



**ORDINARY MEETING OF COUNCIL
MONDAY, 22 MAY 2023**

AGENDA

CONTENTS

AGENDA

REPORTS

**DEVELOPMENT SERVICES COMMITTEE MEETING
HELD ON 15 MAY 2023**

**CORPORATE SERVICES COMMITTEE MEETING
HELD ON 16 MAY 2023**

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 MAY 2023

**JOANNE ABBISS
CHIEF EXECUTIVE OFFICER**

18 May 2023

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Leave of Absence previously granted to Cr G Nixon

**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

5.1 Request for Leave of Absence – Cr Kerry Busby

Request for leave of absence received from Cr Kerry Busby for the period Wednesday 31 May until Friday 2 June 2023 inclusive.

RECOMMEND

That Council grant leave of absence received from Cr Kerry Busby for the period Wednesday 31 May 2023 until Friday 2 June 2023 inclusive (does not include an Ordinary Meeting of Council)

6 PETITIONS

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 8 MAY 2023. (ATTACHED)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

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

Nil

10 REPORTS

10.1 DEVELOPMENT SERVICES COMMITTEE MEETING
Report of the Development Services Committee held on 15 May 2023.....5

BUSINESS ARISING FROM REPORT

10.2 CORPORATE SERVICES COMMITTEE MEETING
Report of the Corporate Services Committee held on 16 May 2023. .50

BUSINESS ARISING FROM REPORT

10.3 CHIEF EXECUTIVE OFFICER'S REPORT
Report of the Chief Executive Officer.68

BUSINESS ARISING FROM REPORT

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR
BY DECISION**

**13 MATTERS FOR REFERRAL TO STANDING COMMITTEES –
WITHOUT DISCUSSION**

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

15 CLOSURE

CITY OF ARMADALE

MINUTES

OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 15
MAY 2023 AT 7.00PM.

PRESENT: Cr M J Hancock (Chair)
Cr S Mosey (Deputy Chair)
Cr R Butterfield
Cr P A Hetherington
Cr K Kamdar
Cr G J Smith
Cr S S Virk

APOLOGIES: Nil

OBSERVERS: Cr M S Northcott (*via Teams*)
Cr S Peter JP
Cr G Nixon (*via electronic means*) - 7.30pm to 7.40pm

IN ATTENDANCE:

Ms J Abbiss	Chief Executive Officer
Mr P Sanders	Executive Director Development Services
Ms S van Aswegen	Executive Director Community Services - (<i>via Teams</i>)
Mr M Andrews	Executive Director Technical Services - (<i>via Teams</i>)
Mr S Walker	Coordinator Growth & Urban Regeneration - (<i>via Teams</i>) - 7.00pm to 7.41pm
Mr A Romano	Strategic/Statutory Planning Officer - (<i>via Teams</i>) - 7.00pm to 7.29pm
Ms N Cranfield	Executive Assistant EDDS

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](http://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 by the Chair as there were no members of the public present.

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

DEPUTATION

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 20 March 2023 be confirmed.

Moved Cr R Butterfield

MOTION CARRIED

(7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 5 - MARCH 2023

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

CONTENTS

DEVELOPMENT SERVICES COMMITTEE

15 MAY 2023

1. STRATEGIC PLANNING	
1.1 ADDITION OF HERITAGE PLACES AND MODIFICATIONS AND UPDATES TO LOCAL HERITAGE SURVEY AND HERITAGE LIST	8
1.2 DEVELOPMENT APPLICATION FOR RAILWAY VIADUCT IN ARMADALE CITY CENTRE.....	15
2. MISCELLANEOUS	
2.1 PUBLIC REALM STRATEGIES - HILBERT AND HARRISDALE DISTRICT CENTRES (COUNCILLOR REFERRAL ITEM).....	40
2.2 REMOVAL OF LARGE CANOPY TREES - DEVELOPMENT APPROVAL (COUNCILLOR REFERRAL ITEM)	44
3. COUNCILLORS' ITEMS.....	46
4. EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT	
4.1 DEVELOPMENT SERVICES DIRECTORATE AWARDS - 2023	47
SUMMARY OF ATTACHMENTS	49

1.1 - ADDITION OF HERITAGE PLACES AND MODIFICATIONS AND UPDATES TO LOCAL HERITAGE SURVEY AND HERITAGE LIST

WARD : MINNAWARRA
FILE No. : M/545/22
DATE : 11 May 2023
REF : MK/JR
RESPONSIBLE : EDDS
MANAGER

In Brief:

Modifications are required to the City's Local Heritage Survey and Heritage List to address the following matters:

- Addition of two (2) Heritage Places from the former Development WA West of Rail Precinct to the Local Heritage Survey following normalisation of the area back into the City's Planning Scheme and the addition of the RSL Building to the Heritage List as it has a Category 2 conservation classification.
- Minor modifications to the Local Heritage Survey to amend the contents page and correct changed address details for two properties and update the Place Record for Dr Colyer's Residence.
- Modifications to the format of the Heritage List are required to bring it into consistency with the latest Heritage Council guidelines for Heritage Lists.

Recommend that Council approve the additions and modifications to these two documents as set out 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

1.1.4 Preserve and celebrate the City's built, natural and cultural heritage.

2.5.5 Actively seek opportunities to preserve, document and acknowledge the heritage of the City.

Legal Implications

Heritage Act 2018

Heritage Regulations 2019

Planning and Development (Local Planning Schemes) Regulations 2015

City of Armadale Town Planning Scheme (TPS) No.4

State Policies and Guidelines

State Planning Policy 3.5 Historic Heritage Conservation

Guidelines for the Assessment of Local Heritage Places

Guidelines for Local Heritage Surveys

Guidelines for Establishing a Heritage List

Council Policy/Local Law Implications

Local Planning Policy PLN 3.8 Heritage Management Incentive

City of Armadale Local Heritage Survey 2020

City of Armadale Heritage List

Budget/Financial Implications

Nil.

Consultation

Letters were sent to the owners of the two (2) heritage places (RSL building and Armadale Fire Brigade building) located in the former Development WA's West of Rail Precinct advising of the proposal to include both places in the Heritage Survey, to add the RSL Building to the Heritage List and inviting the owners' comments on the proposals. Clauses 7(3) and (3A) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires this consultation with affected land owners and specifies that a period of 21 days for responses be allowed.

The proposals were sent to CHAG for comment on 27 April 2023.

BACKGROUND

A review of the City Municipal Heritage Inventory (now Local Heritage Survey) was carried out in 2019. The final document was adopted by Council on 28 January 2020.

On 29 September 2020, Council adopted Amendment No.111 to TPS No.4 which proposed to add a Heritage List to TPS 4 containing all heritage places classified as Category 1 (Essential to the heritage of the locality) and Category 2 (Very important to the heritage of the locality) in the Local Heritage Survey 2020. Subsequently, the Minister for Planning refused Amendment No.111 on the basis that changes to the *Planning and Development (Local Planning Schemes) Regulations 2015* over the previous two (2) years had seen a move away from the previous practice of including Heritage Lists in Schemes due to the difficulty of amending the lists when properties are removed or added. Accordingly, Council adopted the Heritage List as a stand-alone document at their meeting on 26 July 2021.

From the early 2000's until May 2022, the area known as the West of Rail Precinct was under the Planning Control of DevelopmentWA (formerly known as the Armadale Redevelopment Authority (ARA) and the Metropolitan Redevelopment Authority (MRA)). As a result Heritage Places within the areas controlled by Development WA (DWA) were removed from the City's Local Heritage Survey (LHS) and placed in DevelopmentWA's Heritage Inventory.

DETAILS OF PROPOSAL

Addition of Place Records for Heritage Places formerly under DevelopmentWA

Normalisation of the West of Rail Precinct was effected on 6 May 2022 and planning control for the precinct was moved from the Development WA scheme into the City's TPS No.4 via that normalisation process and Amendment No.108 to TPS No.4.

Accordingly, the two (2) heritage places located within the West of Rail Precinct now need to be formally added to the LHS being:

- The Returned Services League Armadale Sub-Branch Hall (RSL)
Lot 28 (1) Commerce Avenue Armadale
- The Armadale Career Fire Brigade building (Fire Brigade)
Lot 4 (438) Green Avenue Armadale

A record of these places (including a heritage assessment) was included in Appendix 1 of the LHS in anticipation of the return of these areas to the Planning Control of the City (copy of Place Records for the RSL and Fire Brigade are attached).

The following Place Record numbers have been assigned to the two heritage places to be added to the LHS:

- 118 RSL Hall;
- 119 Armadale Career Fire Brigade building.

In addition, as the RSL Building is classified as a Category 2 Heritage Place, it is proposed to add this place to the City's Heritage List. All Heritage Places classified as Category 1 or 2 conservation level in the LHS 2020 were included in the City's Heritage List.

Other Modifications to the Heritage Survey

Some minor modifications are required to the document as follows:

- Update Contents Page of the LHS as a result of the relocation of the RSL and Armadale Fire Brigade Place Records from Appendix 1 to the main body of the LHS.
- Modification to Place Record 117 (Dawkin's Place) in the LHS to reflect a change to the street address for the place that has occurred as a result of subdivision of the subject land.
- Modification to the Place Record for the Stations Master's Residence in Appendix 1 Development WA properties to correct the address of the place.
- Replace references to Metropolitan Redevelopment Authority/MRA to DevelopmentWA / DWA throughout the document.
- Update the Place Record for Dr Colyer's residence (36 Jull Street Armadale) to include the approved change of use to a Child Care Centre along with significant additions to the building. The additions were completed in April 2023 and the new centre will open soon.

The pages from the Local Heritage Survey that are proposed to be amended (with changes marked in red) are attached. Due to the size of the LHS document (750 pages) the entire document has not been attached and is available on the following website link <https://www.armadale.wa.gov.au/local-heritage-survey-and-heritage-list>

Modifications to format and Content of Heritage List

Subsequent to the City adopting the Heritage List in September 2021, the Heritage Council released updated guidelines for establishing Heritage Lists. The updated guidelines include a new template for the format of Heritage lists. Accordingly, it is timely to take this opportunity to amend the format of the City's Heritage List to be consistent with the template contained in the updated guidelines, particularly given that the addition of the RSL to the Heritage List requires the list to be re-adopted by Council.

COMMENT

The City wrote to the owners' of the two properties within the recently normalised DWA's West of Rail Area advising of the intention to add the places to the Heritage Survey and to add the RSL Building to the Heritage List in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The RSL advised in writing that they were supportive of the proposal and responded as follows:

The Armadale RSL is pleased to acknowledge and agree with the proposed inclusion of the Armadale RSL premise to be listed as Category 2 on the Heritage Survey and Heritage List.

We are pleased to have received confirmation as this reflects the historical significance of the building on behalf of all servicemen and women from the Armadale Area.

DFES' East Metropolitan Team (as representatives of owners of the Fire Brigade building) did not provide any response.

Effect of inclusion of the RSL Building on the Heritage List

In accordance with the City's Town Planning Scheme No.4 (TPS No.4), Schedule A - Supplemental Provisions to the Deemed Provisions Clauses 61(1)(k), (l), (m) and (n), Planning Approval is required to be obtained for any development affecting any place listed in the Heritage List. Development includes:

- Additions
- Alterations (internal or external)
- Removal of vegetation
- Installation of signage
- Demolition of part or all of the existing building
- Erection or removal of fencing.

Accordingly, these provisions of the Scheme will also apply to the RSL premise once the place is added to the City's Heritage List. Similar requirements applied to the RSL premise under the Armadale Redevelopment Scheme 2 that previously governed development within areas under the control of Development WA.

Under the Guidelines for the assessment of local heritage places Classifications of Significance are defined as follows:

Table 1 – Classification of significance

LEVEL OF SIGNIFICANCE TO THE LOCAL AREA	CLASSIFICATION	DESCRIPTION
Exceptional	Category 1	Essential to the heritage of the locality. Rare or outstanding example.
Considerable	Category 2	Very important to the heritage of the locality.
Some/moderate	Category 3	Contributes to the heritage of the locality.
Little	Category 4	Has elements or values worth noting for community interest but otherwise makes little contribution.

ANALYSIS

Modifications to Local Heritage Surveys (LHS)

The addition of the two former DevelopmentWA Places to the LHS will constitute Place-specific reviews as defined in the Heritage Council's Guidelines for Local Heritage Surveys as follows:

Place-specific reviews – addition or more substantial amendment of a heritage assessment of an individual place.

Provision 2.2.2 of the Heritage Council's Guidelines states as follows with regard to adding places to an LHS or modifying the classification or statement of significance for a place:

2.2.2 The addition or removal of a place from the LHS, or the amendment of a place record to the extent that the classification of the place or statement of significance is changed, requires formal adoption of the revisions.

The requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* with regard to modifications to a Heritage List are as follows:

- (4) *If the local government enters a place in the heritage list or modifies an entry of a place in the heritage list the local government must give notice of the entry or modification to —*
- (a) *the Heritage Council of Western Australia; and*
 - (b) *each owner and occupier of the place.*

Accordingly, it will be necessary to write to the parties detailed in (a) and (b) above if Council resolves to add the RSL to the Heritage List.

Format of Heritage List

Since the Council adopted the Heritage list, the format and content required to be included has been modified. The main change is the inclusion of a Statement of Significance for each place listed and identification of whether the interior of the building is significant. Accordingly, these additional columns have been added to the City's Heritage List and the modified document is attached. The Statement of Significance for each place is included in the Place Records in the LHS so has been able to be copied to the Heritage List.

OPTIONS

Council has the following options:

1. Adopt the proposed modifications to the Local Heritage Survey and Heritage List set out in this report and attachments.
2. Elect not to adopt some or none of the proposed modifications to the Local Heritage Survey and Heritage List and provide reasons for doing so.

CONCLUSION

Two (2) designated Heritage Places (RSL Building and Fire Brigade building) have now been returned to the Planning Control of the City following normalisation of the former DevelopmentWA managed West of Rail Area. Accordingly, it is necessary to return these places to the main body of the City's Heritage Survey and add the RSL Building (which has a heritage classification of Category 2) to the City's Heritage List.

Notification of the intention to return the abovementioned two places to the Heritage Survey and the RSL Building to the City's Heritage List was provided to the relevant land owners in accordance with the requirements of the Deemed Provisions relating to Heritage contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*. Neither land owner objected to the proposals.

Accordingly, Council may now consider resolving to add both of the former Development WA places from the West of Rail precinct to the main body of the City's Heritage Survey and to add the RSL building to the City's Heritage List.

Some other minor modifications are required to the LHS to correct some place addresses, update the change of name of the Metropolitan Redevelopment Authority/MRA to DevelopmentWA/DWA and update the Place Record for Dr Colyer's Residence given the development and change of use occurring on that site.

As the Heritage List needs to be re-adopted by Council as a result of the addition of the RSL Building to the list it provides an opportunity for the format of the Heritage List to be updated in accordance with the Heritage Council's guidelines for Heritage Lists.

