer.
- 9 Upon receipt of a written application from MCAC Aboriginal Corporation, the City may consider granting an extension to the license period. Any extension

- granted shall be for a period not exceeding six (6) weeks and shall be at the sole discretion of the City's Chief Executive Officer. The license conditions remain unchanged during any extension period.
- 10 No signage shall be erected or placed on site without the prior approval of the City.
 - 11 No other works, development or installations shall occur or be placed on site without the prior approval of the City
 - 12 A copy of any notice or direction issued to MCAC Aboriginal Corporation or any of its contractors by any authority, agency or body relating to the use or operation of the site is to be provided to the City as soon as reasonably practicable.
 - 13 This licence is specific to MCAC Aboriginal Corporation and cannot be assigned or transferred to any other party without the prior approval of the City.
 - 14 If the MCAC Aboriginal Corporation is in breach of any covenant to be performed by the MCAC Aboriginal Corporation in terms of this licence, the City may give the MCAC Aboriginal Corporation one (1) days (or such longer period as may be stipulated) written notice requiring the MCAC Aboriginal Corporation to remedy the breach.
 - 15 All questions and disputes which arise between the Parties in relation to this licence may be submitted by a Party to arbitration by an arbitrator agreed upon by the Parties and failing agreement by an arbitrator nominated for the purpose from the Chair of the Resolution Institute for the time being (WA Chapter). The arbitration shall be conducted in accordance with the provisions of the Resolution Institute Arbitration Rules and any award made shall be binding on all Parties.

The proposal and associated conditions have been reviewed by Kott Gunning Lawyers on behalf of the City.

CONCLUSION

The City has been approached by MCAC Aboriginal Corporation who have been engaged by Downer EDI to provide fill material for the METRONET Denny Avenue Level Crossing Removal project. MCAC have subsequently approached the City asking to utilise Council owned property Lot 51, Armadale Road, Haynes, as a temporary staging area to transfer the fill material from road trains to smaller vehicles for transport to the construction site.

It is recommended that Council approve MCAC's request, subject to the conditions outlined in this report.

ATTACHMENTS

1. [1](#) Attachment 1 - Request for Site Access - MCAC Aboriginal Corporation

RECOMMEND

That Council:

- 1. Grant MCAC Aboriginal Corporation a non-exclusive licence to utilise Lot 51 Armadale Road, Haynes as a temporary staging area commencing 23 February 2021 for an initial period not exceeding six weeks, contingent on MCACs acceptance of the conditions outlined in this report.**
- 2. Authorise the CEO to enter into negotiations with MCAC Aboriginal Corporation regarding the licence fee payable for the non-exclusive use of the site, and to determine the final amount payable by MCAC Aboriginal Corporation as outlined in condition 8.**
- 3. Upon application from MCAC Aboriginal Corporation, authorise the CEO to grant an extension to the licence for an additional period not exceeding six (6) weeks, under the same terms and conditions as the original licence.**
- 4. Authorise the CEO to sign any relevant documentation and correspondence to MCAC Aboriginal Corporation to effect the granting of the licence and to include any standard terms to give proper form and effect to the licence and its conditions.**

1.2 - APPOINTMENT OF COMPLAINTS OFFICER

WARD : ALL
FILE No. : M/121/21
DATE : 15 February 2021
REF : NP
RESPONSIBLE MANAGER : Chief Executive Officer

In Brief:

- On the 2 February 2021 the *Local Government (Model Code of Conduct) Regulations 2021, Local Government (Administration) Amendment Regulations 2021* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021* were gazetted and took effect from 3 February 2021.
- Recommend that in accordance with Schedule 1, cl. 11(3) and cl. 11(2)(a) of the *Local Government (Model Code of Conduct) Regulations 2021*:
 - Authorise the Chief Executive Officer to undertake a Request for Quote process for persons to act as the City's Complaints Officer from law firms on the City's legal services panel for future determination by Council.
 - Appoint the Manager Governance and Administration as the City of Armadale Complaints Officer until such time as Council determines the outcome of the Request for Quote process.
 - Approve the complaints lodgement form as attached to this report.

