



**ORDINARY MEETING OF COUNCIL
MONDAY, 27 FEBRUARY 2023**

AGENDA

CONTENTS

AGENDA

REPORTS

**DEVELOPMENT SERVICES COMMITTEE MEETING
HELD ON 20 FEBRUARY 2023**

**CORPORATE SERVICES COMMITTEE MEETING
HELD ON 21 FEBRUARY 2023**

CHIEF EXECUTIVE OFFICER'S REPORT

NOTICE OF MEETING AND AGENDA

CR _____

PLEASE TAKE NOTICE that the next **ORDINARY MEETING OF COUNCIL** will be held in the Council Chambers, Orchard Avenue, Armadale at **7.00pm**

MONDAY, 27 FEBRUARY 2023

**JOANNE ABBISS
CHIEF EXECUTIVE OFFICER**

23 February 2023

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

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

The following questions were taken on notice at Council's Meeting on Monday, 13 February 2023 and responses (summarised below) forwarded in a letter by the Chief Executive Officer.

Phil Davey, 12 Lenore St, Roleystone WA

My first question is on behalf of Pam Edwards who couldn't make it tonight.

At the 19 December Council Meeting the question posed to the City of Armadale in relation to the gate was actually "*Are the people sitting around this table all aware of vicarious liability?*" and the response from the City of Armadale Mayor was...."*I hope so*".

Whereas the minutes reflected the question as: Do the people around this table appreciate the vicarious liability they may have? Mayor's response was "I believe so."

Q1. In this particular scenario, will the City of Armadale amend the minutes to show that Pam Edwards question is recorded accurately?

Mayor: The question will be taken on notice and a response provided in writing.

*Under Regulation 11 (e) of the Local Government (Administration) Regulations 1996 the “minutes are to record a **summary** of each question raised by members of the public at the meeting and a **summary** of the response to the question”. The minutes are not required to be verbatim. At the January 2023 Ordinary Council meeting the minutes were unanimously adopted by Council.*

Lesley Brown, 3 Galliers Ave., Armadale

Q1: Is the curfew for heavy haulage trucks still applicable in the residential area along Albany Highway, especially from Tonkin Highway to the junction of Armadale Road - South West Highway?

Mayor: The question will be taken on notice and a response provided in writing.

Main Roads has advised that Albany Highway between Tonkin Highway and Armadale Road is currently a ‘RAV4’ route with the following conditions:

Tandem Drive Network 4 With Conditions Albany Hwy	
Road	H001
Road Name	Albany Hwy
Start SLK	19.78
End SLK	26.77
Network Type	State Road
Local Government	
Network	Tandem Drive Network 4
From Intersection	Tonkin Hwy Access Ramp off to Albany Hwy & Albany Hwy on to Tonkin Hwy (Northbound) Access Ramp
To Intersection	Armadale Rd & South Western Hwy
Comments	
Max Speed	
Curfew	
Conditions	This section of road must not be used as a through route. This section of road may be used as access to pick-up goods, deliver goods, or garage vehicles to properties located on this section of road, or on roads only accessible via this section of road. Drivers must carry documentation as proof of local delivery, pickup or garaging address.
Products	

Main Roads advise that there is no curfew for this portion of Albany Highway.

Trehna Rouse , 3 Coachmans Place, Roleystone

My question relates to the minutes of the meeting of the Council dated 19/12/2022 and in particular the response to the question I raised regarding issues concerning cars with collision assist impacting on the driver's ability to “nudge” the Emergency gate open.

Are Councillors aware that the minutes have been amended to remove the comment made at the meeting that RAC had provided advice that it would not be an issue, and that this safety mechanism is easily over ridden by pressing accelerator harder?

In its place there is a statement that only two manufacturers have been contacted and mention of RAC being the source has not been included?

On the basis that Councillors rely heavily on the advice and commentary from the City Officers when the inference is that it suggests professional advice has been sought and supports the City stance. This should be correctly recorded and if that advice is subsequently proved inaccurate and an amendment is made then surely the minutes should only be amended at the next meeting when the minutes are formally accepted.

Q1: So my question is - why are the minutes not correctly reflecting what happens at the meeting and then if necessary amended properly at the next meeting prior to acceptance?

Mayor: At the 19/12/22 meeting I did give you the wrong information that it was the RAC we had consulted with and subsequently it was pointed out to me that it wasn't the RAC but instead the manufacturers. I was happy to have a comment included in the minutes to reflect the correct information. As to the process I will leave that up to the CEO to talk about.

CEO. I would like to have the opportunity to review the exact wording of the minutes and provide a response to this question.

As shown below, the draft minutes clearly indicated that a correction had been made and that the reference to the RAC had been removed. These draft minutes, inclusive of the correction, were subsequently adopted by Council at the Ordinary Council meeting of January 2023. City Officers had included the correction in the draft minutes, which are published as a draft on the City website before they are formally adopted, in order to avoid members of the public pursuing this incorrect information. City Officers, at the time of preparing the draft minutes, were aware that at least one member of the public had already made contact with the RAC immediately following the December 2022 Council meeting.

Q13. Until the Council can remedy this situation effectively could Council lock the gate open for the entire fire season?

*Mayor response: My understanding with vehicles with driver assist stopping will stop, however they are able to be driven through a stationery object if you keep on pressing the accelerator. **This was verified for the two makes of vehicle, Volvo and Mercedes, raised by the community with the City.*** The gate is operable and functioning as was intended, so far as I am aware we won't have the gate locked open for the fire season as the gate is operating as it was designed to operate. We can try to get that information out to residents so they are comfortable with opening the gate at one end by hand or in the middle with the vehicle.*

**** This is a correction to the answer provided at the meeting which referenced RAC.***

Q2. My next question relates to the concerns I raised previously regarding issues with newer model vehicles fitted with collision control assist not brake assist. There are actually two different mechanisms in vehicles that would impact on a vehicle attempting to nudge the gate open i.e. Brake Assist and Collision Control System. Significant research has

been done regarding this latter mechanism by contacting 13 major vehicle manufacturers and data collated into a spreadsheet for Councillors.
Has the City done further research into the concerns I raised in regard to the Collision Control System?

Mayor: We appreciate you have done further research and if you forward it to the officers perhaps it can be disseminated. In regard as to whether further research has been done by the City the question will be taken on notice and a response provided in writing.

The City's position is based on information received from the manufacturers previously advised. We welcome the receipt of the data collated and will seek advice from industry specialists to validate the material presented.

Q3. Given there are between 3-7 steps to turn off your computer in your car to stop the collision control assist activating. Has the City considered that the gate can be nudged open. The combination of the above means the gate is not able to be opened in the way the Council intends and as such has the capacity to endanger lives in the terrifying scenario vehicles evacuating in a bushfire.
Given this properly researched and referenced data do the city still consider the gate can be nudged open by any and every vehicle and any and every driver including those that are disabled.

Mayor: The question will be taken on notice and a response provided in writing.

The City's position is based on information received from the manufacturers previously advised. We welcome the receipt of the data collated and will seek advice from industry specialists to validate the material presented.

John Sander, 4 Coachmans Place, Roleystone

Q1. Do Councillors recall City of Armadale statement(s) made on numerous occasions that "DFES have approved the gate"? (E.g., Council meeting of 19th December 2022) Are Councillors now aware that that statement is not accurate and could be misleading?

Would Councillors care to be informed that the DFES Commissioner has responded to a question regarding the approval of the gate with a statement included in a letter addressed to Mrs Pam Edwards dated 13th January 2023. A copy will be provided to CoA on request.

Mayor: Those statements were made and I think for clarification it might be useful for me to read out the context of this which was "during engagement between the City and DFES in 2019 it was determined that the access met with the approval of DFES as they were satisfied that there was adequate access for their appliances and their services to use during emergencies" and that is their role, it is not their role to approve something that is clearly managed by the city.

Q2: Are the councillors aware that in that statement the key words “their” being DFES equipment not residents’ vehicles?

Mayor: *The question will be taken on notice and a response provided in writing.*

Refer to the Mayor’s response to Question 1 (directly above) on 13 February 2023.

Q3: Will the City of Armadale provide satisfactory evidence of whether since the 2019 decision they have received any request from residents of Araluen for Wymond Road to become a permanent exit?

Mayor: *The question will be taken on notice and a response provided in writing.*

The City carried out a retrospective review of correspondence received in regard to Wymond Road since the 2019 decision and identified numerous requests in regard to the provision of a second access, inclusive of complaints to other entities and submissions on the Section 3.50 closure of a portion of Wymond Road. The most recent request was received in December 2022.