ATTACHMENTS

1. Local Heritage Survey List 2023 - Modified Pages and Local Heritage Survey (refer separate Attachment)
2. Local Heritage Survey List - Modified Draft
3. Local Heritage Survey - Armadale Fire Station
4. Local Heritage Survey - RSL Hall
5. Local Heritage Survey - Dawkin's Place
6. Local Heritage Survey - Doctor Colyer's Residence (fmr)

RECOMMEND

D8/5/23

That Council:

1. **Adopt the proposed modifications to the Local Heritage Survey as follows:**
 - a. **Transfer the Place Records for the RSL Hall and the Armadale Career Fire Brigade building from Appendix 1 of the Local Heritage Survey (LHS) 2020 to the Place Records section of the LHS document and the following Place Record numbers applied:**

118 RSL Hall;
119 Armadale Career Fire Brigade building.
 - b. **Modification of the Contents pages for the LHS to reflect the changes set out in a. above.**
 - c. **Modification of the Place Record for Place 117 (Dawkin's Place) to identify the current legal address for the place being Lot 809 (7) Corrigan Rise Wungong.**
 - d. **Modification of the Place Record for Place 011 (Dr Colyer's Residence (former)) to add details of the change of use and development occurring on the site.**
 - e. **Modification to the Place Record for the Stations Master's Residence in Appendix 1 DevelopmentWA properties to correct the address of the place.**
 - f. **Replacement of the wording Metropolitan Development Authority (MRA) with DevelopmentWA (DWA) where required.**
 - g. **Adoption of the modified Local Heritage Survey 2023.**
2. **Adopt the proposed modified Heritage List attached to this report including the addition of Place 118 (RSL Hall) Lot 28 (1) Commerce Avenue, Armadale.**

Moved Cr R Butterfield
MOTION CARRIED

(7/0)

1.2 - DEVELOPMENT APPLICATION FOR RAILWAY VIADUCT IN ARMADALE CITY CENTRE

WARD : MINNAWARRA
FILE No. : M/136/22
DATE : 11 May 2023
REF : SW/AR
RESPONSIBLE : EDDS
MANAGER

In Brief:

- The Byford Rail Extension (BRE) project will elevate the railway line through the Armadale City Centre and the Armadale Train Station.
- The second development application associated with the BRE project has been received for the viaduct structure that will be used to elevate the railway.
- This development application will be determined by the Western Australian Planning Commission (WAPC) as the proposal is located within Planning Control Area (PCA) No.164.
- Recommend that Council advise the WAPC that it supports the application subject to conditions.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

- 1.2.1.6 Support projects that improve the perception and safety of patrons on the Armadale Line and increase train patronage.
- 2.2.2.6 Develop a Public Realm Strategy and implementation plan for the Armadale City Centre.
- 3.1.2.1 Participate in the MetroNet working group for the Byford extension and advocate for outcomes that support the future growth of the Armadale City Centre.
- 1.2.3 Provide for a diverse range of active and passive recreational pursuits within the City.
- 2.2.2 Improve the amenity of streetscapes in established suburbs to provide an attractive, shaded network that connects residents to locations of interest.
- 2.2.4 Develop, improve and maintain quality parks, playgrounds and public open spaces throughout the City.
- 3.1.2 Advocate for the Armadale Strategic Metropolitan City Centre Structure Plan and cultivate the strategic partnerships necessary for its successful implementation.
- 4.1.1 Advocate for the delivery of key transformational projects.

Legal Implications

Public Works Act 1902

Planning and Development Act 2005

Railway (MetroNet) Act 2018

Metropolitan Region Scheme

WAPC's State Planning Policy 5.4 - Road and Rail Noise (SPP 5.4)

Town Planning Scheme No.4

PLN 2.4 - Landscape Feature and Tree Preservation

PLN 3.12 - Percent for Public Art

PLN 3.14 - Designing Out Crime

ENG6 - Street Trees

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

Future development applications and works are proposing to transfer management of landscaping, activity areas, public realm, etc to the City for management, which will be the subject of future reports for Council's consideration.

Consultation

1. City of Armadale Staff participating in working groups and providing comment on 'design packs'
2. MetroNet online survey regarding public spaces created by viaduct/train station
3. Advertising of Development Application

BACKGROUND

Subject Site

The section of railway reserve north of Armadale Road is straddled by Railway and Streich Avenues, which have Residential zoned properties on either side of them that are split-density coded in order to facilitate redevelopment for transit orientated development. Both are busy distributor roads that carry high traffic volumes and are characterised by mature trees and large shrubs which currently screen the railway line for a significant length. A Principal Shared Path (PSP) runs alongside the railway reserve in the eastern verge of Railway Avenue and there is an at-grade pedestrian crossing over the railway line, approximately 300m north of Armadale Road.

Residential lots also front Aragon Court on the western side of the railway between Armadale Road and Forrest Road, overlooking a substantial amount of mature trees in the western road verge and railway reserve. On the eastern side of this section, the existing PSP abuts Neerigen Street, and Neerigen Street contains on-street car parking partly in the Railway Reserve and provides access to the Armadale Central Shopping Centre. The City currently manages the parking bays under a Licence with the Public Transport Authority (PTA).

The next section to the south, between Forrest Road and Church Avenue, contains the Armadale Railway Station which is currently at-grade. To the east and south-east of the train station is commercial development and the Jull Street mall, and on the western side is Residential zoned land including the 'West of Rail' precinct which DevelopmentWA and the City normalised back to the City's planning control in April 2022. Much of the West of Rail precinct comprises vacant land for future redevelopment, with some lots being used temporarily by MetCONNx for site offices.

The final section of railway reserve which is relevant to the proposed viaduct runs approximately 250m south of Church Avenue. Both sides of this section contain predominantly residential development, including Dale Cottages which is a large retirement/aged care facility on the eastern side of the railway. Again, both sides of the railway line are characterised by mature trees and large shrubs which screen the railway.

Armadale Strategic Metropolitan City Centre Structure Plan

The Armadale Strategic Metropolitan City Centre Structure Plan (ASMCCSP) is an important strategic planning document that guides the future planning and development of the Armadale City Centre and also serves as an advocacy document when State Government support is sought for key projects within the Centre.

When the City embarked on preparation of the ASMCCSP it was important that it reflected upon the current condition of the City Centre, so that a vision could be developed to meet the expected population growth, required employment and transport needs. The City identified that with 129,140 jobs anticipated for the south-east corridor by 2050, significant expansion of the City Centre would be required particularly in the areas of tertiary institutions (i.e. TAFE and University), Government Administration, Retail and Commercial diversity and Housing diversity. Currently the City Centre is home to approximately 3,000 jobs and with population expanding significantly in the corridor, it will be necessary for the Armadale City Centre to grow substantially in both employment opportunity and diversity.

During consultation with the MetroNet team, the City became aware that the BRE project would require at a minimum the grade separation of Armadale Road, Forrest Road/Third Road and Church Avenue. The ASMCCSP considered three scenarios for the railway line through the City Centre which were, order of preference, an 'Underground Rail' option, 'Viaduct' option and 'Base' option involving permanent removal of some at-grade level crossings. This would continue with a future grade separation of Armadale Rd by Main Roads WA as a separate future project in a trench under the Railway line. The 'Base' option was initially chosen by the State Government, however, following advocacy by the City and work with the State Government Departments, the viaduct solution was ultimately adopted by the State Government. The viaduct was the second preferred option in the City's ASMCCSP and Business Case prepared and adopted by the City and its consultants.

At its meeting held on 27 August 2018, Council resolved (subject to modifications) to forward the Structure Plan documents to the WAPC for approval. WAPC determination of the ASMCCSP was subsequently held, pending the completion of Amendment 103 to TPS No.4 which would put in place the zoning and development requirements proposed in the Structure Plan. Amendment 103 was gazetted on 16 December 2022 and its final form has necessitated some modifications to the ASMCCSP to make the Structure Plan consistent with Amendment 103. The City and its consultants are now working to finalise those modifications to the Structure Plan, both as a result of the outcome of Amendment 103 and

other modifications required by WAPC, before submitting a modified draft to the WAPC for approval. It is estimated that the ASMCCSP will be finalised within the third quarter of 2023.

Railway Viaducts

As stated in the application, the construction and upgrading of viaducts has been a common sight in Victoria and New South Wales since 2014, citing the benefits of such projects including:

- Safer conditions for drivers, public transport users, pedestrians, and cyclists;
- Better public transport facilities via a new premium railway station;
- Improved connectivity between alternate modes of transport;
- More reliable travel times for drivers and public transport users; and
- Better connections and access within town and activity centres.

In addition to the abovementioned benefits the area underneath a railway viaduct becomes available for other public purposes.

Byford Rail Extension Project

This project will:

- extend the Armadale Line approximately 8km south to a new train station in Byford;
- remove all existing level crossings from (and including) Armadale Road to the new Byford Station;
- remove the three level crossings within the Armadale City Centre by the grade separation of the railway onto a viaduct that shall run above Armadale Road, Forrest Road and Church Avenue; and
- rebuild Armadale Station as an elevated station at the same level as the viaduct, which will form part of a subsequent development application.

As mentioned above the City had advocated for the Byford Rail Extension (BRE) Project to use elevated rail, in preference to remaining at grade through the City Centre, as that option provided for:

- retention of the existing and provision of additional east-west movement links, which are critical to the accessibility, functioning and viability of the City Centre; and
- creation, use and activation of additional public space under the viaduct.

The State Government has awarded the contract to construct the BRE to the 'MetCONNx' Alliance comprising Laing O'Rourke Australia Construction Pty Ltd, Pritchard Francis Consulting Pty Ltd and Kellogg Brown & Root Pty Ltd.

The existing Byron Road level crossing is proposed to be closed by the BRE project and a new bridge will also elevate Eleventh Road over the railway. The Byron Road level crossing is not included in the development application area and the Eleventh Road bridge will be the subject of a separate development application to DevelopmentWA, which the City will be consulted on. While the City advocated for retention of the Byron Road link, the State Government ultimately decided to remove the level crossing and notified the City of that decision.

Metropolitan Region Scheme

The subject area is primarily within the Metropolitan Region Scheme's Railway Reservation, with the exceptions mentioned in the Town Planning Scheme No.4 section below.

Planning Control Area

The WAPC has declared a Planning Control Area (PCA) No.164 over some land in Armadale, in support of the BRE project (see Attachments). Declaration of a PCA under the *Planning and Development Act 2005* is a statutory planning process used to protect strategically important land from inappropriate development and can facilitate acquisition by the WAPC where required.

Applications for development approval in a PCA must be submitted to the relevant Local Government, who must, within 30 days of receiving the application, forward it together with its recommendation, to the WAPC. The WAPC determines development applications for land within a PCA. This development application for a railway viaduct only relates to a northern portion of the PCA.

Town Planning Scheme No.4

Small sections of the railway viaduct are proposed to extend into the following land which is zoned Mixed Business/Residential R-AC0 under Town Planning Scheme No.4 (TPS No.4):

- Lot 4 (438) Green Avenue, Armadale (Fire Station site);
- Lot 502 Green Avenue, Armadale (vacant Western Australian Land Authority site); and
- Green Avenue Road Reserve (train station access ramp).

These pieces of land which are zoned under TPS No.4 are within PCA No.164.

West of Rail Activity Centre Plan

An Activity Centre Plan (ACP) (now known as a Precinct Structure Plan) is applicable to the West of Rail Precinct and guides development. The ACP was approved by DevelopmentWA in August 2021 and was then, as an approval, transferred to the City upon normalisation of the West of Rail Precinct in April 2022.

The three pieces of land specifically mentioned above are subject to the West of Rail ACP and Lots 4 and 502 form part of the 'Gateway North' precinct, which has specific development requirements and the following development intent:

"This site will provide an important marker at the northern approach to the precinct providing a sense of arrival from Abbey Road. Development along the northern edges of the site will form the first visible edges of the precinct and the design of the built form will set the tone for the visitors' experience of the precinct. Being located at a major road intersection and within close proximity to the train station, the site has exposure befitting a landmark building development and offers the opportunity to create an entry statement to the precinct and Armadale city centre. Development on this site shall provide for good passive surveillance and pedestrian connection to the train station and address the public realm via well-presented elevational treatments."

The majority of lots in the West of Rail precinct which abut the railway have a minimum height requirement of 5 storeys and maximum height of 7 storeys. Residential balconies are likely to be required facing the public realm, in the direction of the railway.

PLN 2.4 – Landscape Feature and Tree Preservation

PLN 2.4 – Landscape Feature and Tree Preservation identifies mechanisms for protection of those significant trees through the planning and development process. While the applicant and WAPC may have regard for this Local Planning Policy, and it has informed the application to some extent, however the applicant argues the WAPC is not bound by the Policy where the subject site is located in a PCA and the WAPC is the determining authority.

PLN 3.14 - Designing Out Crime

The objectives of PLN 3.14 - Designing Out Crime are to:

- a) Encourage development within the City to incorporate designing out crime principles;*
- b) Provide guidance in relation to built outcomes that assist in supporting the reduction in actual and perceived crime and anti-social behaviour; and*
- c) Provide guidance on the design and assessment of planning proposals.*

The viaduct structure and development/landscaping underneath it should minimise crime and anti-social behaviour and maximise opportunities for legitimate activity, in accordance with these policy objectives.

State Planning Policy 5.4 - Road and Rail Noise

The WAPC's State Planning Policy 5.4 - Road and Rail Noise (SPP 5.4) applies to the preparation and assessment of development proposals in Western Australia, including major upgrades of railways. The Policy:

- sets the noise targets for this project;
- requires that the certain design considerations be undertaken to ensure that the proposal achieves overall noise management outcomes; and
- requires that the proposal be accompanied by a noise management plan to determine actual noise levels accounting for any relevant adjacent zoning under an applicable region or local scheme, and demonstrate that the proposal can adequately mitigate the noise impacts.

See the Acoustic & Vibration Report section below for further details of the proposal's compliance with SPP 5.4.

MetroNet Sustainability Strategy

MetroNet's Sustainability Strategy, which was published in December 2021, identifies objectives, targets and outcomes that are applicable to transport infrastructure, stations and precincts. The following outcomes are relevant to the railway viaduct development application:

- *Projects have considered LGA and DPLH guidance regarding urban forest strategies and implemented complementary initiatives to reduce tree loss, and where possible contribute to a net-benefit (increase) in tree canopy cover in station and public realm areas.*
- *A landscape architect/designer involved early at project concept design to support realisation of good landscape design and opportunities for community amenity, lower maintenance costs, environmental values, green infrastructure and WSUD.*
- *Landscape design plans integrate and enhance biodiversity, tree canopy coverage, fire risk resilience and WSUD.*
- *The stakeholder and community engagement plan provides opportunity for the community in precinct planning and design.*
- *The community is consulted on their values and priorities for a precinct area, with values considered in precinct design and delivery.*

MetroNet Public Art Strategy

MetroNet's Public Art Strategy, which was published in October 2019, identifies the following objectives for public art delivery across the MetroNet program, including the BRE project:

- *Drive the delivery of a diverse program of high-quality progressive, bold, meaningful and inspiring public art that is reflective of and valued by the community.*
- *Support the appeal and legibility of public spaces connected to stations and other transport infrastructure by creating points of interest, landmarks and destinations; supporting walkability and building a sense of adventure.*
- *Help animate public spaces, showcase local cultures and build place identity.*
- *Celebrate and/or honour, respect and acknowledge Australia's First People by promoting, engaging and responding to local Aboriginal connection to place, culture, community, heritage and history.*
- *Encourage creativity and innovation, and support the development of creative capital, employment opportunities and the sustainability of the professional and emerging local arts sector.*
- *Leave a positive project legacy to acknowledge the significance of MetroNet.*

Planning Exemption & Development Applications

It should be noted that many of the temporary and permanent works associated with the BRE project are subject to exemptions in the *Public Works Act 1902*, *Planning and Development Act 2005* and *Railway (MetroNet) Act 2018* and as a result, will not require planning approval from the City or WAPC. However it should be noted that the City's support should be obtained for infrastructure that is proposed to be transferred by the PTA to the City for management.

