CITY OF Armadale

ORDINARY MEETING OF COUNCIL
MONDAY, 23 SEPTEMBER 2019

AGENDA

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AGENDA

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CITY STRATEGY COMMITTEE MEETING
HELD ON 16 SEPTEMBER 2019

DEVELOPMENT SERVICES COMMITTEE MEETING
HELD ON 17 SEPTEMBER 2019

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, 23 SEPTEMBER 2019

CLIFF FREWING
CHIEF EXECUTIVE OFFICER

18 September 2019

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Apology received from Cr M Geary

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3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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4 PUBLIC QUESTION TIME

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

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

It is also available in the public gallery.

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

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PETITIONS

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING HELD ON 9 SEPTEMBER 2019..... (ATTACHED)

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BUSINESS ARISING FROM REPORT

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Nil

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14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

15 CLOSURE

CITY OF ARMADALE

MINUTES

OF **CITY STRATEGY COMMITTEE** HELD IN THE **COMMITTEE ROOM**, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON **MONDAY, 16 SEPTEMBER 2019 AT 7:00PM.**

PRESENT:
Cr M Geary (Chair)
Cr C A Campbell JP (Deputy Chair)
Cr R Butterfield
Cr G Nixon
Cr D M Shaw
Cr C M Wielinga
Cr H A Zelones OAM JP

APOLOGIES:

OBSERVERS:
Cr L Sargeson
Cr G Smith
Cr J A Stewart

IN ATTENDANCE:

Mr C Frewing	Chief Executive Officer
Mr J Lyon	Executive Director Corporate Services
Mr P Sanders	Executive Director Development Services
Mr K Ketterer	Executive Director Technical Services
Mrs R Milne	A/Executive Director Community Services
Mrs F Baxter	Executive Manager Corporate Services
Mrs J Sutherland	Executive Assistant Corporate Services

PUBLIC: 1

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

DISCLAIMER

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

DECLARATION OF MEMBERS' INTERESTS

Nil

QUESTION TIME

Nil

DEPUTATION

Nil

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the City Strategy Committee Meeting held on 19 August 2019 be confirmed.

Moved Cr D M Shaw
MOTION CARRIED (7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

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

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CITY STRATEGY COMMITTEE

16 SEPTEMBER 2019

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1.1 - LIST OF ACCOUNTS PAID - AUGUST 2019

WARD	:	ALL
FILE No.	:	M/587/19
DATE	:	3 September 2019
REF	:	FB
RESPONSIBLE MANAGER	:	Executive Director Corporate Services

In Brief:

- The Report presents, pursuant to Regulation 13(1), (3) and (4) of the *Local Government (Financial Management) Regulations 1996*, the List of Accounts paid for the period 1 August to 31 August 2019.

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

Nil

Strategic Implications

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

Legislation Implications

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

6.10. Financial management regulations

Regulations may provide for —

(d) the general management of, and the authorisation of payments out of —

(i) the municipal fund; and

(ii) the trust fund,

of a local government.

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

13. Lists of Accounts

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

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

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

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

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

Consultation

Nil

BACKGROUND

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

COMMENT

The List of Accounts paid for the period 1 August to 31 August 2019 is presented as an attachment to this report.

ATTACHMENTS

1.⇩ Monthly Cheque Listing Report-August 2019

RECOMMEND **CS81/9/19**

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

Municipal Fund
Accounts paid totalling $16,855,517.29 on Vouchers 31765–31906, Batch 2379-2391, Direct Debits, PY01.04-PY01.05 & PY 99.02.

Trust Fund
Accounts paid totalling $25,732.64 on Vouchers 7851-7908.

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

1.2 - STATEMENT OF FINANCIAL ACTIVITY - AUGUST 2019

WARD	:	ALL
FILE No.	:	M/588/19
DATE	:	3 September 2019
REF	:	FB
RESPONSIBLE MANAGER	:	Executive Director Corporate Services

In Brief:

- This Report presents the City's Monthly Financial Report for the two (2) month period ended 31 August 2019.
- The Report recommendation is to accept the Financial Report noting there are reportable actual to budget material variances for the period.

Tabled Items
Nil

Decision Type

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

Officer Interest Declaration
Nil

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

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

Council Policy/Local Law Implications
Nil

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

Consultation
Nil

BACKGROUND

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

COMMENT

Presented as an attachment is the Monthly Statement of Financial Activity for the two (2) month period ended 31 August 2019.

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

These indicators are:

Revenue

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

Expense

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

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

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

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

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

ATTACHMENTS

1.⇨ August 2019 - Monthly Financials

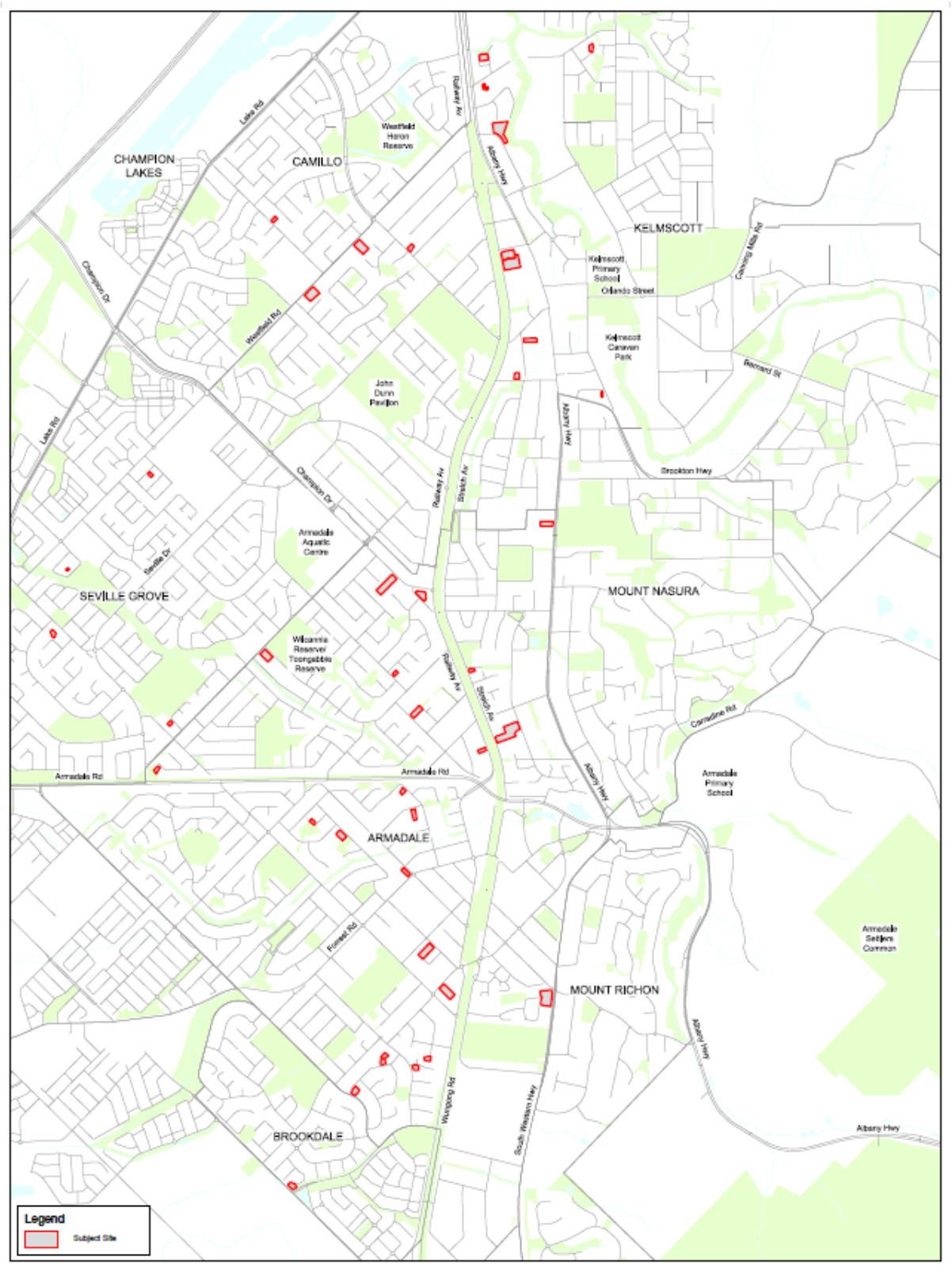
RECOMMEND **CS82/9/19**

That Council:

(i) pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accepts the Statement of Financial Activity for the two (2) month period ended 31 August 2019; and

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

Moved Cr M Geary
MOTION CARRIED **(7/0)**


CHAMPION LAKES
CAMILLO
KELMSCOTT
SEVILLE GROVE
MOUNT NASURA
ARMADALE
MOUNT RICHON
BROOKDALE
Lake Rd
Champion Dr
Westfield Rd
Railway Av
Albany Hwy
Brookton Hwy
Armadale Rd
Forrest Rd
Wungong Rd
South Western Hwy
Orlando Street
Kelmscott Primary School
Kelmscott Caravan Park
Armadale Aquatic Centre
Armadale Primary School
Armadale Settlers Common
Legend
Subject Site
LOCATION PLAN
RATES EXCLUSION
SCALE 1 : 20000
CITY OF Armadale

LOCATION PLAN
RATES EXCLUSION

50 0 50 100m

SCALE 1 : 5000

CITY OF Armadale

1.3 - RATE EXEMPTION APPLICATIONS - ACCESS HOUSING AUSTRALIA LTD - MULTIPLE PROPERTIES

WARD	:	MINNAWARRA RIVER HERON RANFORD PALOMINO LAKE
FILE No.	:	M/530/19
DATE	:	2 August 2019
REF	:	SW
RESPONSIBLE MANAGER	:	Executive Director Corporate Services

In Brief:

- This Report presents rates exemption Applications from Access Housing Australia Limited for 110 properties as attached in this report.
- The Report recommends that rates exemptions are granted for 24 properties as outlined in the attached report which are used to house people under the Community Disability Housing Program – Disability Independent Living and Community Disability Housing Program – Independent Living Program.

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

Nil

Strategic Implications

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

Legislation Implications

Local Government Act 1995
s6.26 Rateable land

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

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

Charities Act 2013
12 Definition of charitable purpose

(1) In any Act:

charitable purpose means any of the following:

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

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

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

(d) the purpose of caring for and supporting:
(ii) individuals with disabilities;

Council Policy/Local Law Implications

Current practice is to apply the rate exemption, if approved, from the date of the Application.

Budget/Financial Implications

The completed application for rates exemption was received on 18 March 2019, please see the attachment which outlines the rates revenue reduction for 2018/19 and 2019/20.

Consultation

Applicant – Access Housing Australia Limited

BACKGROUND

Within the City there are one hundred and seventy six (176) properties meeting the criteria for non-rateable land, in accordance with section 6.26 of the *Local Government Act 1995*. Notionally, the value of rates forgone is $1.195M.

As a subset, approvals under section 6.26(2)(g) relating to charitable purpose have been granted on sixty four (64) properties (281 dwelling sites) with the equivalent rates totaling $583,000.

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

Year	Properties	Estimated Rates
2014/15	36	$332,366
2015/16	38	$355,612
2016/17	44	$416,030
2017/18	51	$462,258
2018/19	64	$583,000

Access Housing is a not for profit community housing organization and a registered charity that provides housing under the following programs, Community Housing, Community Disability Housing Program, Independent Living Program and Disability Independent Living. The Community Housing program provides housing to low income earners.

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

- Constitution of Access Housing.
- 2017 Access Housing Annual Report, which contains financial details.
- Community Housing lease agreement.
- Community Housing Allocation Policy.
- Australian Charities and Not for Profit Commission Charity Register Summary
- Notice of Endorsement for Charity Tax Concessions

DETAILS OF PROPOSAL

Access Housing have applied for a rates exemption on 110 properties. Of these, eighty properties, as per the attached property list, have been recommended not to be approved on the basis they are used for Community Housing program, which is the provision of housing to those on low to very low income. Of these eighty properties, three properties have multiple units which are used for Community Disability Housing Program, however as this is not the exclusive use of the land these applications a recommended to be disallowed. A further five properties have been disallowed for a rates exemption on the basis that they are not exclusively used for charitable purposes, only a portion of the ratable properties are used for Mental Illness Independent Living Program. In addition to these properties, the application for one property used for Crisis Care Accommodation has also been disallowed on the basis the property is not used exclusively for this purpose.

Access Housing have applied for rates exemption on a number of properties based on four different uses:

- Nineteen properties used for independent living program; it is recommended to be allowed on the basis that the property is used exclusively for this purpose.
- Five properties used for disability independent living; it is recommended to be allowed on the basis that the property is used exclusively for this purpose.
- Three properties used for mixed use, low to very low income and independent living program; it is recommended that these properties be disallowed on the basis that the applicant has not demonstrated how their application meets requirements of Section 6.26(2)(g) and two properties are not used exclusively for this purpose.

- Three properties which contain sixteen dwellings but only five dwellings are used for independent living program; it is recommended to be disallowed on the basis that Access Housing do not meet the requirements for exclusive use.
- Two properties used for disability independent living; it is recommended to be disallowed on the basis that Access Housing do not utilise the full property for this purpose, therefore not exclusively used for this purpose.
- One property used for Crisis Care Accommodation; it is recommended to be disallowed on the basis that only one out of ten units on this property is used for this purpose: not exclusive to the property.
- Seventy seven properties used for housing low to very low income; it is recommended that these properties be disallowed on the basis that the applicant has not demonstrated how their application meets requirements of Section 6.26(2)(g) and two properties are not used exclusively for this purpose.

Sixty-three applications are for properties owned by Access Housing and forty seven are owned by Housing Authority.

COMMENT

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

The *Charities Act 2013* Section 7(d)(ii) specifically identifies public benefit as purpose of caring for and supporting individuals with disabilities. It may be concluded that housing that is used to accommodate a disabled person/s would satisfy the meaning of charitable purpose contained within the Local Government Act 1995.

A broader application of charitable purpose could not as easily be applied to housing that is provided for low income persons, as there is no such specific reference in the Act. The more general definitions of charitable purpose refer to the benefit to the general public or significant section of the general public. On this basis, the application for rates exemption on housing for persons with low income is not supported.

CONCLUSION

It is recommended that Council approve the application for the following twenty-four properties, whilst they are used exclusively for disability independent living and independent living program:

1) 15/88 Church Avenue Armadale;
2) 29A Robin Hood Avenue Armadale;
3) 13/40 Lensham Place Armadale;
4) 8A Bulida Court Kelmscott
5) 25 Foster Road Kelmscott
6) 4/6 Arnott Court Kelmscott;
7) 3063C Albany Highway Armadale;
8) 2/176 Cammillo Road Kelmscott;
9) 10/76 Owtram Road Armadale;
10) 3/11 Stott Close Armadale;
11) 1B Pollitt Close Armadale;
12) 50A Dale Road Armadale;
13) 3A Lewis Court Armadale;

14) 3B Lewis Court Armadale;
15) 10/19 Milano Loop Seville Grove;
16) 15 Turnstone Link Harrisdale;
17) 2/52 Fifth Road Armadale;
18) 23/12 Davis Road Kelmscott;
19) 23 Stevington Street Kelmscott;
20) 3 Sheaf Way Harrisdale;
21) 12 Torget Lane Harrisdale;
22) 30/30 Streich Avenue Kelmscott;
23) 32/30 Streich Avenue Kelmscott;
24) 44/30 Streich Avenue Kelmscott.

The application for the remaining properties be disallowed whilst the property is not used exclusively for charitable purpose or use for the purpose of low to very low income housing, noting that the Applicant has not demonstrated how the use meets the requirements of Section 6.26 (2)(g) of the Local Government Act 1995 and Charities Act 2013.

ATTACHMENTS
1.⇨ Rates Exemption - Access Housing Appendix

RECOMMEND **CS83/9/19**

That Council pursuant to Section 6.26(2)(g) of the *Local Government Act 1995:*

1. approves a rates exemption on the twenty-four properties which have demonstrated how the use meets the requirements of Section 6.26 (2)(g) of the Local Government Act 1995 and Charities Act 2013, effective from 18 March 2019, on the basis that:

(a) the land is and continues to be used exclusively for housing persons with disabilities and mental illness;
(b) an annual statutory declaration and other supporting documentation is received in July each year confirming the use of the property being exclusively used for housing persons with disabilities and mental illness;

2. does not approve a rates exemption on the remaining properties, as the Applicant has not demonstrated how the use meets the requirements of Section 6.26 (2)(g) of the Local Government Act 1995 and Charities Act 2013 .

Moved Cr C M Wielinga
MOTION CARRIED (7/0)

2.1 - DISPOSAL OF ASSETS POLICY

WARD	:	ALL
FILE No.	:	M/595/19
DATE	:	5 September 2019
REF	:	JL
RESPONSIBLE MANAGER	:	Executive Director Corporate Services

In Brief:

- Recommend that Council adopt a policy regarding the disposal of assets;
- Recommend that Council, pursuant to section 5.42 of the *Local Government Act 1995*, delegate** to the Chief Executive Officer:
  1. The Authority to dispose of property.
  2. The Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
  3. The delegation to dispose of property is to be in accordance with conditions.
  4. Note the contents of the related Management Practice.

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

Nil

Strategic Implications

4.1 Visionary Civic leadership and sound governance
  4.1.2 Make decisions that are sound, transparent and strategic
    4.1.2.1 Implement policies and associated delegations to improve transparency of decisions

Legislation Implications

Local Government Act 1995

s3.58 . Disposing of property

(2) Except as stated in this section, a local government can only dispose of property to —
  (a) the highest bidder at public auction; or
  (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
  (a) it gives local public notice of the proposed disposition —
    (i) describing the property concerned; and
    (ii) giving details of the proposed disposition; and
    (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
  and
  (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Local Government Functions & General Regulations 1996

r30 . Dispositions of property excluded from Act s. 3.58

(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.

(2) A disposition of land is an exempt disposition if —
  (a) the land is disposed of to an owner of adjoining land (in this paragraph called the ***transferee***) and —
    (i) its market value is less than $5 000; and
    (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;

(3) A disposition of property other than land is an exempt disposition if —
  (a) its market value is less than $20 000; or
  (b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than $75 000.

Local Government Act 1995

Section 5.42 – Delegations of Some Powers and Duties to the Chief Executive Officer

A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties this Act other than those referred to in section 5.43

Section 5.43 (d) – Limits on Delegations to Chief Executive Officers

A local government cannot delegate to a CEO the power or duty to acquire or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.

Council Policy/Local Law Implications

To enable the City to operate efficiently and effectively, it is proposed that a policy and management practice regarding asset disposals be established to work in conjunction with the proposed delegation.

Budget/Financial Implications

Nil

Consultation

Management Executive

BACKGROUND

In May this year, Council considered the annual review of delegations to the Chief Executive Officer. The report to Council stated that:

> *Whilst undertaking the review of the WALGA's Decision Making Toolkit, it also became evident that there may be a need for a delegation around the disposal of property. The requirement for a delegation however, will be contingent on the contents of a policy that officers are currently preparing for the 'Disposal of Assets'. If the proposed policy provides for any discretion, then a recommended delegation from Council to the CEO will also be presented at the same.*

Council subsequently noted that a proposed 'Disposal of Asset's' policy and any related delegated authority required, will be presented to Council in a future report.