Tabled Items

Nil

Decision Type

Legislative

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

Executive

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

Quasi-judicial

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

Officer Interest Declaration

Nil

Strategic Implications

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

Legal Implications

Local Government (Model code of Conduct) Regulations 2021
Schedule 1, cl.11 – Complaint about alleged breach

Interpretation Act 1984
s.5 – Terms used in written laws

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Nil

Consultation

Chief Executive Officer

BACKGROUND

On the 2 February 2021 the *Local Government (Model Code of Conduct) Regulations 2021*, *Local Government (Administration) Amendment Regulations 2021* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021* were gazetted and took effect from 3 February 2021.

New sections of the *Local Government Act 1995* that provided for the new regulations were proclaimed concurrently and are also now in effect.

DETAILS OF PROPOSAL

In accordance with the *Local Government (Model Code of Conduct) Regulations 2021* Council approval is sought to:

1. Authorise the Chief Executive Officer to undertake a Request for Quote process for persons to act as the City's Complaints Officer from law firms on the City's legal services panel, for future determination by Council
2. Appoint the Manager Governance and Administration as an authorised person to receive and withdraw complaints until such time as Council determines the outcome of the Request for Quote process.
3. Approve the complaint lodgement form as attached to this report.

COMMENT

ANALYSIS

On 27 June 2019 the *Local Government Legislation Amendment Act 2019* was passed by Parliament.

This Act addressed the following key areas:

- elected member training
- the treatment of gifts
- a new code of conduct
- changes to the Standards Panel
- best practice standards for CEO recruitment, performance review and early termination
- greater transparency through more information being made more easily accessible online.

The reforms that have already come into operation include:

- new gift framework
- universal training for council members
- online induction course for prospective local candidates
- changes to the Standards Panel
- greater transparency easier access to information (partly in place).

On 2 February 2021 the following regulations were gazetted and took effect on 3 February 2021. These regulations now introduce the remaining parts of the Amendment Act.

- *Local Government (Administration) Amendment Regulations 2021.*
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021.*
- *Local Government (Model Code of Conduct) Regulations 2021.*

These regulations cover the areas of CEO Standards, Elected Member and Employee Codes of Conduct.

The Department of Local Government, Sport & Cultural Industries (DLGSC) has acknowledged that there will be an implementation phase of up to three months (ending 3 May 2021) where local governments must undertake a series of actions to operationalise these regulatory amendments.

Some actions are required to be taken within three weeks of the regulations taking effect (24 February 2021) and are as follows:

1. Local governments must authorise a person for the purposes of receiving and withdrawing of complaints; and
2. Local governments must approve a complaint lodgement form.

The Regulations nor the *Local Government Act 1995* provide a definition of a 'person' however s.5 of the *Interpretation Act 1984* defines a 'person' as:

“person or any word or expression descriptive of a person includes a public body, company, or association or body of persons, corporate or unincorporate;”

On advice from the City's solicitors, it is confirmed that City may appoint an external company to undertake the role of complaints officer.

Given the sensitivity of this role it is considered appropriate that an external company such as one of the panel of the City's law firms be appointed to ensure independence and avoid any potential conflict.

OPTIONS

There are no options available other than determining whom to appoint as an authorised person for the purposes of receiving and withdrawing complaints.

CONCLUSION

As this requirement is legislated, the Council must authorise a person to receive and withdraw complaints pursuant to the new Code of Conduct requirements and therefore it is recommended that the recommendation, as detailed below be supported.

ATTACHMENTS

1. [Complaint About Alleged Breach Form](#)

RECOMMEND

That Council in accordance with Schedule 1, cl. 11(3) and cl. 11(2)(a) of the *Local Government (Model Code of Conduct) Regulations 2021*:

1. **Authorise the Chief Executive Officer to undertake a Request for Quote process for persons to act as the City's Complaints Officer from law firms on the City's legal services panel, for future determination by Council.**
2. **Appoint the Manager Governance and Administration as an authorised person to receive and withdraw complaints until such time as Council determines the outcome of the Request for Quote process.**
3. **Approve the complaint lodgement form as attached to this report.**

1.3 - COUNCILLORS INFORMATION BULLETIN - ISSUE NO 3/2021

WARD : ALL
FILE No. : M/108/21
DATE : 11 February 2021
REF : MC
RESPONSIBLE : Chief Executive Officer
MANAGER

In Brief:

- Councillor's Information Bulletin – Councillors are advised to take note of the information submitted in Issue No. 3/2021 to be received by Council

Strategic Implications

The following general information and memorandums were circulated in Issue No 3/2021 on 18 February 2021.