The basis/extent of those exemptions is summarised in Parts 7 and 9.1 of the attached Development Application Management Plan (DAMP) which was prepared between MetCONNx, WAPC and the Office of Major Transport Infrastructure Delivery (OMTID). The City was provided with limited input into the preparation of the DAMP and was notified of the outcome, rather than being provided with the opportunity to comment.

The DAMP also notes that the project shall be split across a number of staged development applications. The purpose of staging these applications is to ensure that the BRE project is completed within the expected timeframe and that the rail shutdown period and associated disruptions to the community are minimised.

A third development application will be lodged which will contain the detail of the new elevated station, bus interchange facilities, public realm upgrades, related car parking, associated means of pedestrian and vehicle access and finishes to the viaduct. This will be considered by Council in June/July 2023 and advertised for public comment by the WAPC.

Railway Shutdown and Temporary Bus Interchange (Not Part of Application)

During the construction phase of the BRE, the rail line will be shut down for an estimated period of 18 months, with construction expected to begin in 2023. In order to continue providing public transport during that period, a temporary bus interchange is currently being constructed over an existing PTA parking area along Commerce Avenue (between Fourth Road and William Street) within the Railway Reserve. Temporary car parking for passengers and PTA staff will also be provided while the temporary bus interchange is in operation.

The temporary bus interchange was the subject of the first BRE development application and that application has already been determined by the WAPC. Works have recently commenced.

Advocacy & Appointment of Consultant

The City engaged ASPECT Studios to provide input to its advocacy about the public spaces which the project will deliver under the viaduct: ASPECT Studios were chosen because they are a landscape and urban design studio that have experience across a number of similar viaduct projects in the eastern states.

The focus of the advisory work was to work with Council to identify, develop, articulate and advocate the key strategic priorities along the project corridor to ensure that the project delivers a significant positive legacy for the City of Armadale and the community. The focus for the advisory work was landscape and urban design outcomes, including:

- Active transport connectivity;
- Open space opportunities, corridor activation and strength-based initiatives to optimise social outcomes;
- Appropriate treatment of infrastructure to mitigate impacts and maximise open space opportunities; and
- Minimisation of impacts upon existing amenity and vegetation.

The Scope of Works to be delivered by Aspect would be provided in three parts:

1. Create an advocacy document that describes the study area and the opportunities and challenges associated with having a viaduct in a CBD location and identified the opportunities and constraints of the project and the level of influence the City can have over short term (as part of the initial construction) outcomes as well as identifying more generally opportunities for future development. The document should also:
 - Provide early direction to MetroNet and the project design team on the key structural elements of the scheme and ensure that design moving forward maximises opportunities for Council to deliver upon key strategic priorities, reflects Armadale's designation as a Strategic Metropolitan Centre and is consistent with the CBD location of the project;
 - Gain a clear understanding of the current project scheme developed by MetroNet and the appointed Project Alliance, identify opportunities and constraints associated with the current scheme, and where appropriate propose alternative approaches that support the City of Armadale's strategic priorities;
 - Deliver an evidence base for the City to advocate for alternative approaches where required; and
 - Make recommendations for early and direct feedback to MetroNet on specific project elements in the design tender including recommendations to modify project elements based on analysis undertaken and through consultation with stakeholders including MetroNet.
2. Development of corridor strategic priorities through developing a master plan for the study area which clearly articulates the City's long-term vision for the corridor to deliver upon both existing strategic priorities as well as any new opportunities that have arisen as a result of the project. Also:
 - identify and prioritise key outcomes to be delivered or future-proofed in the delivery of the project.
 - produce a Corridor Landscape and Urban Design Strategy document which clearly sets out Council's expectations for the corridor to inform ongoing design development and to aid in advocacy for project outcomes.
3. Provide further 'ad-hoc' support in ongoing advocacy, design briefing and technical review support as the project progresses.

MetroNet/PTA required any City officers working on the Project to enter into a confidentiality agreement prior to engaging in the design and pre-lodgment processes. This has prevented the City from informing or consulting external parties and residents about that (confidential) process.

DETAILS OF PROPOSAL

This second BRE development application is proposing the following non-exempt development that is associated with the railway viaduct:

- Viaduct piers and beams (excluding treatments);
- Early works and site establishment works (including removal of vegetation, crane pads, and gantry work zones) related to the construction of the viaduct piers and structures;
- Operational railway infrastructure / works (i.e. rail track, maintenance tracks, signalling infrastructure, overhead line equipment (OLE) masts, overhead rail lines and infrastructure, etc); and
- Partial demolition of Armadale station and western carpark.

A number of technical reports are included with the application and the following reports will be discussed in more detail below:

- Tree Retention Strategy;
- Staging, Demolition and Construction Management Plan;
- Operational Noise and Vibration; and
- Drainage Strategy

Some of the content in the application, such as the Tree Retention Strategy, is the subject of ongoing work. Whilst the City has been understanding of the tight timeframes of the Project, the City has expressed its concern that as a result, portions of the application and supporting documents are not fully finalised by the Project Team. Further details are provided about this issue below.

Viaduct

The proposal is approximately 1.5km of viaduct structure running through the Armadale City Centre, from an area opposite Frys Lane in the north, to an area in the south part-way between Church Avenue and Seventh Road. The alignment of the proposed viaduct is typically toward the western side of the Railway Reservation, in order to leave room for the future Bunbury Fast rail project if the alignment option selected in the future connects with the Armadale Line.

The single viaduct widens out where it will form part of the new, elevated Armadale Train Station, in order to support two platforms and rail lines for maneuvering/stacking at the higher level serving both Transperth and Australind services. The width of the viaduct/station structure is 31 metres at this location.

The viaduct will also facilitate grade separation of the railway and removal of the three level crossings at Armadale Road, Forrest Road and Church Avenue, by crossing over those roads at the higher level.

The viaduct is proposed to be supported by pre-cast pylons which are 1.5m x 1.5m wide and vary in height from approximately 5m to 7.4m in height. The rows of columns are set roughly 30m apart and the intention is that, in places, the area under the viaduct shall become a developed/landscaped public space. The total height, including the OLE, is approximately 15 metres.

The structure that is supported by the pylons contains:

- A precast deck which houses the railway's track slab and rails;
- Precast beams which screen the outside of the viaduct, providing noise attenuation and a base for signal/communications conduits and maintenance access above;
- Generic metal handrails; and
- Overhead Line Equipment including masts.

The total height of the structure, excluding the metal hand rails either side of the maintenance access, is approximately 8.9m to 11.3m. The application states that the viaduct beams and piers are proposed to be finished in grey, with future aesthetic treatment options proposed in key areas. The proposal is that those aesthetic treatment options for the viaduct would be detailed in the third development application.

The City has been advocating for over a year for appropriate treatments of the viaduct to reduce the "grey impacts" and provide some amenity. In regard to the structure itself, the City had been advised that the design and manufacturing of structural elements such as the beams and piers had already been progressed to the point where they could not be modified. The City has focused on appropriate treatments, art works and painting of the structures to improve their appearance and amenity.

Removal and Replacement of Vegetation

As noted above, both sides of the railway line are generally characterised by mature trees, large shrubs and a tree canopy which screens the railway. Removal of some established trees cannot be avoided in order to accommodate construction methods, accommodate the new rail infrastructure and meet minimum setback design parameters set by the PTA for safety or maintenance. Removal of vegetation is therefore part of the early works and site establishment works that require development approval in the PCA area.

The Denny Avenue level crossing removal project did not prioritise tree retention and significantly impacted the environment and amenity of Kelmscott. Although the Engagement Summary in Table 6 of the planning report does not list the City as a stakeholder regarding Tree Retention and Landscaping, the retention of trees has been one of the City's priority advocacy points since day one of the BRE project. As a result of the City's continued advocacy on the importance of trees, the tree retention targets which are contained in the Tree Retention Strategy (Appendix E) have moved from a 36% likely retention of tree canopy to 72% likely retention of tree canopy in the PCA area. This is a significant improvement.

However, the development application drawings contained in Appendix D and arborists reports in Appendix E pre-date the adoption of the tree retention targets, and the applicant has acknowledged that further work is required before those newly adopted targets can be implemented via a revision of the designs and specifications. A further issue is that the format used to show the (superseded) tree location and protection zones in the Tree Retention Specification is not fit for purpose; because many layers of information are overlaid onto the same plan, and the trees are often close together, it is not possible to determine individually which trees are intended to be retained or removed.

Other documents which form part of the application, such as the Construction Management Plan, are also not consistent with the planned tree retention targets and are yet to be updated. It is acknowledged that the contractors have tight timeframes to deliver the project.

The following targets in the Tree Retention Strategy should be noted:

“A robust and diverse urban forest will provide important green infrastructure as a legacy for future generations. The project teams approach to the retention, protection and planting of trees within the projects development envelope is based upon:

- *work collaboratively with the City of Armadale to retain, protect, and select trees.*
- *maximise the retention and protection of existing trees;*
- *retain and protect nominated heritage trees;*
- *increase the existing tree canopy within a likely time period*
- *replace "like for like" tree species removed;*
- *utilise a minimum of 50% endemic tree species;*
- *build on and enhance the tree diversity in tree selections;*
- *utilise mature tree planting stock for use in high amenity and/or areas with greater tree removal;*
- *visual screening of noise walls and viaducts to minimise scale and visual impact; and*
- *improve visual amenity.”*

“We believe our teams provides a best practice approach including a:

- *data driven and demonstrated evidence based projected modelling;*
- *total of 1000 trees (from 45L pot size to ~1500L sizing) proposed to be installed within the development envelope.*
- *likely projected canopy cover to exceed existing canopy after from 5 years, and a likely doubling of existing canopy after 20 years;*
- *project canopy cover is based upon the entirety of the development envelope including the viaducts, roads, rail and station area.”*

“Through extensive cross discipline on-ground and desktop reviews, an estimated 72% of canopy is likely to be able to be retained.

- *72% canopy likely retained*
- *8% canopy under investigation*
- *31,979m² canopy remaining*

All heritage trees can be retained.”

- *“72% existing canopy likely retained*
- *1000 proposed trees to be installed*
- *heritage trees to be retained*
- *projected canopy likely to exceed existing ~ 5 years*
- *2 x existing canopy likely by 20 years.”*

Demolition

As part of viaduct works the at-grade rail line, Armadale Train Station, bus interchange canopies and some associated parking will be demolished/removed in order to allow the viaduct and train station platforms to be built.

Staging, Demolition and Construction Management Plan

A Staging, Demolition and Construction Management Plan (SDCMP) has been prepared to outline the construction methodology for the safe and efficient delivery of all works associated with the construction of the viaduct. Areas of specific interest to the City are:

- Full or partial road closures or deviations: for example the SDCMP proposes that during viaduct construction and Armadale Road reconstruction:
 - the intersection of Armadale Road and Streich Avenue should be a left-in, left-out intersection; and
 - there will be a long term reduction of lanes on Armadale Road to a single lane in each direction, and intermittent short term (weekend or nightshift) closures to lift precast bridge beams over the road.
- Controls to minimise the impact of construction upon the amenity of residents, functioning of the Armadale City Centre and the environment; and
- Impacts of the proposed construction methodology upon tree retention targets, and rehabilitation of the site post-construction, so that landscape works can be successfully implemented.

The Armadale Road traffic management is likely to have a detrimental effect on residents and visitors to the Armadale City Centre, its business and services.

Operational Noise and Vibration Report & Noise Walls

An Operational Noise and Vibration Report has been provided with the application which predicts future noise and vibration emissions from the viaduct section of the railway only and compares them to the relevant targets in state noise policies and industry guidelines. While development scenarios at 2m and 9m in height were modelled the City's request for further scenarios to be modelled at 5 and 7 storeys, in accordance minimum height requirements for the adjoining portion of the West of Rail Precinct, was not accepted. It is noted that the railway has a different noise target than landowners constructing residential buildings or apartments.

The primary means of noise attenuation would be the 2.3m high precast beams proposed on the outside of the viaduct, which also screen the railway. Other forms and extents of mitigation that will be required are noted as being subject to refinement as the design develops.

The report predicts compliance with the relevant State Planning Policy 5.4 – Road and Rail Noise (SPP5.4) and flags a marginal exceedance of the *Environmental Protection (Noise) Regulations 1997* dBLAmax parameter. On this basis, the report concludes that noise and vibration from railway operations associated with the viaducts at Armadale Station can be practicably managed to comply with applicable criteria.

Unlike the viaduct, which has noise attenuation provided by the precast beams, the ramps which lead up to the viaduct contain no integral noise attention measures. The project's acoustic reports have therefore identified/modelled the requirement for some noise walls either adjacent to, or on top of the ramps, and those noise walls could potentially form an extension to the retaining walls which will form part of the ramp. The ramps are discussed in further detail below.

The noise walls do not form part of this application as they are exempt from planning approval. The planning report states that future aesthetic treatments may be applied to the noise walls and that would be detailed in the third development application.

Drainage Strategy & Neerigen Brook

The existing drainage within the rail corridor is predominately a network of open channels that manage rail runoff and discharge at select locations into the City's drainage network.

The Drainage Strategy addresses the management of stormwater runoff from the new railway viaduct down to ground level. That stormwater runoff from the viaduct will be then discharged into a new 'on-grade' drainage network at ground level and the proposals for that network are summarised, section by section, within the Strategy. It should be noted that:

- the new 'on-grade' drainage network should be integrated with the landscape/public realm treatment underneath;
- the detail of those public realm upgrades under the viaduct is proposed to be contained in the third development application;
- the City has not endorsed the proposals for the new 'on-grade' drainage network but expects to be involved in their development, given that the State Government will likely propose to hand over management of those areas to the City, which Council will need to consider.

Just south of Armadale Road, Neerigen Brook cuts through the rail corridor via an open culvert under the railway. Neerigen Brooks flows west from Sanctuary Lake to Minnowarra Lake, under the Armadale Central shopping centre, into the railway corridor and out into the drainage reserve on the western side of Aragon Court which continues through to Haynes.

The proposed viaduct is proposing to retain the drainage function and alignment of Neerigen Brook which will continue to run underneath the viaduct. Some improvements to amenity are likely to be proposed around the Brook however they will be outside the scope of this development application and are anticipated to be included in the third development application which will contain the detail of the public realm upgrades.