This report seeks to document the City's Policy and Management Practice regarding asset disposals and provides the appropriate delegation to the Chief Executive Officer to administer asset disposals.

DETAILS OF PROPOSAL

It is proposed that the draft Policy and delegation be adopted.

COMMENT

A draft City Policy and associated Management Practice has been developed to guide asset disposals.

The delegation sought from Council provides the authority to the Chief Executive Officer to dispose of assets, other than Land or Buildings, in accordance with the annual budget and management practice.

It should also be noted that Council already has in place a delegation specifically dealing with land disposals (refer delegation *DS 3.0 Sale of Land Assets*). This delegation has operated effectively for a number of years. The proposed delegation will facilitate the administration of asset disposals for other classes of assets.

Assets that are exempt from the requirements of s3.58 of the Local Government Act are nonetheless captured by the provisions of the policy and management practice. These assets include assets with a market value of less than $20,000, or $75,000 in the case where the asset is used as a trade-in

The proposed new delegation is as follows:

New Delegation

1. Authority to dispose of property to:
    a. to the highest bidder at public auction [s.3.58(2)(a)].
    b. to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)]
2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].

Delegation Conditions

a. Disposal of assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.

b. In accordance with s.5.43:
    i. the disposal of land or buildings, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of $5,000 or less.
    ii. The disposal of property other than land or buildings is limited to a maximum value of $100,000 or less.

c. When determining the method of disposal:
    - Where a public auction is determined as the method of disposal:
        - Reserve price has been set by independent valuation.
        - Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.
    - Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.

- Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to:
  - Negotiate the sale of the property up to a -10% variance on the valuation; and
  - Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded.

d. Where the market value of the property excluding land:

iii. is determined as being less than $20,000; or

iv. the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than $75,000

(F&G r.30(3) exclusions)

disposals may be undertaken without reference to Council for resolution; and in any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.

e. Disposals of assets are to be in accordance with the Management Practice.

OPTIONS

Council has the option to:

1. Adopt the proposed policy and delegation on asset disposals;
2. Not adopt the policy but adopt the delegation, with conditions; or
3. Not adopt the policy or the delegation.

CONCLUSION

Adopting the Policy and delegation will provide for the efficient management of asset disposals with clear guidelines established by the Council and the Chief Executive Officer.

ATTACHMENTS

1.⇨ Draft - Asset Disposal Policy and Management Practice

RECOMMEND CS84/9/19

That Council:

1. Adopt the draft policy "Disposal of Assets"

2. Pursuant to section 5.42 of the *Local Government Act 1995*, delegate to the Chief Executive Officer:**

(i) the Authority to dispose of property to:

a. to the highest bidder at public auction [s.3.58(2)(a)].

b. to the person who at public tender called by the local government

makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)]

2. The Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)]

3. The delegation to dispose of property is to be in accordance with the following conditions:

a. disposal of assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.

b. in accordance with s.5.43:

i. the disposal of land or buildings, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of $5,000 or less.

ii. The disposal of property other than land or buildings is limited to a maximum value of $100,000 or less.

c. When determining the method of disposal:

- **Where a public auction is determined as the method of disposal:**
  - **Reserve price has been set by independent valuation.**
  - **Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.**
- **Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.**
- **Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to:**
  - **Negotiate the sale of the property up to a -10% variance on the valuation; and**
  - **Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded.**

d. Where the market value of the property excluding land:

i. is determined as being less than $20,000; or

ii. the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than $75,000

(F&G r.30(3) exclusions)

disposals may be undertaken without reference to Council for resolution; and in any case, be undertaken to ensure that the best value return is achieved

however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.

e. Disposals of assets are to be in accordance with the Management Practice.

4. Note the contents of the related Management Practice "Disposal of Assets".

**** ABSOLUTE MAJORITY REQUIRED**

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

COUNCILLORS' ITEMS

Nil

CHIEF EXECUTIVE OFFICER'S REPORT

Nil

MEETING DECLARED CLOSED AT 7.30PM

CITY STRATEGY COMMITTEE

SUMMARY OF ATTACHMENTS

16 SEPTEMBER 2019

ATT NO.	SUBJECT	
1.1	**LIST OF ACCOUNTS PAID - AUGUST 2019**	
1.1.1	Monthly Cheque Listing Report-August 2019	
1.2	**STATEMENT OF FINANCIAL ACTIVITY - AUGUST 2019**	
1.2.1	August 2019 - Monthly Financials	
1.3	**RATE EXEMPTION APPLICATIONS - ACCESS HOUSING AUSTRALIA LTD - MULTIPLE PROPERTIES**	
1.3.1	Rates Exemption - Access Housing Appendix	
2.1	**DISPOSAL OF ASSETS POLICY**	
2.1.1	Draft - Asset Disposal Policy and Management Practice	

The above attachments can be accessed from the Minutes of the City Strategy Committee meeting of 16 September available on the City's website.

CITY OF ARMADALE

MINUTES

OF **DEVELOPMENT SERVICES COMMITTEE** HELD IN THE **COMMITTEE ROOM**, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON **TUESDAY, 17 SEPTEMBER 2019 AT 7PM.**

PRESENT:	Cr D M Shaw	(Chair)
	Cr C M Wielinga	(Deputy Chair)
	Cr K Busby	
	Cr M Geary	
	Cr L Sargeson	
	Cr M Silver	
	Cr H A Zelones OAM JP	
APOLOGIES:	Nil	
OBSERVERS:	Cr G J Smith	
	Cr R Butterfield	(7.01pm to 7.44pm)

IN ATTENDANCE:	Mr P Sanders	Executive Director Development Services
	Mr J Lyon	Executive Director Corporate Services
	Mr S Famiano	Executive Manager Development Services
	Mr N Gundry	A/Building Services Manager
	Mr G Dine	Health Services Manager
	Mrs N Cranfield	Executive Assistant Development Services
PUBLIC:	Nil.	

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

DISCLAIMER

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

DECLARATION OF MEMBERS' INTERESTS

Cr Busby

- *Normalisation of West of Rail Precinct.*
- *Proposed Amendment No.108 - TPS No.4 - Normalisation of West of Rail and Railway Station from MRA to City of Armadale.*

Cr Silver

- *Proposed Basic Amendment No.99 to TPS No.4 - Omnibus No.5.*
- *Proposed Amendment No.107 to TPS No.4 - Normalisation of Forrestdale Business Park East from MRA to City of Armadale.*

QUESTION TIME

Nil.

DEPUTATION

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 20 August 2019 be confirmed.

Moved Cr Sargeson
MOTION CARRIED (7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

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

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DEVELOPMENT SERVICES COMMITTEE

17 SEPTEMBER 2019

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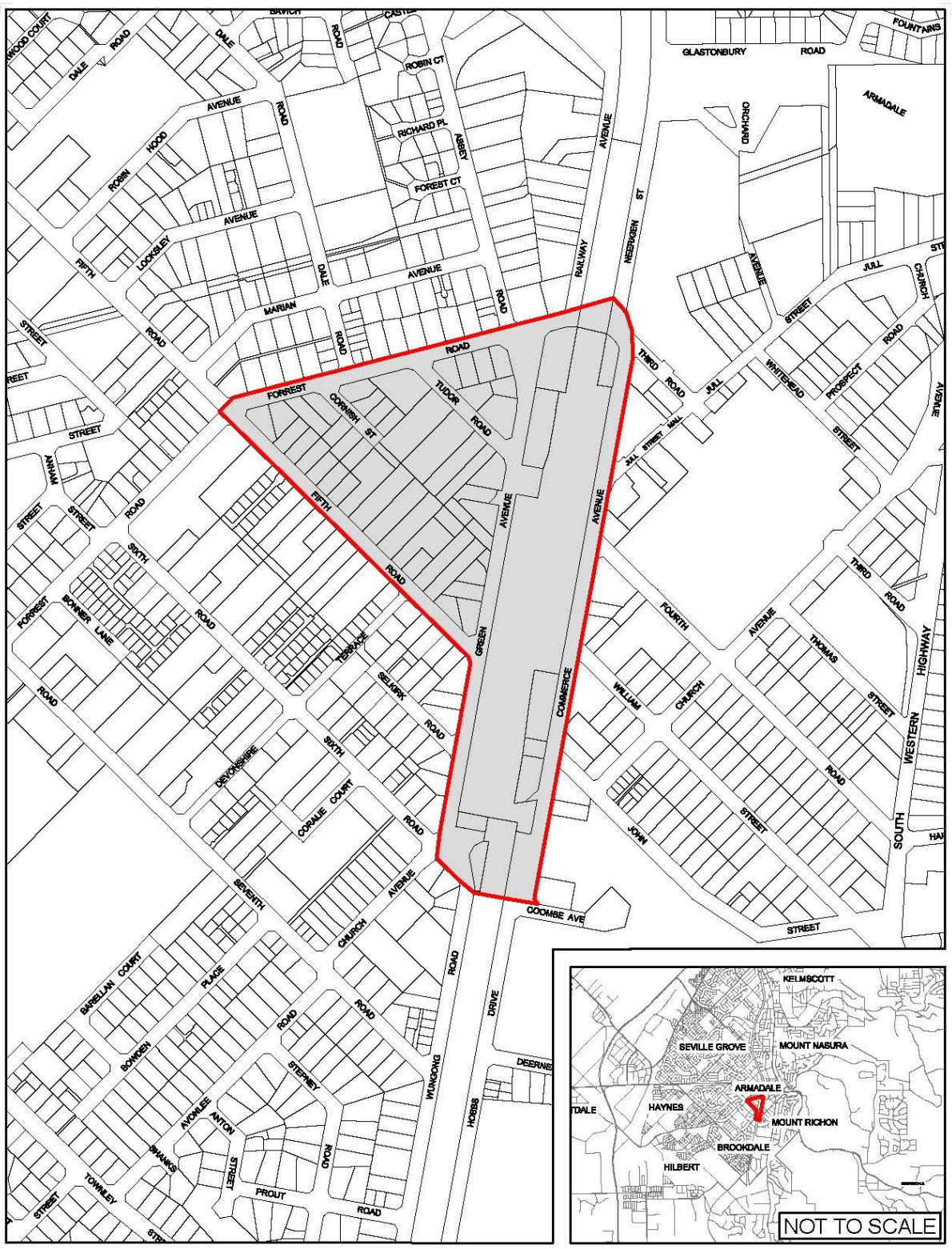

LOCATION PLAN
Amendment no.108

80 0 80 160m

SCALE 1 : 8000

DATE 30 April 2019 - REVISION 1901
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Aerial photograph supplied by Landgate, Photomaps by Nearmap.

CITY OF Armadale

1.1 - NORMALISATION OF WEST OF RAIL PRECINCT

Cr Busby declared a financial interest in this item on the basis that he owns property within the proposed report area and left the meeting at 7.02pm.

WARD	:	MINNAWARRA
FILE No.	:	M/364/19
DATE	:	5 September 2019
REF	:	SW/TvdL
RESPONSIBLE MANAGER	:	EDDS

In Brief:

- The MRA is seeking normalisation of the West of Rail and Railway Station precincts which have been under the planning control of the State Government (former ARA then MRA) since 2003.
- Normalisation would see the City resume planning control over the precincts and management of the West of Rail DCP.
- Recommend that Council advise the MRA that it supports normalisation of the West of Rail and Railway Station precincts, subject to several requirements.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

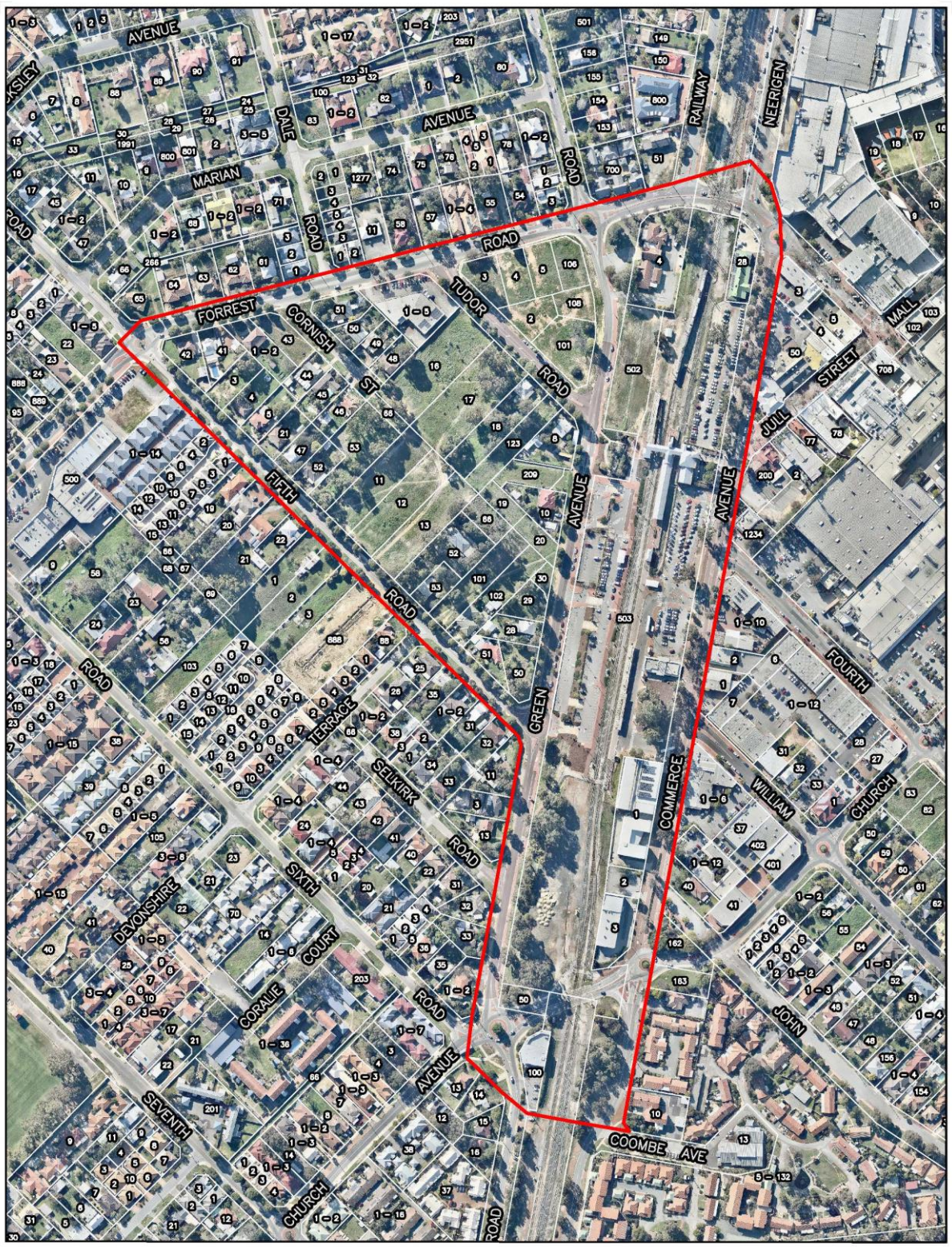
Nil.

Strategic Implications

2.2.3 Revitalise existing neighbourhoods whilst retaining the character of places.
2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.
3.2.2 Broadly promote Armadale as a place of business and investment.

Legislation Implications

Metropolitan Redevelopment Authority Act 2011
Metropolitan Redevelopment Authority Regulations 2011
Metropolitan Redevelopment Authority's Armadale Redevelopment Scheme 2
Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Metropolitan Region Scheme
State Planning Policy 3.6 – Development Contributions for Infrastructure
City of Armadale Town Planning Scheme No.4



AERIAL PLAN
Amendment no.108

50 0 50 100m

SCALE 1 : 5000

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

CITY OF Armadale

DATE 30 April 2019 - REVISION 1901
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Council Policy/Local Law Implications

There may be a requirement to amend the City's Town Planning Scheme No.4.
There may be a requirement to amend/expand the City's Local Planning Policies as a result of normalisation.

Budget/Financial Implications

Normalisation of MRA areas creates a requirement for additional resources, a portion of which have already been funded and put in place.

Consultation

Metropolitan Redevelopment Authority
Department of Planning, Lands and Heritage
City of Armadale Directorates

BACKGROUND

Site Description

The West of Rail and Railway Station Precincts are located immediately west of the Armadale Strategic Metropolitan Centre.

The West of Rail Precinct is a triangular area of approximately 10.84 hectares that is bound by the Armadale Train Line to the east, Forrest Road and Fifth Road. The Railway Station Precinct is a rectangular area of approximately 9.4 hectares that is bound by Commerce Avenue to the east and Green Avenue to the west. It runs from approximately Forrest Road to the north and Coombe Avenue to the south and incorporates the Armadale Train Station.

As shown on the aerial plan, the majority of the West of Rail and Railway Station precincts is vacant and awaiting redevelopment.

Planning History

Prior to State Government involvement, the area was subject to the Metropolitan Region Scheme (MRS) and the City's Town Planning Scheme No.2.

The Armadale Redevelopment Authority (ARA) assumed planning control over a number of precincts within the City during the early 2000's, on a staged basis. One of the Authority's first tasks was to address the railway station precinct, in conjunction with rejuvenating the Armadale City Centre. This is now known as the West of Railway and Railway Station precincts were originally part of a redevelopment area covering the entire Armadale City Centre. These areas were known as Precinct 1.3 – City Centre Rail Station Precinct and 1.5 – City Centre West of Railway Precinct within the Armadale Redevelopment Scheme 2004.

The first Armadale Redevelopment Scheme 2004 was approved by the Minister in May 2004 following extensive consultation of the ARA Concept Plan. Following this a Structure Plan and Design Guidelines were enacted over the West of Rail precinct area in 2006 and then reviewed in 2010.

Upon repeal of *Armadale Redevelopment Authority Act* on 1 January 2012, under the *Metropolitan Redevelopment Authority Act 2011* and the *Metropolitan Redevelopment Authority Regulations 2011*, the eastern portion of the City Centre was removed from the redevelopment area, but the areas of the railway station and west of the railway line were retained as redevelopment areas and are now known as West of Rail and Railway Station Precincts.

The City Centre West of Railway Precinct Structure Plan was approved by the MRA on 22 September 2016. This has since guided development along with the Armadale City Centre West of Railway Precinct Design Guidelines (adopted 1 June 2017). Both remained in place and continued to guide development following the gazettal of the new *Armadale Redevelopment Scheme 2* on 11 July 2017.