COMMENT

Correspondence & Papers

NIL

Information from Human Resources

Employee Movements

Information from Technical Services

Outstanding Matters and Information Items

Various Items

Monthly Departmental Reports

Technical Services Works Program

Information from Community Services

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

Nil

Information from Development Services

Nil

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

That Council acknowledge receipt of Issue 3/2021 of the Information Bulletin

CHIEF EXECUTIVE OFFICER'S REPORT		
ATTACHMENTS		
22 FEBRUARY 2021		
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 **ABORIGINAL CORPORATION**
Straight Up Culture,
Safety, Quality, Loyalty, Pride

ABN 47 248 200 512 ICN# 9248

www.mcac.com.au

12th February, 2021



Regarding; Application for use of site located Corner Waterworks and Armadale road, Haynes.

Dear Kevin and City of Armadale (COA) Team,

Please accept this letter as a request to apply for use of the site on the corner of Waterworks and Armadale rd, Haynes as a staging area in support of Metronet project – Denny Avenue Rail Crossing removal.

MCAC Aboriginal Corporation has been assisting Downer with the Denny Ave rail Crossing project and was recently asked to supply soil for this project. We have managed to source sand from remote sand pits but require a staging area to be able to stock and resupply to smaller trucks who are able to access the smaller road network and construction site.



To ensure smooth arrangement we proactively propose a number of conditions and welcome your feedback to review and add to these to ensure local expectation are met and this site is managed correctly and include:

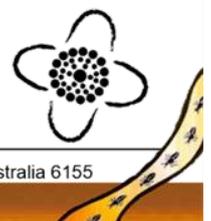
- Any public community engagement will be via Downer approved communications team in partnership with COA Communications team including management of any public concerns.
- We would maintain site access and security to COA expectations when any activity is occurring onsite for this project. Gates would be locked when no persons are onsite.
- We would work with COA team to maintain access routes into and out of the site ensuring they are regularly cleaned and at all times safe.
- Risk Management would be maintained by all persons accessing the site being approved by Downer and onboarded ensuring police clearances and other licenses are in order as well as general upkeep of any vehicles entering the site.
- We would proactively work with COA team to look at beneficial traffic management solutions including signage or other that may assist with site access and traffic management.

MCAC Aboriginal Corporation is Whadjuk Traditional Owners with a focus on deliver great service and upskilling Aboriginal and Non Aboriginal people in Trades focusing our efforts on Facilities and Property Maintenance, Civil Works and Telecommunications.

We would be happy to work with the COA team to consider the suitability of the site for future endeavors that support City of Armadale strategic plans.

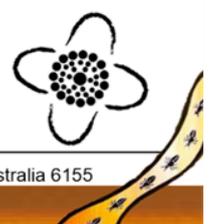
We look forward to your response and consideration.

Kind Regards,



Mathew Wilson
BD Manager
Mobile: 0427 709 042
Email: Mat@mcac.com.au
Web: www.mcac.com.au

Wes Savage
Commercial Manger
Mobile: 0491 083 765
Email: Wes@mcac.com.au
Web: www.mcac.com.au





**Complaint About Alleged Breach Form -
Code of conduct for council members, committee members and
candidates**

Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*

- NOTE:** A complaint about an alleged breach must be made —
- (a) in writing in the form approved by the local government
 - (b) to an authorised person
 - (c) within one month after the occurrence of the alleged breach.