Ramps (Not Part of Application)

The viaduct structure connects to long ramps of up to 400m to the north and south which will be built on top of retaining walls and earthworks, which are approximately 6.8m high where they join the viaduct. The planning report states that future aesthetic treatments may be applied to the retaining walls and that would be detailed in the third development application.

The retained ramps do not form part of the development application.

Environment Approval for BRE

MetCONNx have advised that the environmental approval for the BRE (and associated offsets) would permit removal of any mature trees within the subject area, where required. In order to offset that removal the environmental approval requires that the proponent implement on-ground management of specific area/locations that contain the same environmental values that are being impacted: for example, the Lambert Lane Nature Reserve is one of the nominated offset locations.

If they wish to remove specific trees, the Environment Approval requires the applicant to undertake a range of management actions to ensure that did not cause the death of any native fauna, with particular attention given to Black Cockatoos given that some of the trees provide potential breeding and foraging habitat.

Public Art

The public art component of the BRE project will be provided in accordance with MetroNet's Public Art Strategy and the State Government's Percent for Art Scheme which encourages art in the built environment by using a percentage of a development's overall budget to commission public artworks. The City has seen initial public art principles only for this project, and has made a point of requesting early engagement with Council about any public art components that are proposed to be maintained by the City.

No public art is proposed as part of this planning application: public art is expected to be included within the third development application.

Local Heritage Buildings – RSL Hall & Fire Station

There are two heritage buildings within the immediate vicinity of the proposed railway viaduct, both of which are currently occupied and expected to continue operating during the construction period:

- Armadale RSL Hall - Lot 28 (1) Commerce Avenue, Armadale - Management Category 2 (Considerable Significance) under the City's Local Heritage Survey; and
- Armadale Fire Station – Lot 4 (438) Green Avenue, Armadale - Management Category 3 (Some/moderate Significance) under the City's Local Heritage Survey.

These heritage buildings will be the subject of a dilapidation survey prior to demolition, excavation and railway works commencing that will document the existing condition of the adjoining buildings, and a re-inspection after the project is completed to determine if there was any impact. The Construction Management Plan outlines the planned methods of reducing any impacts upon adjoining properties/buildings, including the two heritage buildings.

Public Advertising of the Viaduct DA

This development application was advertised by WAPC for a period of 14 days between 20 April 2023 and 4 May 2023. At the time of this report being written the City has not received the WAPC's advice about submissions received: if possible that information will be conveyed to Council separately, prior to its meeting.

ANALYSIS

One of the City's concerns is that the viaduct DA is proceeding without the public realm and station design being completed and engagement being completed with Council.

Removal of Vegetation & Replacement Planting

The draft tree retention target for the PCA area of 72% likely retention of tree canopy is considered a significant improvement, however it is a significant concern that the development application drawings and other appendices do not address the target or demonstrate in detail how it is being achieved. A set of plans is urgently required that clearly shows the trees to be retained, removed and potentially retained, in order to:

- Translate the retention target into the design;
- Enable formal consideration by the City officers and engagement with Councillors and the community;
- Allow the other ongoing design work to be aligned with that baseline plan;
- Enable the Tree Retention Specification to be applied and enforced during construction; and
- Enable assessment against MetroNet's Sustainability Strategy outcomes.

It is also recommended that if the application is supported, a condition be applied which requires the provision and implementation of a landscape plan which shows the planting of replacement trees within the viaduct area in accordance with PLN 2.4 – Landscape Feature and Tree Preservation and the abovementioned targets from the draft Tree Retention Strategy.

Victoria Park-Canning Level Crossing Removal Project & Gap Analysis

The Victoria Park-Canning Level Crossing Removal (LXR) Project is more advanced than the BRE project, and the development applications were advertised to the public in October/November 2022 and February/March 2023. The two projects shall be carried out concurrently on the same railway line, by different contractors, and both replace large sections of 'at grade' railway with viaduct.

LXR advertising materials have contained information that could be compared to the design packs which had been received for BRE, and that comparison identified various differences that were compiled into a gap analysis that is summarised below:

- The LXR piers and headstock have been designed as a visually pleasing, integrated unit that minimises bulk facing the road reserve and shall be painted, whereas the BRE piers/headstock are separate, have been designed without regard for appearance, and their visual treatment (if any) is yet to be confirmed;
- Only 150 metres of BRE viaduct within the Station precinct is confirmed to get visual screening, with the balance of Armadale's viaduct being unscreened and a generic 1.2m high metal handrail being used to satisfy safety requirements. In contrast on the LXR project a profiled and perforated screen containing patterns developed by an artist and architect will form, *"...a continuous ribbon along the viaduct, acting as both a walkway balustrade and a screen for the electrical and communications cable containment. The screen will have a profiled form and perforated pattern to provide visual amenity both at a distance and also when viewed from within the public realm"*.

- The ramps that lead up to the viaduct incorporate retaining walls that get quite high and in the LXR project those retaining walls shall incorporate an architectural feature whereas on the BRE project their visual treatment (if any) is yet to be confirmed.

Lighting and Appearance of Viaduct, Viaduct Columns and Screening

The City has concerns that sections of the viaduct (including the viaduct columns) may be unlit, untreated and consist entirely of grey concrete, and have a generic metal handrail rather than visual screening. In that regard the BRE project would be proposing something which meets neither community expectations nor the standard set by local and interstate projects of a similar nature including the LXR Project which is progressing concurrently on the same rail line.

Due to its height and linear nature, the viaduct itself is an issue where it will be highly visible from the public realm below, adjoining streets and privately owned land, with Armadale Road being the foremost example given that it is forecast to carry 24,500 vehicles per day (VPD) in 2031. The finish of the viaduct columns is also a concern, particularly in those places under the viaduct which are going to be activated and brought into the public realm.

The City has also advised that more substantial visual treatments are required where the viaduct passes over Armadale Road, Forrest Road and Church Avenue, given its visibility above those “gateways” to the Armadale City Centre. Where there has been some discussion around the provision of a one-sided entry statement where the viaduct crosses Armadale Road, this issue has also been deferred until the third development application.

Deferring the treatment issue until the third development application is a risk because:

- It is unknown if the proposed treatment will be acceptable to the City and/or consistent with MetroNet’s Public Art objectives;
- The need/nexus for the treatments is created by this development application; and
- Any condition requiring treatment of the viaduct, if applied to the third development application, may not be applied to the development for which permission is being given (i.e. because the viaduct requiring the treatment does not form part of that application).

Accordingly, the City recommends that conditions be applied to this application which require lighting, treatment of the viaduct and viaduct columns, visual screening and a public art plan.

Staging, Demolition and Construction Management Plan (SDCMP)

The proposed SDCMP:

- Has not been updated to reflect the tree retention targets contained in the draft Tree Retention Strategy;
- Is missing detail such as the more comprehensive *Construction Environmental Management Plan* which is referenced, but not included;
- Notes the EPA Statements that address environmental management, and their requirements for environmental impact management, but does not apply specific methods or controls to the construction program: one particular concern that is not yet addressed is the risk of sediment mobilisation to the urban drainage network or directly to the environment;

- The commitment to site bins and establishment of a “crew to maintain and manage wastes” in Section 9.1.2.8 – Waste Recycling is a broad proposal, without targets, specific schedules or commitments to provide confidence that the surrounding environment will be appropriately managed; and
- Requires input and agreement from the City around other issues flagged above, such as full and partial road closures and controls to minimise the impact of construction upon the amenity of residents, functioning of the Armadale City Centre and the environment.

Modifications are required to the SDCMP, therefore it is recommended that a condition of planning approval be requested which requires it to be approved by the Western Australian Planning Commission, on the advice of the City of Armadale, prior to the commencement of site works.

Operational Noise and Vibration Report

The submitted report predicts compliance with SPP5.4 but the noise attenuation measures required to achieve that outcome are still being finalised. While it is acceptable as an early preliminary report, required detail is missing and a condition of any planning approval should require a finalised report to be submitted and approved once the detailed design is known. An advice note is also recommended, which specifies some of the additional detail which is required.

Drainage Strategy & Neerigen Brook

As mentioned above the City has not considered or endorsed designs for the new ‘on-grade’ drainage network that is only summarised in the Drainage Strategy and is expected to be fully detailed as part of the ‘under viaduct’ public realm upgrades which will be detailed in the third development application. It is recommended that a condition of approval require the preparation of a Drainage Management Plan to the satisfaction of the Western Australian Planning Commission on the advice of the Department of Water and Environmental Regulation and the City of Armadale, prior to the commencement of relevant building works.

The applicants should be reminded that the City will not manage drainage areas where it is not satisfied with the design.

Appearance of Ramps & Noise Walls (Not Part of Application)

Given the expansive height and span of the abutment retaining walls, the City considers that the untreated exposed concrete of the ramps would have a negative impact on visual amenity when viewed from the adjoining public realm or the residential properties that will directly overlook them. Where Main Roads WA constructs bridges the retaining walls/ramps containing similar retaining walls is given some form of visual treatment, using concrete inlay patterns and/or different colours: examples are the recent Armadale Road upgrade project including the first 100m of the Armadale Road Bridge over Nicholson Road, which spans approximately 300m before ramping back down to the ground level. Although the final extent and configuration of the noise walls is unknown they also require some form of visual treatment given their likely height and length.

Although the abutment retaining walls and noise walls do not form part of this application, it is recommended that Council separately resolve to request visual treatment for those components of the project.

Pedestrian Rail Crossings

The two pedestrian crossings of the railway between Railway Avenue and Streich Avenue and Wungong Road and Hobbs Drive will be removed in order for the viaduct and ramp abutment structures to be constructed at each end on the viaduct. The existing pedestrian crossings across the railway provide important east-west pedestrian links and, if they are not replaced under the viaduct, that will be a major inconvenience to pedestrians (including high school students) who would otherwise have to walk hundreds of additional metres via footpaths at either Armadale Road or Church Avenue.

It is recommended that Council seek a condition of development approval that requires the construction of replacement pedestrian links in a suitable location under the viaduct.

OPTIONS

Council has the following options:

1. Recommend that the development application for Railway Viaduct Works be approved subject to conditions.
2. Recommend that the development application for Railway Viaduct Works be refused and specify planning reasons.

CONCLUSION

The proposed railway viaduct is consistent with the City's strategic intent and planning however this application gives rise to many important issues that are proposed to be deferred to the third development application, including:

- Identification and retention of trees in order to achieve the proposed targets;
- Visual treatment of the viaduct to enhance the Armadale City Centre and new public spaces underneath it, as opposed to being a grey, lifeless structure that detracts from its surroundings;
- Public Art.

This means that the City has no "line of sight" to be confident of the satisfactory resolution of these issues and could potentially lose the opportunity to resolve them. It is therefore recommended that the development application be supported subject to conditions that require completion and implementation of the Tree Retention Strategy, and address the appearance of the viaduct and replacement of the pedestrian crossings. Separate recommendations would enable staff to continue addressing the appearance of the retaining wall and noise walls.

ATTACHMENTS

1. Schedule of Submissions - Armadale Station Viaduct DA
2. BRE Development Assessment Management Plan (REV C) - FINAL
3. BRE Planning Control Area Plan
4. Separate Attachment - Development Application - Viaduct for Armadale Station and Surrounds
5. Confidential Submitter Names and Address List - Armadale Station Viaduct DA - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person/s.*

Committee Discussion

Committee discussed:

- *The visual appearance of the viaduct and need for appropriate treatments to address the visual appearance and “grey structure”. These matters need to be addressed.*
- *Committee is keen to be part of the design of the public realm and for the proposed art be progressed. The Council and community should be engaged on these designs.*
- *Signage should be placed at appropriate locations along the project to allow residents to log all issues/queries with MetroNet and include after-hours contact details to ensure matters are able to be resolved within a reasonable timeframe.*
- *The revised Construction and Management Plan to include Demolition and Staging Plans.*
- *Additional Condition No.17 “The protection and relocation of the artwork by Tony Jones: Signal Grove (2004) and the railway sleepers in front of the Armadale Station to the specification of the City and satisfaction of the Western Australian Planning Commission.” was added to address the importance of this artwork and its protection and relocation.*

Accordingly, Condition No.17 added, Advice Note No.5 was amended to include Signage, Demolition and Staging Plans being submitted as part of the revised Construction and Management Plan.

RECOMMEND

D9/5/23

That Council:

1. **Recommend that the Western Australian Planning Commission approve the development application for Railway Viaduct Works within Planning Control Area No.164 pursuant to section 116 of the *Planning and Development Act 2005* subject to the following conditions and advice:**
 1. **The submission of architectural design plans and a Schedule of Materials and Finishes showing visual screening in lieu of the monowills handrail, architectural features, gateway entry statements above Armadale Road, Forrest Road and Church Avenue and design treatments being applied to the viaduct shall be submitted and approved by the Western Australian Planning Commission, on the advice of the City of Armadale and Office of the Government Architect, prior to the commencement of relevant building works. Once approved, the plan is to be implemented in its entirety.**
 2. **A Schedule of Materials and Finishes showing design treatments being applied to the viaduct columns which shall, at a minimum be painting of those columns, being submitted and approved by the Western Australian Planning Commission, on the advice of the City of Armadale and Office of the Government Architect, prior to the commencement of relevant building works. Once approved, the plan is to be implemented in its entirety.**
 3. **A public art plan being submitted and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale and MetroNet office. Once approved, the plan shall be implemented in its entirety.**

- 4. A revised Tree Retention Strategy incorporating and updating the (ten) arborist's recommendations from the Visual Tree Assessment and Preliminary Report shall be progressed, submitted and approved by the Western Australian Planning Commission, on the advice of the City of Armadale, prior to the commencement of site works.**
- 5. A detailed Landscape Plan including relocation of trees, reuse of trees that have been felled and the planting of new trees within the adjoining road reserve and rail reserve in accordance with the numbers and sizing specified in the Tree Retention Strategy, following its approval, shall be submitted and approved by the Western Australian Planning Commission, on the advice of the City of Armadale, prior to the commencement of relevant building works. Once approved, the Landscape Plan is to be implemented in its entirety.**
- 6. A Soil Management Strategy addressing the minimisation and management of soil compaction during construction to ensure that ground conditions allow and contribute towards plant/tree growth, and cultivation of any compacted areas following construction and prior to landscaping, shall be submitted and approved by the Western Australian Planning Commission, on the advice of the City of Armadale, prior to the commencement of site works.**
- 7. The two pedestrian crossings of the railway between Railway and Streich Avenues, and Wungong Road and Hobbs Drive, being replaced in suitable locations under the viaduct connecting to the existing path network to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale.**
- 8. The proposed development is to be carried out in accordance with the attached plans by the Department of Planning, Lands and Heritage, subject to any modifications as required by the conditions of approval.**
- 9. A revised Construction Management Plan shall be submitted and approved by the Western Australian Planning Commission including revised Tree Retention Strategy incorporating and being updated to be consistent with the (ten) arborist's recommendations from the Visual Tree Assessment and Preliminary Report on the advice of the City of Armadale, prior to the commencement of site works. Once approved, the Construction Management Plan is to be implemented in its entirety.**
- 10. A revised Traffic Management Plan for construction shall be submitted and approved by the Western Australian Planning Commission, on the advice of the City of Armadale, prior to the commencement of site works. Once approved, the Traffic Management Plan is to be implemented in its entirety.**
- 11. An updated Operational Noise and Vibration Report shall be submitted and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale prior to the commencement of site works. Once approved, the Operational Noise and**

Vibration Report is to be implemented in its entirety to the satisfaction of the Western Australian Planning Commission.