MRA Planning Framework

The following is a summary of the current planning framework for the West of Railway Project Area:

- Metropolitan Region Scheme (MRS) – not applicable.
- MRA's Armadale Redevelopment Scheme 2 (ARS2) – covers all of the MRA's Armadale precincts including the West of Railway and Railway Station precincts. In order to promote flexibility the Land use table (which is a variation in approach to the equivalent of a Local Authority's Use Class table) identifies uses as either Preferred or Contemplated. In some situations a proposed use is neither preferred nor contemplated, in which case it may be considered on its merits rather than being an 'X' use (use that is not permitted) or following a Use Not Listed process that is common in Local Government Town Planning Schemes.
- Structure Plan –The Structure Plan provides for the future road layout of the area, including the extension of Cornish Street through to Green Avenue as well as a minor road connecting Fifth Road to Cornish Street. The Structure Plan does not allocate Residential Density Codes or zones over the area, but does provide for a plot ratio of 2.0 and references that estimated yields are based on an R80 to R-IC density. R-IC is no longer a density code covered by *State Planning Policy 7.3 – R-Codes Volume 1 and Volume 2*. The Railway Station Precinct is not subject to a Structure Plan at this time.
- Design Guidelines –The MRA has a set of Design Guidelines which were adopted in June 2017 and apply to development proposals within the West of Rail precinct. These Design Guidelines provide guidance on development standards including, but not limited to, land use, building height, setbacks and site coverage. The Railway Station Precinct is not subject to MRA Design Guidelines.
- Policies – The MRA has 12 Development Policies which address the Movement Network, Public Open Space, Green Building, Heritage Places, Sound and Vibration Attenuation, Providing Public Art, Additional Structure, Signage, Home Based Business, Hosting Public Events, Affordable and Diverse Housing, and Adaptable Housing. These are roughly the equivalent of a Local Planning Policy, but have been prepared without a requirement to be consistent with the WAPC's or Local Government frameworks. The majority of Policies will not be normalised to the City, as they are no longer relevant, covered by existing legislation and/or do not suit the City's strategic aims.

West of Rail Developer Contribution Plan

The MRA currently manages a Developer Contribution Plan (DCP) over the West of Rail Precinct to ensure all land owners contribute equally to infrastructure costs. These costs include the construction and upgrading of new and existing roads, land acquisition and provision of an open space plaza area. A substantial review of the DCP was undertaken and the DCP was approved by the Minister in January 2011.

The adopted value of the DCP, as it stands, is $4.7 million, however that is undergoing review in preparation for normalisation. In broad terms, the new proposal is that $9m worth of sunk costs, land acquisition, public realm design/construction and DCP administration be funded, with 50% of that funding coming from the State Government and the other 50% being funded by private landowners via the (revised) DCP.

The EDDS provided a briefing to the Development Services Committee in May 2019 regarding the DCP, and a further item will be presented to Council when the DCP review has progressed in sufficient detail and the City has sufficient detail on the DCP to present to Council.

West of Rail Working Group

A Working Group has been established between the City and the MRA to discuss various matters relating to normalisation of the West of Rail and Railway Precincts and matters that require resolution prior to normalisation. The major milestones of the Working Group are to:

1. finalise the DCP review;
2. finalise land acquisition and assembly within the West of Rail Precinct to facilitate development of the road network and other public works;
3. undertake an amendment to the MRA planning framework within West of Rail, particularly the Structure Plan and Design Guidelines to ensure these are consistent with the City's planning framework prior to normalisation; and
4. undertake a Scheme Amendment to the City's TPS No.4 to include the West of Rail and Railway Station Precincts back into the TPS No.4 boundary with appropriate zones and codings.

The City has requested the MRA's assistance with normalisation the West of Rail planning framework, via the Working Group and the MRA has provided some advice about its intentions in that regard, which are outlined below.

Armadale Activity Centre Structure Plan

The Armadale Activity Centre Structure Plan and accompanying Design Guidelines and Car Parking Strategy was prepared by the City and advertised to the public in May and June 2018. The Structure Plan primarily relates to the Strategic Regional Centre area of Armadale, including the two shopping centres, the City offices and residential development east to the South Western Highway. The Structure Plan sets directions with the aim of facilitating new development within the Armadale City Centre, economic development and increasing the level of service and amenity provided to the Armadale and sub-regional community with land use designations such as City Centre Core, Education – Mixed Use, Mixed Use, Office Core, Civic, Tourism and Residential.

The Structure Plan also includes the West of Rail and Railway Precincts but identifies these as being within the MRA area and subject to the West of Rail Structure Plan. Despite this, the West of Rail and Railway Precincts are recognized as playing an important role in achieving innovative transit orientated development in the Armadale City Centre, and providing additional services, employment opportunities and diverse housing options close by to the Armadale Railway Station. Ultimately, the Structure Plan reflects the approved MRA West of Rail Structure Plan.

At its meeting on 27 August 2018, Council resolved to forward the Armadale Activity Centre Structure Plan to the WAPC for approval. The Structure Plan is yet to be determined by the WAPC.

State Solicitor's Office Advice

The City has been engaged in discussions with the MRA to determine the best process to reintroduce its Wungong Urban Water Precinct to its local planning framework, and the principles established there are also applicable to the West of Rail and Railway Station Precincts. The MRA obtained legal advice from the State Solicitor's Office (SSO) regarding two methods of normalising its planning framework to the City. It has provided an explanation of that SSO advice itself, as it did not obtain agreement for the SSO advice to be provided to the City.

The first of the two options is to use Transitional Regulations under s.35 of the Metropolitan Redevelopment Authority Act 2011. The MRA advises that Section 35 has the ability to transition the MRA's planning framework to the City in its current form, for a `transitional' period following normalisation during which the City would amend its planning framework. No changes could be made to the MRA framework using this method: the City would be operating the MRA framework 'as is'. The 'transitional' period could take 2 years for a scheme amendment to be finalised, in addition to changing the Structure Plan, Design Guidelines, etc.

The second option is to amend the City's TPS4 via S.57 of the MRA Act, which is a section of legislation that hasn't been used previously. Section 57 allows the Planning Minister, while an approved Redevelopment Scheme is operating, to amend a Local Planning Scheme (LPS) so that the LPS becomes consistent with the Redevelopment Scheme. The MRA notes that the relevant LPS provisions are required to be `consistent' and not necessarily `identical' to the Redevelopment Scheme however the MRA have advised that any amendments which would require formal advertising cannot be made under s.57. The MRA have advised that substantial changes such as those which would require formal advertising are to be undertaken outside of the normalisation process using the processes under the Planning and Development Act 2005.

Another option, which was not addressed in detail by the MRA, is to amend the LPS prior to normalisation under s.58 of the MRA Act. Section 58 makes provision for such an amendment to be progressed while the redevelopment scheme is operational, but only take effect when the redevelopment scheme ceases to apply to the land.

Whilst the establishment of Redevelopment Areas is quite timely and efficient, the normalisation of Redevelopment Areas does not provide the same level of efficiency and ease in amalgamating planning frameworks, particularly where limited development has occurred.

DETAILS OF PROPOSAL

Landcorp and MRA are to be amalgamated in 2019, and ahead of that merger the MRA Board has formally requested that the West of Rail and Railway Station Precincts be normalised back to the City's planning control, with a target date of 1 July 2020.

The City will request a Project Close Out Plan and an Action Matrix to address outstanding issues, receive appropriate information and ensure a more structured and successful approach to normalisation of the West of Rail and Railway Station precincts.

Normalisation will take effect when Schedule 1 in the *Metropolitan Redevelopment Authority Regulations 2011* is amended by subtracting the West of Rail and Railway Station Precincts (from the plan), using s.31 of the *Metropolitan Redevelopment Authority Act 2011*. To ensure that the City has access to the controls it requires when resuming planning authority for the area, a number of other amendments to various pieces of legislation and documents need to occur at the same time.

ANALYSIS

The most substantial issues surrounding the normalisation request are discussed in detail below. It should be noted that the discussion of these issues reflects a current understanding of the situation by the City's officers.

Metropolitan Region Scheme

The MRA, in consultation with the WAPC, are progressing a basic MRS Amendment proposal, which would reintroduce all of their Armadale precincts into the MRS. Finalisation of that amendment is a prerequisite to any normalisation of those precincts, and for any amendment of TPS4 to be gazetted. The MRA's proposed MRS mapping shows the West of Rail and Railway Station Precincts being zoned Central City area and Railway Reserve.

The City has provided input wherever possible to the preparation of the MRS Amendment. The MRA Amendment will be advertised for public comment shortly.

Town Planning Scheme No.4 – Amendment Content

The MRA and City have agreed in principle on suitable TPS4 zonings for the subject area, which would be consistent with both the established intent for the MRA Precincts and the outcomes from the Armadale Activity Centre Structure Plan. In addition to zoning, TPS4 requires several mapping and text amendments in order to support the rest of the planning framework, such as the Structure Plan and DCP.

The detail of who makes which amendments to TPS4, using which legislation and when is discussed in some detail below, and a separate report on this agenda recommends initiation of an amendment to TPS4. There would be a number of issues, uncertainties or risks associated with the City initiating an amendment to TPS4, which are identified below, however a key benefit is the City initiates and controls/progresses the initial stages of the process.

Town Planning Scheme No.4 – Amendment Timing

Assuming initiation of an amendment to TPS4 in September 2019, and a 'standard' 13 - 18 month timeframe (without the requirement for an environmental review), that would see the amendment finalised approximately 10 months after the current target date for normalisation. There is a risk, therefore, that the MRA's planning framework could be normalised to the City prior to the amendment receiving final approval, however that scenario is more palatable than initiating the amendment after normalisation. The implications of that scenario are addressed in the separate report on this agenda about Amendment No.108.

Town Planning Scheme No.4 – Amendment Content – DCP

A TPS amendment initiated in the near future could not incorporate text relating to the West of Rail DCP, because the abovementioned DCP review would not have been completed. If the DCP were included in the normalisation amendment that would also have the undesirable effect of changing the proposal from a standard to a complex TPS Amendment under the Regulations, increasing the processing time.

Due to this timing issue it is likely that the MRA will have to incorporate its (reviewed) DCP text into the City's TPS4 at normalisation, either by Transitional Regulations or S.57 of the MRA Act. The City will aim to therefore work with the MRA to ensure that, as far as possible, the (reviewed) DCP text meets the City's requirements and the requirements of State Planning Policy 3.6. It is reasonable to assume that administration of those provisions would be workable in the short-term but it would nevertheless necessitate a further amendment to TPS4 post-normalisation to make the West of Rail DCP text consistent with the rest of the Scheme, the WAPC's State Planning Policy 3.6 – Development Contributions for Infrastructure and how the City successfully administers the North Forrestdale DCP.

A key issue will be for the City to establish developer's intentions to prepare a Priority DCP Works Plan and likely development scenarios for collection of DCP funds. It would be desirable for that consultation to happen as part of the forthcoming DCP review, which is a process that could be discussed in the Working Group.

Town Planning Scheme No.4 – Amendment Process

It should be noted that once a Scheme Amendment had been initiated, a process has commenced and the conclusion of that process, is to an extent, beyond the City's control; the final decision rests with the Minister for Transport, Planning and Lands.

Environmental Assessment of Scheme Amendment

Amendment No.105, which enables normalisation of the Champion Drive precinct, has received preliminary assessment by the Department of Water and Environmental Regulation (DWER) on behalf of the Environmental Protection Authority (EPA). DWER has requested a fauna habitat survey to identify habitat for significant fauna, specifically species of black cockatoo. It therefore appears that any 'normalising' scheme amendments, which represent an existing planning framework that has been subject to prior environmental assessment, may be treated as if they were a fresh proposal to rezone land. If that is the case, the City should not bear the responsibility for any environmental studies required to normalise the MRA's redevelopment areas where possible.

Assessment of Scheme Amendment Process

There are a number of issues, uncertainties or risks associated with the initiation of an amendment to TPS4, as outlined above. Those issues, uncertainties or risks need to be weighed against the alternative of accepting the MRA's planning framework at normalisation, then commencing the scheme amendment process and meanwhile operating the MRA's framework for a period of 13 - 18 months. It is believed that the benefit of finalising a scheme amendment prior to normalisation is the greater consideration, and is consistent with the City's advice to date that the problematic issues with the MRA's planning framework need to be resolved prior to normalisation. This scheme amendment would give the City greater control over the outcome of one of the key normalisation tasks.

The City has requested that the MRA establish a Working Group to collaborate on the Transitional Regulations and other legislative requirements associated with normalisation.

West of Rail Structure Plan

The MRA has advised that it intends to undertake an amendment of its Structure Plan prior to normalisation, with the scope limited to:

- ensuring alignment with the provisions of the Design Guidelines; and
- removing built form requirements to remove duplication.

This amendment to the Structure Plan is supported, as it will remove existing inconsistencies between the Structure Plan and Design Guidelines, which the City has been advocating for.

West of Rail Design Guidelines

As mentioned above an established set of Design Guidelines apply to the West of Rail Precinct. These guidelines largely deal with matters which are now contained within *State Planning Policy 7.3 - R-Codes Volume 2*. The MRA has advised that they intend to transition Chapter 6 of the guidelines to the City at normalisation, which are the 'Site Specific Development Standards' covering items such as building height, setbacks and site coverage.

The City is supportive of this process, noting however that its request for the MRA to shift the plot ratio controls from the Structure Plan into Chapter 6 of the Design Guidelines and make some other minor changes to development sites and building heights was not supported. The City will continue to seek those amendments to the Design Guidelines.

Chapter 6 of the West of Rail Design Guidelines will likely become a Local Planning Policy within the City's Planning Framework. This is currently being confirmed with the MRA. Further information will be provided about that issue in due course.

West of Rail and Railway Station Precincts in Context

The West of Rail and Railway Station Precincts will make a significant contribution as part of the future Armadale City Centre, planned for in the City's *Armadale Activity Centre Plan*. The West of Rail and Railway Station precincts are a key part of the City's overall strategic vision, providing high quality places to live and work within the City Centre and in close proximity to the Armadale Railway Station.

The City supports Metronet's planned Armadale to Byford Rail extension and is advocating for undergrounding of the Armadale Train Station. The undergrounding of the train station will provide an opportunity for the West of Rail and Railway Station areas to become seamlessly integrated with the rest of the City Centre, creating a hub of residential development and associated employment and service opportunities. In order for the envisioned City Centre to be developed, the City will need to ensure that the planning framework that is in place following normalisation can provide for this in a cohesive and coordinated way.

Concurrent Normalisation of Other MRA Areas

In March 2019 Council resolved to conditionally support normalisation of the Champion Drive Precinct and in May 2019 it resolved to conditionally support normalisation of the Wungong Precinct. In June 2019 it resolved to conditionally support normalisation of the Forrestdale Business Park East Precinct. The City is yet to receive an MRA response to Council's conditions of normalisation in these Precincts.

Discussions on normalisation of the following MRA's redevelopment areas is ongoing:

- Kelmscott - In a letter dated 8 January 2019 Metronet advised that subject to the City's agreement with the MRA, normalisation will notionally occur 6 months following project completion. PTA are progressing the construction works and Council has adopted its own Scheme Amendment No.100 for R-Coding west of the Railway line;

- Forrestdale Business Park West – The MRA have commenced a new DCP making a recommendation to the Chair of the WAPC and have indicated there are no immediate plans for normalisation; and

- Champion Lakes – The MRA propose to normalise the established residential areas developed by LandCorp at a later stage and are progressing the planning and sale for the northern portion separately. No timeframes have been agreed to date.

The normalisation of the West of Rail and Railway Station Precincts is being considered in the wider context, with regard to the allocation of resources and staging.

OPTIONS

Council could:

1. Advise the MRA that normalisation of the West of Rail and Railway Station Precincts is not supported and provide reasons.

2. Advise the MRA that normalisation of the West of Rail and Railway Station Precincts is supported (with or without conditions).

CONCLUSION

Development of the West of Rail and Railway Station Precincts has yet to commence in any substantive way. The ARA/MRA's involvement in the West of Rail and Railway Station Precincts has provided for comprehensive planning of the area but no redevelopment has yet occurred on the ground.

Whilst the role of the ARA/MRA in the City Centre has been substantially beneficial, they have requested normalisation occur and though necessitating some additional commitment of resources, support is recommended conditional upon the conditions included in the recommendation.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND D54/9/19

That Council advise the Metropolitan Redevelopment Authority that it supports normalisation of the West of Rail and Railway Station Precincts, subject to:

a. Finalisation of a Metropolitan Region Scheme amendment reintroducing the West of Rail and Railway Station Precincts to the Metropolitan Region Scheme.

b. Finalisation of Amendment No.108 to the City's Town Planning Scheme No.4 via s.58 of the Metropolitan Redevelopment Act 2011 prior to normalisation which reintroduces the West of Rail and Railway Station Precincts.

c. The MRA being responsible for amendments to the West of Rail Structure Plan and Design Guidelines to ensure these are consistent with the City's planning framework and are able to be operated by the City at normalisation.

d. The MRA being responsible for the resolution of any environmental issues raised by the EPA during processing of the Amendment to Town Planning Scheme No.4.

e. The Metropolitan Redevelopment Authority providing the City with information necessary to determine the current status of the West of Rail DCP.

f. Indemnification of the City against any liabilities arising from the ARA's and MRA's operation of the Developer Contribution Plan for the West of Rail Precinct.

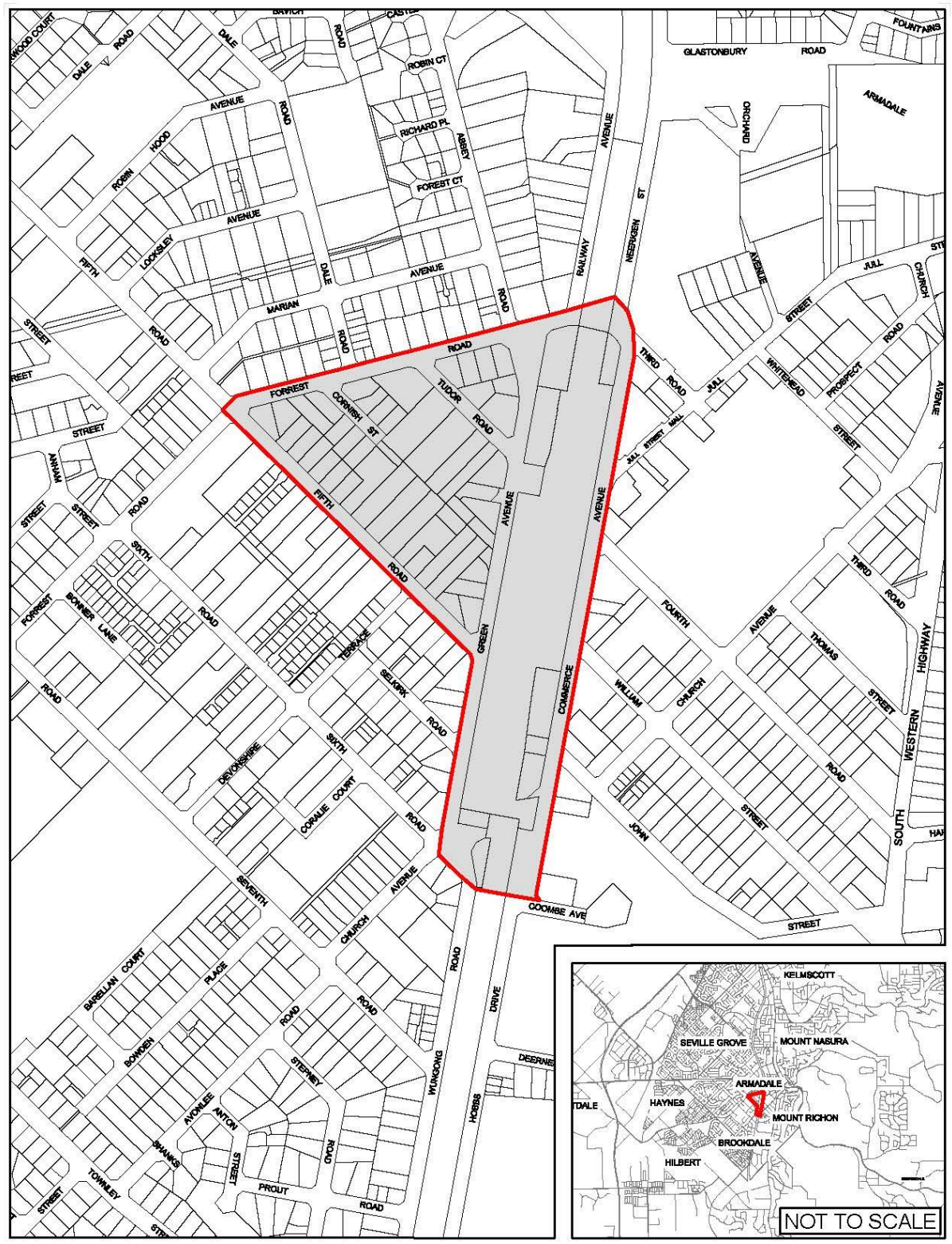
g. The MRA and the City establishing a Working Group to collaborate on the

Transitional Regulations and other legislative requirements associated with normalisation, prior to the preparation of drafting instructions for the preparation of the Regulations.

h. The MRA preparing in a timely manner for the consideration of the City and implementing in consultation with the City, a Project Closeout Plan and Action Matrix for normalisation of the West of Rail and Railway Station Precincts.