Name of person who is making the complaint:	
Name:	
_____	_____
<u>Given Name(s)</u>	<u>Family Name</u>

Contact details of person making the complaint:
Address: _____
Email: _____
Contact number: _____

Name of the local government (city, town, shire) concerned:

Name of council member, committee member, candidate alleged to have committed the breach:

State the full details of the alleged breach. Attach any supporting evidence to your complaint form.

Date of alleged breach:
_____ / _____ / 20_____

SIGNED:
Complainant's signature:
Date of signing: _____ / _____ / 20_____

Received by Authorised Officer
Authorised Officer's Name:
Authorised Officer's Signature:
Date received: _____ / _____ / 20_____

NOTE TO PERSON MAKING THE COMPLAINT:

This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

The complaint must be made to the authorised officer within one month after the occurrence of the alleged breach.

Signed complaint form is to be forwarded to: info@armadale.wa.gov.au



**ORDINARY MEETING OF COUNCIL
MONDAY, 8 FEBRUARY 2021**

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, 8
FEBRUARY 2021 AT 7.00PM.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor, Cr Butterfield, declared the meeting open at 7.00 pm.

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (previously approved)

PRESENT:

Mayor, Cr R Butterfield presided over	River Ward
Deputy Mayor, Cr C Frost	Lake Ward
Cr J H Munn CMC	Ranford Ward
Cr S Peter JP	Ranford Ward
Cr M S Northcott	Palomino Ward
Cr C A Campbell JP	Palomino Ward
Cr D M Shaw	Heron Ward
Cr E J Flynn	Heron Ward
Cr G J Smith	Minnawarra Ward
Cr K Busby	Minnawarra Ward
Cr M Silver	Lake Ward
Cr G Nixon	Hills Ward
Cr C M Wielinga	Hills Ward

IN ATTENDANCE:

Ms J Abbiss	Chief Executive Officer
Mr J Lyon	Executive Director Corporate Services
Mr P Sanders	Executive Director Development Services
Mr K Ketterer	Executive Director Technical Services
Mr N Kegie	A/Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant

Public: Nil

Press: 1

LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr H T Jones

APOLOGIES:

Nil

1 Mayors Announcements

Tuesday 26th January

Hosted the Australia Day Citizenship Ceremony at the Armadale District Hall. Winners of the Community Citizen of the Year Awards were also announced and an Honorary Freeman of the City award to Henry Zelones OAM, JP presented. Cr's also in attendance were Cr Frost, Northcott, Nixon, Peter, Munn, Smith, Campbell and Busby. Dr Tony Buti MLA, Yaz Mubarakai MLA, Matt Keogh MP and Aaron Fisher from Department of Home Affairs were also in attendance.

Thursday 28th January

Cr Frost opened the Novelli Pavilion by unveiling the plaque on my behalf. Councillors in attendance were Cr Smith, Northcott, Nixon, Silver and Peter. Matt Keogh MP and Yaz Mubarakai MLA were also in attendance.

Friday 29th January

Attended a meeting with a resident in relation to the 60th Anniversary of the Western Australian Wildflower Society (Armadale Branch) and surrounding events to mark the occasion.

Monday 1st February

Whilst in official lockdown, I attended a TEAMS meeting with the Deputy Mayor and CEO to discuss local issues.

Thursday 4 February

Attended a TEAMS meeting with various officers in relation to parking at the Bedfordale Hall and Bushfire Brigade building site.

Monday 8th February

Attended a TEAMS meeting with the CEO to discuss local matters.

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

Nil

10 REPORTS

10.1 TECHNICAL SERVICES COMMITTEE MEETING

Report of the Technical Services Committee held on 1 February 2021.

MOVED Cr G Nixon that the report be received.