Trehna Rouse, 3 Coachmans Place, Roleystone

Q4: Given my researched and evidence based advice would Council recognise that any gate regardless of weight or design will not provide the ease of emergency access that the City intended?

The gate operates as designed. Planned maintenance of the gate is carried out on a recurring cycle to maintain its operability.

The ease of opening of the gate has been demonstrated to local residents and is operated as part of the Roleystone Volunteer Fire and Rescue Service’s annual Araluen Information and Exit Drill to inform interested local residents of the actions to follow. It is our understanding that the onsite briefing session by the Roleystone VFRS was advertised (18 November 2022) on their Facebook page, which has over 4,500 followers. The Roleystone VFRS also placed a variable message board sign along Heritage Drive prior to the annual event to actively promote it to all residents living within the Araluen Estate. It is the City’s understanding that approximately 25 residents attended the briefing on Sunday 27 November 2022.

Given feedback in late 2022, the City plans to replace the existing gate with a lighter gate in the coming months to make its operation even easier.

Q5: Would Council consider the request to have the gate open during the bush fire season to negate any requirement for individuals to exit their vehicle to open the gate. This would ensure that there is the safest possible evacuation for every individual including the infirm, elderly and disabled and in any vehicle regardless of the onboard safety systems.

Mayor: *The questions will be taken on notice and a response provided in writing.*

However, I think that all of our emergency exit gates are closed. I don't know if they are locked or not but I believe that they are all closed and so this one is being treated the same way.

Option 1

Consideration of the gate being open during the bushfire season was an alternative motion put forward by Cr Mosey at the Ordinary Meeting of Council on 13 February. The motion was unsuccessful (3/6).

At the same meeting, the motion was carried for Option 1:

Continue to advocate through WALGA, and in collaboration with other affected local governments, for the establishment of a fund for the construction of secondary access ways for developments constructed in bush fire prone areas prior to the gazettal of Western Australian Planning Commission's State Planning Policy (SPP 3.7) Planning for Bushfire Prone Areas and Guidelines.

Q6: Has the City considered the ease of exiting the estate during night time hours when there is no lighting and the signage advising "Emergency Gate" is not visible? I would respectfully request that this issue be considered and remedied to make the emergency exit more visible at night and also that they consider extending the tarmac under the gate to the exact width of the exit as there is currently a gap where pea gravel remains and could cause accidents and slippage.

Mayor: *The question will be taken on notice and a response provided in writing.*

The issue of signage was raised in a previous engagement with local residents in late 2022. The matter is under review and advice will be provided to those residents in due course.

In regards to the width of the access track's tarmac wearing course, since the engagement with local residents in late 2022, signage has been placed on the gate to indicate where gate-users are to operate the gate by hand. The position is located within the extent of the tarmac area and has proven to provide sufficient leverage to open the gate safely, with ease.

Phil Davey, 12 Lenore St, Roleystone WA

Q4. In reference to our new Roleystone Karragullen Bushfire Brigade Building which I now see is happening – Thank you

I still am not 100% sure how it happens that in Oct 2021 it was reported that we are going to be spending \$1.7mil and now get told it was for the building only. With reference back to the Bedfordale Fire Station which recently or up until recently was showing on the City of Armadale website as a \$1.68 mil total project cost.

Is there a difference between the wording of total project cost and overall cost?

CEO: *The question will be taken on notice and a response provided in writing.*

Possibly, dependent on context. In some cases reference to total project cost may only refer to the direct financial contribution to construction of a project but does not include provision of in-kind resources or expenditure on pre-feasibility, needs assessment or concept design. Each reference should be considered in its own context.

Q5: Recently it was showing under the City's website under the project banner and now it's no longer there. Would it have been taken down for any other reason? There are still projects there from many years ago.

Mayor: It is a project that has been finished but we will look into the matter.

The Bedforddale Fire station project was removed from the website in January 2023 at the request of the City's Community Planning team as this is an operational facility not available to the public while the others on the webpage were all community facilities.

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 13 FEBRUARY 2023..... (ATTACHED)
-

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

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

Nil

10 REPORTS

- 10.1 DEVELOPMENT SERVICES COMMITTEE MEETING**
Report of the Development Services Committee held on 20 February
2023.....11

BUSINESS ARISING FROM REPORT

- 10.2 CORPORATE SERVICES COMMITTEE MEETING**
Report of the Corporate Services Committee held on 21 February
2023.....47

BUSINESS ARISING FROM REPORT

- 10.3 CHIEF EXECUTIVE OFFICER'S REPORT**
Report of the Chief Executive Officer.64

BUSINESS ARISING FROM REPORT

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

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

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

15 CLOSURE

CITY OF ARMADALE

MINUTES

**OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 20
FEBRUARY 2023 AT 7.00PM.**

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

APOLOGIES: Cr S J Mosey (Leave of Absence)

OBSERVERS: Cr S Peter JP
Cr J Keogh (7.06pm to 9.02pm)

IN ATTENDANCE: Ms J Abbiss Chief Executive Officer
Mr P Sanders Executive Director Development Services
Ms S van Aswegen Executive Director Community Services
- (via Teams)
Mr M Andrews Executive Director Technical Services
- (via Teams)
Mr J Lyon Executive Director Corporate Services
- (via Teams)
Mr R Sklarski Project Manager Contribution Arrangements
Mrs N Cranfield Executive Assistant EDDS

PUBLIC: 1

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

DISCLAIMER

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

DECLARATION OF MEMBERS' INTERESTS

Cr Keogh

- Recommendation to WAPC – Kelmscott District Centre Precinct Structure Plan

DEPUTATION

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 12 December 2022 be confirmed.

Moved Cr R Butterfield

MOTION CARRIED

(7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 1 - JAN 2023

Items referred from the Information Bulletin - Issue 1 - January 2023

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

QUESTION TIME- 7.05 PM

Mr J Green – Member of Community Heritage Advisory Group (CHAG)

Suburb Renaming – A Portion of Forrestdale

1. On behalf of Mr Kim Fletcher (CHAG Member) Mr Green advised that in regard to the name Doobarda (an Aboriginal name for the Banksia Flower), there were no Banksias in this low lying area. Mr Green also advised that Mr Fletcher's preference for the new suburb name would be to retain somehow the name Forrestdale.
2. On behalf of Mr Terry Holton (CHAG Member) Mr Green advised that Mr Holton's preference for the new suburb name would be Quenda.
3. Mr Green queried if any additional heritage information or ideas for the new suburb name would be considered at this stage of the application?

The Executive Director Development Services advised that the City previously advertised and Council considered that the proposed name 'Quenda' and other suggested names were unsuitable and requested that the names 'Doobarda' and 'Salmeri' be possible options to name the new locality, which were then advertised for public comment. The City has also engaged with Aboriginal Elders and the name Doobarda was the preferred name.

The Executive Director Development Services further advised that what the City is trying to achieve is to clearly identify an area that is going to be very different to the other parts of Forrestdale, as most of Forrestdale is zoned rural around the town sites and there are two industrial areas north of Armadale Road and Tonkin Highway already known as Forestdale Business Park. One of the concerns the City has identified is that having three industrial areas with similar names but a long distance apart could cause difficulties for businesses, emergency services and visitors, so this was an opportunity to create a new suburb with a new name before businesses commenced operating on the land. Generally, the majority of landowners are supportive of the principle of the area having its own name and identity.