Moved Cr C M Wielinga
MOTION CARRIED (6/0)

Cr Busby returned to the meeting at 7.10pm.



LOCATION PLAN
Amendment no.108

80 0 80 160m

SCALE 1 : 8000

CITY OF Armadale

DATE 30 April 2019 - REVISION 1901
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2.3 - PROPOSED AMENDMENT NO.108 TO TPS NO.4 - NORMALISATION OF WEST OF RAIL AND RAILWAY STATION FROM MRA TO CITY OF ARMADALE

Cr Busby declared a financial interest in this item on the basis that he owns property within the proposed report area (as per Amendment No.108) and left the meeting at 7.11pm.

WARD	:	Minnawarra
FILE No.	:	M/539/19
DATE	:	5 September 2019
REF	:	SW
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	City of Armadale
LANDOWNER	:	Multiple landowners in West of Rail and Railway Station
SUBJECT LAND	:	Metropolitan Redevelopment Authority Areas: West of Rail and Railway Station
ZONING MRS /	:	No zone (within Redevelopment Area)
TPS No.4	:	No zone (within Redevelopment Area)

In Brief:

- The MRA is seeking normalisation of its West of Rail and Railway Station Project Areas which have been under the planning control of the State Government (former ARA then MRA) since 2003.
- Normalisation would see the City reassume planning control over the areas.
- The City has prepared Amendment No.108 to include the West of Rail and Railway Station Project Areas back into the City's Town Planning Scheme No.4 to facilitate normalisation.
- The proposal designates appropriate TPS No.4 zones over the West of Rail and Railway Station Project Areas, as well as a new Development Area to ensure that future subdivision and development continues to be guided by a Structure Plan.
- Recommend that Council initiate Amendment No.108 for public review and submissions.

Tabled Items

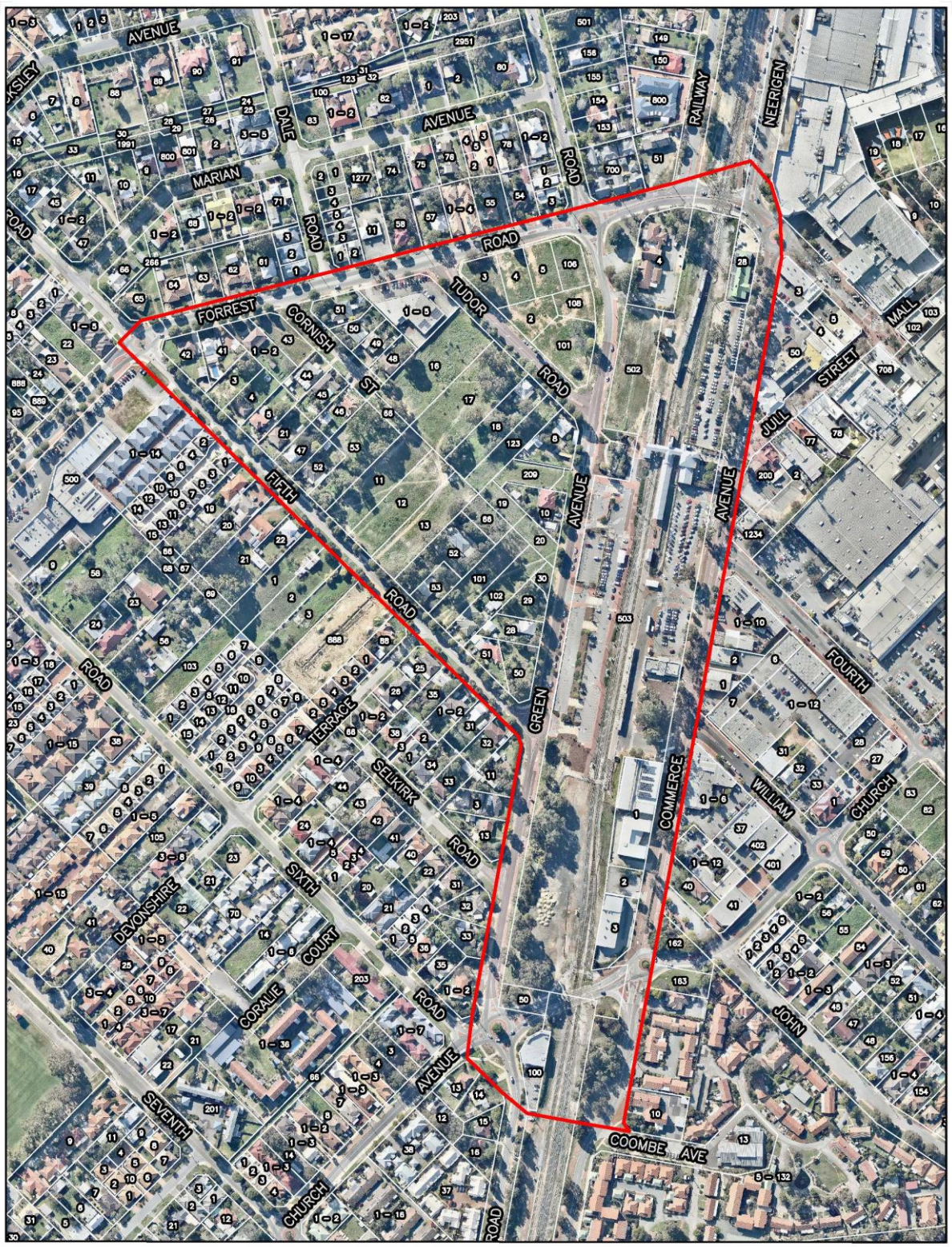
Nil.

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.



AERIAL PLAN
Amendment no.108

50 0 50 100m

SCALE 1 : 5000

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

DATE 30 April 2019 - REVISION 1901
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CITY OF Armadale

Strategic Implications

2.2.3 Revitalise existing neighbourhoods whilst retaining the character of places.
2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.
3.2.2 Broadly promote Armadale as a place of business and investment.

Legislation Implications

Metropolitan Redevelopment Authority Act 2011
Metropolitan Redevelopment Authority Regulations 2011
Metropolitan Redevelopment Authority's Armadale Redevelopment Scheme 2
Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Metropolitan Region Scheme
City of Armadale Town Planning Scheme No.4

Council Policy/Local Law Implications

There may be a requirement to amend/expand the City's Local Planning Policies as a result of normalisation.

Budget/Financial Implications

Normalisation of MRA areas creates a requirement for additional resources, a portion of which have already been funded and put in place.

Consultation

- Metropolitan Redevelopment Authority.
- Department of Planning Lands and Heritage.
- Department of Water and Environment Regulation.
- City of Armadale Directorates.

BACKGROUND

Site Description

The West of Rail and Railway Station Precincts are located immediately west of the Armadale Strategic Metropolitan Centre.

The West of Rail Precinct is a triangular area of approximately 10.84 hectares that is bound by the Armadale Train Line to the east, Forrest Road and Fifth Road. The Railway Station Precinct is a rectangular area of approximately 9.4 hectares that is bound by Commerce Avenue to the east and Green Avenue to the west. It runs from approximately Forrest Road to the north and Coombe Avenue to the south and incorporates the Armadale Train Station.

As shown on the aerial plan, the majority of the West of Rail and Railway Station Precincts are largely vacant and awaiting redevelopment.

Normalisation

The proposed normalisation of these two Precincts is discussed in detail in an earlier item on this agenda. The recommendations of this report presume that Council supported the recommendations of that previous item, including one requiring,

> *"Finalisation of an amendment to the City's Town Planning Scheme No.4 via s.58 of the Metropolitan Redevelopment Act 2011 prior to normalisation which reintroduces the West of Rail and Railway Station Precincts."*

DETAILS OF PROPOSAL

Amendment No.108 proposes to reintroduce the West of Rail and Railway Station Precincts into the TPS No.4 boundary in order to reassume planning control over the Precincts which are currently under the control of the MRA.

Scheme Amendment - Mapping

The MRA and the City have agreed in principle that it would be appropriate to apply the following TPS4 zonings to the subject area, which would be consistent with the established intent for the MRA Precincts, proposed outcomes from the Armadale Activity Centre Structure Plan and the MRA's forthcoming Metropolitan Region Scheme Amendment:

- Mixed Business/Residential zone with R-AC0 density coding to the West of Rail Precinct;
- Strategic Regional Centre with R-AC0 density coding to the Railway Station Precinct; and
- Designate a Railways reservation over an area consistent with the draft MRS mapping that was received from the MRA.

In order for the City to utilise the normalised MRA Structure Plan for West of Rail, the Special Control Area map would need to be amended to reference it, and that is proposed to be done by Amendment No.108.

Scheme Amendment - Text

The MRA's Design Guidelines state that residential rather than commercial development is desirable in two sub-precincts fronting Forrest and Fifth Roads, though the MRA planning framework does not prohibit commercial development in this location. That guidance in the Design Guidelines (which will be transferred to the City) can be considered when assessing future planning applications as most forms of commercial development would remain a discretionary use in the proposed Mixed Business/Residential zone.

There is one existing commercial property on the corner of Forrest Road and Tudor Road, however, which has been strata-titled and is, in part, approved for Showroom under the MRA's planning framework. In order to prevent that becoming a non-conforming use it is proposed to apply an Additional Use for Bulky Goods Showroom to that property.

The preferred approach for the City to utilise the normalised MRA Structure Plan for West of Rail is for an amended Schedule 8 of TPS4 to reference it.

Scheme Amendment - DCP

As discussed in the normalisation report on this agenda the DCP provisions and mapping for West of Rail cannot be addressed in the scheme amendment at this time and will need to be incorporated into the City's TPS4 at normalisation using S.57 of the MRA Act.

The surrounding land in the Armadale Strategic Metropolitan Centre is subject to DCP 2, which is a legacy DCP that provides for the sharing of costs associated with required drainage upgrades. DCP 2 need reviewing and it may be appropriate to, following that review, to apply it to the Railway Station precinct. Applying DCP 2 to the Railway Station precinct as part of Amendment No.108 would be premature and would cause it to be classified as a complex scheme amendment, which is not desirable at this time.

ANALYSIS

Standard Amendment

Amendment No.108 is proposed as a standard amendment because it is consistent with the City's Local Planning Strategy, is consistent with the proposed MRS Central City area zoning and Railway Reserve reservation, and is essentially an administrative amendment that is generally consistent with the MRA planning framework and existing development within the West of Rail and Railway Precincts.

If Amendment No.108 is progressed as a standard amendment, following initiation the Amendment will be required to be forwarded to the EPA for a decision as to whether an environmental assessment is required. Following a decision by the EPA that no assessment is required, the Amendment is to be advertised for 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Timing of Scheme Amendment/Land Use Framework

Although Council's support for normalisation is conditional upon this Scheme Amendment being finalised at normalisation, there is a possibility that this won't occur. In that case the MRA is likely to insert a separate Zoning Table into TPS4 which maintains consistency with its West of Rail framework, as an interim measure, and that separate Zoning Table would then need to be deleted from the TPS4 text.

This undesirable scenario has two implications for Amendment No.108:

1. The documentation associated with Scheme Amendment No.108 needs to make it clear that the intention is for the land use planning framework established by the amendment is to supercede any interim measures that may be put in place by the MRA;
2. By the time Amendment No.108 has completed public advertising, the MRA's response and draft S.57 provisions should be known, and if necessary, Council can incorporate an additional clause into the amendment which would remove any interim clauses that the MRA intends to insert. Making the intention of Amendment No.108 clear, as outlined in No.1 above, mitigates the risk of the WAPC or Minister not permitting inclusion of the additional clause or requiring further advertising. The City undertook a similar approach with Amendment No.105 for the Champion Drive Precinct, which Council initiated in April 2019.

OPTIONS

1. Council may initiate the Scheme Amendment as proposed.
2. Council may decline the initiation of the Scheme Amendment if it considers the proposed rezoning to be contrary to the orderly and proper planning of the area or for any other reason.

CONCLUSION

Amendment No.108 will assist with implementation of the MRA's request to normalise the West of Rail and Railway Precincts using the WAPC and City's Planning Framework. The normalisation of the West of Rail and Railway Precincts will see the City reassume planning control over the precincts and provide the opportunity to update the planning framework governing this precinct which is currently inconsistent with WAPC requirements and TPS No.4. Given the above, Option 1 is recommended.

ATTACHMENTS

1. ⇨ SCA Map 3 - TPS No.4 - Amendment No.108
2. ⇨ Zoning Map - TPS No.4 - Amendment No.108

RECOMMEND D55/9/19

That Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005*, initiate Amendment No.108 to Town Planning Scheme No.4 as a standard amendment in accordance with Part 5 Clause 34 – standard amendment subsections (b), (c) and (d) of the Planning and Development (Local Planning Schemes) Regulations 2015 to:

a. Include the West of Rail and Railway Precincts as designated on the Scheme Amendment Map into the Scheme boundary;

b. Rezone the West of Rail and Railway Precincts as depicted on the Scheme Amendment Map from unzoned to:

i) 'Mixed Business/Residential';

ii) 'Strategic Regional Centre';

iii) 'Railways' Reservation; and

iv) Code 'Mixed Business/Residential' and 'Strategic Regional Centre' zoned land 'R-AC0'.

c. Amend Schedule 2 – Additional Uses to include the following new Additional Use:

No.	Description of Land	Additional Use	Conditions and Requirements (See Note 1)
46	**Strata Lots 1 - 5 (No.20) Forrest Road, Armadale**	**Permitted (P) Uses:** • **Bulky Goods Showroom**	**46.1 In determining any planning application for development approval the local government shall have regard to the compatibility of proposed uses with the**

			existing use of the site and any Additional Uses, which are permissible under the Additional Use provisions.

d. Amend Schedule 8 – Development (Structure Planning) Areas to include the following new provision relating to Development Area 65:

No.	Description of Land	Additional provisions applicable to subdivision and development
65	**West of Rail – Mixed Use area bound by Forrest Road, Fifth Road, Green Avenue and the Perth to Bunbury Railways Reservation.**	**65.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.**

e. Amend the Scheme Map accordingly.

f. Refers the above Amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to section 81 of the *Planning and Development Act 2005.* Should the EPA advise that the amendment does not require assessment, advertise the amendment for a period of 42 days.

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

h. Forward a copy of the amendment to the Western Australian Planning Commission and MRA for information.

Moved Cr C M Wielinga
MOTION CARRIED (6/0)

Cr Busby returned to the meeting at 7.13pm.

2.1 - PROPOSED BASIC AMENDMENT NO.99 TO TPS NO.4 - OMNIBUS NO. 5

Cr Silver declared a financial interest in this item on the basis that she resides within the proposed report area (as per Amendment No.99) and left the meeting at 7.14pm.

WARD	:	All
FILE No.	:	- M/14/19
DATE	:	5 September 2019
REF	:	DS
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	N/A
LANDOWNER	:	N/A
SUBJECT LAND	:	Various
ZONING		
MRS /	:	Various
TPS No.4	:	Various

In Brief:

- Proposed Omnibus Amendment No.99 to TPS No.4 including several local scheme updates that meet the basic amendment definition under Clause 34 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- A "basic" amendment has an expedited process and does not require an advertising phase.
- It is recommended that Council adopt and forward Amendment No.99 to TPS No.4 to the Western Australian Planning Commission for consideration.

Tabled Items
Nil.

Decision Type

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

Officer Interest Declaration
Nil.

Strategic Implications
2.1.1 Review, update and implement the City's Town Planning Scheme, taking into account social, economic and environmental considerations.

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

Council Policy/Local Law Implications
Local Planning Strategy, 2016

Budget/Financial Implications
Nil.

Consultation
Nil.

BACKGROUND

The inclusion of minor updates in omnibus amendments provides an efficient and effective process to amend the Scheme, in terms of the City's resources.

Amendment 99 includes minor updates to the Scheme that fits the definition of a "*basic*" amendment. A basic amendment has benefits over a "*standard*" amendment in that it bypasses advertising, but is more restrictive in the types of proposals that can be considered.

A basic amendment under Clause 34 Part 5 of the Planning and Development (Local Planning Scheme) Regulations 2015 means any of the following amendments to a local planning scheme:

(a) an amendment to correct an administrative error;
(b) an amendment to the scheme so that it is consistent with the model provisions in Schedule 1 or with another provision of the local planning scheme;
(c) an amendment to the scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2;
(d) an amendment to the scheme so that it is consistent with any other Act that applies to the scheme or the scheme area;
(e) an amendment to the scheme so that it is consistent with a State planning policy;
(f) an amendment to the scheme map to include a boundary to show the land covered by an improvement scheme or a planning control area;
(g) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan;
(h) an amendment that results from a consolidation of the scheme in accordance with section 92(1) of the Act;
(i) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area if the amendment will have minimal effect on the scheme or landowners in the scheme area.

DETAILS OF PROPOSAL

Amendment No.99 consists of the following proposals:
1. North Forrestdale Structure Plan (Harrisdale/Piara Waters) Zoning Normalisation;
2. Acknowledge the importance of "*Biodiversity*" in the aims of the Scheme under Clause 1.6 of Town Planning Scheme No.4;
3. Add a new Clause 4.14 detailing the instrument of "*Conservation Covenants*";

4. Amending Schedule A and Schedule 1 in accordance with the new Heritage Act 2018 which supersedes the Heritage Act 1990;
5. Amending "*Convenience Store*" definition under Schedule 1 to be consistent with the Regulations;
6. Amending "*Plot Ratio*" definition under Schedule 1 to be consistent with the Regulations;
7. Removing "*Aged and Dependent Persons Dwellings*" definition from the Zoning Table and Schedule 1;
8. Amending "*Park Home Park*" and "*Caravan Park*" definitions under Schedule 1;
9. Modifying "*Park Home Park*" and "*Caravan Park*" Use Classes under the Zoning Table;
10. Amending Additional Use No.19 to refer to Lot 123 under Schedule 2;
11. Correct a minor text error in a provision under Development Area No.13 of Schedule 8; and
12. Correct a minor text error in a provision under Development Area No.21 of Schedule 8.