MOTION not opposed, DECLARED CARRIED (13/0)

BUSINESS ARISING FROM REPORT

Recommendation T75/2/21 - Asset Management Plan - Buildings

MOVED Cr G Nixon

That Council accept the *Buildings Asset Management Plan 2021/22-2035/36* informing strategy as attached to this report, as amended.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation T76/2/21 - Asset Management Plan - Transport Infrastructure

MOVED Cr G Nixon

That Council accept the *Transport Asset Management Plan 2021/22-2035/36* informing strategy, as attached to this report.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation T77/2/21 - Skeletal Path Plan - Assessment Criteria

MOVED Cr G Nixon

That Council endorse the Skeletal Path Network Plan assessment criteria as detailed in this report, to prioritise annual path capital investment; with the following amendments:

- **Duplication criterion ‘Existing footpath on one side’ score to be amended from -5 to -10.**

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation T78/2/21 - Switch Your Thinking 2020/21 Financial Efficiencies

MOVED Cr G Nixon

That Council authorise the transfer of the Switch Your Thinking 2020/21 financial saving of \$62,686 to the Revolving Energy Fund from PC account 78.7802.7805.004.02 for funding carbon mitigation projects.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation T79/2/21 - Petition - Change of SkatePark to Children's Playground - Barossa Loop, Harrisdale

MOVED Cr G Nixon

That Council defer this item to the next (March 2021) Technical Services Committee meeting to enable members of the public to attend.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation T80/2/21 – Councillor Item

MOVED Cr G Nixon

That Council refers the following Councillor Item:

- **Issues at the intersection of Braemore Street and Williams Road, Seville Grove to the relevant Directorate for action and/or report to the appropriate Committee.**

MOTION not opposed, DECLARED CARRIED (13/0)

10.2 COMMUNITY SERVICES COMMITTEE MEETING

Report of the Community Services Committee held on 2 February 2021.

CORRECTIONS:

Page 84 - Recommendation C3/2/21 on the Draft City of Armadale Access and Inclusion Plan 2021-2026 to read:

That Council defer consideration of this item to the meeting of the Corporate Services Committee on 16 February 2021.

Page 94 Insert Recommendation No. C5/2/21 and recommendation to read as follows:

That Council refers the following Councillor Item:

- **Diversity and Inclusion Strategy to the relevant Directorate for action and/or report to the appropriate Committee.**

Moved Cr K Busby

MOTION CARRIED (7/0)

MOVED Cr K Busby that the report, subject to the above corrections, be received.

MOTION not opposed, DECLARED CARRIED (13/0)

BUSINESS ARISING FROM REPORT

Recommendation C1/2/21 - Accessible Parking Bays in the City of Armadale

MOVED Cr K Busby

That Council:

- 1 Consider as part of the 2021/22 budget deliberations allocating \$38,400 for the 2021/22 financial year to ensure accessible parking bays on City-owned and vested land are identifiable in accordance with regulation 5 of the *Local Government (Parking for People with Disabilities) Regulations 2014*.**
- 2. Endorse the approach of an educative public awareness campaign on the correct use of accessible parking bays.**

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation C2/2/21 - Draft Access and Inclusion Reference Group Terms of Reference

MOVED Cr K Busby

That Council endorse the draft City of Armadale Access and Inclusion Reference Group Terms of Reference as attached to the report.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation C3/2/21 - Draft City of Armadale Access and Inclusion Plan 2021-2026

MOVED Cr K Busby

That Council defer consideration of this item to the meeting of the Corporate Services Committee on 16 February 2021.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation C4/2/21 - Harrisdale Primary School Letter of Variation

MOVED Cr K Busby

That Council:

1. Approves the variation to the Licence Agreement with the Minister for Education, for the Shared Use of the Oval at Harrisdale Primary School in accordance with the following:

a. amend Clause 1.1:

1. Delete the definition of “Major Maintenance” and insert:
Major Maintenance means major maintenance, repair or replacement of the irrigation system in or on the Minister’s Facilities including the bore hole servicing and developing, maintenance of pumps/motors, water meters/headworks, storage tanks, irrigation system automatic controller, pump/bore controller, field control wiring and sensors, irrigation mainline and includes any unforeseen major maintenance such as repairs required due to damage or vandalism.
2. Insert the following definition in alphabetical order:
Apparatus means any infrastructure constructed above the irrigation mainline, which form part of the Minister’s reticulation system.
3. Insert the following definition in alphabetical order:
Infrastructure means any structures or facility (including buildings, transportable buildings, or anything else that requires construction).”