PUBLIC QUESTION TIME CLOSED AT 7.15 PM

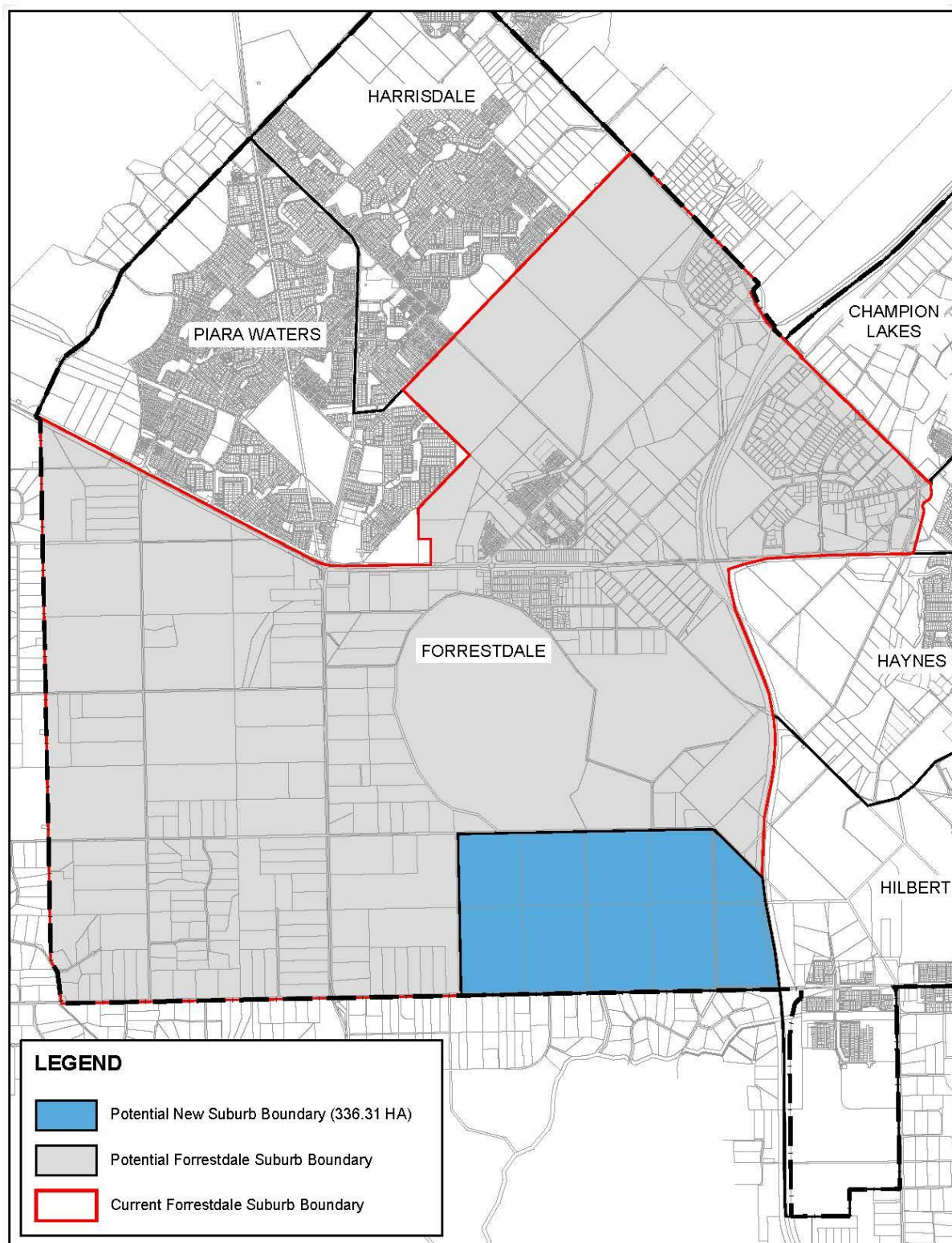
Cr Keogh attended the meeting at 7.06pm.

CONTENTS

DEVELOPMENT SERVICES COMMITTEE

20 FEBRUARY 2023

1.	STRATEGIC PLANNING	
1.1	PROPOSED AMENDMENT - LOCAL PLANNING POLICY PLN 4.1 - THE DESIGN OF INDUSTRIAL ESTATES	22
1.2	RECOMMENDATION TO WAPC - KELMSCOTT DISTRICT CENTRE PRECINCT STRUCTURE PLAN	26
1.3	CONFIDENTIAL REPORT - WUNGONG DEVELOPMENT CONTRIBUTION PLAN REVIEW - CONSIDERATION OF SUBMISSION TO DEVELOPMENTWA	43
2.	MISCELLANEOUS	
2.1	SUBURB RENAMING - A PORTION OF FORRESTDAL.....	15
3.	COUNCILLORS' ITEMS.....	45
	SUMMARY OF ATTACHMENTS	46



**Existing and Proposed
Locality Plan**

DATE 31 January 2023 - REVISION 2301
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Based on information provided by and with the permission of the
Western Australian Land Information Authority (Lands and Geomatics)
Aerial photography supplied by Landspace, Perth/Mapbox by Mapbox.

2.1 - SUBURB RENAMING - A PORTION OF FORRESTDAL

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

WARD : RANFORD
FILE No. : M/678/22
DATE : 16 February 2023
REF : SS
RESPONSIBLE : EDDS
MANAGER

In Brief:

- At its meeting in April 2020, Council resolved to recommit the above item to create a new suburb and suburb name for the future Industrial area located at the corner of Rowley Road and Tonkin Highway, Forrestdale.
- In November 2020 additional suggestions including identifying names of World War Two veterans were circulated via Councillor memo. In October 2021, Council considered an additional list of names including 'Pratt' 'Salmeri' 'Kargotich' 'De Bont' and 'Quenda'. Council at that meeting resolved to:
 - “1. Support the proposal to consider a new locality in the area bounded by Tonkin Highway, Rowley, Oxley and unnamed Roads and Regional Reserve as proposed in the attachment to this report, and support the names of 'Doobarda'; and 'Salmeri' as possible options to name the new locality, and proceed with public consultation.
- Recommend that Council support the proposed boundary for the new suburb identified in the attachment to this report with the new name of Doobarda.

Tabled Items

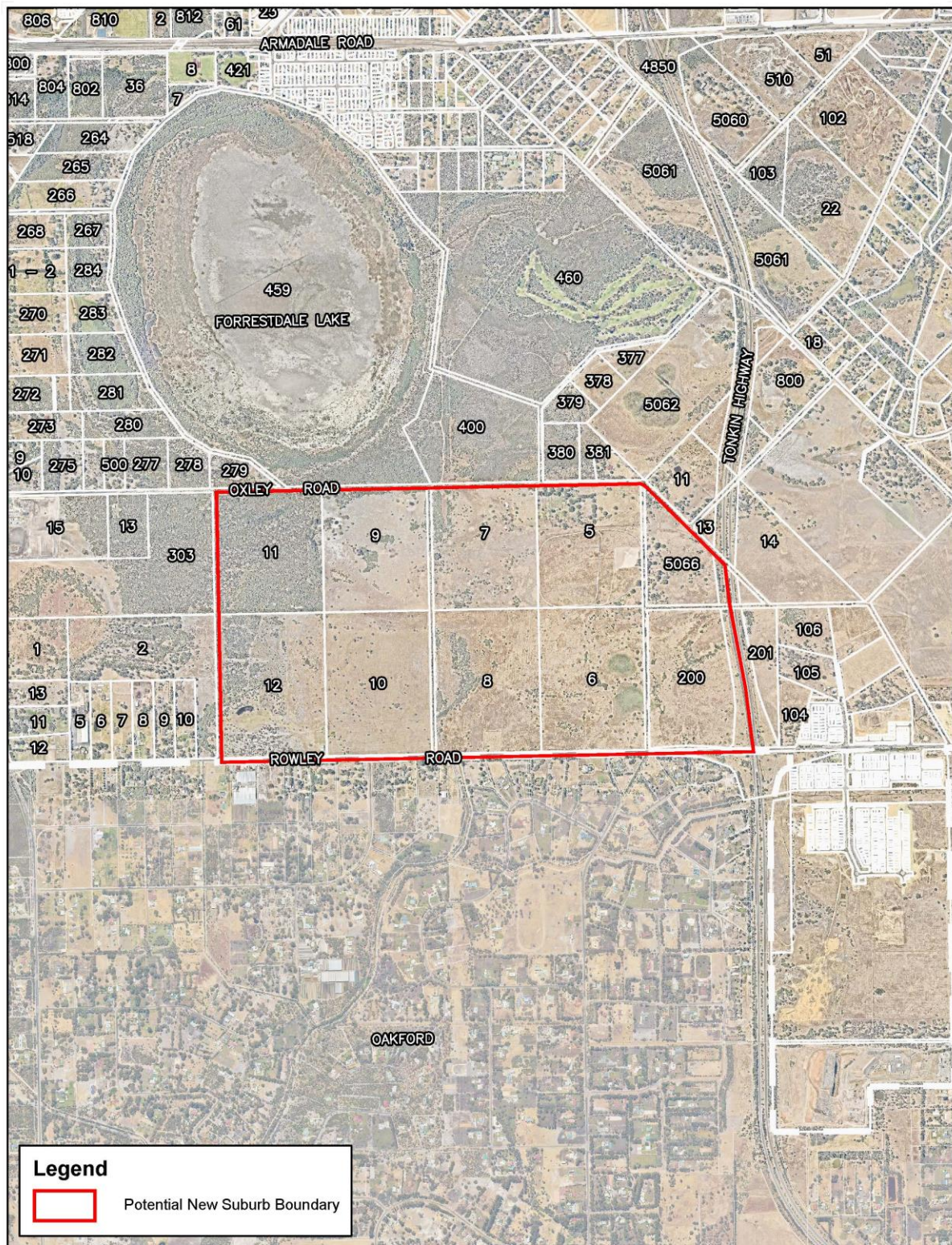
Nil

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
Rowley Road Industrial Area

300 0 300 600m



SCALE 1 : 30000

DATE 31 January 2023 - REVISION 2301
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Based on information provided by and with the permission of the
Western Australian Land Information Authority trading as Landgate (2012)
Aerial photography supplied by Landgate. Photograph by GeoEye

Strategic Implications

- 3.2.1 Prioritise the creation and promotion of a positive image and identity for the City in order to change the perception and narrative about Armadale and make it a location of choice for residents, businesses and visitors.
- 3.2.2 Capitalise on the City's position as the gateway to the metropolitan area.
- 3.2.3 Advocate for opportunities to bring key stakeholders to the City to appreciate the opportunities available and to enlist their support to bring about positive change in the

Legal Implications

Land Administration Act 1997

Council Policy/Local Law Implications

Council Policy – Naming of Roads, Parks, Places and Buildings.