Details of each proposal are discussed under the Comment section.

COMMENT

Proposal 1: North Forrestdale (Harrisdale/Piara Waters) Zoning Normalisation

Parts of Piara Waters and Harrisdale currently zoned "*Urban Development Zone"* have been fully developed in accordance with Structure Plans adopted by the City/Council and approved by the Western Australian Planning Commission. Proposal 1 will normalize the Town Planning Scheme No.4 (TPS No.4) Scheme Maps with the Residential zone and R-Codes for developed parts of Harrisdale and Piara Waters consistent with the approved Structure Plans

The remaining parts of Harrisdale and Piara Waters that haven't been subdivided and developed will be normalised through a future Scheme Amendment.

Normalisation of the North Forrestdale Structure Plan Precinct consists of the following:

- Rezoning developed areas from "*Urban Development*" Zone to "*Residential*" in accordance with the Structure Plans (i.e. land is zoned "*Residential*" in the Structure Plans);
- Designating the R-Codes that are shown on the Structure Plans on the TPS No.4 maps;
- Designating an Additional Use for Medical Centre/Shop (Pharmacy) on Lot 88 (No.20) Riva Entrance in Piara Waters consistent with the approved Structure Plan; and
- Removing Structure Plan/Development Area designation in the Special Control Area maps for the relevant area of developed lots as it is no longer required.

Plans are provided in the attachments that show the current and proposed zonings. The zoning changes are entirely consistent with the requirements of the previously endorsed/adopted Structure Plans and the development that has occurred in Harrisdale and Piara Waters.

Proposal 1 accords with Clause 34 (g) of the basic amendment provisions of the LPS Regulations.

Proposal 2: To acknowledge "Biodiversity" as an aim of the Scheme under Clause 1.6 of Town Planning Scheme No.4

The City's Local Planning Strategy (LPS) "*Biodiversity Strategy*" includes Action 7 to provide a reference to "*biodiversity*" as one of the fundamental aims of the Scheme:

7. Amend TPS No.4 by replacing Section 1.6 Aims of Scheme (j) to include reference to "biodiversity" as follows:

(j) To conserve and enhance the natural environmental "and biodiversity" attributes of the district by incorporating environmental principles into public and private decision making;

As securing the "*protection of biodiversity and associated environmental values*" is an aim of State Planning Policy 2.8: Bushland Policy (SPP 2.8) for the Perth Metropolitan Region integrating the term '*biodiversity*" into the aims of TPS No.4 is consistent with Clause 34 (e) of the Regulations.

Proposal 3: Add new Clause 4.14 endorsing the use of "*Conservation Covenants*"

The LPS Biodiversity Strategy section seeks to sustain significant areas of bushland and other natural areas which support the biodiversity of the City. Action 9 of the Biodiversity Strategy recommends as follows:

9. Amend TPS No.4 to provide landowners/applicants and the public with guidance that conservation covenants are a legitimate useful tool in the management of biodiversity on private land and may be referenced in Scheme Amendment or Structure Plan proposals submitted to the City for consideration where significant bushland and other natural areas warrant protection over the long term.

In order to address this action, the City proposes a new Clause 4.14 under Part 4 – General Development Requirements of TPS No.4 as follows:

4.14 Conservation Covenants

Conservation Covenants are a legitimate planning mechanism in protecting and managing local biodiversity and/or conservation values on private land over the long term. Scheme Schedule provisions may establish a requirement for a Conservation Covenant to be prepared by the landowner at the landowner's cost, where biodiversity or other natural values areas warrant additional protection and management to be applied through development approvals, or recommended as a condition of subdivision.

The proposed addition of Clause 4.14 of TPS No.4 is to achieve consistency with SPP 2.8: Bushland Policy for the Perth Metropolitan Region. Clause 5.2 (b) of SPP 2.8 states that proposals or decision-making should:

(i) Support private land conservation initiatives through planning mechanisms and processes and through wider government and non-government programs and measures, such as conservation covenants…

The proposed change is consistent with Clause 34 (e) of the Regulations as it aligns with State Planning Policy 2.8.

Proposal 4: Modify terminology in Schedule A and Schedule 1 to reflect the new Heritage Act 2018 which supersedes the Heritage Act 1990

As a result of the introduction of the Heritage Act 2018, it is timely to update the Scheme to refer to the new Act. These proposed Scheme Text modifications apply to clauses in Schedule A and Schedule 1, including the following modifications:

- Deleting the term "*Municipal Inventory"* and substituting the new term '*Local Heritage Survey*' into Schedule 1 of TPS No.4;
- Deleting "*conservation*" and "*cultural heritage significance"* definitions from Schedule 1 of TPS No.4 as the terms are already included within the Deemed Provisions of the Regulations; and
- Replacing references to clauses of the 1990 Act with comparable clauses of the 2018 Act throughout TPS No.4.

In regard to the City's current Municipal Heritage Inventory (MHI), the 2018 Act Clause 181 provides that an Inventory prepared under the 1990 Act is to be considered as a "*Local Heritage Survey*" under the 2018 Act. In July 2019, Council granted consent to advertise the City's Local Heritage Survey which will replace the City's current MHI document when adopted.

Proposal 4 is consistent with Clause 34 (d) as it simply updates TPS No.4 to be consistent with the Heritage Act 2018.

Proposal 5: Amending "*Convenience Store*" definition under Schedule 1 to be consistent with the Regulations

The existing definition of "*convenience store*" under TPS No.4 includes a reference to the "*retail sale of petrol*" and "*parking*" as well as convenience goods. The following is the current definition of "*convenience store*" in TPS No.4:

"convenience store" means premises —

(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
(b) operated during hours which include, but may extend beyond, normal trading hours;
(c) which provide associated parking; and
(d) the floor area of which does not exceed 300 square metres net lettable area;

The following is the LPS Regulations wording:

"convenience store" means premises —
(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
(b) operated during hours which include, but may extend beyond, normal trading hours; and
(c) the floor area of which does not exceed 300m^2 net lettable area;

The Regulations definition doesn't have a reference to the "*retail sale of petrol*" or "*parking*" and therefore it clearly distinguishes the Convenience Store land use from *"Service Station"* which is intended for the retail sale of petrol. The parking requirement for a convenience store is enforced through other parts of the Scheme.

Proposal 5 is consistent with Clause 34 (b) as it updates TPS No.4 to be consistent with Schedule 1 of the Regulations.

Proposal 6: Amending "*Plot Ratio*" definition under Schedule 1 to be consistent with the LPS Regulations

The Regulations were introduced with the intention of consolidating existing Local Government Schemes throughout Western Australia.

TPS No.4 currently refers to the R-Codes for the definition of "*Plot Ratio*" as follows:

"plot ratio" has the same meaning as in the R-Codes;

Whilst there isn't considered to be a major difference between the R-Code and the Regulations definitions, it is preferable to not have the TPS No.4 refer to definitions under the R-Codes when there is a definition available under the Regulations. In addition, the R-Codes definition is specific to residential development, whereas the TPS No.4 standards also need to apply to industrial and commercial forms of development. The Scheme definition should therefore be updated to be consistent with the Regulations.

The Regulations wording for plot ratio is:

"plot ratio" means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;

Proposal 6 is consistent with Clause 34 (b) of the Regulations.

Proposal 7: Removing "*Aged and Dependent Persons Dwellings*" definition from the Zoning Table and Schedule 1

"*Aged and Dependent Persons Dwellings*" and discretionary site area bonuses are defined under the R-Codes to incentivise dwellings designed for aged or dependent people.

The R-Codes clearly define what is considered to be an Aged and Dependent Persons Dwelling and site area bonuses available. However for assessment purposes, Aged or Dependent Persons Dwellings are considered to be either a "*Grouped Dwelling*" or "*Multiple Dwelling*" application for all intents and purposes under the R-Codes. The additional development criteria for the bonus is applied on top of the standard requirements for a Grouped Dwelling or Multiple Dwelling application.

The Aged and Dependent Persons Dwellings definition does not exist within the Model Provisions of the Regulations. The TPS No.4 definition for Aged or Dependent Persons Dwellings is therefore redundant and should be removed from the Zoning Table and from the TPS No.4 Schedule 1 (General Definitions).

Removal of the Aged and Dependent Persons Dwellings definition from the Zoning Table and aligns with the Model Provisions listed under the Regulations. Proposal 7 is consistent with Clause 34 (b) of the Regulations.

Proposal 8: Amending "*Park Home Park*" and "*Caravan Park*" definitions under Schedule 1

Schedule 1 of TPS No.4 defines "*Caravan Park*" as having "*the same meaning as in the Caravan Parks and Camping Grounds Act 1995"*

Similarly, Schedule 1 defines "*Park Home Park*" as having "*the same meaning as in the Caravan Parks and Camping Grounds Regulations 1997"*

As a result of a State Administrative Tribunal (SAT) case between Henville and the City of Armadale in 2017, it was identified that there was an inconsistency associated with the current definitions. It was recommended to improve the link between these definitions and the separate legislation by including reference to "*land or premises licensed as such under the Regulations*". As such the following changes are recommended:

Proposal 8 accordingly modifies the definition of Caravan Park to state:

"caravan park" has the same meaning as in the Caravan Parks and Camping Grounds Act 1995 and includes land or premises licensed as such under that Act;

It similarly modifies the definition of Park Home Park to include the reference to licensing as follows:

"park home park" has the same meaning as in the Caravan Parks and Camping Grounds Regulations 1997 and includes land or premises licensed as such under the Regulations;

Proposal 8 is consistent with Clause 34 (d) of the Regulations as it reinforces the links to the corresponding legislation.

Proposal 9: Modifying "*Park Home Park*" and "*Caravan Park*" use classes under the Zoning Table

Currently, both Caravan Park and Park Home Park are shared under the same use class as "*Caravan Park/Home Park*" in the Zoning Table however each has a separate definition under Schedule 1 of TPS No.4. There are no other land uses in the Zoning Table that combine separate land uses which creates an unnecessary inconsistency in the Scheme.

The following table represents the current combined use class for Caravan Park/Home Park under the Zoning Table.

USE CLASSES	ZONES									
	Residential	**Special Residential**	**Rural Living**	**General Rural**	**Local Centre**	**District Centre**	**General Industry**	**Industrial Business**	**Mixed Business/Residential**	**Strategic Regional Centre**
Caravan Park/Home Park	X	X	X	A	X	X	X	X	X	X

To rectify the inconsistency, the best method is to remove the combined "*Caravan Park/Home Park*" from the Zoning Table and replace it with two separate use classes that align with the "*Caravan Park*" and "*Park Home Park*" definitions under Schedule 1. Both of these definitions will have the same land use permissibility's as currently applies under the Caravan Park/Home Park definition.

The following table represents the Zoning Table use classes for Caravan Park and Park Home Park under Proposal 9.

USE CLASSES	ZONES										
	Residential	**Special Residential**	**Rural Living**	**General Rural**	**Local Centre**	**District Centre**	**General Industry**	**Industrial Business**	**Mixed Business/Residential**	**Strategic Regional Centre**	**Special Rural Zone (Subject to Scheme Amendment 97)**
Caravan Park	X	X	X	A	X	X	X	X	X	X	X
Park Home Park	X	X	X	A	X	X	X	X	X	X	X

The combination of two use classes under the Zoning Table is not standard practice and under the Model Provisions. Caravan Park and Park Home Park are separate use classes. Proposal 9 is consistent with Clause 34 (b) of the Regulations to separate the use classes.

It should be noted that separate Amendment No.97 to include a Special Rural Zone in the zoning table is currently being considered by the WAPC. Depending upon the timing and adoption of Scheme Amendment 97 by the Minister, the separate use classes of Caravan Park and Park Home Park under Amendment 99 will also be reflected in the Special Rural Zone of the finalised Zoning Table.

Proposal 10: Amending Additional Use No.19 to refer to Lot 123 under Schedule 2

Additional Use No.19 was initially gazetted in August 2008 under Lots 186, 157 and 17 South Western Highway and Lot 49 Crystal Court, Armadale. As a result of lot amalgamations, Lot 186 has changed to Lot 123 since the adoption of the Additional Use. As a result, the addresses that Additional Use No.19 applies to must be updated under Schedule 2 of TPS No.4.

Proposal 10 is consistent with:

- Clause 34 (a) an error (the lot number is currently erroneous); and
- Clause 34 (d) consistent with another Act, given the lot numbers arise from the Land Administration Act regulations.

Proposal 11: Correct a minor text error in a provision under Development Area No.13 of Schedule 8

Development Area No.13 encompasses Narbethong Road/Dmietrieff Road Bedfordale Rural Living Development Area. Clause 13.2 in Schedule 8 contains conjoined words representing a text error that states the following:

The Structure Plan shall provide 'arrange' of lots as determined by the detailed land capability and site assessment.

The intent of this provision was for "*a range*" of lots to be provided. It is recommended that this is amended to the following:

The Structure Plan shall provide 'a range' of lots as determined by the detailed land capability and site assessment.

Proposal 11 is consistent with Clause 34 (a) as it corrects an administrative typographical error.

Proposal 12: Correct a minor text error in a provision under Development Area No.21 of Schedule 8

Development Area No.21 encompasses Taylor Road, Rowley Road, Wolfe Road, Oxley Road and the City's municipal boundary. The description of land is as follows:

Taylor Road Forrestdale Rural Living Development Area "No.1" being the area bounded by Taylor Road…

Proposal 12 changes the description of the Development Area to Development Area No.21. The term Rural Living is also not relevant as the zoning is subject to change in Scheme Amendment No.97. It is recommended that this is amended to the following:

Taylor Road Forrestdale Development Area "No.21" being the area bounded by Taylor Road…

The proposal is considered to be consistent with Clause 34 (a) as it corrects an administrative typographical error.

ANALYSIS

Amendment No.99 proposes several Scheme updates consistent with the Basic amendment provisions of Clause 34 of the Planning and Development (Local Planning Scheme) Regulations.

Should the amendment be adopted by Council it will be forwarded directly to the WAPC for its consideration and recommendation to the Minister for final adoption.

OPTIONS

1. Council may adopt the Scheme Amendment as proposed.
2. Council may adopt the Scheme Amendment subject to modification or remove any part of the omnibus proposals.
3. Council may determine one or more of the proposals are not a "*basic*" amendment and therefore proceed with a standard scheme amendment.
4. Council may decline to adopt the Scheme Amendment if it considers the proposed omnibus proposals to be contrary to the orderly and proper planning of the area or for other stated reasons.

CONCLUSION

The omnibus amendment proposes to normalise the zoning of the North Forrestdale (Harrisdale and Piara Waters) Precinct, in addition to minor amendments to the Scheme Text and Maps of TPS No.4. Should Council endorse the proposed changes, then the Scheme Amendment will be forwarded to the WAPC for its consideration and recommendation to the Minister of final adoption.

While Omnibus Amendment 99 brings the Scheme into closer alignment with the Model Scheme Text (P&D Regulations 2015) and also makes the Scheme easier for landowners and the public to read and interpret, Amendment 99 has no impacts on land or development rights currently available under the Scheme. Given the above, Option 1 is recommended.

ATTACHMENTS

1. ⇩ Omnibus Amendment No.5 - Scheme text updates in "red" text - TPS No.4 - Amendment No.99
2. ⇨ Existing Zoning Map - TPS No.4 - Amend No.99
3. ⇨ Existing & Proposed Zoning Map 1 - TPS No.4 - Amend No.99
4. ⇨ Existing & Proposed Zoning Map 2 - TPS No.4 - Amend No.99
5. ⇨ Existing & Proposed Zoning Map 3 - TPS No.4 - Amend No.99
6. ⇨ Existing & Proposed Zoning Map 4 - TPS No.4 - Amend No.99
7. ⇨ Existing & Proposed Zoning Map 5 - TPS No.4 - Amend No.99
8. ⇨ Existing & Proposed Zoning Map 6 - TPS No.4 - Amend No.99
9. ⇨ Existing & Proposed Zoning Map 7 - TPS No.4 - Amend No.99
10. ⇨ Existing & Proposed Zoning Map 8 - TPS No.4 - Amend No.99
11. ⇨ Existing & Proposed Zoning Map 9 - TPS No.4 - Amend No.99
12. ⇨ Existing & Proposed Zoning Map 10 - TPS No.4 - Amend No.99
13. ⇨ Existing & Proposed Zoning Map 11 - TPS No.4 - Amend No.99
14. ⇨ Existing & Proposed Zoning Map 12 - TPS No.4 - Amend No.99
15. ⇨ Existing & Proposed Zoning Map 13 - TPS No.4 - Amend No.99
16. ⇨ Existing & Proposed Zoning Map 14 - TPS No.4 - Amend No.99
17. ⇨ Existing & Proposed Zoning - SCA Map 3 - TPS No.4 - Amend No.99

RECOMMEND **D56/9/19**

That Council:

1. **Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt, without modification, Amendment No.99 to Town Planning Scheme No.4 as a "*Basic Amendment*" in accordance with Part 5 Clause 34 – Basic Amendment subsections a, b, d, e and g of the Planning and Development (Local Planning Schemes) Regulations 2015 to:**

   a. **Rezoning areas from "*Urban Development*" zone to "*Residential*" zone and include R-Codes on the Scheme Maps as per the adopted Structure Plans;**

   b. **Removing the Special Control Area No.3 boundaries as shown on the attached plans;**

   c. **Add the following Additional Use in Schedule 2;**

No.	Description of Land	Additional Use	Conditions and Requirements
47.	Lot 88 (No.20) Riva Entrance Piara Waters.	a. Uses permissible only with the Local Government's discretion (D Uses): Medical Centre/Shop (Pharmacy)	47.1 All other uses in accordance with Residential R40 zone as defined under Town Planning Scheme No.4

   d. **Amend Clause 1.6 (j) to insert the words "*and biodiversity*" after the word "*environment*";**

   e. **Insert a new Clause 4.14 as follows:**

      "4.14 Conservation Covenants

      4.14.1 Conservation Covenants are a legitimate planning mechanism in protecting and managing local biodiversity and/or conservation values on private land over the long term. Scheme Schedule provisions may establish a requirement for a Conservation Covenant to be prepared by the landowner at the landowner's cost, where biodiversity or other natural values areas warrant additional protection and management to be applied through development approvals, or recommended as a condition of subdivision.";

   f. **Modify clauses in Schedule A – Supplemental Provisions to the Deemed Provisions as follows:**

      i. **Replace the words "*Heritage of Western Australia Act 1990*" with "*Heritage Act 2018*" and replace the words "*Part 6*" with "*Part 4*" and "*section 29*" with "*section 90*" in Clauses 61(1)(k), 61(1)(l), 61(1)(m) and 61(1)(n) where they appear;**

      ii. **Replace "*Municipal Inventory*" with "*Local Heritage Survey*" in clause 61(1)(m) and 61(1)(n);**

   g. **Amend Schedule 1 – Dictionary of Defined Words and Expressions as follows:**

i. Modify the definition of Convenience Store to read as follows:

"convenience store" means premises –

(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and

(b) operated during hours which include, but may extend beyond, normal trading hours; and

(c) the floor area of which does not exceed 300 m^2 net lettable area;

ii. Modify the definition of Plot Ratio to read as follows:

"Plot ratio means" the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;

iii. Modify the definition of Caravan Park to read as follows: *"caravan park" has the same meaning as in the Caravan Parks and Camping Grounds Act 1995 and includes land or premises licensed as such under that Act;*

iv. Modify the definition of Park Home Park to read as follows:

"park home park" has the same meaning as in the Caravan Parks and Camping Grounds Regulations 1997 and includes land or premises licensed as such under that Act;

v. Remove '*Aged or Dependent Persons Dwellings*', '*cultural heritage significance*', '*municipal inventory*' and "*conservation*" definitions;

vi. Add the following definition:

"*Local Heritage Survey*" *means a local heritage survey prepared under Part 8 of the Heritage Act 2018*;

h. Modify the Zoning Table as follows:

i. Remove the combined '*Caravan Park/Home Park*' use class;
ii. Remove '*Aged and Dependent Persons Dwellings*' use class;
iii. Add '*Caravan Park*' and '*Park Home Park*' use classes as follows;

USE CLASSES	ZONES										
	Residential	Special Residential	Rural Living	General Rural	Local Centre	District Centre	General Industry	Industrial Business	Mixed Business/Residential	Strategic Regional Centre	Special Rural Zone (Subject to Scheme Amendment 97)
Caravan Park	X	X	X	A	X	X	X	X	X	X	X
Park Home Park	X	X	X	A	X	X	X	X	X	X	X

i. Modify the Description of Land for Additional Use No.19 under Schedule 2 to

state '*Part Lots 123, 157 and 17, South Western Highway and Lot 49 Crystal Court, Armadale.*';

j. Modify Clause 13.2 under Development Area No.13 under Schedule 8 to state '*a range*' instead of '*arange*'; and,

k. Modify the Description of Land for Development Area No.21 of Schedule 8 by replacing '*No.1'* with *'No.21'* and deleting the words *'Rural Living'*.