- 12. A Drainage Management Plan shall be prepared to the satisfaction of the Western Australian Planning Commission on the advice of the Department of Water and Environmental Regulation and the City of Armadale, prior to the commencement of relevant building works. Once approved, the plan is to be implemented in its entirety.**
- 13. A lighting plan for the viaduct structure and the area under that structure being submitted and approved to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale and MetroNet office. Once approved, the plan shall be implemented in its entirety.**
- 14. All structures which are the subject of this application are to be applied with an anti-graffiti coating up to 2.5m above floor level immediately upon completion to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale. Any graffiti shall be removed as soon as possible by the management authority.**
- 15. Any damage to trees that were not identified for removal in the Tree Retention Strategy or removal of vegetation located outside the development area and incurred during the construction process shall be replaced or repaired at the cost of the landowner/applicant, to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Armadale.**
- 16. A dilapidation survey of surrounding properties within the Zone of Influence and consultation with those residents/landowners being undertaken to the satisfaction of the WAPC on advice of the City of Armadale, prior to the commencement of any site works that may involve substantial earthworks, vibration and/or dewatering.**
- 17. The protection and relocation of the artwork by Tony Jones: Signal Grove (2004) and the railway sleepers in front of the Armadale Station to the specification of the City and satisfaction of the Western Australian Planning Commission.**

ADVICE NOTES

- 1. The applicant is advised that this is a development approval under the *Planning and Development Act 2005*. It is not an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents, permits and licences required under any other law, and to commence and carry out development in accordance with all the relevant laws. All requirements under Ministerial Statement 1183 under Section 45 of the *Environmental Protection Act 1986* are still a requirement of the Office of the Environmental Protection Authority.**

2. All development should comply with the provisions of the Building Code of Australia, *Health Regulations*, *Public Building Regulations* and all other relevant *Acts*, *Regulations* and Local Laws, including obtaining any relevant permits and licences. Additional approvals/licences may be required to ensure compliance with State Government environmental legislation.
3. In relation to Condition 5, the Landscape Plan shall address:
 - a. A sun and shadow study to inform the landscape plan;
 - b. Landscaping layout and design;
 - c. Detailed plans illustrating responses to grade differences and transitions;
 - d. Landscaping of the drainage swales under the railway viaduct;
 - e. Additional trees to be incorporated for shade canopy and in the car park drainage swales;
 - f. Deep soil locations for shading trees;
 - g. Planting specifications to include a plant legend including botanical and common names, and the quantity of each species;
 - h. Cross-sections for car park drainage swales to include drainage function, plant species, and kerbing;
 - i. Furniture specification and locations;
 - j. Fencing specification and location;
 - k. Maintenance of landscape areas; and
 - l. Reticulation systems.
4. In relation to Condition 6 requiring a Soil Management Strategy, soil compaction is often responsible for poor performance or failure of plantings. The process of construction usually involves the removal of topsoil and grading of the subsoil. Greater axle loads lead to deeper compaction. Soil compaction has negative impacts on storm- water runoff, infiltration, and vegetative establishment and growth. Therefore, the Soil Management Strategy should address the following:
 - Controlling Traffic to restrict the amount of soil that is compacted, for example, using the same tracks across the site, restricting equipment within certain radius of specific areas and establishing a Tree Protection Zone for all trees.
 - Managing axle loads and tire pressure as heavy axle loads and wet soil conditions increase the depth of compaction, for example properly inflate tires as contact pressure between tire & soil affects subsoil compaction, requiring excavated soil to be tilled and renovated post-construction: all effects of compaction are to be reversed.
 - Aeration of soil with the aim of supplying oxygen to the soil and preparing the soil to support plants: methods include spike, core, liquid and Air (Soil is tilled with an air tool while adding soil amendments, beneficial bacteria/fungi, and organic granular fertilisation).
 - Ripping of the site prior to establishment to promote the best chance of survival for seeds and plantings in the first year.
 - Use of Additives and soil conditioners to aerate and provide drainage.
 - Vertical mulching which involves digging or drilling vertical holes in

an area and then filling these holes with organic compost or mulch: this works via the same general principle that surface mulching does, except that it can improve the soil's condition more quickly, as the material is placed deep in the ground.

- 5. In relation to Condition 9, the revised Construction Management Plan is expected to include the site-specific management, mitigation and monitoring measures to manage the issues of surface water, groundwater, vegetation and flora, geotechnical conditions, acid sulfate soils, aboriginal heritage, noise, vibration, dust and lighting or other matters as agreed by the environmental authorities and/or in consultation with the City of Armadale and the WAPC.**

In addition, the Construction Management Plan is to address, but not be limited to, the following site specific matters:

- A staging plan;**
- Storage of materials and equipment;**
- Delivery of materials or equipment to the site;**
- Parking arrangements for contractors and subcontractors;**
- Waste management;**
- Emergency evacuation plan;**
- Bushfire Management requirements;**
- Dust management;**
- Hours of operation, timeframes and responsibility for tasks identified;**
- Consultation and communication strategy;**
- Any other matters likely to impact on surrounding properties and public areas;**
- Signage of contact details (including after-hours contact details) at appropriate locations along the project; and**
- Demolition and Staging Plans.**

Construction Management Plans may be provided for separate works packages (i.e. forward works) prior to their commencement, provided each management plan contains an overview of staging and the relationship between works packages.

- 6. In relation to Condition 10, some of the full or partial road closures or deviations outlined in the draft SDCMP are unacceptable to the City and the revised Traffic Management Plan is to address:**

- Amended full or partial road closures, deviations and/or traffic management including Armadale Rd, Neerigen Street and Aragon Court;**
- Traffic volumes from proposed work/activities;**
- Construction activities;**
- Maintenance of access to adjacent private properties;**
- Arrangements for general traffic detours;**
- Process for modifying haulage routes or agreed management arrangements, including any departure outside of approved haulage**

- operations timeframes;
 - Evaluation of impacts on residents and businesses and measures to minimise those potential impacts; and
 - Communications with landowners/businesses/residents and the wider community.
7. In relation to Condition 11, the finalised version of the Operational Noise and Vibration Report should include:
- Modelling and detailed discussion of LAeq Day and LAeq Night levels as per SPP5.4 (including specific discussion on Streich Avenue, Armadale).
 - Modelling and discussion on LAMax levels. Including for: Streich Avenue, Armadale (No.304A, 306), Railway Ave (No.357, 359, 361, 363), 76 Owtram Rd and the Armadale Shopping Centre area.
 - Track type highlighted in a map/legend (ballast vs slab tracks) with mention of why/when each is required (noise mitigation or otherwise).
 - Discussion on why specifically a 1.5m high noise wall is proposed and discussion on if a higher wall would offer better noise mitigation or not.
 - A cross sectional figure showing the predicted noise propagation with a 1.5m noise wall (as per figure 8 in the SPP5.4 guidelines) is to be included.
- A list and elaboration of any noise mitigation measures (including noise wall specifications, use of sound absorption materials, etc).
2. Advise MetCONNx and the State Government that the retaining walls which form part of the viaduct ramps and noise walls require visual and/or artistic treatment because they are highly visible and up to 6.8m high and will significantly impact nearby residents if they are not appropriately treated.
3. Request a Deputation by the City officers to the relevant Committee of the WAPC to present the City's Submission.
4. Advise MetCONNx and the State Government that the City is concerned about the impacts of road closures and pedestrian access on residents and businesses and there needs to be a greater emphasis on reducing potential impacts during the construction of the project on residents and businesses.

Moved Cr S J Mosey
MOTION CARRIED

(7/0)

The Strategic/Statutory Planning Officer left the meeting (via Teams) at 7.29pm and did not return.

2.1 - PUBLIC REALM STRATEGIES - HILBERT AND HARRISDALE DISTRICT CENTRES (COUNCILLOR REFERRAL ITEM)

At the Council meeting held on 24 October 2022, Cr Peter referred the following matter to the Development Services Committee:

That the matter of a Public Realm Strategy for the Hilbert and Harrisdale District Centres be referred to the Development Services Committee.

Comment from Cr Peter

“The City of Armadale has one city centre and three district centres (Kelmscott, Hilbert & Harrisdale). The City began preparing a Public Realm Strategy for the City Centre and Kelmscott District Centre. The Public Realm Strategy aims to develop concepts for the future development of all the public realm areas within the district and City centres. Hilbert and Harrisdale are one of the fastest-growing suburbs in Western Australia. I request a report on the possibility of initiating a public realm strategy for the remaining two district centres in the City”.

Officer Comment

Corporate Business Plan

The Corporate Business Plan 2022/23 to 2025/26 contains the following objective and key action relevant to this matter:

Objective:

2.2.2 *Improve the amenity of streetscapes in established suburbs to provide an attractive, shaded network that connects residents to locations of interest.*

Key Action:

2.2.2.7 *Develop a Public Realm Strategy and implementation plan for District Centres throughout the City.*

Public Realm Strategies proposed or in progress

In accordance with the above Key Action, the City has prepared a Budget Proposal for consideration by Councillors for the preparation of a Public Realm Strategy for the Kelmscott District Centre within the 2023/2024 financial year. Council has not approved a budget allocation for this project. Council recently adopted the Kelmscott District Centre Activity Centre Precinct Plan and the City is liaising the Public Transport Authority (PTA) for the completion of its landscaping works.

Stage 1 of a Public Realm Strategy is being progressed for the Armadale City Centre (adopted by Council 27 March 2023). Budget Proposals have been prepared for Stages 2 and 3 of the Armadale City Centre in accordance with recommendations from the Draft Armadale Strategic Metropolitan City Centre Structure Plan. More recently, the streetscape and public realm projects were identified as a priority for the Draft Armadale Investment Framework and Project Plan.

The Armadale Town Centre is an established town centre where its design and infrastructure was largely established many years ago and in a number of instances, the infrastructure was built some time ago or has gaps, where revitalisation would be beneficial and/or upgrades will occur as part of the asset lifecycle. Kelmscott has recently had significant works undertaken as part of the Denny Avenue Project by MetroNet/PTA. The City has received a number of queries from the community requesting an expansion of these works, specially landscaping to improve the streetscape, shade and address gaps in landscaping and heat island impacts.

The preparation of the Public Realm Strategies are staged over several years to match the availability of funding and internal resources to progress the City's projects.

Hilbert District Centre

The Hilbert District Centre is under the planning control of DevelopmentWA. Hilbert Town Centre Activity Centre Plan has been prepared in consultation with the City and was adopted by DevelopmentWA in 2020, which contains the main requirements of a Public Realm Strategy and other requirements that addresses:

- Public Open Space Provision;
- Public Spaces;
- Landscape;
- Public Art Strategy; and
- Public Lighting Strategy.

The attached extract from the Hilbert Town Centre Activity Centre Plan provides the detail for the proposed Public Realm in the Hilbert Town Centre (*refer to the Attachment included in this report*).

Stage 1 of the Hilbert District Centre subdivision is under construction and a Development Application is proposed to be lodged shortly for Stage 1. It is expected that the level of streetscape in the new roads to be created by these two processes will not require new substantial investment by the City for a number of years. A Public Realm Strategy for the Hilbert Town Centre is not expected to be required until later in the lifecycle of the proposed infrastructure to be constructed.

Harrisdale District Centre

The first stage of the Harrisdale shopping centre and other stand-alone developments within the District Centre were developed between 2014 and 2020. An amended version of the Harrisdale District Centre Activity Centre Plan predominantly addresses the development of future stages of the District Centre and was approved by Western Australian Planning Commission following a recommendation by Council in July 2020.

Development of the Public Realm within the Harrisdale District Centre is considered at the Development Application stage for each land parcel within the centre where conditions are imposed requiring landscaping of the development sites and the adjoining street verges. Both hard and soft landscaping is required to be detailed by the developer on the landscaping plans and the landscaping plans are required to be approved by the City. The District Centre includes Yellowwood Avenue, Easthope Link and a portion of Nicholson Road which are managed by the City, however the internal driveways are privately owned.

It should be noted there is significant State Government services in the verge and median of Nicholson Road, which affect the City's ability to plant trees that can grow to a substantial size. Landscaping works to improve the landscaping areas of the verges and medians of these roads could be undertaken, rather than a Public Realm Strategy given the limited areas and the existing hard infrastructure (e.g. paths, paving, kerbing, etc.) that is already in place.

RECOMMITTED ITEM

This item was recommitted to a future meeting at the Council meeting held on 27 March 2023 for the purpose of providing additional information with regard to the impact of the proposals on resources and funding.

The City's Development Services Team is planning the preparation of Public Realm Strategies for Stages 2 and 3 of the Armadale City Centre. The Public Realm Strategy for Stage 1 of the City Centre was adopted by Council on 27 March 2023 and, now an Implementation Plan is required for budget proposals to be prepared for Stage 1. Development Services has the capacity to prepare one (1) Public Realm Strategy every approximately 18 months, therefore the reprioritisation of Projects or additional resources would be required, if Council decided to proceed with the new additional Public Realm Strategies in the next few years.

The implementation of landscape and civil works for the Public Realm works included in the proposals would require reprioritisation and deferral of existing projects that are already scheduled to be progressed in the next few years or additional resources to accommodate these new proposals.

OPTIONS

Council has the following options:

1. Note that the City is progressing several Public Realm Strategies over the next few years and public realm works are planned by the developer of the Hilbert District Centre when the shopping centre is approved by DevelopmentWA and construction commences. Council could resolve to list a proposal that includes the preparation of landscaping improvements for Yellowwood Avenue, Easthope Link and a portion of Nicholson Road, Harrisdale for consideration as part of its Long Term Financial Plan.
2. List proposals for consideration as part of the Long Term Financial Plan preparation of Public Realm Strategies for the Hilbert and Harrisdale District Centres.
3. Note the report.

ATTACHMENTS

1. Extract from the Hilbert Town Centre - Activity Centre Plan Report - Proposed Public Realm in the Hilbert Town Centre
2. Aerial Plan - Harrisdale District Centre

RECOMMEND

D10/5/23

That Council note that the City is progressing several Public Realm Strategies over the next few years and public realm works are planned by the developer of the Hilbert District Centre when the shopping centre is approved by DevelopmentWA and construction commences. Council to consider a proposal that includes the preparation of landscaping improvements for Yellowwood Avenue, Easthope Link and a portion of Nicholson Road, Harrisdale for consideration as part of its Long Term Financial Plan.

Moved Cr S S Virk

MOTION CARRIED

(7/0)

The Coordinator Growth and Urban Regeneration Officer left the meeting at 7.41pm and did not return.