b. amend Clause 5.2:

Delete clause 5.2 and insert:

- 5.2 The Local Government will ensure that all its employees, agents, workmen and contractors contact the Principal prior to carrying out any maintenance to the Minister’s Facilities during the Minister’s Authorised Time of Use and where possible will ensure the maintenance does not impact the Minister’s activities.

c. insert a new Clause, being Clause 5.5:

After Clause 5.4 insert:

5.5 The Local Government shall be entitled to an appropriate amount of time to conduct its Routine Maintenance which may overlap the Minister's Authorised Times of Use. Such time shall be agreed to by the in writing by the Local Government and Principal.

d. inset a new Item, being Item 8(f) of the Schedule:

8(f) The Minister will meet all reasonable costs incurred by the Local Government in removing and replacing the concrete footpath on the Minister's Land constructed above the irrigation mainline, solenoid valves and/or reticulation system ("Apparatus") which form part of the Minister's reticulation system and the cost of repairing any damage to the surface of the Oval that results from delays in the Local Government being able to access the Apparatus."

e. Delete Attachment 2 and insert the following:



**Shared Use of the Oval at
Harrisdale Primary School**

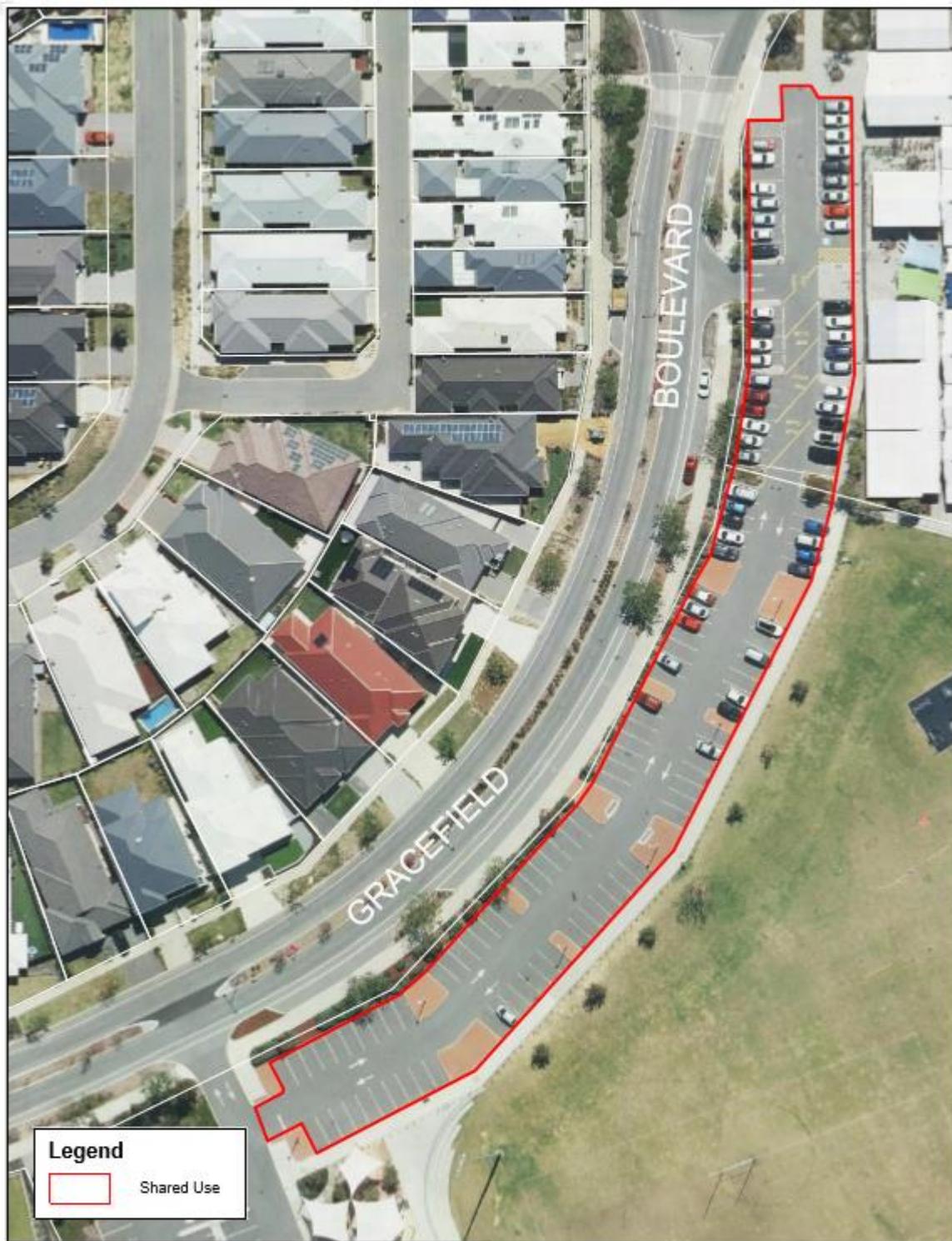


SCALE 1 : 1000

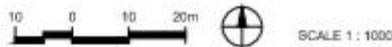
Based on information received by and with the permission of the
Planning and Infrastructure Services Unit of Armadale 2021
Aerial Photography copyright by Landair, Perthshire by Google Inc.



DATE: 6 January 2021 - REVISION 2101
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**Shared Use of the Carpark at
Harrisdale Primary School**



DATE: 8 January 2021 - F8VIG3N.0101
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Based on available aerial photography and other information. The City of Armadale is not responsible for any errors or omissions. All trademarks are the property of their respective owners.

2. Authorises the Chief Executive Officer to exercise all rights and duties incumbent on the City under the Agreement.

MOTION not opposed, DECLARED CARRIED

(13/0)

Recommendation C5/2/21 – Councillor Item

MOVED Cr K Busby

That Council refers the following Councillor Item:

- **Diversity and Inclusion Strategy**

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