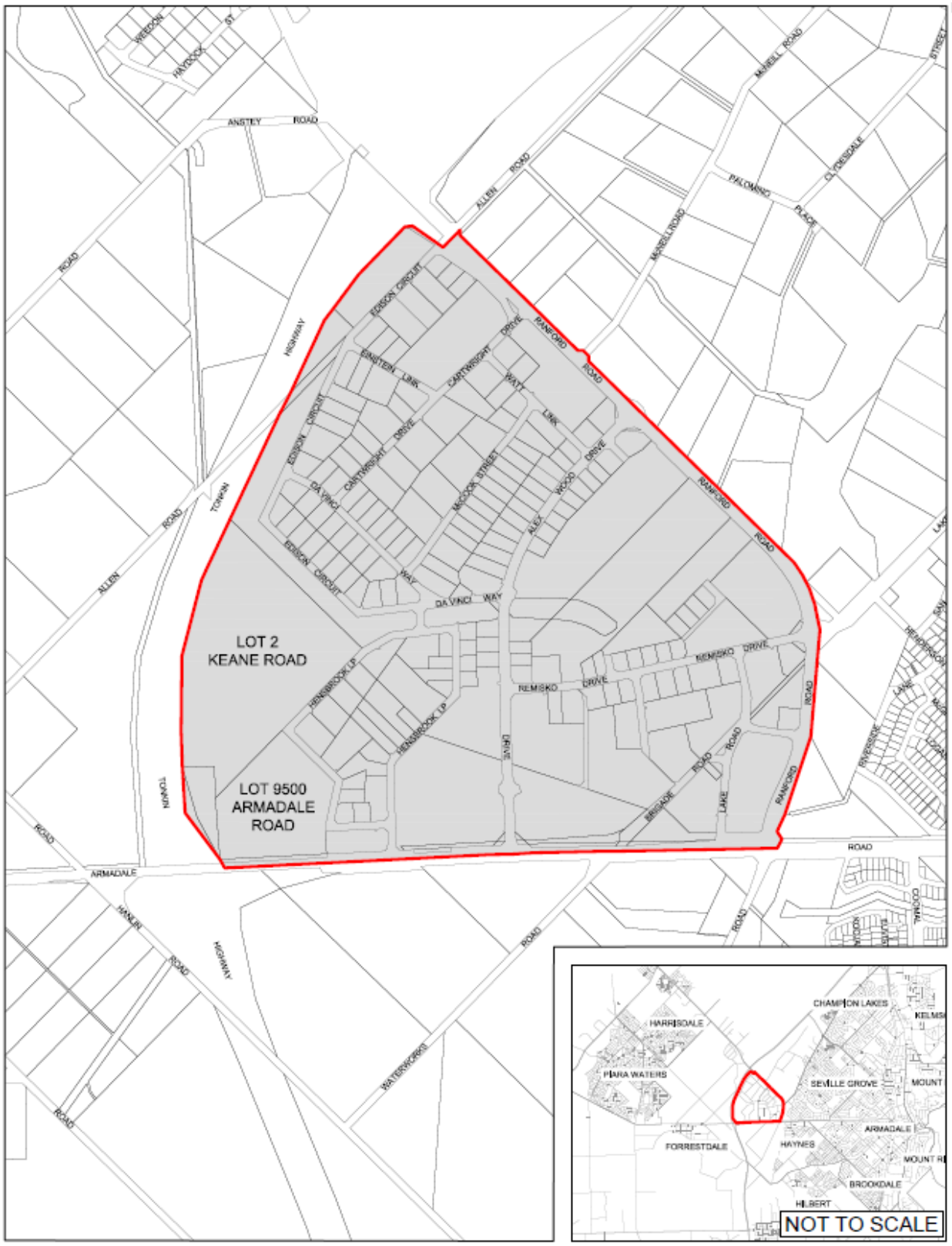
2. Refer the above Amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to Section 81 of the Planning and Development Act 2005.

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

4. Forward a copy of the amendment to the Western Australian Planning Commission for its consideration and request the Hon Minister for Transport and Planning grant final approval to the amendment.

Moved Cr Sargeson
MOTION CARRIED (6/0)

Cr Silver returned to the meeting at 7.18pm.



LOCATION PLAN

Forrestdale Business Park East

160 0 160 320m

SCALE 1 : 16000

DATE 30 April 2019 - REVISION 1901
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CITY OF Armadale

2.2 - PROPOSED AMENDMENT NO.107 TO TPS NO.4 - NORMALISATION OF FORRESTDALE BUSINESS PARK EAST FROM MRA TO CITY OF ARMADALE

Cr Silver declared a non-financial interest in this item on the basis that a family member resides within the proposed report area (as per Amendment No.107). As a consequence, there may be a perception that her impartiality on the following matter may be affected, but declared that she would disregard this association, consider the matter on its merits and vote accordingly.

WARD	:	Ranford
FILE No.	:	M/318/19
DATE	:	5 September 2019
REF	:	TvdL
RESPONSIBLE MANAGER	:	EDDS
APPLICANT	:	City of Armadale
LANDOWNER	:	Multiple landowners in Forrestdale Business Park East
SUBJECT LAND	:	Metropolitan Redevelopment Authority Area: Forrestdale Business Park East
ZONING		
MRS	:	No zone (within Redevelopment Area)
TPS No.4	:	No zone (within Redevelopment Area)

In Brief:

- The MRA is seeking normalisation of Forrestdale Business Park East Project Area which has been under the planning control of the State Government (former ARA then MRA) since 2003.
- Normalisation would see the City reassume planning control over the area.
- The City has prepared Amendment No.107 to include the Forrestdale Business Park East Project Area back into the City's Town Planning Scheme No.4, to facilitate normalisation.
- The proposal designates appropriate TPS No.4 zones and reserves over Forrestdale Business Park East Project Area.
- Recommend that Council initiate Amendment No.107 for public review and submissions.

Tabled Items

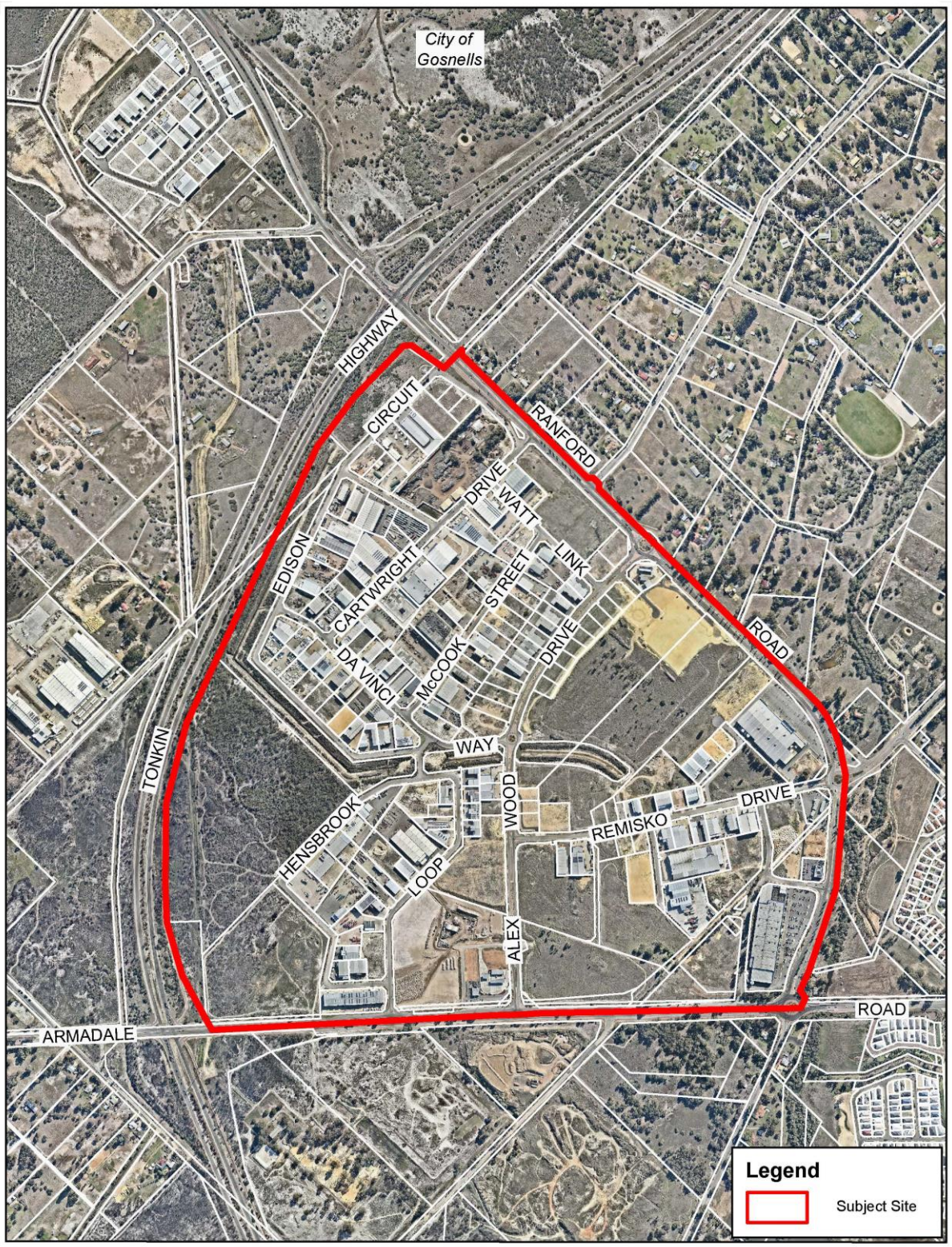
Nil.

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.



AERIAL PLAN
Forrestdale Business Park East

150 0 150 300m

SCALE 1 : 15000

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

CITY OF Armadale

DATE 4 June 2019 - REVISION 1901
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Strategic Implications
2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.
3.2.2 Broadly promote Armadale as a place of business and investment.

Legislation Implications
Metropolitan Redevelopment Authority Act 2011
Metropolitan Redevelopment Authority Regulations 2011
Metropolitan Redevelopment Authority's Armadale Redevelopment Scheme 2
Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Metropolitan Region Scheme
City of Armadale Town Planning Scheme No.4

Council Policy/Local Law Implications
There may be a requirement to amend/expand the City's Local Planning Policies as a result of normalisation.

Budget/Financial Implications
Normalisation of MRA areas creates a requirement for additional resources, a portion of which have already been funded and put in place.

Consultation
Metropolitan Redevelopment Authority.
Department of Planning Lands and Heritage.
Department of Water and Environment Regulation.
Department of Biodiversity, Conservation and Attractions.

BACKGROUND

Site Description

The Forrestdale Business Park East Project Area (FBPE) is an MRA Redevelopment Area bound by Tonkin Highway, Ranford Road and Armadale Road which comprises approximately 188 hectares of land. Some key data for the entire FBP, as at 30 June 2018, is outlined below:

- 118 businesses.
- Over 1,300 people employed.
- Major industries:
    - Manufacturing (19.5%)
    - Wholesale Trade (19.5%)
    - Construction (12.7%)

A fairly extensive Conservation Category Wetland (CCW) is located in the south-western portion of FBPE. The majority of this wetland is located within Lot 2 Keane Road, which is held as a freehold lot by the Department of Lands. In 2015 the Department of Parks and Wildlife wrote to the City communicating their intention to reserve Lot 2 Keane Road as a class 'A' nature reserve in order to protect the wetland and associated flora and fauna, but this has not yet been enacted. A portion of the wetland also traverses Lot 9500 Armadale Road, affecting approximately half of the lot area, which is privately owned.

Normalisation

The proposed normalisation of FBPE was discussed in detail in a report to the Council meeting held on 24 June 2019, when Council made the decision to support the MRA's request to normalise the FBPE area with the following Resolution (D36/6/19):

That Council advise the Metropolitan Redevelopment Authority that it supports normalisation of the Forrestdale Business Park East precinct, subject to:

a. Finalisation of a Metropolitan Region Scheme amendment reintroducing the Forrestdale Business Park East Precinct to the Metropolitan Region Scheme, with appropriate protection of wetlands.

b. Finalisation, prior to normalisation, of an amendment to the City's Town Planning Scheme No.4 which reintroduces the Forrestdale Business Park East Precinct.

c. The MRA being responsible for the resolution of any environmental issues raised by the EPA during processing of the Amendment to Town Planning Scheme No.4.

d. The Metropolitan Redevelopment Authority providing the City with information necessary to determine the current status and prepare for the City to manage the Forrestdale Business Park East DCP.

e. Indemnification of the City against any liabilities arising from the ARA's and MRA's operation of the Developer Contribution Plan for the Forrestdale Business Park East Precinct.

DETAILS OF PROPOSAL

Amendment No.107 proposes to reintroduce FBPE into the TPS No.4 boundary as part of the process to facilitate the transfer of planning control over the precinct to the City which is currently under the control of the MRA.

Scheme Map

Amendment No.107 proposes to designate a 'General Industry' and 'Industrial Business' zoning over the majority of FBPE consistent with the proposed MRS Amendment zoning of 'Industrial', existing development and generally consistent with the now expired FBPE Structure Plan (see attached Scheme Amendment Map).

Lot 2 Keane Road is proposed as 'Parks and Recreation (local)' reserve in accordance with the regional 'Parks and Recreation' reserve proposed under the MRS Amendment due to the existence of a CCW wetland over this lot.

Several corridors of Crown reserve containing drainage and vegetation that are Crown reserves primarily for the purpose of drainage are also proposed as 'Parks and Recreation (local)' reserve, as well as several lots at various entrances to FBPE, consistent with the intention of the use of these lots as Public Open Space as identified under the now expired FBPE Structure Plan.

Lot 8022 Da Vinci Way is proposed to be reserved as 'Public Purposes – Water Authority of WA' due to the site containing a sewer pump station and being under the ownership of the Water Corporation.

Lot 9500 Armadale Road is proposed to be excluded from the amendment area for reasons discussed in the Analysis section below.

Scheme Text

The following changes are proposed to the TPS No.4 text:

- Amend the TPS No.4 Zoning Table to make Trade Supplies a 'D' (discretionary) use rather than an 'X' (prohibited) use within the General Industry zone; and
- Amend Schedule 2 – Additional Uses to accommodate 3 existing Bulky Goods Showrooms businesses over 5 lots within FBPE.

The purpose of these TPS No.4 text changes is discussed below.

ANALYSIS

Scheme Map

The FBPE Structure Plan has now expired and the City has undertaken an analysis of the FBPE area as to whether a new Structure Plan is required to continue to guide subdivision and development. It was determined that due to the progress of subdivision and development within FBPE already, and the delivery of major roads, a Structure Plan is no longer necessary to guide remaining subdivision and development. For this reason, Amendment No.107 proposes to zone FBPE 'General Industry' and 'Industrial Business' rather than 'Industrial Development' which would ordinarily facilitate the requirement for a Structure Plan.

The proposed spatial distribution of the General Industry and Industrial Business zones under Amendment No.107 has regard for the expired Structure Plan. The City proposes two industrial zones (General Industry and Industrial Business) in lieu of the six 'zones' that were applied under the FBPE Structure Plan. These two zones best correspond to the MRA Structure Plan zones in terms of land use intent.

Some road layouts depicted on the Structure Plan are not reflective of what has been subdivided and developed on the ground and in those areas; therefore Amendment No.107 has been prepared to reflect what has been constructed.

Scheme Text

The General Industry and Industrial Business zones would accommodate most existing businesses in FBPE without affecting their permissibility, but there are 36 businesses that would no longer be permitted in the corresponding TPS No.4 zone, becoming non-conforming uses. The below table summarises the number and type of businesses that would become non-conforming in each of the proposed zones.

Proposed General Industry lots		**Proposed Industrial Business lots**
25 'X' uses		11 'X' uses
Trade Supplies - 22	Bulky Goods Showrooms - 3	Industry-General - 11

Due to the high number of Trade Supplies businesses that would become non-conforming within the General Industry zone, Amendment No.107 proposes to amend the TPS No.4 zoning table to make Trade Supplies a 'D' rather than an 'X' use in the General Industry zone. The City is not aware of any complaints or issues arising from the existing Trade Supplies businesses operating in the proposed General Industry zone that would lead to concerns with allowing further Trade Supplies businesses in the General Industry zone anywhere within the City of Armadale. Notwithstanding, an application for a 'D' use is still to be assessed with discretion which would include assessment of the proposed use's impact on surrounding land uses.

There are currently three Bulky Goods Showroom businesses that would become non-conforming, operating over 5 lots within FBPE. Of the three businesses, two operate from separate strata units on the same lot, while the third business operates over the other 4 lots which are all adjacent to each other, using much of this space as hardstand to display large goods for sale. Due to the low number of Bulky Goods Showroom businesses that would become non-conforming within the General Industry zone, Amendment No.107 proposes to include an Additional Use which allows for Bulky Goods Showrooms to be located at each of the 5 lots accommodating existing Bulky Goods Showroom businesses. This would allow those businesses to continue to operate as conforming uses. Bulky Goods Showrooms are a 'D' discretionary use in the Industrial Business zone and are thus able to continue to be developed within FBPE.

The 11 Industry-General uses referenced in the table above are all located adjacent to each other on the western side of Alex Wood Drive. It was anticipated that the corresponding 11 lots would be zoned Industrial Business under TPS No.4 due to their current 'Service Commercial' zoning under the MRA approved Structure Plan. However, the table above demonstrates that those 11 uses would then become non-conforming if they were to be zoned Industrial Business. Therefore, it is instead proposed to include these uses within the General Industry zone as depicted on the Scheme Amendment Map. This is logical as the uses are directly adjacent to other areas proposed to be zoned General Industry. Since Industry-General uses are a 'P' permitted use within the General Industry zone, these uses would be conforming.