2.2 - REMOVAL OF LARGE CANOPY TREES - DEVELOPMENT APPROVAL (COUNCILLOR REFERRAL ITEM)

Cr Nixon joined the meeting (via electronic means) at 7.30pm.

At the Council meeting held on 27 March 2023, Cr G Nixon referred the following matter to the Development Services Committee.

That the matter of the requirement to obtain development approval of large canopy trees on private land in low residential density areas be referred to the Development Services Committee.

Comment from Cr G Nixon

Armadale is one of the fastest growing areas in Perth and with this rapid urban sprawl comes a loss of tree canopy. Under the existing planning framework, development approval is not required for the removal of large canopy trees from private property and, therefore, land can be entirely cleared prior to lodging a development application. The intent of this recommendation is to introduce the requirement to obtain development approval from the City for the removal of large canopy trees on private land in low residential density areas.

Trees that would meet this criteria would have a:

- Canopy diameter of 6m or greater
- Height of 8m or greater
- In the case of a tree with a single trunk, a trunk circumference of 1.5m or greater, measured 1.4m above the ground
- In the case of a tree with multiple trunks a total trunk circumference of 1.5 m with an average trunk circumference of 625mm or greater measured 1.4 m above the ground
- And any pruning of either tree branches or roots can only be done provided the pruning is undertaken in accordance with Australian Standards for Pruning Amenity Trees (AS4373). A qualified arborist would be able to assist with meeting these standards

Officer Comment

The City has various mechanisms in its Town Planning Scheme No.4 and Local Planning Policy PLN 2.4 – Landscape Feature and Tree Preservation regarding removal of trees as part of the development processes and varying requirements for different zones and densities.

The Western Australian Planning Commission (WAPC) has introduced new Design Policies and changes to the R-Codes that place a greater emphasis on the provision of new trees and retention of trees on multiple dwelling sites, when development is occurring.

A number of Local Governments are proposing new requirements for tree protection for existing significant trees on private land, however the WAPC has not considered these scheme amendments yet.

Some considerations that would need to be considered, if a further report were requested, are:

- The WAPC and Hon Minister for Planning's view on such a proposal via a scheme amendment and relationship to the WAPC's approach to streamlining the Local Government Town Planning Schemes and draft standard zones and scheme provisions to be applied.
- The criteria for significant trees and the zones that it would apply to, including the benefits and implications.
- The views of affected private land owners and engagement processes for such a proposal.
- The likely additional workload associated with both processing the development applications which may be required.
- Consideration of any additional compliance actions, funding and resources that might be required, where approval is not obtained prior to clearing.

Council has the following options:

1. Request a report regarding a proposal to obtain development approval of large canopy trees on private land in low residential density areas for its consideration.
2. Note this report.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

D11/5/23

That Council request a report regarding a proposal to obtain development approval for removal of large canopy trees on private land in all residential areas for its consideration.

Moved Cr S J Mosey
MOTION CARRIED

(7/0)

Cr Nixon left the meeting at 7.40pm and did not return.

COUNCILLORS' ITEMS

Nil.

4.1 - DEVELOPMENT SERVICES DIRECTORATE AWARDS - 2023

2023 MASTER BUILDERS WA – HOUSING EXCELLENCE AWARDS

On Saturday, 15th April 2023 the City were one of three finalist in the 2023 Master Builders Housing Excellence Awards. The City was nominated by the building industry alongside the City of Mundaring and City of Rockingham as finalists and the winner of this award was presented to the City of Mundaring. The City was awarded the “Local Government Best Practice Award” in 2020.

Master Builders acknowledged the important role local government performs within the building industry. The Local Government Best Practice Award was presented “*in recognition of top-performing local government authorities for their exceptional service delivery and collaboration efforts*”.

The team structure and organisation contributes significantly to the results achieved; the administration, building compliance and building surveyor teams all work closely together to ensure application time frames are met within legislative requirements.

The recognition from the building industry for the City to be a finalist in the Category (out of all of the Local Governments that could be nominated) indicates the continued development the City’s Building Services has made in delivering an exceptional level of service delivery.

2023 INJURY PREVENTION & SAFETY PROMOTION AWARDS

On Thursday, 11th May 2023, the City won an “Injury Prevention & Safety Promotion Award” for the implementation of the City’s program and submission on “Move Your Body Program” as part of the Public Health and Wellbeing Plan.

The award for “Outstanding Achievement by a Local Government in Injury Prevention or Recovery support” recognises the specific contributions the City makes to preventing injury and promoting safety within their communities.

JAMES G HARCOMBE AWARD FOR 2022

On Thursday, 27th April 2023 at the 76th Environmental Health Australia (WA) State Conference, Daniella Dagostino, Health Services Manager was awarded the “James G Harcombe Award for 2022”.

The “James G Harcombe Award for Professional Excellence” recognises contributions of an individual environmental health professional, who achieved and demonstrated a recognisable and outstanding contribution to improving the level of environmental health.

HAROLD SALTER AWARD FOR 2022

On Thursday, 27th April 2023 at the 76th Environmental Health Australia (WA) State Conference, Denosha Dharmartne, Environmental Health Officer was awarded the “Harold Salter Award 2022”.

The “Harold Salter Award for Outstanding Professional Aptitude” was presented to a student member of Environmental Health (WA) awarded a postgraduate degree in Environmental Health and who displayed the highest degree of professional aptitude throughout their course of study of an accredited Western Australian based Environmental Health course.

Committee congratulated officers on their achievements and well deserved awards.

MEETING DECLARED CLOSED AT 7.50 PM

DEVELOPMENT SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
15 MAY 2023		
ATT NO.	SUBJECT	
1.1 ADDITION OF HERITAGE PLACES AND MODIFICATIONS AND UPDATES TO LOCAL HERITAGE SURVEY AND HERITAGE LIST		
1.1.1	Local Heritage Survey List 2023 - Modified Pages and Local Heritage Survey (<i>refer to separate Attachment</i>)	
1.1.2	Local Heritage Survey List - Modified Draft	
1.1.3	Local Heritage Survey - Armadale Fire Station	
1.1.4	Local Heritage Survey - RSL Hall	
1.1.5	Local Heritage Survey - Dawkin's Place	
1.1.6	Local Heritage Survey - Doctor Colyer's Residence (fmr)	
1.2 DEVELOPMENT APPLICATION FOR RAILWAY VIADUCT IN ARMADALE CITY CENTRE		
1.2.1	Schedule of Submissions - Armadale Station Viaduct DA	
1.2.2	BRE Development Assessment Management Plan (REV C) - FINAL	
1.2.3	BRE Planning Control Area Plan	
1.2.4	Development Application - Viaduct for Armadale Station and Surrounds (<i>refer to separate Attachment</i>)	
2.1 PUBLIC REALM STRATEGIES - HILBERT AND HARRISDALE DISTRICT CENTRES (COUNCILLOR REFERRAL ITEM)		
2.1.1	Extract from the Hilbert Town Centre - Activity Centre Plan Report - Proposed Public Realm in the Hilbert Town Centre	
2.1.2	Aerial Plan - Harrisdale District Centre	

The above attachments can be accessed from the Minutes of the Development Services Committee meeting of 15 May 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 MAY 2023 AT 7.00PM.

PRESENT:

Cr K Busby (Chair)
Cr J Keogh (Deputy Chair)
Cr M J Hancock
Cr P A Hetherington
Cr S Mosey (Deputy to Cr G Nixon)
Cr M Silver
Cr S Peter JP

APOLOGIES:

Cr G Nixon (Leave of Absence)

OBSERVERS:

Cr R Butterfield
Cr M S Northcott
Cr G J Smith

IN ATTENDANCE:

Ms J Abbiss	Chief Executive Officer
Mr J Lyon	Executive Director Corporate Services
Mr P Sanders	Executive Director Development Services (<i>Teams</i>)
Mr M Andrews	Executive Director Technical Services
Ms S van Aswegen	Executive Director Community Services (<i>Teams</i>)
Mr M Hnatojko	Executive Manager Corporate Services
Ms J Cranston	Executive Assistant Community Services
Mrs A Owen-Brown	Executive Assistant Corporate Services (<i>Teams</i>)

PUBLIC:

Nil

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

DISCLAIMER

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

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

DEPUTATION

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Corporate Services Committee Meeting held on 18 April 2023 be confirmed.

Moved Cr S Peter

MOTION CARRIED

(7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

Items in Issue No.14

Progress Report

Progress Report on Contingency, Operational & Strategic Projects

Outstanding Matters & Information Items

Report on Outstanding Matters – Corporate Services Committee

Economic Development

Tourism & Visitor Centre Report

Report of the Common Seal

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

CONTENTS

CORPORATE SERVICES COMMITTEE

16 MAY 2023

1.	FINANCIAL MANAGEMENT & PLANNING	
1.1	LIST OF ACCOUNTS PAID - MARCH 2023.....	53
1.2	STATEMENT OF FINANCIAL ACTIVITY - MARCH 2023	56
2.	COUNCILLORS' ITEMS	
	NIL.	66
3.	CHIEF EXECUTIVE OFFICER'S REPORT	
	NIL.	66
4.	EXECUTIVE DIRECTOR'S REPORT	
	NIL.	66
	SUMMARY OF ATTACHMENTS	67

1.1 - LIST OF ACCOUNTS PAID - MARCH 2023

WARD : ALL
FILE No. : M/206/23
DATE : 19 April 2023
REF : MH
RESPONSIBLE : Executive Director
MANAGER : 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 March to 31 March 2023 as well as the credit card statements for March 2023.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

4. Leadership
- 4.3 Financial Sustainability
- 4.3.2 Undertake active financial management to ensure that the annual budget is achieved and any variances are promptly identified and addressed.

Legal Implications

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

6.10 Financial management regulations

Regulations may provide for —

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

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

13. *Lists of Accounts*

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

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

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

Consultation

Nil.

BACKGROUND

Pursuant to Section 5.42 of the *Local Government Act 1995* (***Delegation of some powers and duties to CEO***), Council has resolved to delegate to the CEO (*Delegation Payment from Municipal and Trust Funds refers*) the exercise of its powers to make payments from the municipal and trust funds.

COMMENT

The List of Accounts paid for the period 1 March to 31 March 2023 is presented as an attachment to this report as well as the credit card statements for March 2023.

ATTACHMENTS

1. Monthly Cheque and Credit Card Report March 2023

RECOMMEND

CS15/5/23

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

Municipal Fund

Accounts paid totaling \$13,302,106.56 on transactions 6280 to 7231 and Payrolls dated 5 March and 19 March 2023.

Credit Card

Accounts Paid totalling \$7,655.68 for the period ended March 2023.

**Moved Cr M J Hancock
MOTION CARRIED**

(7/0)

1.2 - STATEMENT OF FINANCIAL ACTIVITY - MARCH 2023

WARD : ALL
FILE No. : M/207/23
DATE : 19 April 2023
REF : MH
RESPONSIBLE : Executive Director
MANAGER : Corporate Services

In Brief:

- This report presents the City's Monthly Financial Report for the nine (9) month period ended 31 March 2023.
- This report recommends accepting the Financial Report for the nine (9) month period ended 31 March 2023, noting there are reportable actual to budget material variances for the period.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

4. Leadership
- 4.3 Financial Sustainability
- 4.3.2 Undertake active financial management to ensure that the annual budget is achieved and any variances are promptly identified and addressed.

Legal Implications

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

Local Government Act 1995 – s.6.11 Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
- (2) Subject to subsection (3), before a local government —*
 - (a) changes* the purpose of a reserve account; or*
 - (b) uses* the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use.*

** Absolute majority required.*
- (3) A local government is not required to give local public notice under subsection (2) -*
 - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or*
 - (b) in such other circumstances as are prescribed.*
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account*

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

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

Consultation

Nil.

BACKGROUND

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

COMMENT

Presented as an attachment this month, is the ninth monthly financial statement (presented in nature and type format) prepared from information posted in the OneCouncil system.

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:

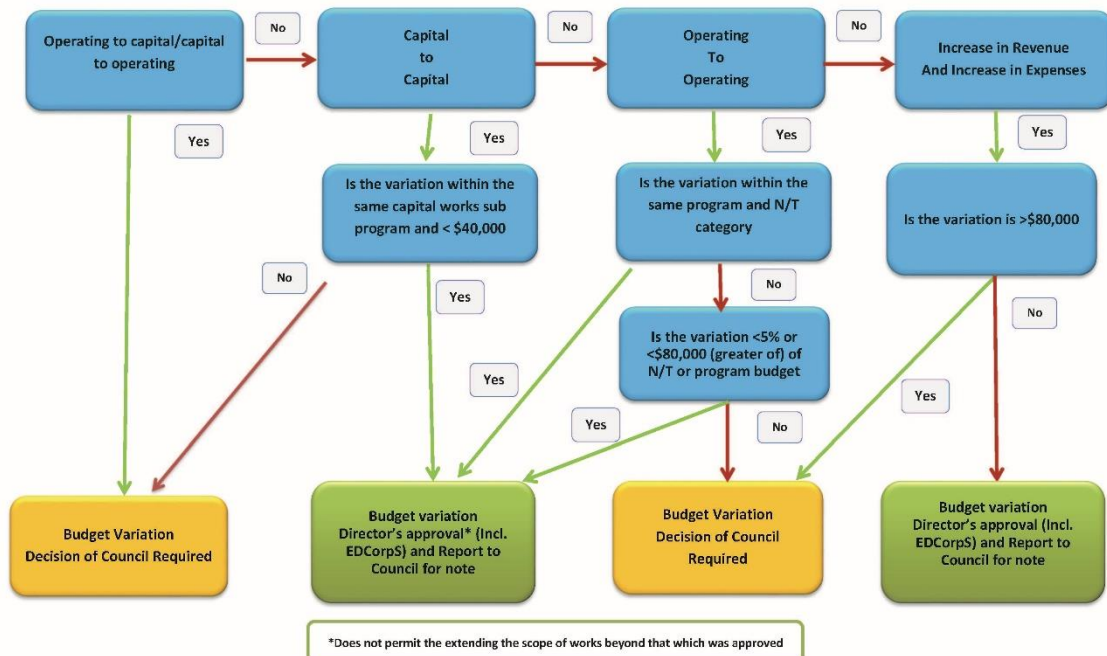
- Period Variation
Relates specifically to the value of the Variance between the Budget and Actual figures for the period of the report.
- Primary Reason
Explains the primary reasons for the period Variance. As the report is aimed at a higher level analysis, minor contributing factors are not reported.
- Budget Impact
Forecasts the likely dollar impact on the Annual Budget position. It is important to note that figures in this part are 'indicative only' at the time of reporting, for circumstances may subsequently change.

At the 27 June 2022 Ordinary Meeting, Council adopted the Budget Variations Process Map which was the same as that adopted for FY22. Budget variations are presented to Council for authorisation by 'Absolute Majority' in circumstances where a forecast variation requires a movement from:

- Operating to Capital
- Capital to Capital over \$40,000
- Capital to Operating
- Operating to Operating for amounts greater than 5% or \$80,000 (whichever is greater).



Budget Variation Process Map



DETAILS

Presented as an attachment is the Monthly Statement of Financial Activity for the nine (9) month period ended 31 March 2023.