Budget/Financial Implications

Advertising costs can be accommodated within the Planning Services budget.

Consultation

- 1. Landgate's Topographic, Names and Addressing (TNA; formerly Geographic Names Committee).
- 2. Affected Landowners
- 3. Community Heritage Advisory Group
- 4. History Advisory Group

BACKGROUND

This City has been investigating for some time a proposal to create a new suburb from a portion of the Forrestdale locality associated with the South Forrestdale Business Park and renaming of this area. A number of naming options have previously been considered.

The City engaged with landowners and selected community groups such as the Community Heritage Advisory Group (CHAG) and Aboriginal Elders at the City's Champion Centre to consider the current list of names and if there were any other possible suggestions. Additional names such as 'Kwenda' and 'Beera' have been suggested.

During public consultation' in 2020 from 29th January 2020 to 20th March 2020, 12 submissions were received with support for the names 'Oxley', 'Lockard', 'Moodjar', 'Kwenda' and 'Quenda'.

The City met with Landgate in 2020 and the names 'Oxley', 'Lockard' 'Mooddjar' and 'Kwenda' do not satisfy the Geographic Names Committee criteria.

At its meeting on 14th April 2020, Council resolved to recommit the above item to create a new suburb and suburb name for the future Industrial area located at the corner of Rowley Road and Tonkin Highway, Forrestdale.

In November 2020 additional suggestions including identifying names of World War Two veterans were circulated via Councillor memo and in October 2021, Council considered an additional list of names including ‘Pratt’ ‘Salmeri’ ‘Kargotich’ ‘De Bont’ and ‘Quenda’. Council at that meeting resolved to:

“1. Support the proposal to consider a new locality in the area bounded by Tonkin Highway, Rowley, Oxley and unnamed Roads and Regional Reserve as proposed in the attachment to this report, and support the names of ‘Doobarda’; and ‘Salmeri’ as possible options to name the new locality, and proceed with public consultation including:

- Letters be sent to all landowners within the proposed new locality, and Community Members of CHAG and History Reference Group seeking comment on the proposed new locality and its boundary and canvassing the suggested names.***
- Advertisements be placed in the local newspaper seeking wider public support.”***

DETAILS OF PROPOSAL

Support for the use of the name Doobarda has now been obtained from our local Aboriginal Elders. The names ‘Doobarda’ and ‘Salmeri’ have been advertised to community for consultation over an extended period due to the Christmas period from 15th December 2022 to 31st January 2023.

This naming proposal was undertaken to prepare for the future development of an industrial area. It is hoped that this renaming would establish an identity, separate to the existing Rural and Industrial areas of Forrestdale. It is anticipated that this will make the area distinguishable from the larger Rural Forrestdale locality and avoid any confusion with the Forrestdale Business Parks East and West. The area is proposed to become a new industrial area and become a Strategic Employment Area. It is proposed to rename the new locality either ‘Doobarda’ or ‘Salmeri’.

“Doobarda” - is an Aboriginal name for the Banksia Flower, which is commonly found in the Armadale area.

“Salmeri” - Steve Salmeri was extensively involved in the promotion of Forrestdale and the Forrestdale Lake. Mr Salmeri was one of the main organisers of the Progress Association and local sports clubs for many years.

Renaming this portion of Forrestdale provides a physical identity to the area.

During public consultation twelve (12) submissions were received:

- Five (6) supporting for the name Doobarda; and
- Five (5) supporting Salmeri.

One (1) additional comment was received indicating an objection against the area being developed into industrial area due to protecting the fragile nature of the adjacent surrounding Forrestdale Lake and wildlife from an industrial area.

The amendments to the Metropolitan Region Scheme (MRS) and the City’s Town Planning Scheme No.4 (TPS No.4) have been completed and the land has been rezoned. One lot within the proposed area is currently reserved for Parks and Recreation in the Metropolitan Region Scheme.

ANALYSIS

Suburb Naming Process

To rename a portion of an existing suburb, the City would be guided by Landgate's Policies and Standards for Geographical Naming in WA. Local governments and other authorities are to ensure that all naming submissions conform to the policies outlined in Section 1 'General Policies and Standards'.

The renaming of a suburb or portion of is guided by Section 4 'Localities', which states that *"for the purposes of these policies, a locality is a uniquely and clearly defined administrative area which may also be commonly referred to as a 'suburb' in an urban area."* This section outlines how localities can be named, renamed or have their boundaries determined or realigned. Section 4.4 'Naming and boundary amendments' provides an outline to how to amend a locality boundary, including:

- The amendment supports the requirements of the WA Police, emergency service responders and Australia Post;
- The amendment alleviates difficulties by the community and businesses in gaining access to and from the area;
- The benefits of the proposal to the community as a whole;
- The size of the area and the proposed boundaries; and
- The amendment facilitates correct street addressing requirements as included in Australian Standards AS/NZS 4819:2011.

Section 4.9 'Review of Localities' states that the *"boundaries for localities in areas that are subject to urban development and residential infill shall be reviewed regularly and amended where appropriate"*.

Appendix 1A of the Policy advises of the name submission process used for all submissions. The general process steps are as follows:

- Check information;
- Apply the policies;
- Consult with Aboriginal communities if the proposed new name is derived from an Aboriginal language;
- Consult with emergency service response and other stakeholders. Such consultation should be undertaken prior to public consultation to ensure that unsuitable proposals are not unnecessarily provided to the public;
- Consult with the public, including community, residents, ratepayers and businesses;
- Council consideration - The local government's decision to accept or reject a proposal needs to be formally recorded. This also applies when the decision is made under delegated authority;
- Lodgment of submission to Landgate seeking approval of the submission;
- Review of submission by Landgate's Topographic, Names and Addressing (TNA; formerly Geographic Names Committee);
- Landgate recommendation to Minister for Lands; and
- Minister for Lands decision.

OPTIONS

Council could consider the following options:

1. Support the proposed new suburb boundary and support the new suburb names of:
“Doobarda” - is an Aboriginal name for the Banksia Flower, which is commonly found in the Armadale area.
2. Support the proposed new suburb boundary and support the new suburb names of:
“Salmeri” - Steve Salmeri was extensively involved in the promotion of Forrestdale and the Forrestdale Lake. Mr Salmeri was one of the main organisers of the Progress Association and local sports clubs for many years.
3. Elect not to propose a new suburb boundary and name maintaining the status quo.

CONCLUSION

With the progress of the MRS amendment to establish the full extent of the future South Forrestdale / Rowley Road Industrial Area, progression of the Stage 1 Structure Plan for the Industrial estate, subdivision approvals being issued by the Western Australian Planning Commission and development applications progressing, it is timely for the City to support the establishment of a new suburb and suburb name that would support the future industrial business park and reduce the overall size of the suburb of Forrestdale. It is important that the name of the new suburb is progressed, prior to new businesses opening in the area and needing to change their business details.

Advice from Landgate and suggestions from the community confirm that the suburb names as mentioned above could be considered as suitable for the new suburb and are likely to meet the suburb naming guidelines as stipulated by Landgate’s Policies and Standards for Geographical Naming in WA. Accordingly, it is recommended that Council support the name “Doobarda” for the new suburb.