The measures outlined above will ensure that there are no non-conforming uses created within FBPE.

Lot 9500 Armadale Road

Lot 9500 Armadale Road is a privately owned lot and was identified on the expired FBPE Structure Plan and in the current Forrestdale Design Guidelines as requiring further environmental investigation and advice from the Department of Environment (now DWER) before planning progressed over this area. The Design Guidelines also identify Lot 9500 as requiring a Structure Plan (separate to the expired FBPE Structure Plan) prior to subdivision and development. This is due to a Conservation Category Wetland (CCW) being identified over much of the lot; however detailed investigations have not been progressed.

Due to the previous environmental discussions regarding Lot 9500 having not yet been resolved, it is likely that Lot 9500 will again come under the scrutiny of DWER if included within Amendment No.107. The environmental issues associated with Lot 9500 Armadale Road were initiated and intended to be dealt with under the MRA framework, and thus it is the City's proposal to exclude this lot from Amendment No.107, recognising that this should be resolved by the landowner and DWER, separate to the normalisation process.

The MRA could then transition the zoning for Lot 9500 separately to the City at normalisation via Transitional Regulations or Section 57 of the MRA Act.

Developer Contribution Plan

The MRA manages a Developer Contribution Plan (DCP) for FBPE to ensure all landowners contribute equally to infrastructure cost. At normalisation, the administration of the DCP will be the City's responsibility. This requires DCP provisions be inserted into TPS No.4 and a new Developer Contribution Area created.

At this stage, the City has not yet received from the MRA information on the DCP or reviewed the information that is required to make a full assessment of the FBPE DCP. Therefore, insertion of the DCP provisions into TPS No.4 should not be included as part of Amendment No.107 and may be incorporated into TPS No.4 via Section 35 or 57 of the MRA Act at normalisation. The MRA needs to respond to the City's requests for detailed information on the DCP, to enable the City to commence its assessment and report to Council on whether the City will accept the DCP or not or require modifications before accepting management of the DCP.

Standard Amendment

Amendment No.107 is proposed as a standard amendment as it is consistent with the City's Local Planning Strategy, is consistent with the proposed MRS Industrial zoning over FBPE, and is essentially an administrative amendment that is generally consistent with the MRA planning framework and existing development within FBPE.

If Amendment No.107 is progressed as a standard amendment, following initiation the Amendment will be required to be forwarded to the EPA for a decision as to whether an environmental assessment is required. Following a decision by the EPA that no assessment is required, the Amendment is to be advertised for 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Timing of Scheme Amendment/Land Use Framework

Timing of the Scheme Amendment and implications of the Amendment No.107 not being finalised at normalisation are addressed in the Council Report for Amendment No.108 also on this agenda.

OPTIONS

1. Council may initiate the Scheme Amendment as proposed.
2. Council may decline the initiation of the Scheme Amendment if it considers the proposed rezoning to be contrary to the orderly and proper planning of the area or for any other reason.

CONCLUSION

Amendment No.107 will assist with implementation of Council's decision on 24 June 2019 to support the MRA's request to normalise FBPE. The normalisation of FBPE will see the City reassume planning control over the area and provides the opportunity to update the planning framework governing this precinct. Given the above, Option 1 is recommended.

Once initiated, following the closure of the advertising period, the proposed amendment and any submissions received during the advertising period will be forwarded to Council for its consideration for final adoption.

ATTACHMENTS

1. ⇨ Existing & Proposed Zoning Map - TPS No.4 - Amend No.107
2. ⇨ Existing & Proposed Zoning - SCA Map 1 - TPS No.4 - Amend No.107
3. ⇨ Existing & Proposed Zoning - SCA Map 2 - TPS No.4 - Amend No.107
4. ⇨ Existing & Proposed Zoning - SCA Map 3 - TPS No.4 - Amend No.107
5. ⇨ Expired Forrestdale Business Park East Structure Plan

Committee Discussion

Committee discussed the timing of information on the Forrestdale Business Park East DCP and the need for the MRA to provide the information on the DCP in a timely manner to ensure the City officers can assess and provide a report to Council on any financial implications and risks, whether to support the transfer of the DCP management to the City, etc. Committee also discussed Lot 9005 and how the environmental issues would be considered and progressed.

RECOMMEND **D57/9/19**

That Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005*, initiate Amendment No.107 to Town Planning Scheme No.4 as a standard amendment in accordance with Part 5 Clause 34 – standard amendment subsections (b), (c) and (d) of the Planning and Development (Local Planning Schemes) Regulations 2015 to:

a. Include the Forrestdale Business Park East Project Area as designated on the Scheme Amendment Map into the Scheme boundary, excluding Lot 9500 Armadale Road;

b. Rezone the Forrestdale Business Park East Project Area as depicted on the Scheme Amendment Map from unzoned to:

a. 'General Industry' zone;
b. 'Industrial Business' zone;
c. 'Parks and Recreation (local)' reserve; and
d. 'Public Purposes – Water Authority of WA' local reserve.

c. Amend Special Control Area Maps 1-3 to remove the Metropolitan Redevelopment Area Boundary and text stating "See Metropolitan Redevelopment Scheme" from the Forrestdale Business Park East Project Area;

d. Amend the Zoning Table to designate Trade Supplies Use Class as a 'D' use within the General Industry zone;

e. Amend Schedule 2 – Additional Uses to include the following new Additional Use:

No.	Description of Land	Additional Use	Conditions and Requirements (See Note 1)
45	Lot 276 (No.17), 277 (No.19), 278 (No.21) and 294 (No.37) Edison Circuit, Forrestdale, and Lot 280 (No.28) Da Vinci Way, Forrestdale.	Permitted (P) Uses: • Bulky Goods Showroom	45.1 In determining any planning application for development approval the local government shall have regard to the compatibility of proposed uses with the existing use of the site and any Additional Uses, which are permissible under the Additional Use provisions.

f. Amend the Scheme Map accordingly.

2. Refers the above Amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to section 81 of the *Planning and Development Act 2005.* Should the EPA advise that the amendment does not require assessment, advertise the amendment for a period of 42 days.

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

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

5. Advise the MRA of the City's intention for zoning of Lot 9500 Armadale Road to be transferred to the City at normalisation via Transitional Regulation or Section 57.

6. Require the MRA and the City to establish a Working Group to collaborate on the Transitional Regulations and other legislative requirements associated with normalisation, prior to the preparation of drafting instructions for the preparation of the Regulations.

7. Require the MRA to prepare in a timely manner for the consideration of the City and implementing in consultation with the City, a Project Closeout Plan and Action Matrix for normalisation of the Forrestdale Business Park East Project Area.

Moved Cr D M Shaw
MOTION CARRIED (7/0)

3.1 - LOCAL LAW REVIEW - FENCING LOCAL LAW

WARD	:	ALL
FILE No.	:	M/575/19
DATE	:	5 September 2019
REF	:	RM/KD/NP/SH
RESPONSIBLE MANAGER	:	EDDS

In Brief:

- There is a requirement under the *Local Government Act 1995* to review Local Laws every eight (8) years.
- An advertisement was placed in the state newspaper and notices were displayed on the City's public noticeboards advising that the Local Law was to be reviewed and calling for submissions.
- No submissions were received during the advertising period.
- The review identified that a number of changes are required to the existing Local Law.
- Recommend that Council resolve to amend the Local Law.

Tabled Items
Nil

Decision Type

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

Officer Interest Declaration
Nil

Strategic Implications
1.3.2.3 Deliver initiatives that respond to Local Law enforcement and legislative requirements.
2.5.2.2 Deliver timely advice and action on building compliance matters.

Legislation Implications
Section 3.16 *Local Government Act 1995*
Dividing Fences Act 1961

Council Policy/Local Law Implications
City of Armadale Fencing Local Law.

Budget/Financial Implications

Cost of advertising in local and state newspapers and any other costs associated with its adoption and gazettal will be accommodated within the Development Services Budget.

1. Building Services.
2. Planning Services.
3. Governance an Administration.

BACKGROUND

Council at its meeting on 15 April 2019 resolved (D24/4/19)

> *"That Council, pursuant to Section 3.16(2) of the Local Government Act 1995 – Periodic review of local laws, give state wide public notice of its intent to review the City of Armadale Fencing Local Law."*

The City has had various Fencing Local Laws, which have been enacted and repealed dating back from 1988 through to 2011. The current Fencing Local Law was originally gazetted on 8 December 2011 and amended on 26 August 2016.

DETAILS OF PROPOSAL

Under Section 3.16 of the *Local Government Act 1995* (the Act), a local authority is required to periodically, every eight (8) years, conduct a review of its Local Laws to determine whether or not they should be repealed or amended. To satisfy this requirement, a review of the Fencing Local Law has been undertaken and it is proposed to amend the Local Law.

To satisfy the legislative requirements of the eight (8) yearly review the only decision for Council in this instance is to resolve that the review has been conducted and determine whether it considers that the Local Law should be repealed or amended.

Once Council has resolved to either repeal or amend this Local Law then a separate process will commence to comply with Section 3.12, which details the procedure for making Local Laws.

ANALYSIS

The commencement of the review process of the Local Law was advertised in accordance with the provisions of the *Local Government Act 1995* for a period of six (6) weeks in the West Australian and closed on 7 June 2019. Notices were also placed on the City's public noticeboards within the main administration building and in each of the City's libraries. No submissions were received.

Following the close of the submission period, in accordance with Section 3.16(3) of the *Local Government Act 1995*, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its Council.

The review of the existing Local Law and its use has identified the following proposed amendments:

- Typographical errors;
- Amendments to and inclusion of additional definitions;
- Terminology changed to be consistent with the WALGA model Local Law;
- Inclusion of clause 6.3 with respect to how the decision of an application is considered;
- Addition of clause 7.3 (3) which relates to an authorised persons being satisfied that an infringement notice being issued for a prescribed offence meets the requirements of this clause; and
- Inclusion of an objection and review clause 8.1.

A copy of the proposed *Fencing Amendment Local Law 2019* that will amend the principal Local Law, along with a copy of the principal Local Law with the proposed changes marked up is attached to this report.

OPTIONS

There are three (3) options available to Council:

1. Accept the amendments as presented.
2. Make alternative amendments to the Local Law.
3. Not to modify the Local Law.

Option 1 is recommended.

CONCLUSION

The review of the existing Local Law and its use has identified areas where changes are required. It is therefore recommended that the Local Law be amended to incorporate the changes required in accordance with Option 1 above.

ATTACHMENTS

1. ⇨ Marked Up Fencing Amendment Local Law
2. ⇨ Proposed Fencing Amendment Local Law 2019 (Gazette Ready)

RECOMMEND **D58/9/19**

That Council:

1. Pursuant to Section 3.16(4) of the *Local Government Act 1995* resolve that the Fencing Local Law be amended.

2. Confirm its intent to amend the Fencing Local Law as attached.

a. Notes the Purpose and Effect of the City of Armadale Fencing Amendment Local Law 2019:

i. PURPOSE: To correct grammatical errors, align with current legislation and practices, introduce a minimum penalty and to introduce an objection and review process;

ii. EFFECT: To update the Local Law to more accurately reflect the current practices, provide minimum penalty charges and to provide for an objection and review process;

3. In accordance with the provisions of Section 3.12(3) of the Local Government Act 1995, give state-wide public notice of the proposed amendments.

ABSOLUTE MAJORITY RESOLUTION REQUIRED

Moved Cr C M Wielinga
MOTION CARRIED **(7/0)**

3.2 - TENDER/14/19 - SUPPLY AND INSTALLATION OF TEMPORARY FENCING AND ASSOCIATED SERVICES

WARD	:	ALL
FILE No.	:	M/583/19
DATE	:	5 September 2019
REF	:	RM/SH
RESPONSIBLE MANAGER	:	EDDS

In Brief:

- Tender/14/19 was recently advertised for the Supply and Installation of Temporary Fencing & Associated Services.
- One compliant tender was received by the specified closing time and evaluated against compliance and qualitative criteria.
- The Report recommends that the tender from Rent a Fence Australia Trust (Rent a Fence Pty Ltd) be accepted.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

2.2 Attractive and Functional Public Places
- 2.2.2 Protect and enhance the character of the City's spaces and places

2.3 Well Managed Infrastructure
- 2.3.2 Ensure maintenance activities address required levels of service

3.4 A Desirable Destination
- 3.4.1 Promote the district and opportunities for visitors to the region

4.3 Financial Sustainability
- 4.3.3 Seek efficiencies that will reduce service delivery costs

Legislation Implications

- Section 3.57 *Local Government Act 1995* – Tenders for providing goods or services
- Division 2 *Local Government (Functions and General) Regulations 1996* – Tenders for providing goods or services

Council Policy/Local Law Implications

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

- Council Policy ADM 19 – Procurement of Goods or Services

Budget/Financial Implications

The proposed expenditure can be accommodated in the 2020 Budget and Long Term Financial Plan estimates commensurate with the successful tenderer recommended in this report.

Consultation

- Intra Directorate.

BACKGROUND

Tender 14/19 for the Supply and Installation of Temporary Fencing & Associated Services was advertised in the 6 July 2019 edition of the West Australian newspaper, on the City's website and in a notice which was displayed on the Administration Centre, Armadale, Kelmscott and Seville Grove Libraries public notice boards.

The City of Armadale requires a suitably qualified and resourced Contractor to supply and install temporary fencing, chain mesh fencing, cyclone fencing and associated barriers as required by various Departments throughout the City of Armadale.

The work to be carried out shall consist of, but not be limited to:

- to provide a visual barrier;
- to restrict access to unauthorised persons to sites, events and restricted areas;
- to contain equipment and materials;
- to prevent operations within the area from impacting outside; and
- to prevent materials, rubbish and debris from escaping from the site.

DETAILS OF PROPOSAL

Council approval is sought to award the tender for the Supply and Installation of Temporary Fencing and Associated Services for a period of two (2) years commencing 1 October 2019 with an option to be extended for a further two (2) periods of two (2) years up to 30 September 2025.

COMMENT

Tender 14/19 for the Supply and Installation of Temporary Fencing & Associated Services closed at 2:00pm on 23 July 2019. Tenders were received from:

	Tenderer's OR Respondent's Name
1.	Rent a Fence Australia Trust (Rent a Fence Pty Ltd)

No tenders were received after the close of deadline. No non-conforming tenders were received.

An evaluation process was undertaken having specific regard to the following Qualitative Criteria:

Service Delivery and Availability (30% weighting)

This criterion required tenderers to demonstrate experience by addressing the requirements of the specifications including:

I. Demonstrating capacity to fulfil contract requirements;
II. Demonstrate the ability to supply and install within the required timeframes;
III. Demonstrate how OHS and AS4678-2007 standards will be met.

Rent a Fence Pty Ltd provided a comprehensive list of large scale events and construction works proving their capacity to achieve the requirements of the contract and meet the necessary deadlines. Rent a Fence Pty Ltd provided evidence of Quality Management System certification, Structural Design Certification of materials in accordance with AS 4687-2007 Temporary Fencing and Hoardings and Safety Management System Certification.

Resources – Staff and Equipment (30 % weighting)

This criterion required tenderers to provide comprehensive information of the resources to be allocated to this contract, such as:

I. Details of equipment, materials and staffing;
II. Details of business location and operational capacity;

Rent a Fence Pty Ltd directly employ all their staff, own a comprehensive fleet of plant and equipment and all vehicles are fitted with GPS tracking and monitoring systems. Over the past 10 years they have been the primary temporary fencing contractor for large scale events such as the Perth Sky Show, City-to-Surf, Southbound Festival, HBF Fun Run and the Armadale Australia Day Sky Works demonstrating appropriate resources to fulfil the City's contract requirements.

Pricing (40 % weighting)

This criterion required tenderers to submit prices for the goods and services as outlined in the tender specification. As only one (1) tender was received, the evaluation panel assessed tendered prices against previous quoted prices to ensure value for money.

The scoring of the compliant tender, as determined by the evaluation panel, is as follows:

Tenderer	Service Delivery & Availability	Resources - Staff & Equipment	Price	Total	Ranking
	30%	**30%**	**40%**		
Rent a Fence Pty Ltd	21.75	23.25	40.00	**85.00**	**1**

Based on the panel's evaluation, using a combination of the above qualitative criteria and price, the tender from Rent a Fence Pty Ltd represents an advantageous tender.

CONCLUSION

Tenders for the Supply and Installation of Temporary Fencing & Associated Services were recently invited with one (1) tender being received and assessed by an evaluation panel against compliance and qualitative criteria.

The result was that the tender received from Rent a Fence Pty Ltd represented the most advantageous tender to the City.

The evaluation panel therefore recommends that the contract be awarded to Rent a Fence Pty Ltd for an initial period of number of two (2) years with an option to be extended for a further two (2) periods of two (2) years up to 30 September 2025. It is estimated that the works are likely to be estimated at $100-200,000 per year.

NB: The Confidential Attachment to this report detailing the recommended tenderer's price/consideration will be made public when Council has accepted the successful tender.

ATTACHMENTS
There are no attachments for this report.

RECOMMEND **D59/9/19**

That Council, in regard to Tender/14/19 for the Supply and Installation of Temporary Fencing & Associated Services:

1. **Accept the tender from Rent a Fence Pty Ltd for a period of two (2) years commencing 1 October 2019 in accordance with:**

   - **The tenderer's submitted schedule of rates as presented at Confidential Attachment 1**
   - **Council's contract documentation, Budget and Long Term Financial Plan estimates**

2. **Authorise the Chief Executive Officer to extend the contract for two (2) periods of twelve (12) months up to 30 September 2025, subject to satisfactory performance by the contractor and price adjustments, as specified in the Request for Tender Special Conditions of Contract Clause 4.1.**

Moved Cr H A Zelones
MOTION CARRIED **(7/0)**

3.3 - ANNUAL LEAVE - EXECUTIVE DIRECTOR DEVELOPMENT SERVICES

WARD : ALL

FILE No. : M/577/19

DATE : 4 September 2019

REF : PS

RESPONSIBLE MANAGER : EDDS

In Brief:

- Advice of proposed Annual Leave for the Executive Director Development Services.
- Recommend that Council note the Executive Director Development Services (Paul Sanders) will take Annual Leave and that the Executive Manager Development Services, Sergio Famiano or A/Executive Manager Development Services be appointed Acting Executive Director Development Services.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

Nil.

Legislation Implications

General assessment of relevant legislation (e.g. Local Government Act) has not revealed any restrictions.

Council Policy/Local Law Implications

Council Policy and Management Practice ADM 12 "Acting Senior Positions".

Budget/Financial Implications

The higher duties payment associated with this matter can be accommodated within the adopted 2018-19 Annual Budget.

Consultation

- Executive Directors and Chief Executive Officer.

DETAILS OF PROPOSAL

In accordance with current practice, Council is required to authorise leave taken by the Executive Director.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND **D60/9/19**

That Council pursuant to Management Practice ADM 12 and on the recommendation of the Chief Executive Officer, appoint the Executive Manager Development Services, Sergio Famiano or A/Executive Manager Development Services for the period 1st to 4th and 9th to 11th October 2019, 2nd January to 3rd February 2020 and 12th to 23rd April 2020 as Acting Executive Director Development Services.