Capital Carry Forward Program Update

Included in the monthly reports is the status of the capital carry forward program as at the end of March 2023 to tie in with the monthly financials report. This is a historical perspective and the Executive Leadership Team regularly review the current status.

The information provided below has been prepared in the format previously reported and is broken up into the different phases as listed.

Project Delivery Phases

The capital projects in the table below have been categorised into the project phases that each project is in.

The phases are:

1. Planning phase – This phase entails establishing the project team and resources, confirming the project business case, and undertaking the project precedent prior to initiating the project. This may include agency approvals, Council approval, business case modelling and concept design, and in some cases land acquisition and utility service provider advice.
2. Design phase - This phase as it suggests includes the detailed design and specifications for the project, the full project costings, and regulatory approvals.
3. Procurement & Contracts phase – This phase establishes the contracts and resources required to construct and deliver the project and confirms the stages of construction.
4. Construction phase – Effectively the project build and test.
5. Project completion phase – This phase involves acceptance and handover/practical completion and any peripheral works to complete the project which do not form part of the main project.

FY21/22 CFWDS with Funding Source – 31 March 2023			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
	\$	\$	%		
Planning Phase					
Landfill Gas Capture	315,300	315,300	4%	Reserve	This project is deferred until FY24
Railway Avenue	2,990,000	2,990,000	0%	Grant/Muni	Design is still on hold as we await advice to see if there is an opportunity to repeat the City of Gosnells' in principle agreement with PTA to work within the rail reserve
Eighth Rd	5,657,300	1,500,000	0%	Grant	Design consultant has been appointed. The majority of land acquisitions have been completed. Service relocation progressing with WP commencing Q4 FY23, others to follow.
Hawkestone Rd	58,900	56,674	0%	Muni	Design review and land acquisition in progress – construct FY24
Street Lighting New	25,000	21,743	100%	Muni	Completed – final invoices pending
Kelmscott Streetscape	75,000	75,000	0%	Muni	Guidelines being developed with project due to commence in FY24
Champion Lakes Resource Centre	291,000 (Revised Nov 22)	277,678 (Revised)	19%	Reserve	Options to complete the scope of works for the building are being investigated.
St Francis Xavier Church	100,000	97,000	11%	Muni	Roof structure and asbestos investigations complete. The Heritage Architect report and recommendations have been received. Invoicing WAPOL for

FY21/22 CFWDS with Funding Source – 31 March 2023			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
					the \$600k contribution will take place this month.
Final Cover and Rehab – Landfill	7,280,000	2,000,000	1%	Reserve	DEWR approvals in progress. The project strategy is under review and will be considered in budget review.
Stereo Armadale Hall	40,000	40,000	63%	Muni	Target completion – Qtr 4 FY23
Basketball Backboards	90,000	90,000	11%	Muni	Target completion – Qtr 4 FY23
Public Art	100,000	100,000	43%	Muni	Target completion for Derry Ave mural – Qtr 3 FY23
Total Planning Phase	17,022,500	7,563,395			
Detailed Design Phase					
Entry Statement – Forrestdale	24,000	23,760	2%	Muni	Completion in Qtr 4 FY23, subject to manufacturing works
Entry Statement – Kelmscott	24,000	24,000	0%	Muni	Completion in Qtr 4 FY23, subject to manufacturing works
Municipal Reserves	73,400	73,400	0%	Muni	In design currently – completion of works Qtr 4 FY23
Rothery Park	320,000	317,250	0%	Reserve	In design currently – completion of works Qtr 4 FY23
Gwynne Park Pavilion	185,000	160,860	0%	Muni	Design to be completed – second half FY23
Alfred Skeet Oval Pavilion	42,000	133,833	13%	Muni	Target Completion – Q2 FY24. Alfred Skeet Kitchen – engaged with users regarding the refurbishment. Their preference is for refurbishment works to start in Q2 FY24 but an interim provision of kitchen equipment have been procured and delivered to site to support operation.
Piara Waters Library	9,240,000 (Revised Mar 23)	1,774,600 (Revised)	33%	Reserve	Council approved the tender for the Piara Waters Library Construction CEO3/3/23.
Morgan Park	3,756,500	386,000 (Revised)	99%	Grant	At Concept Design – Consultation with Morgan Park Users for feedback has led to revision of the concept design. CoA Parks are working on the field layout adjustments required. Fieldworks likely to commence December 2023 to April 2024. Pavilion construction likely to commence May 24.
Forrestdale Hub	5,835,000	600,000 (Revised)	94%	DCP/Muni	Interactive meeting between the FSA, Architect & CoA has taken place. The Concept Design Part-1 was formally presented. All feedback relating to the Concept Design Part-1 has been returned to the architect with Concept Design Part-2, due early May. The full design, enabling Tenders to be called is due to be issued in Q4 2023. Construction due to commence in Q1-2 2024.

FY21/22 CFWDS with Funding Source – 31 March 2023			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
Drop n Shop Parking and Entrance Road	100,000	100,000	0%	Reserve	Project start date deferred – to be carried forward.
Detailed Design Total	19,599,900	3,593,703			
Procurement and Contracts Phase					
Gwynne Park	30,000	29,550	100%	Muni	Completed –waiting final invoices
Neilson Avenue	25,900	25,900	11%	Muni	Target completion – Qtr 4 FY23
Reg Williams Reserve	120,000	117,806	92%	Muni	Complete
Shipwreck Park	170,000	170,000	100%	Muni	Target Completion – Qtr 4 FY23 Shipwreck Park Changing Places Public Toilet – Waiting for Development WA to approve the development application. The contractor is ready to move to site with expectation of mid-2023 completion.
Procurement Total	345,900	343,256			
Construction Qtr 1 Completion					
Data Connection - landfill	35,500	16,206	0%	Reserve	Completion date pending external service provider
Lina Hart Reserve	45,000	45,000	99%	Muni	Completed
Rosette Park	58,100	58,100	92%	Muni	Completed
Champion Centre solar	100,000	42,702	0%	Muni	Completed
Construction Qtr 1 Completion Total	238,600	162,008			
Construction Qtr 2 Completion					
CCTV – Landfill	33,400	30,500	0%	Reserve	Upgrade CCTV when the new weighbridge has been installed.
Corondale Reserve	674,800	528,513	100%	POS/T	Completed
Gwynne Park	96,500	81,527	80%	Muni	Completed – final invoices pending
Ticklie Park	760,300	87,648	13%	POS/T	Project Completed (consolidation period)
Trailer Transfer Area	100,000	52,056	100%	Reserve	Completed
Weighbridge Replacement	380,000	351,146	100%	Reserve	Expected to be completed Q3 FY23
San Jacinta Reserve	35,000	31,800	39%	Muni	Completed
Bedfordale Pavilion	683,000	429,694	100%	Muni	Project Completed
Robot Park	90,000	89,396	75%	Muni	Completed
Construction Qtr 2 Completion Total	2,853,000	1,682,280			
Construction Qtr 4 Completion					

FY21/22 CFWDS with Funding Source – 31 March 2023			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
RK Bush Fire Brigade	5,390,900 (Revised)	4,329,247 (Revised)	98%	Grant and Reserve	Tender has been let following Council decision and completion expected Qtr 2 FY24. Refer item CEO1/11/22
Completion Phase – Qtr 1					
Armada Road	179,300	116,416	3%	Grant/Muni	Project Completed – funds carried forward were not required
John Dunn Hall	3,562,000 (Revised Nov 22)	831,342 (Revised)	100%	Muni and Reserve	Works still in progress – Entrance rectification works and waterproof membrane/tiling works to be completed to decking - aiming for lower ground building to be made available in May 2023.
Palomino Reserve	84,000	65,072	100%	Muni	Construction Phase & 95% work complete. Expecting variations from Western Power. Waiting consultant inspection.
Rotary Park	24,000	7,582	31%	Muni	Completed
Rushton Park	11,900	10,613	100%	Muni	Completed
Trailer Transfer Area	49,400	38,094	79%	Reserve	Works in progress – nearing completion
Westfield Heron Reserve	1,500,100	322,470	80%	Grant	Completed – final invoices pending payment
Warton Rd	904,300	173,300	100%	Muni	Invoice provided by COG
Alderson Park	75,000	51,724	100%	Muni	Completed
Chiltern Estate	100,000	6,862	48%	Muni	Completed
Bronzewing Reserve	75,000	31,492	18%	Muni	Completed
Creyk Park	20,000	16,078	37%	Muni	Project in consolidation
AFAC Solar	722,300	74,471	78%	Grant	Works in progress
Leachate Drainage	50,000	14,124	69%	Reserve	Project start date deferred – to be carried forward.
Site Fencing Landfill	50,000	37,784	59%	Reserve	Project start date deferred – to be carried forward.
Security Landfill	50,000	31,183	58%	Reserve	Project start date deferred – to be carried forward.
Optic Fibre to Depot	210,000	163,020	0%	Muni	Under review
Completion Phase – Qtr 1 Total	7,667,300	1,991,627			
Completion Phase – Qtr 4					
Skeet Rd Planting	345,100	7,529	100%	DCP	Completed
Skeet Rd Consolidated	307,600	41,796	76%	Reserve	Maintenance period extended
Completion Phase – Qtr 4 Total	652,700	49,325			
Supplier Delay					
Heavy Plant Items	2,864,000	2,864,000	100%	Reserve	All items ordered
Light Fleet Items	1,125,158	1,125,158	88%	Reserve	Most items ordered
Supplier Delay Total	3,989,158	3,989,158			

FY21/22 CFWDS with Funding Source – 31 March 2023			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
CFWD PROJECT TOTAL (Revised)		23,703,999			Original carry forward \$18.84M

Rates Debtors

The rates debt data for \$250 and over (excluding pensioners) as produced by the system is provided below. The table provides a summary of the non pensioner ratepayers that at the end of the month have no direct debit or special payment arrangement in place. Focus on the collection of or confirming payment arrangements for these ratepayers is continuing.

Mar-23		Non Pensioner							
		One Year		Two Years		Three + Years		TOTAL	
		#	\$	#	\$	#	\$	#	\$
ALL	Year One	324	414,931	164	346,005	163	349,104	651	1,110,040
ALL	Year Two				213,839		331,252		545,091
ALL	Year Three						495,407		495,407
TOTAL		324	414,931	164	559,844	163	1,175,763	651	2,150,538

Change from last month -13 -\$13,254 0 -\$752 -2 -\$11,249 -15 -\$25,255

YTD Change -653 -\$842,030 -78 -\$247,353 -52 -\$272,207 -783 -\$1,361,590

Sundry Debtors

The sundry debtors owed at the end of March has seen a decrease in the total due from \$3.8m in January to \$1.7m. The 120 day plus category is now down to \$1m of which \$0.65m has been referred to the Fines Enforcement Registry.

OneCouncil Implementation

The Statements as presented once again represent the most accurate information available but may be subject to change as the OneCouncil data processes continue to be updated, verified and automated. The remediation work has now been completed and it is expected that the April statements will include all of the automations which enable all of the transactions to be included from the Authority system to OneCouncil.

ATTACHMENTS

1. Small Balance Rates Interest Written Off - March 2023
2. Statement of Financial Activity - March 2023

RECOMMEND

CS16/5/23

That Council pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accept the Statement of Financial Activity for the nine (9) month period ended 31 March 2023; and:

- i. Note that there are reportable actual to budget material variances for the period
- ii. Note the \$187.09 small rates debts written off under Primary Delegation 1.0 and Secondary Delegation CORPS 1.1.

Moved Cr S Peter
MOTION CARRIED

(7/0)

COUNCILLORS' ITEMS

Nil.

CHIEF EXECUTIVE OFFICER'S REPORT

Nil.

EXECUTIVE DIRECTOR'S REPORT

Nil.

MEETING DECLARED CLOSED AT 7.03PM

CORPORATE SERVICES COMMITTEE SUMMARY OF ATTACHMENTS 16 MAY 2023		
ATT NO.	SUBJECT	
1.1 LIST OF ACCOUNTS PAID - MARCH 2023		
1.1.1	Monthly Cheque and Credid Card Report March 2023	
1.2 STATEMENT OF FINANCIAL ACTIVITY - MARCH 2023		
1.2.1	Small Balance Rates Interest Written Off - March 2023	
1.2.2	Statement of Financial Activity - March 2023	

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

CHIEF EXECUTIVE OFFICER’S REPORT

22 MAY 2023

INDEX

1. REPORTS

1.1	COUNCILLORS INFORMATION BULLETIN - ISSUE NO 7/2023	69
1.2	CONTRACT OF EMPLOYMENT - SENIOR EMPLOYEE.....	71

1.1 - COUNCILLORS INFORMATION BULLETIN - ISSUE NO 7/2023

WARD : ALL

FILE No. : M/259/23

DATE : 10 May 2023

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. 7/2023 to be received by Council

Strategic Implications

The following general information and memorandums were circulated in Issue No 7/2023 on 18 May 2023.

COMMENT

Correspondence & Papers

Information from Human Resources

Employee Movements

Information from Technical Services

Outstanding Matters and Information Items

Various Items

Monthly Departmental Reports

Technical Services Works Program

Information from Community Services

Outstanding Matters & Information Items

Report on Outstanding Matters

Library Upcoming Events

Community Planning

Community Development

Recreation Services

Library and Heritage Services

Ranger & Emergency Services

Information from Corporate Services

Nil

Information from Development Services

Nil

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

CEO3/5/23

That Council acknowledge receipt of Issue 7/2023 of the Information Bulletin

1.2 - CONTRACT OF EMPLOYMENT - SENIOR EMPLOYEE

WARD : ALL

FILE No. : M/279/23

DATE : 17 May 2023

REF : SD

RESPONSIBLE : Chief Executive Officer
MANAGER

In Brief:

- A confidential report is presented as an attachment to this Agenda

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

Leadership and Innovation

4.1 Strategic Leadership and effective management

Legal Implications

Sections 5.36, 5.38 and 5.39 of the *Local Government Act 1995*

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

The Executive Director Corporate Services' salary is incorporated into the Corporate Services Directorate's salaries Budget.

COMMENT

This matter is subject of a Confidential report by the CEO pertaining to the employment and performance of a senior employee. In terms of Section 5.23(2)(a) of the Local Government Act 1995, the matter is to be discussed behind closed doors.

ATTACHMENTS

1. Confidential Report - Contract of Employment - Executive Director Corporate Services - 22 May 2023 - *This matter is considered to be confidential under Section 5.23(2) (a) of the Local Government Act, as the matter affects an employee of Council*

RECOMMEND

CEO4/5/23

That Council adopt the recommendation as detailed in the Confidential Report.