ATTACHMENTS

1. Land Use Plan - Rowley Road Industrial Area
2. Schedule of Submissions - Rowley Road Industrial Area
3. Confidential Submitter Names and Address List - Rowley Road Industrial Area - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*

RECOMMEND

D1/2/23

That Council:

1. **Request the Minister for Lands via Landgate to approve the creation of a new locality in the area bounded by Tonkin Highway, Rowley, Oxley and Unnamed Roads and Parks and Recreation Reserves as proposed in the attachments, and support the name of: “Doobarda”, which is an Aboriginal name for the Banksia Flower, which is commonly found in the Armadale area.**
2. **Advise submitters and landowners of the Minister’s decision.**

**Moved Cr G Nixon
MOTION CARRIED**

(7/0)

1.1 - PROPOSED AMENDMENT - LOCAL PLANNING POLICY PLN 4.1 - THE DESIGN OF INDUSTRIAL ESTATES

WARD : ALL
FILE No. : M/198/22
DATE : 16 February 2023
REF : JC
RESPONSIBLE MANAGER : EDDS

In Brief:

- An amendment is proposed to the road layout referenced in Local Planning Policy PLN 4.1 – The Design of Industrial Estates, in order to maintain consistency with recent road closure and subdivision applications in Forrestdale Business Park East.
- Recommend that Council make a minor amendment to Local Planning Policy PLN 4.1.

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

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

2.5.4 Proactively plan for normalisation of DevelopmentWA areas back to the planning jurisdiction of the City.

Legal Implications

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Town Planning Scheme No.4 (TPS No.4)

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

Nil.

Consultation

Nil.

BACKGROUND

Forrestdale Business Park East (FBPE) is approximately 188 hectares of land bound by Tonkin Highway, Ranford Road and Armadale Road. It is approximately 80% subdivided into industrial lots, many of which have been built on and occupied.

Normalisation & Local Planning Policy PLN 4.1 – The Design of Industrial Estates

Normalisation of FBPE from DevelopmentWA to the City's planning control occurred on 6 May 2022. The City proactively prepared for normalisation by undertaking a number of amendments to TPS No.4 and an amendment to Local Planning Policy PLN 4.1 - The Design of Industrial Sites and Estates (PLN 4.1) to incorporate certain design requirements for FBPE from DWA's Design Guidelines and requiring future subdivision to conform to the expired DWA Structure Plan (see attachment).

Road Closure Application

In November 2021, DevelopmentWA received an application to close Babbage Street. Babbage Street road reserve is only partially dedicated (i.e. only half of the total road width is currently dedicated) in accordance with the alignment shown on the expired Structure Plan, however the road has not been constructed. Babbage Street was planned to run north-south from Remisko Drive to intersect another road at its southern end, which would run east-west between Alex Wood Drive and Brigade Road.

Subdivision Application

In November 2021, the same applicant lodged a subdivision application with the Western Australian Planning Commission (WAPC) for Lot 9045 Remisko Drive & Lot 9550 Alex Wood Drive, which proposed to extend Bessemer Road to the west. The subdivision did not conform with the expired Structure Plan or PLN 4.1, and did not include dedication/construction of the remaining half of Babbage Street.

Outcome of Road Closure and Subdivision Applications

The City's initial recommendation was that the two applications should be refused/deferred because the two applications were inconsistent with the established planning framework and the City held concerns that the road layout would not function effectively.

Subsequent discussions and further planning and traffic analysis provided by the applicant proposed an alternative road layout and demonstrated that the layout would function effectively. This culminated in the preparation of an Ultimate Staged Road Layout plan (see attached) that demonstrated that a permeable, efficient road network could be achieved. The City subsequently revised its advice to support the road closure and recommend approval of the subdivision subject to conditions.

As the subdivision application has now been approved and reflects a road layout consistent with the Ultimate Staged Road Layout plan, and a decision on the road closure application is imminent, the City considers the PLN 4.1 should be updated to reflect the agreed Ultimate Staged Road Layout plan.

DETAILS OF PROPOSAL

In order to maintain the currency of PLN 4.1, it is proposed that Council amend the plan contained within PLN 4.1 to:

- Reflect the road layout shown in the Ultimate Staged Road Layout plan;
- Update the plan to reflect recently constructed road layouts; and
- To title this currently untitled plan Figure 2 for ease of reference.

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

COMMENT

Given the abovementioned context, the revision of the plan within PLN 4.1 would be considered a minor amendment that would not require advertising, according to the *Planning and Development (Local Planning Schemes) Regulations 2015*. Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, a resolution of Council is required under Clause 4, Part 2 of Schedule 2 of the Regulations to amend Local Planning Policy PLN 4.1.

OPTIONS

Council has the following options:

1. Resolve to amend Local Planning Policy PLN 4.1.
2. Resolve not to amend Local Planning Policy PLN 4.1.

CONCLUSION

This policy will guide subdivision and development within FBPE and needs to be kept up to date. The modification of the road pattern by virtue of the road closure and subdivision applications should therefore be reflected within Local Planning Policy PLN 4.1 as soon as possible to maintain consistency with recent approvals and guide future proposals.

In this regard, Option 1 is recommended.

ATTACHMENTS

1. Current Local Planning Policy 4.1 - The Design of Industrial Development Estates
2. Proposed Local Planning Policy 4.1 - The Design of Industrial Development Estates
3. Ultimate Staged Road Layout Plan - Lots 902, 9006, 9045 & 9550 Remisko Drive & Alex Wood Drive, Forrestdale
4. Figure 2 - Forrestdale Business Park East

RECOMMEND

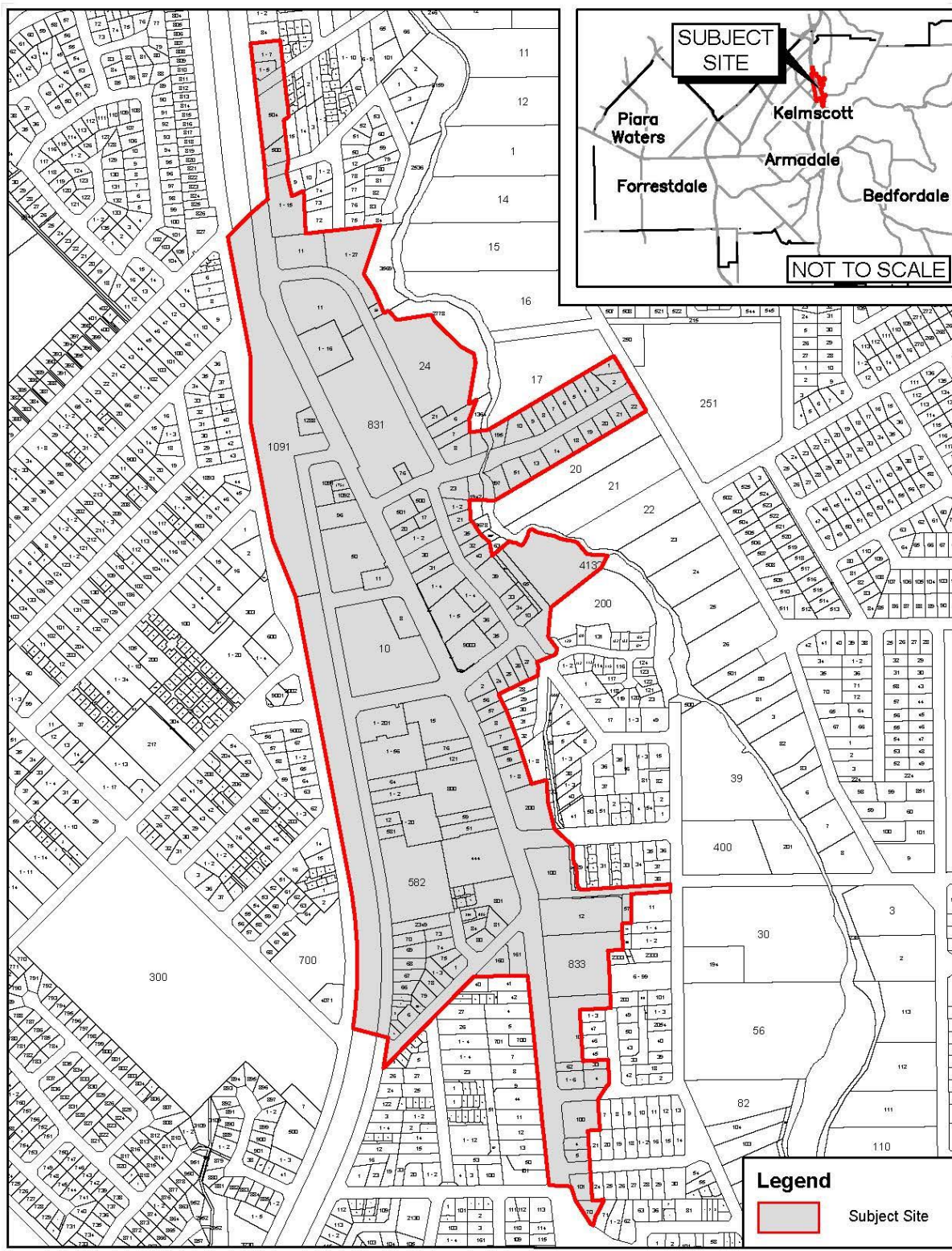
D2/2/23

That Council:

- 1. Amend Local Planning Policy PLN 4.1 as shown in the Attachment, as a minor amendment without advertising, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 2. Publish a notice in a newspaper circulating in the district stating that the modifications to Local Planning Policy PLN 4.1 - The Design of Industrial Estates has been adopted.**

**Moved Cr G Nixon
MOTION CARRIED**

(7/0)



***1.2 - RECOMMENDATION TO WAPC - KELMSCOTT DISTRICT CENTRE
PRECINCT STRUCTURE PLAN***

WARD : RIVER
FILE No. : M/688/22
DATE : 16 February 2023
REF : AV
RESPONSIBLE : EDDS
MANAGER
APPLICANT : City of Armadale
LANDOWNER : Various
SUBJECT : Various -
LAND Kelmscott District
Centre
ZONING
MRS / : Various
TPS No.4 : Various

In Brief:

- At its 27/06/2022 meeting, Council endorsed the proposed Kelmscott District Centre Precinct Structure Plan for the purposes of public consultation, subject to the finalisation of draft documentation.
- The Precinct Structure Plan provides a plan for future subdivision and (re)development coordination in the Kelmscott District Centre. Precinct Structure Plans form part of the City's Local Planning Framework.
- The preparation of this Precinct Structure Plan is an important action of the City's Corporate Business Plan and Local Planning Strategy, and will facilitate high quality built form and enhanced public realm outcomes for the Kelmscott Town Centre over time.
- The proposed Precinct Structure Plan was advertised for a period of 42 days from 08/08/2022 to 19/09/2022 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Submissions were received from 33 agencies and landowners additional to the previous engagement activities (through surveys and workshops) prior to Precinct Structure Plan preparation.
- Recommend that Council resolve to forward the Precinct Structure Plan to the Western Australian Planning Commission, recommending final approval subject to modifications.

Tabled Items

Nil.

Decision Type

☐ **Legislative**

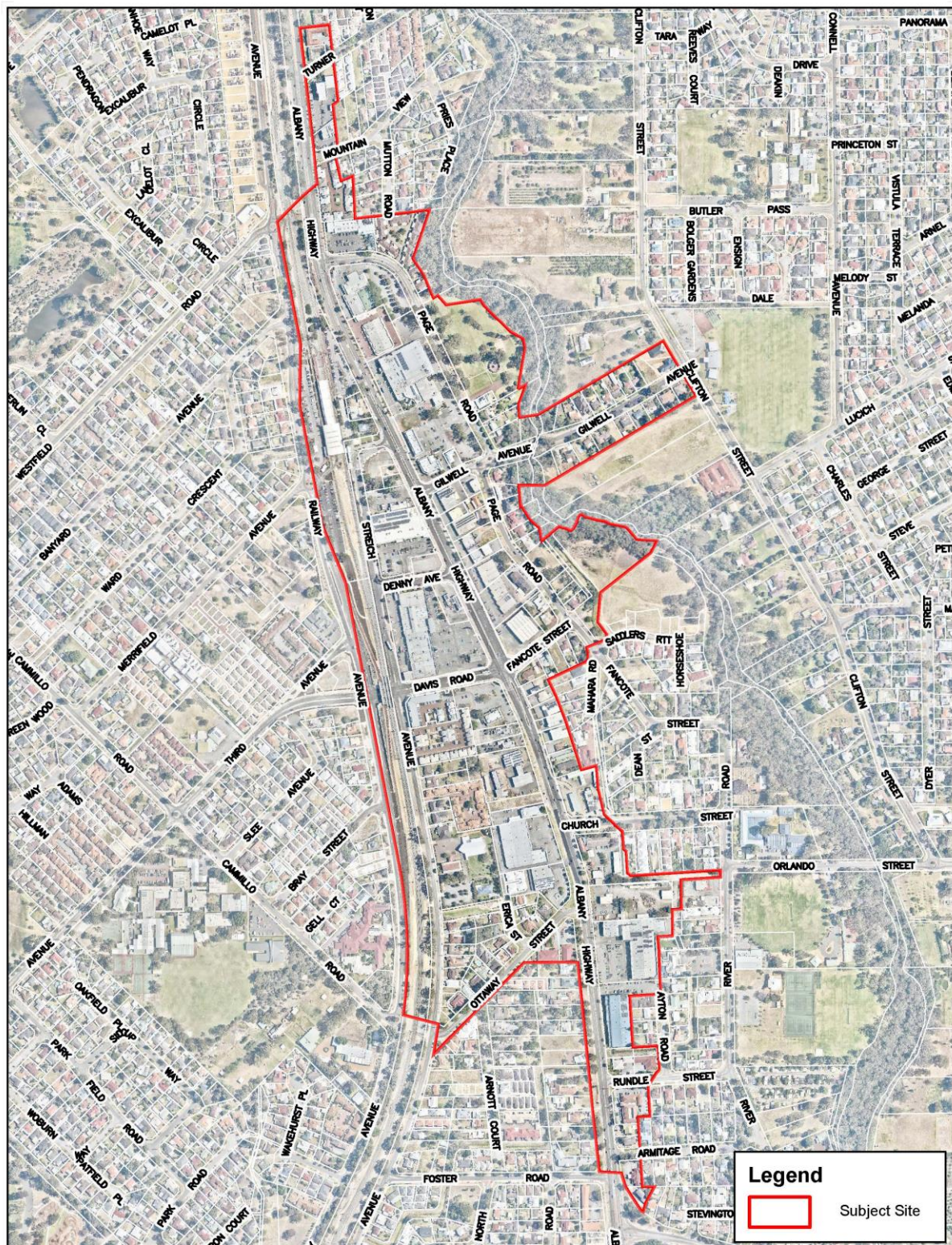
The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

☐ **Executive**

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

☒ **Quasi-judicial**

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



AERIAL PLAN

Kelmscott District Centre Precinct Structure Plan



SCALE 1 : 10000

DATE 25 January 2023 - REVISION 2301
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Based on information provided by and with the permission of the
Western Australian Land Information Authority trading as Landgate (2012)
Aerial photography supplied by Landgate. Photoimage by GeoEye

Officer Interest Declaration

Nil.

Strategic Implications

- 3.1.1 Facilitate vibrant and prosperous activity centres throughout the City.
- 3.1.1.2 Prepare a District Centre Activity Centre Structure Plan for Kelmscott.
- 4.4.1 Strive to achieve best practice community engagement.
- 4.4.1.3 Seek to implement innovative methods of community engagement, coordinate engagement to reduce the impact on residents of over-consultation and ensure that engagement is timely and meaningful.

Legal Implications

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Metropolitan Redevelopment Authority Act 2011

Council Policy/Local Law Implications

Town Planning Scheme No.4

Local Heritage Survey

Local Planning Strategy 2016

Strategic Community Plan 2020-2030

Corporate Business Plan 2022/23-2025/26

Armadale Activity and Retail (Commercial) Centres Strategy 2020

Local Planning Policies

State Government Policy Implications

Metropolitan Region Scheme

Perth and Peel@3.5Million

South Metropolitan Perth and Peel Subregional Structure Plan

State Planning Policy 4.2 Activity Centres (2020 Draft)

State Planning Policy 7.2 Precinct Design

Armadale Redevelopment Scheme No.2

Budget/Financial Implications

Council endorsed Tender 11 of 2020 to engage Taylor Burrell Barnett and a sub-consultant team to prepare the Precinct Structure Plan documents. Contract invoicing milestones are considered in the City's annual budget process.

The draft Precinct Structure Plan applies to a small number of reserves and lots managed by or vested in the City. Precinct Structure Plan outcomes may have land use, management and asset disposal/retention implications for these reserves/lots.

Council may, in future, consider additional investment in the public realm (local road reserves or public open spaces) to support Precinct Structure Plan implementation. The preparation of a public realm strategy is a project being considered for funding and inclusion in the City's Long Term Financial Plan.

Development and redevelopment of land/built form under the future approved Precinct Structure Plan will predominantly occur through private landowner investment and development decisions over the life of the Structure Plan.

Consultation

The City consulted with a variety of stakeholders as part of preliminary consultation (that is, prior to commencement of formal planning consultation under the *Planning and Development (Local Planning Schemes) Regulations 2015*). This report discusses the outcome of the statutory consultation period which sought further stakeholder input from landowners, business operators and community members on Precinct Structure Plan outcomes illustrated in the proposed (draft) document.