MOTION not opposed, DECLARED CARRIED (13/0)

10.3 CHIEF EXECUTIVE OFFICER'S REPORT

Report of the Chief Executive Officer.

MOVED Cr M S Northcott that the report be received.

MOTION not opposed, DECLARED CARRIED (13/0)

BUSINESS ARISING FROM REPORT

Recommendation - Councillors Information Bulletin - Issue No 2/2021

MOVED Cr C Frost

That Council acknowledge receipt of Issue 2/2021 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation - 2020 Annual General Meeting of Electors (Late Item)

MOVED Cr C Frost

That Council:

1. **Receives the Minutes of the Annual General Meeting of Electors held on 20 January 2021 as presented in the attachment to this Report,**
2. **Notes the following motion carried at the meeting:**
“That Council:
 1. *Provide a permanent, centrally located Community Hub in Champion Lakes, which includes a large room for meetings and other group activities, a kitchen, storage and amenities, and is adjacent to a park where events can be held.*
 2. *Liaise with the Champion Lakes Residents Association and advise of the outcome of investigations by 30 April 2021.*
 3. *Include the establishment of a Champion Lakes Community Hub in next year's, and future, budget and planning documents.”*
3. **Requests a report for a community hub in Champion Lakes to be referred to the Community Services Committee.**
4. **Notes the questions taken on notice, responses of which will be provided to the elector directly.**

MOTION not opposed, DECLARED CARRIED

(13/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

13 MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION

1 Asbestos Register Update (Cr Caroline Wielinga)

That the matter of the Asbestos Register Update review of last 10 years be referred to the Technical Services Committee

2 Brookton Highway Footpath (Cr Caroline Wielinga)

That the matter of the Brookton Highway footpath update be referred to the Technical Services Committee.

3 Review of Standing Orders (Cr Shanavas Peter)

That the matter of a review of the Standing Orders be referred to the Standing Order House Advisory Group

4 Frye Park - Parks Asset Renewal (Cr Ruth Butterfield)

That the matter of asset renewal of parks with regard to the pirate ship at Frye Park be referred to the Technical Services Committee

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 7.12pm

MINUTES CONFIRMED THIS 22 FEBRUARY 2021

MAYOR