Moved Cr D M Shaw
MOTION CARRIED **(7/0)**

COUNCILLORS' ITEMS

Nil.

5.1 - JDAP APPLICATION - COURTHOUSE & POLICE COMPLEX - LOT 560 THIRD ROAD, ARMADALE

Executive Director Development Services updated Committee on the JDAP Application - Courthouse and Police Complex development.

MEETING DECLARED CLOSED AT 7.44 PM

DEVELOPMENT SERVICES COMMITTEE

SUMMARY OF ATTACHMENTS

17 SEPTEMBER 2019

ATT NO.	SUBJECT	
2.1	**PROPOSED BASIC AMENDMENT NO.99 TO TPS NO.4 - OMNIBUS NO. 5**	
2.1.1	Omnibus Amendment No.5 - Scheme text updates in "red" text - TPS No.4 - Amendment No.99	
2.1.2	Existing Zoning Map - TPS No.4 - Amend No.99	
2.1.3	Existing & Proposed Zoning Map 1 - TPS No.4 - Amend No.99	
2.1.4	Existing & Proposed Zoning Map 2 - TPS No.4 - Amend No.99	
2.1.5	Existing & Proposed Zoning Map 3 - TPS No.4 - Amend No.99	
2.1.6	Existing & Proposed Zoning Map 4 - TPS No.4 - Amend No.99	
2.1.7	Existing & Proposed Zoning Map 5 - TPS No.4 - Amend No.99	
2.1.8	Existing & Proposed Zoning Map 6 - TPS No.4 - Amend No.99	
2.1.9	Existing & Proposed Zoning Map 7 - TPS No.4 - Amend No.99	
2.1.10	Existing & Proposed Zoning Map 8 - TPS No.4 - Amend No.99	
2.1.11	Existing & Proposed Zoning Map 9 - TPS No.4 - Amend No.99	
2.1.12	Existing & Proposed Zoning Map 10 - TPS No.4 - Amend No.99	
2.1.13	Existing & Proposed Zoning Map 11 - TPS No.4 - Amend No.99	
2.1.14	Existing & Proposed Zoning Map 12 - TPS No.4 - Amend No.99	
2.1.15	Existing & Proposed Zoning Map 13 - TPS No.4 - Amend No.99	
2.1.16	Existing & Proposed Zoning Map 14 - TPS No.4 - Amend No.99	
2.1.17	Existing & Proposed Zoning - SCA Map 3 - TPS No.4 - Amend No.99	
2.2	**PROPOSED AMENDMENT NO.107 TO TPS NO.4 - NORMALISATION OF FORRESTDALE BUSINESS PARK EAST FROM MRA TO CITY OF ARMADALE**	
2.2.1	Existing & Proposed Zoning Map - TPS No.4 - Amend No.107	
2.2.2	Existing & Proposed Zoning - SCA Map 1 - TPS No.4 - Amend No.107	
2.2.3	Existing & Proposed Zoning - SCA Map 2 - TPS No.4 - Amend No.107	
2.2.4	Existing & Proposed Zoning - SCA Map 3 - TPS No.4 - Amend No.107	
2.2.5	Expired Forrestdale Business Park East Structure Plan	
2.3	**PROPOSED AMENDMENT NO.108 TO TPS NO.4 - NORMALISATION OF WEST OF RAIL AND RAILWAY STATION FROM MRA TO CITY OF ARMADALE**	
2.3.1	SCA Map 3 - TPS No.4 - Amendment No.108	
2.3.2	Zoning Map - TPS No.4 - Amendment No.108	
3.1	**LOCAL LAW REVIEW - FENCING LOCAL LAW**	
3.1.1	Marked Up Fencing Amendment Local Law	
3.1.2	Proposed Fencing Amendment Local Law 2019 (Gazette Ready)	

The above attachments can be accessed from the Minutes of the Development Services Committee meeting of 17 September available on the City's website.

CHIEF EXECUTIVE OFFICER'S REPORT

23 SEPTEMBER 2019

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1. REPORTS

1.1 COUNCILLORS INFORMATION BULLETIN - ISSUE NO 16/2019 89

CITY OF ARMADALE
Chief Executive Officer's Report

Mayor and Councillors
City of Armadale

Following is my Report for the period
ended 23 September 2019

1.1 - COUNCILLORS INFORMATION BULLETIN - ISSUE NO 16/2019

WARD	:	ALL
FILE No.	:	M/607/19
DATE	:	10 September 2019
REF	:	MC
RESPONSIBLE MANAGER	:	Chief Executive Officer

In Brief:

- Councillor's Information Bulletin – Councillors are advised to take note of the information submitted in Issue No. 16/2019 to be received by Council

Strategic Implications

The following general information and memorandums were circulated in Issue No 16/2019 on 19 September 2019.

COMMENT

Correspondence & Papers

Conference Notes – Cr Shaw – PIA Conference
Conference Notes – Cr Frost – PIA Conference
Media Releases

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
Monthly/Quarterly Departmental Reports
Community Donations and External Grants Schedule
Community Planning
Recreation Services
Library and Heritage Services
Ranger and Emergency Services

ATTACHMENTS
There are no attachments for this report.

RECOMMEND

That Council acknowledge receipt of Issue 16/2019 of the Information Bulletin

CITY OF Armadale

ORDINARY MEETING OF COUNCIL

MONDAY, 9 SEPTEMBER 2019

MINUTES

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NIL 9

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NIL 9

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NIL 9

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CITY OF ARMADALE

MINUTES

OF **ORDINARY COUNCIL MEETING** HELD IN THE **COUNCIL CHAMBERS**, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON **MONDAY, 9 SEPTEMBER 2019 AT 7.00PM.**

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

PRESENT:

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

IN ATTENDANCE:

Mr C Frewing	Chief Executive Officer
Mr J Lyon	Executive Director Corporate Services
Mr P Sanders	Executive Director Development Services
Mr K Ketterer	Executive Director Technical Services
Mrs R Milnes	A/Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant

Public: 3

LEAVE OF ABSENCE:
Nil

APOLOGIES:
Apology received from Cr C M Wielinga

3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

1 Mr Lanford – Brookdale resident and ECU Student

Q1 As part of a study assignment, would be interested to find out about the political structure of the City of Armadale Council and whether it operates on a bipartisan arrangement?

The Mayor responded that Council has no political, religious or cultural affiliations. Councillors are elected by the community it represents and for the most part conducts business that impact its residents. The Mayor made the invitation to speak to Councillors following the meeting to discuss any specific matters.

5 APPLICATIONS FOR LEAVE OF ABSENCE

1 Request for Leave of Absence (Cr Colin Campbell)

Request for leave of absence received from Cr Colin Campbell for the period Friday 13 December 2019 to Monday 13 January 2020 inclusive.

MOVED Cr Sargeson

That Council grant leave of absence to Cr Colin Campbell for the period Friday 13 December 2019 to Monday 13 January 2020 inclusive (includes an Ordinary Meeting of Council – 16 December 2019)

MOTION not opposed, DECLARED CARRIED (13/0)

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING HELD ON 26 AUGUST 2019.

MOVED Cr J A Stewart that the Minutes of the Ordinary Council Meeting held on 26 August 2019 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (13/0)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1 Consultation & Communication

- On 27 August along with the Director of Development Services, attended a briefing from Sean Henriques (MRA) and George McCullough (Landcorp).
- That same evening attended and welcomed potential Councillors to the local government election presentation.
- On Wednesday 4 September attended the City of Gosnells Public Citizenship Ceremony.

2 Marketing & Public Relations

- On Friday 6 September participated in an interview filmed by Fresh TV at the Araluen Botanical Park promoting the Spring into Armadale Festival and then attended the 2019 Armadale Young Writers Awards.

- On Sunday 8 September attended an interview by 6PR at a live broadcast from Araluen Botanical Park, promoting the Spring into Armadale Festival.

3 Governance & Economic Development

- On Wednesday 28 August, along with Cr Butterfield and Executive Director Corporate Services, attended the South East Metro Zone meeting at the City of South Perth.

- On Thursday 29 August attended the Perth Airports Municipalities Group meet here at the City of Armadale.

- On Wednesday 4 September attended the WAPC's Executive, Finance and Property Committee meeting in Perth.

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 2 September 2019 .

MOVED Cr G Nixon that the report be received.

MOTION not opposed, DECLARED CARRIED (13/0)

BUSINESS ARISING FROM REPORT

Recommendation T59/9/19 - Participation in the Waterwise Council Program - Memorandum of Understanding

MOVED Cr G Nixon

That Council authorise the Chief Executive Officer to sign the Memorandum of Understanding between the Water Corporation, Department of Water and Environmental Regulation and the City of Armadale, enabling participation in the Waterwise Council Program.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation T60/9/19 - Recycling Information Provided to Residents

MOVED Cr G Nixon

That Council note the City's current practices regarding the communication of its recycling initiatives outlined in this report.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation T61/9/19 - Tender 45/17 - Design and Construction of Hakea Prison Water Main

MOVED Cr G Nixon

That Council, in regard to Tender 45/17 for Design and Construction of Hakea Prison Water Main Stage 2, not proceed with the calling of the restricted tender given there is no requirement for the City to complete the project.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation T62/9/19 - Tender 10/19 - Footpath and Carpark Sweeping Services

MOVED Cr G Nixon

That Council, in regard to Tender 10/19 for Footpath and Carpark Sweeping Services:

Accept the tender from Brown's Sweeping Pty Ltd for a period of one (1) year commencing 16 September 2019 in accordance with:

- **The tenderer's submitted Schedule of Rates as presented in Confidential Attachment 1**
- **Council's contract documentation, Budget and Long Term Financial Plan estimates.**

MOTION not opposed, DECLARED CARRIED (13/0)

10.2 COMMUNITY SERVICES COMMITTEE MEETING

Report of the Community Services Committee held on 3 September 2019 .

MOVED Cr C Frost that the report be received.

MOTION not opposed, DECLARED CARRIED (13/0)

BUSINESS ARISING FROM REPORT

Recommendation C31/9/19 - Community Sporting and Recreation Facilities Fund (CSRFF) 2019 Applications

MOVED Cr C Frost

That Council:

Submit applications for the Community Sporting and Recreation Facilities Fund (CSRFF) 2020-2021 Funding Round with the following ranking:

Project	Total Project Value	CSRFF Grant	Ranking	Rating
John Dunn Challenge Park	**$1,500,000**	**$270,000**	**1**	**A**
William Skeet Oval Upgrade	**$1,050,226**	**$346,500**	**2**	**A**

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation C32/9/19 - Harrisdale Child Health Centre

MOVED Cr C Frost

That Council agrees to amend the current Memorandum of Understanding with the Department of Health to include the use of one additional room at Baker's House for an amount of an additional $800 + GST per annum as detailed in this report.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation C33/9/19 - Security Services

MOVED Cr C Frost

That Council note the information regarding security patrols contained in this report.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation C34/9/19 - Authorised Officers

MOVED Cr C Frost

That Paul Clarke, Tammy Wilson and Karen Hudson be appointed as "Authorised

Persons" for the City of Armadale to exercise powers under:

- **Control of Vehicles (Off Road Areas) Act 1978**
- **Control of Vehicles (Off Road Areas) Regulations 1979**

These authorisations will be withdrawn automatically when the persons herein named as an "Authorised Persons" cease employment with the City.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation C35/9/19 - City's Events Calendar

MOVED Cr C Frost

That a Councillor Workshop be scheduled before 31 December 2019, to assist in determining the content, objectives, timing and alignment with other strategic documents, of including additional events and a report be presented to Council in February 2020.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation C36/9/19 - External Perceptions Survey

MOVED Cr C Frost

That a Councillor Workshop be scheduled before 31 December 2019, to assist in determining the content, objectives, timing and alignment with other strategic documents, of an external perceptions survey and a report be presented to Council in February 2020.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation C37/9/19 – Councillor Item - City of Armadale Aspire Scholarships

MOVED Cr C Frost

That Council notes the following Councillor Item
- **City of Armadale Aspire Scholarships**

MOTION not opposed, DECLARED CARRIED (13/0)

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

MOVED Cr K Busby that the report be received.

MOTION not opposed, DECLARED CARRIED (13/0)

BUSINESS ARISING FROM REPORT

Recommendation - Councillors Information Bulletin - Issue No 15/2019

MOVED Cr C Frost

That Council acknowledge receipt of Issue 15/2019 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED (13/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

13 MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION

Nil

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Zelones, declared the meeting closed at 7.10pm

MINUTES CONFIRMED THIS 23 SEPTEMBER 2019

MAYOR

CONFIDENTIAL TECHNICAL SERVICES COMMITTEE

SUMMARY OF CONFIDENTIAL ATTACHMENTS

2 SEPTEMBER 2019

ATT NO.	SUBJECT	PAGE
3.2	**TENDER 10/19 - FOOTPATH AND CARPARK SWEEPING SERVICES**	
3.2.1	Confidential Attachment - Tender 10/19	11

NB: Confidential Attachments detailing the recommended tenderer's price/consideration is now being made public following Council's resolution of the successful tender.

Confidential Attachment – Schedules of Rates
Tender 10/19 – Footpath and Carpark Sweeping Services

Approximate annual spend $350,000.

CITY OF ARMADALE
RECEIVED
10 JUL 2019
OFFICER: ICB

Tenderers are advised of the following changes to Tender 10/19:

Please see the below revised Price Schedule, note additional areas have been included. Please provide the below Price Schedule in your submission.

Pleased note if you don't submit this revised Price Schedule you may be eliminated from consideration.

City Precincts (Mall and footpaths)	Sweeps per year	Rate per sweep ex GST	Total per Year ex GST
Church Avenue, Armadale	52	$40.00	$2080.00
Commerce Avenue, Armadale	52	$40.00	$2080.00
Fourth Road, Armadale	52	$20.00	$1040.00
Third Rd, Armadale	52	$20.00	$1040.00
William Street, Armadale	52	$20.00	$1040.00
Memorial Park paths, Armadale	52	$40.00	$2080.00
Jull Street, Armadale	52	$40.00	$2080.00
Jull Street Mall, Armadale	104	$180.00	$18720.00
Whitehead Street	52	$20.00	$1040.00
Prospect Rd	52	$20.00	$1040.00
Neerigen Street (Forrest Rd to Orchard Ave)	52	$20.00	$1040.00
Gwynne Car Park, Townley St	6	$230.00	$1380.00
Gwynne Car Park, Seventh Rd end	6	$220.00	$1320.00
Greendale Centre, Coombe Ave, Armadale	6	$50.00	$300.00
Fancotte St, Armadale	6	$80.00	$480.00
Hughes Rd Pathway (Church Ave to Jull St)	13	$20.00	$260.00
Orchard Ave- Jull St	13	$40.00	$520.00
Karagullen Community Hall	As Requested	$160.00	N/A
Cross Park Roleystone Seniors Carpark	As Requested	$80.00	N/A
Terrigal Way Carpark Armadale	As Requested	$80.00	N/A

Confidential Attachment – Schedules of Rates
Tender 10/19 – Footpath and Carpark Sweeping Services

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Fancote Park Kelmscott Carpark	As Requested	$80.00	N/A
John Dunn Dog Walking Carpark Kelmscott	As Requested	$80.00	N/A
O'sullivan Dr Carpark Westfield	As Requested	$80.00	N/A
Jull St footpath (Jull St to Southwest Hwy	52	$40.00	$2080.00
Church Ave footpath (William St to Commerce Ave)	52	$10.00	$520.00

Schedule B – Public Car Parks

Car parks	Sweeps per year	Rate per sweep ex GST	Total per Year ex GST
City of Armadale Administration Centre, Armadale	52	$180.00	$9360.00
Orchard House, Armadale	52	$70.00	$3640.00
Armadale Arena, Armadale	13	$250.00	$3250.00
Armadale Lotteries House, Armadale	13	$80.00	$1040.00
Armadale Bowling Club, Armadale	13	$110.00	$1430.00
Bakers House, Harrisdale	13	$140.00	$1820.00
Piara Waters Sports Pavilion	13	$140.00	$1820.00
Rossiter Pavilion, Piara Waters	13	$160.00	$2080.00
Harrisdale Pavilion, Harrisdale	13	$180.00	$2340.00
Gwynne Park basketball courts, Armadale	6	$40.00	$240.00
Armadale Visitors Centre and Armadale Hall, Armadale	9	$110.00	$990.00
Lions Park, Mt Nasura	9	$110.00	$990.00
Forrestdale Hall, Forrestdale	6	$220.00	$1320.00
Alfred Skeet Oval, Forrestdale	9	$180.00	$1620.00
William Skeet Oval,	9	$160.00	$1440.00

Confidential Attachment – Schedules of Rates
Tender 10/19 – Footpath and Carpark Sweeping Services

Forrestdale			
Minnawarra House, Armadale	9	$110.00	$990.00

Car parks	Sweeps per Year	Rate per sweep ex GST	Total per Year ex GST
Morgan Park, Armadale	9	$170.00	$1530.00
Bob Blackburn Reserve, Seville Grove	9	$130.00	$1170.00
Armadale Aquatic Centre, Seville Grove (AFAC)	13	$400.00	$5200.00
Seville Grove Library, Seville Grove	13	$80.00	$1040.00
Champion Centre, Seville Grove	13	$80.00	$1040.00
Bernice Hargrave Reserve, Westfield	6	$60.00	$360.00
John Dunn Oval, Kelmscott	11	$220.00	$2420.00
Champion Lakes Recreational Park, Champion Lakes	11	$120.00	$1320.00
Harold King Centre, Westfield	9	$140.00	$1260.00
Creyk Park, Armadale	11	$220.00	$2420.00
Rushton Park, Kelmscott	11	$140.00	$1540.00
Rushton Park, Kelmscott	11	$140.00	$1540.00
Frye Park, Kelmscott	8	$140.00	$1120.00
Frye Park Basketball Courts, Kelmscott	8	$60.00	$480.00
Roleystone Hall, Roleystone	13	$160.00	$2080.00
Roleystone Theatre Roleystone	9	$140.00	$1260.00
Cross Park, Roleystone	13	$260.00	$3380.00
Cross Park Basketball Courts, Roleystone	9	$80.00	$720.00
Springdale Park, Karragullen	6	$200.00	$1200.00
Karragullen Park, Karragullen	6	$150.00	$900.00

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Confidential Attachment – Schedules of Rates
Tender 10/19 – Footpath and Carpark Sweeping Services

Schedule C – Other Footpaths and Public Places

Location	Sweeps per year	Rate per sweep ex GST	Total per Year ex GST
Armadale Rd footpaths	13	$560.00	$7280.00
Lake Rd footpaths	13	$320.00	$4160.00
Champion Dr footpaths	13	$320.00	$4160.00
Camillo Rd underpass path, Camillo	13	$110.00	$1430.00
Roleystone footpaths	13	$560.00	$7280.00
Road Construction programme	As per programme	$90.00	N/A

Schedule D - Scrubbing Services

Asset	Rate per service ex GST
Memorial Park paths, Armadale	$450.00
Jull Street, Armadale	$405.00
Jull Street Mall, Armadale	$450.00
Whitehead Street	$270.00
Prospect Rd	$270.00

END OF ADDENDUM

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