The period between March 2021 and June 2022 involved preparing for, conducting, analysing and applying stakeholder consultation activities/outcomes. Stakeholder consultation involved project notification letters and a project website, online surveys, six Councillor workshops, two landowner and business operator workshops, working groups, individual meetings with major landowners and individual meetings with State Government agencies.

Project consultation and engagement activities were informed by Council's endorsed Engagement Strategy (February 2020; D15/2/20).

Refer to Explanatory Text Attachment – Preliminary (Phase 1) Consultation Information attached to this report.

BACKGROUND

A Precinct Structure Plan is defined in the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)* as “a plan for the coordination of future subdivision, zoning and development of an area of land”. Precinct Structure Plans form part of the City's local planning framework under the higher order Town Planning Scheme No.4 (TPS No.4) and are approved by the State Government's Western Australian Planning Commission (WAPC).

In 2020 Council endorsed the engagement of Taylor Burrell Barnett and a sub-consultant team to prepare the Precinct Structure Plan documents. Preparation commenced in March 2021 following project scope and contract negotiations that also gave appropriate recognition to the work completed by the State Government through the Denny Avenue Level Crossing Removal Project (Denny Avenue LXR Project).

Following approval by the WAPC, the Precinct Structure Plan for the Kelmscott District Centre will guide future growth opportunities (through the assessment of landowner subdivision and development proposals) and staged public realm improvements. The Plan will also improve the pedestrian and human-scale experience of Kelmscott and enhance its 'sense of place' for residents, business owners and visitors. This is especially desirable due to the strong influence of regional transport network infrastructure on the Centre's ambience and operation.

Further relevant information on the Kelmscott District Centre, Denny Avenue LXR Project Level Crossing Removal Project and supporting City strategies and urban planning context is outlined in the June 2022 Report to Council.

DETAILS OF PROPOSAL

This report considers the submissions received during the Precinct Structure Plan's statutory advertising period pursuant to the *Regulations*.

As reported to Council in June 2022, the features of the Concept Structure Plan and draft Precinct Structure Plan maps are as follows:

- Land Use: The draft Precinct Structure Plan map proposes the following land use areas:
 - Mixed Use Residential focus east of Page Road, Streich Avenue (south of Davis Road), the southern entry along Albany Highway and the Albany Highway/Page Road intersection.
 - Mixed Use Retail Core focus on both sides of Albany Highway generally between Page Road and Fancote Street/Davis Road.
 - Commercial focus to accommodate large format retail and small showrooms along Albany Highway south of Fancote Street/Davis Road.
 - Residential focus areas located on the southern (Ottoway Street) and eastern (Gilwell Avenue) extents.

Mixed land use may comprise residential, commercial, office, retail, food and beverage and entertainment uses that contribute to the vibrancy and activation of the centre. Guidance is provided on ground floor land uses to provide specific activation for particular locations and land use areas.

- Built Form: The following key built form provisions are intended for the Kelmscott District Centre:
 - The core centre area includes maximum heights to six stories, with a limited core area bounded by Albany Highway, Davis Road and Streich Avenue granted potential for nine storey developments subject to specified design criteria and quality outcomes.
 - The scale and form of buildings and outcomes for the pedestrian environment are given consideration, including street front building edges being limited to two to four storey developments and with any allowable additional higher storeys to be setback from these 'podium' levels.
 - Setback plans guide minimum distances between podium (including ground) levels to the street boundary, with upper levels setback from the podium edge.
 - Prudent use of minimum building heights for key landmark sites only, at two to four storey developments.
 - Maximum building heights of two to three storey developments for residential areas are consistent with existing provisions under the WAPC's Residential Design Codes and Apartment Design Codes.
- Public Realm: Identification and, where possible, enhancement of urban spaces (e.g. Station Plaza) and green spaces (Fancote Park and MRS Parks and Recreation Public Open Space north of Saddlers Retreat). Denny Avenue is identified as a pedestrian shared space street and enhanced landscape character for Albany Highway to be achieved within private lots (either via building setbacks or within parking areas).

- Transport and movement: Recognition of road network modifications constructed through the Denny Avenue LXR Project for the draft Precinct Structure Plan's planning horizon. Peak hour trip generation for the potential yield scenario increases by 918 and 940 trips to 2041, which is to be expected in a more intensive urban town centre environment. Enhanced pedestrian environment and local pedestrian/cycling path networks are also recognised. Precinct Structure Plan development will leverage and support existing public transport (rail) connections.
- Heritage: Identification and recognition of heritage places in accordance with the City's Local Heritage Survey and the Station Master's House.

The draft Precinct Structure Plan includes the following documents:

- Structure Plan Maps;
- Structure Plan Part 1 Implementation Section;
- Structure Plan Part 2 Explanatory Section;
- Local Water Management Strategy;
- Movement, Transport and Parking Strategy;
- Bushfire Management Plan;
- Acoustic and Vibration Strategy;
- Retail and Employment Strategy; and
- Servicing Strategy.

The June 2022 Council Report can be referred to for further discussion and explanation of the purpose of each document.

Refer to Advertised Kelmscott District Centre Precinct Structure Plan – Part 1 Implementation Section attached to this report.

COMMENT

The Precinct Structure Plan was advertised for 42 days from Monday 8 August 2022 until Monday 19 September 2022 with all documents made available on the City's website. Advertising was carried out by letters to approximately 1,700 affected and nearby landowners and/or residents, direct notifications to government/service agencies, advertisements in The Examiner and The West Australian newspapers, and a website notice.

The City's consultation period was also promoted through the City's 'ITK' (In The Know) email newsletter (distributed to over 12,400 subscribers), advertising on the City's Facebook social media channel and supported by broadcast emails to the City's list of collated project contacts.

Summary of Submissions	No.
Total No. of submissions received:	33
No. of landowner/developer submissions of conditional support/no objection/comments only:	19
No. of landowner/developer submissions of objection:	0
No. of agency submissions of conditional support/no objection/comments only:	14
No. of agency submissions of objection:	0

Overall, these results are very encouraging and positive for the centre's future prospects.

Refer to Schedule of Submissions, Confidential Submitter Plan and Confidential Submitter Names and Address List attached to this report.

Four key issues raised in submissions are discussed below:

Issue 1 – Extension of the identified Precinct Structure Plan boundary, in particular:

- *‘Eastern Area – Saddlers Retreat’: Incorporate Residential-zoned lots north of Saddlers Retreat, currently approved for development as an aged care facility;*
- *‘Eastern Area – Clifton Street’: Incorporate Urban Development-zoned lots along Clifton Street; and,*
- *‘Southern Area’: Incorporate Residential-zoned lots on the western side of Albany Highway between Ottaway Street in the north and Fancote Street, in the south.*

Submissions on this issue were received from some of the existing landowners of lots abutting the identified Precinct Structure Plan boundary. The submissions proposed amendments to the Precinct Structure Plan boundary as described below, followed by a summary of justification:

Eastern Area – Saddlers Retreat:

- Including the site in the Precinct Structure Plan with an R-AC4 density code allows increased height and development potential for an aged care development.
- The eastern extension accords with the objectives of the ‘River Edge’ precinct outlined in the Precinct Structure Plan.
- The extension, and proposed R-AC4 density will increase employment generation for the precinct and improve commercial viability.
- The development will activate the surrounding Parks and Recreation Reservation.
- Mixed Use – Residential zoning best reflects the approved Aged Care Facility for the site.

Eastern Area – Clifton Street:

- Include land east of the Canning River to increase population and encourage business and investment.

Southern Area:

- Including these lots provides a high quality commercial gateway consistent with land use on the opposite side of Albany Highway. The ‘Southern Extension’ area has a different identity to other residential areas; inclusion will improve legibility and consistent development outcomes.
- Densities were not used to define the Precinct Plan boundary, given that existing zonings can accommodate density targets.
- Land further from the identified centre points than the ‘Southern Extension’ area is included in the Precinct Plan. The land is closer to Kelmscott and Challis stations than other land in the Precinct Plan.
- The Precinct Structure Plan includes area that was subject to Amendment 89 (Note: now gazetted in TPS No.4), negating the City’s justification that surrounding scheme amendments provide a logical limit to the Precinct Plan.
- Other non-residential uses are already operating in the ‘Southern Extension’ area.
- Commercial land uses were supported for Albany Highway-fronting lots during consultation. Such uses provide opportunity for coordinated access strategies by establishing requirements for easements.