ORDINARY MEETING OF COUNCIL
MONDAY, 8 MAY 2023

MINUTES

CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	3
3	ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
4	PUBLIC QUESTION TIME	4
1	DEPUTATION - RE. CHAMPION LAKES RESIDENTS ASSOCIATION (CLRA) - WAIVER OF HIRE FEES	4
5	APPLICATIONS FOR LEAVE OF ABSENCE	4
6	PETITIONS	4
	NIL	4
7	CONFIRMATION OF MINUTES	4
	MINUTES OF ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2023	4
8	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.....	4
1.	MAYOR'S ANNOUNCEMENTS	4
9	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN – WITHOUT DISCUSSION	6
10	REPORTS.....	6
10.1	TECHNICAL SERVICES COMMITTEE MEETING - 1 MAY 2023	6
10.1.1	URBAN FOREST (1.1).....	6
10.1.2	STOPPING COMMERCIAL ASBESTOS LOADS TO LANDFILL (2.1)	6
10.1.3	TENDER 26 OF 2022 - CARRADINE ROAD / NEERIGEN BROOK CULVERT DESIGN AND RECONSTRUCTION (3.1).....	7
10.1.4	RFQ/34/22 - TREE MAINTENANCE SERVICE (3.2).....	7
10.1.5	STOP SIGNS - CORNER OF WOLLASTON AVENUE, HAYNES AND ELEVENTH ROAD, HILBERT (COUNCILLOR REFERRAL ITEM) (4.1)	7
10.1.6	WASTE STRATEGY AND FOGO (4.2).....	8
10.2	COMMUNITY SERVICES COMMITTEE MEETING - 2 MAY 2023	8
10.2.1	CHAMPION LAKES RESIDENTS ASSOCIATION - WAIVER OF HIRE AND RELOCATION FEES - COMPLIANCE WORKS AT THE CHAMPION LAKES COMMUNITY CENTRE (1.1)	8
10.2.2	SOCIAL PRIORITIES: 2023 - 2026 (2.1).....	8

	10.2.3 PUBLIC ART POLICY (2.2)	9
	10.2.4 FINANCIAL ASSISTANCE POLICY (2.3).....	9
10.3	CHIEF EXECUTIVE OFFICER'S REPORT - 8 MAY 2023	9
	10.3.1 COUNCILLORS INFORMATION BULLETIN - ISSUE NO 6/2023 (1.1).....	9
	10.3.2 CODE OF CONDUCT COMPLAINT (REFERENCE #50614) (1.2)	10
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	11
12	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	11
	NIL	11
13	MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION	11
	1 CODE OF CONDUCT BEHAVIOUR COMPLAINTS HANDLING POLICY - REVIEW.....	11
	2 REVIEW OF FEES - ALL-ABILITIES FOOTBALL.....	11
14	MATTERS REQUIRING CONFIDENTIAL CONSIDERATION	11
	NIL	11
15	CLOSURE.....	11

CITY OF ARMADALE

MINUTES

OF ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 8
MAY 2023 AT 7.00PM.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

PRESENT:

Mayor, Cr R Butterfield
presided over

River Ward

Cr J Keogh

River Ward

Cr K Kamdar

Ranford Ward

Cr S Peter JP

Ranford Ward

Cr M S Northcott

Palomino Ward

Cr P A Hetherington

Palomino Ward

Cr E J Flynn

Heron Ward

Cr G J Smith

Minnawarra Ward

Cr S S Virk

Lake Ward

Cr S J Mosey

Hills Ward

IN ATTENDANCE:

Ms J Abbiss

Chief Executive Officer

Mr J Lyon

Executive Director Corporate Services

Mr P Sanders

Executive Director Development Services

Mrs S Van Aswegen

Executive Director Community Services

Mr A Millard

Head of Program Delivery

Ms A Luobikis

Head of Service Delivery

Mrs S D'Souza

CEO's Executive Assistant

Public: 6

LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr G Nixon, Cr K Busby and
Cr M J Hancock

APOLOGIES:

Apology received from Cr M Silver

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

Nil

4 PUBLIC QUESTION TIME

1 DEPUTATION - Re. Champion Lakes Residents Association (CLRA) - Waiver of Hire Fees

7.02pm - In attendance were 6 members of the CLRA

Mr Marshall expressed thanks and appreciation to Council on behalf of the CLRA for the collaboration and partnership that has produced many positive and sustainable initiatives for the community in this area. The Association looks forward to the continued cooperation in protecting and improving the quality of residents' lives as the local residential occupancy doubles in the next couple of years.

The Mayor thanked Mr Marshall for his comments and on behalf of Council thanked the Association for its valued contribution.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 24 APRIL 2023.

MOVED Cr E J Flynn that the Minutes of the Ordinary Council Meeting held on 24 April 2023 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED

(10/0)

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

1. Mayor's Announcements

Tuesday 25 April 2023

Laid a wreath on behalf of the City of Armadale at the Armadale RSL ANZAC Day service in Memorial Park. Deputy Mayor Kerry Busby and Councillors Paul Hetherington and Gary Smith also attended.

Cr Keogh attended the Kelmscott Scout's ANZAC Day service in Rushton Park on my behalf.

Wednesday 26 April 2023

Attended the Kelmscott Primary School ANZAC Day service at the War Memorial in Rushton Park, Kelmscott.

Attended the Armadale Primary School ANZAC Day service in Mt Nasura.

Friday 28 April 2023

Attended the Business Armadale Sundowner held at the Farm and Turf Equipment shop on South West Highway. Deputy Mayor Busby, Councillor Nixon and Councillor Smith also attended.

Saturday 29 April 2023

Participated in a short interview on ABC radio to promote the City's Dog's Day Out event.

Sunday 30 April 2023

Attended the Dogs Day Out event and judged the Best Dressed Dog and Best Trick, at Rushton Park. The event was very well attended and appreciated by dog lovers and owners alike. Many thanks go to the Ranger Services Team for their work in making the day such a success. Councillor Mosey also attended.

Tuesday 2 May 2023

Attended the WALGA Environment and Waste Policy Team Meeting via TEAMS.

Attended a meeting with the CEO and Cornerstone Legal for Verification of ID.

Wednesday 3 May 2023

The City of Armadale hosted the WALGA South East Metropolitan Zone Regional Meeting and State Council meeting. The CEO gave a presentation about the challenges that the City faces with regard to rapid growth and the steps we are undertaking to make the area the very best it can be. Councillor Northcott attended for the day as an observer and Councillor Mosey attended the State Council meeting and CEO presentations.

Thursday 4 and Friday 5 May 2023

Deputy Mayor Kerry Busby attended the National Growth Areas Alliance, Conference in Hahndorf SA on my behalf.

Friday 5 May 2023

Attended the sod-turning for the Piara Waters Library with Yaz Mubarakai MLA, Member for Jandakot. Also in attendance were Crs' Silver, Virk, Peter, Kamdar, Smith and Mosey.

Spoke at the opening night of the Minnowarra Art Exhibition, where award winners were announced and invited guests, artists, and the public viewed the exhibition for the first time. Councillors Smith, Keogh, Kamdar, Peter, Silver and Mosey also attended.

Attended the John Denver tribute/inspired music event (part of the Armadale Arts Festival) at the Classic Sounds- Studio 9 in Kelmscott.

Saturday 6 May 2023

Was interviewed by ABC Radio RE the Armadale Arts Festival.

Sunday 7 May 2023

Attended the annual Native Plants for Residents giveaway, held at the Champion Centre in Seville Grove. The event ran exceptionally smoothly, with lots of volunteers and Environment Team members on hand to assist residents with their plant selections. The Champion Centre worked very well as a venue and was able to keep attendees and stall

holders dry and comfortable. It was a great opportunity for residents to see the inside of the Centre and watch Aboriginal dancers and didgeridoo playing. Councillors Smith and Mosey also attended.

Attended Armadale Primary School's Fete which was raising money for new kindergarten play equipment.

Monday 8 May 2023

Attended a regular catch up with the CEO and Deputy Mayor to discuss local issues.

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 May 2023.

MOVED Cr E J Flynn that the report be received.

MOTION not opposed, DECLARED CARRIED (10/0)

BUSINESS ARISING FROM REPORT

Recommendation T1/5/23 - Urban Forest

MOVED Cr E J Flynn

That Council:

- 1. Note the contents of this report**
- 2. Give consideration to the allocation of additional funding to an amount of \$1,000,000 for the establishment of a tree asset database during the FY24 budget deliberations.**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation T2/5/23 - Stopping Commercial Asbestos Loads to Landfill

MOVED Cr E J Flynn

That Council:

- 1. Cease acceptance of commercial loads of asbestos (>5kg) to be disposed at Armadale Landfill and Recycling Facility from 1 July 2023.**

2. **Remove the fee from the City's Fees and Charges Schedule for disposal of commercial loads of asbestos from 1 July 2023.**
3. **Continue to accept up to 5kg of correctly wrapped and labelled asbestos from City of Armadale residences in the 2023/24 financial year until such a time it is no longer feasible to do so.**
4. **Maintain a fee for the disposal of small amounts (up to 5kg) of asbestos in the City's FY24 Fees and Charges Schedule.**
5. **Communicate the changes to the community, surrounding local governments and commercial asbestos contractors.**

MOTION not opposed, DECLARED CARRIED

(10/0)

Recommendation T3/5/23 - Tender 26 of 2022 - Carradine Road / Neerigen Brook Culvert Design and Reconstruction

MOVED Cr E J Flynn

That Council, in regard to Tender 26/22 for Carradine Road / Neerigen Brook Culvert Design for Reconstruction, adopt the recommendation to accept the tender submitted by DCL Formwork Pty Ltd for the lump sum of \$1,544,481.04 (exc GST).

MOTION not opposed, DECLARED CARRIED

(10/0)

Recommendation T4/5/23 - RFQ/34/22 - Tree Maintenance Service

MOVED Cr E J Flynn

That Council, in regard to RFQ/34/22: Tree Maintenance Services:

1. **Note the FY23 budget has the remaining capacity to fund the essential works that form the contract and its deliverables.**
2. **Note the need and the intention to review FY24 budget to ensure that there is provision for the full anticipated contract amount.**
3. **On the basis of the above, approve the award of the Tree Services contract to Beavers Tree Services.**

MOTION not opposed, DECLARED CARRIED

(10/0)

Recommendation T5/5/23 - Stop Signs - Corner of Wollaston Avenue, Haynes and Eleventh Road, Hilbert (Councillor Referral Item)

MOVED Cr E J Flynn

That Council:

1. **Note the STOP control is not warranted.**
2. **Note the Design team will arrange a sign and pavement marking drawing to MRWA for approval and installation of a GIVE WAY sign, line marking, and barrier lines with RRPMS.**

3. **Note the Design team will arrange the installation of street lighting at the intersection that complies with AS1158 standards.**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation T6/5/23 - Waste Strategy and FOGO

MOVED Cr E J Flynn

That Council note the information presented in the Review of the City's Waste and Resource Recovery Strategy

MOTION not opposed, DECLARED CARRIED (10/0)

10.2 COMMUNITY SERVICES COMMITTEE MEETING

Report of the Community Services Committee held on 2 May 2023.

MOVED Cr M S Northcott that the report be received.

MOTION not opposed, DECLARED CARRIED (10/0)

BUSINESS ARISING FROM REPORT

Recommendation C10/5/23 - Champion Lakes Residents Association - Waiver of Hire and Relocation Fees - Compliance Works at the Champion Lakes Community Centre

MOVED Cr M S Northcott

That Council:

1. **Delegate authority to the Chief Executive Officer in accordance with Section 6.12 of the *Local Government Act 1995* to provide a waiver of hire fees for the Champion Lakes Residents Association (CLRA) at a total amount of up to \$6,370.**
2. **Make a contribution of up to \$8,630 towards relocation costs.**
3. **Permit the CLRA to continue to occupy the Champion Lakes Community Centre (CLCC) without charge from the time of land transfer until such time as building works commence.**
4. **Note the CLRA will be permitted to occupy the CLCC as per Point 3 by way of a temporary occupancy permit.**

MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY RESOLUTION OF COUNCIL (10/0)

Recommendation C11/5/23 - Social Priorities: 2023 - 2026

MOVED Cr M S Northcott

That Council endorse the four suburb-level social priorities detailed in this report.

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation C12/5/23 - Public Art Policy

Committee Recommendation

That Council endorse the amended draft Policy: *Public Art*.

In moving that the item be recommitted Cr Keogh indicated that he would like to have further discussion on the additional information provided to Councillors following the Committee meeting with a view to amending the Policy.

MOVED Cr J Keogh

That Recommendation C12/5/23 be not adopted and recommitted to the next Community Services Committee

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation C13/5/23 - Financial Assistance Policy

MOVED Cr M S Northcott

That Council endorse the amended draft Policy: *Financial Assistance* that requires any events or activities to be conducted in the City of Armadale with the exception of sporting, and the addition of intra-state to the sporting donations section, and removal of the reference to Arena in the fundraising donations section.

MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY RESOLUTION OF COUNCIL (10/0)

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 (10/0)

BUSINESS ARISING FROM REPORT

Recommendation CEO1/5/23 - Councillors Information Bulletin - Issue No 6/2023

MOVED Cr S Peter

That Council acknowledge receipt of Issue 6/2023 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation CEO2/5/23 - Code of Conduct Complaint (REFERENCE #50614)

The CEO, Ms Abbiss declared a non-financial interest in this item on the basis that there may be a perception that her impartiality on the matter may be affected.

The Mayor, Cr Butterfield declared a non-financial interest in this item on the basis that there may be a perception that her impartiality on the matter may be affected.

The CEO, Ms Abbiss and the Mayor, Cr Butterfield left the meeting at 7.20pm

Executive Director Corporate Services called for nomination of Chair.

Cr Flynn nominated herself as Chair.

As there were no further nominations, Cr Flynn was declared Chair pro-tem.

Cr Flynn assumed the Chair

MOVED Cr S Peter that the meeting be closed to members of the public as the item to be discussed involves legal advice obtained or which may be obtained by the City of Armadale; AND the matter, if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law. (Section 5.23(2) (d) (f i).

Motion Carried (9/0)

Meeting declared closed at 7.22pm and members of the public left the meeting.

Moved Cr J Keogh that Standing Orders be suspended (Clause 9.5-Limitation of Number of Speeches and 9.6-Limitation of Duration of Speeches).

Motion Carried (9/0)

Moved Cr M S Northcott Standing Orders be resumed (Clause 9.5-Limitation of Number of Speeches and 9.6-Limitation of Duration of Speeches).

Motion Carried (9/0)

MOVED Cr M S Northcott

That Council adopt the recommendation within the Confidential Report.

MOTION not opposed, DECLARED CARRIED

(9/0)

MOVED Cr M S Northcott that the meeting be opened to members of the public.

Motion Carried (9/0)

Meeting declared open at 7.31pm.

Cr Flynn vacated the Chair.

The Mayor, Cr Butterfield and CEO, Ms Abbiss returned to the meeting and Cr Butterfield resumed the Chair.

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 Code of Conduct Behaviour Complaints Handling Policy - Review (Cr John Keogh)

That the matter of a review of the Code of Conduct – Behaviour Complaints Handling Policy before the end of the 2023 calendar year be referred to the Corporate Services Committee.

2 Review of fees - All-abilities Football (Cr John Keogh)

That the matter of a review of fees for all-abilities football team be referred to the Community Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 7.35pm

MINUTES CONFIRMED THIS 22 MAY 2023

MAYOR