Refer to Submitter Boundary Extension Proposals Plan attached to this report.

Comment

Identifying an appropriate boundary for Precinct Structure Plan preparation is an important component of the Precinct Structure Plan process and a key consideration of State Planning Policy 7.2 Precinct Design. As reported in June 2022, the boundary was to be identified with consideration to the site/context analysis (including opportunities and constraints) and addressing a range of factors such as target dwelling yields, walkable catchments, zoning or other boundaries in statutory planning instruments (i.e. TPS No.4), land ownership, built form characteristics, transitions to surrounding areas, physical features and transport networks and infrastructure/services. The City's lead consultant and the City's Officers have considered the following aspects in establishing the current precinct boundary:

- Previous TPS No.4 Amendment No.89 and Amendment No.100 which reviewed and increased housing density in proximity to the Kelmscott District Centre and train station (both Amendments implemented major Local Planning Strategy recommendations);
- The current extent of the existing District Centre zone in Kelmscott;
- Existing Urban Development zoning east of the Canning River, including the previously-approved Structure Plan for the area south of lots fronting Gilwell Street;
- The need to transition to the River Road Heritage Area (as defined by Local Planning Policy PLN 3.9);
- The achievement of desired increases in residential dwelling numbers (yields); and,
- The 400m walkable catchment applied to District Centres through SPP4.2.

The above key considerations were applied holistically during Precinct Structure Plan preparation, which resulted in a boundary that largely matches the existing TPS No.4 District Centre Zone. Where appropriate, residential land was also included where land use change would be providing an appropriate 'rounding off' for the final centre boundaries. In that regard, any further expansions should be approached with caution.

The southern extension of the precinct would propose an increase to the amount of commercial or mixed use floorspace in the Kelmscott District Centre and would further risk entrenching the Centre's elongated linear footprint, rather than concentrating development intensity, mixed use development outcomes and activities within the Centre core. There is also concern that facilitating land use change in this extended area would introduce further impacts on adjoining residential areas, noting that the existing approved non-residential developments in this southern extension area are limited and were previously determined to have met the objectives of the TPS No.4 Residential zone. Further commercial activities would put this at risk.

In like manner, the context to the south of the eastern extension (Saddlers Retreat) is residential in character and amenity; it is characterised by single storey single dwelling development that transitions to the River Road Heritage Area and Canning River environs. Rather than increase development intensity, the identified expansion area should provide a suitable transition between the building bulk/scale of the District Centre with the residential area on the southern side of Saddlers Retreat and the Canning River environs to the east. It is important that development in the 'River Edge' precinct be of a scale that presents well to those using the riverfront public spaces (refer to Part 1 Objective 2.3.3 c)). Existing development approvals have been granted for an aged care development on the subject site

that was determined by the JDAP to satisfy the objectives of the Residential zone and the development standards in Town Planning Scheme No.4.

Expansion to include the eastern extension (Clifton Street) is not supported as lots are already zoned Urban Development for residential land use (as opposed to a centre zoning), and one Structure Plan is already approved by the WAPC for a significant part of the Urban Development zone.

For completeness, it should also be noted that any expansion of the Precinct Structure Plan boundary would likely require re-advertising of the Precinct Structure Plan. In addition, landowners can seek alternative zoning and development outcomes for their landholding(s) via Amendments to TPS No.4.

Recommendation:

It is recommended that the submissions seeking alternate Precinct Structure Plan boundaries not be supported.

Issue 2 – Additional Precinct Structure Plan provisions to address high pressure gas pipeline standards.

ATCO's submission on the proposed Precinct Structure Plan noted its ownership and operation of three (connected) high pressure gas pipelines within Gilwell Avenue, Page Road, Davis Road and Railway Avenue in the Precinct Structure Plan area. ATCO also noted that the proposed Precinct Structure Plan falls within the scope of the WAPC Draft Development Control 4.3 Planning for High Pressure Gas Pipelines as the high pressure gas pipelines operate at/above 1,900 kPa.

ATCO's submission includes the following comments:

- Any sensitive land use or high density community use developments (Note: these are defined by Australian Standards and are not transparently identified in planning policy) within the policy trigger distance (in Kelmscott a corridor approximately 200m wide) would require the developer, in consultation with ATCO as the pipeline operator, to prepare a Pipeline Risk Management Plan for all the development design phases (preliminary through to final), to assess and control the risk and ensuring that:
 - People and any other development in the vicinity of a high-pressure gas pipeline are not subject to an unacceptable risk from that infrastructure; and
 - People and any other development in the vicinity of a high-pressure gas pipeline do not pose an unacceptable risk to the integrity of that infrastructure;
- Where development is not a sensitive land use or a high density community use, ATCO Technical Compliance Team requests a 6 metre setback to standard building line; and
- ATCO identifies that the proposed future development may require additional safety measures to be considered, identified and put in place for risk mitigation to the high pressure gas pipeline.

Comment

The reticulated gas distribution network and high pressure gas pipelines in the Kelmscott area have been operational for many years. From information available to the City, it has been identified that the network was constructed sometime between the preparations of the 1955 Stephenson and Hepburn Report and the 1978 'Planning Structure for the South-East Corridor' Report. ATCO has not advised of the intended lifespan of its ageing infrastructure, likely upgrade/replacement timeframes, nor the appropriate standards it would apply for Town Centre locations which, by definition, would include sensitive uses.

The draft Development Control Policy 4.3 (draft DC Policy) referenced in the ATCO submission has remained in draft form since late 2016 (advertising concluded in February 2017), however the City understands that DPLH are currently in the process of finalising the policy for release in an amended form. The draft DC Policy includes definitions of development considered to be sensitive, but the definition is broad and is adapted from a single Australian Standard (whereas multiple Australian Standards apply to high pressure gas pipelines).

While risk management is an important consideration, ATCO has not included information or comments on the nexus between the proposed Precinct Structure Plan and its mitigation measures for future development. In this instance the Precinct Structure Plan does not propose significant land use change (such as, for example, rural to urban development) and maintains existing town centre land use typologies. ATCO's submission does not recognise this, nor does it recognise that there may be approved operating land uses that satisfy the 'sensitive' development definition. In this regard it is also possible that permitted 'P' land uses under TPS No.4 do not require the development approval of the City or trigger development approval requirements while still being considered 'sensitive' by ATCO.

ATCO's submission is also considered to be unclear regarding required risk management and mitigation, the resulting setback requested by ATCO, and the technical/planning justifications that would be necessary to impose these requirements as planning interventions. It is not considered to be orderly planning to impose servicing setback requirements without justification and it is considered infrastructure should be subservient to town centre locations rather than town centre vitality and redevelopment being constrained by ageing infrastructure that requires upgrading by operators.

Should these development restrictions be proposed on the basis of Australian Standards, the City remains concerned that such standards would require a specialised level of engineering expertise to interpret which by definition are not readily accessible to the general public and can require considerable cost to obtain. Furthermore, a 6m setback has the potential to impact a town centre environment where nil setbacks improve street front activation and where the feasibility of commercial floorspace and residential dwelling yields are considerations of primary importance for redevelopment and investment.

Finally, it is observed that service providers should and do conduct their own risk mitigation measures and schedule appropriate asset renewals to accommodate urban development and provide services to the growing metropolitan region. If this does not occur, service providers are likely to substantially constrain or even sterilise developable land in town centres such as the Kelmscott District Centre and impinge on the City's and the State Government's objectives. In this regard, draft DC Policy 4.3 Policy Measure 6.2.2 states that opportunities

should be taken to avoid unnecessarily sterilisation of land by setting excessive setbacks without first fully considering other risk mitigation measures.

Recommendation:

That the submission not be supported noting the draft nature and age of the WAPC's draft DC Policy 4.3, and also noting that ATCO's submission is not considered sufficiently detailed to justify the Precinct Structure Plan modifications requested.

Issue 3 – Department of Fire and Emergency Services submission relating to bushfire management.

The submission received from the Department of Fire and Emergency Services (DFES) lists inputs where DFES questions classifications of vegetation, the bushfire hazard rating assigned to vegetation areas and the Bushfire Management Plan's management responses. These include:

- Application of 'low threat' vegetation classification to vacant landholdings north of Saddlers Retreat associated with an approved aged care facility;
- Use of firebreak notices to enforce asset protection zones or apply 'low threat' hazard status; and
- Possible future rezoning of lots on Page Road (adjacent to Canning River) to 'R-AC4' which intensifies land use on lots exposed to BAL-40/BAL-FZ.

Comment:

Vacant landholdings north of Saddlers Retreat associated with the approved aged care facility are currently well maintained, and the approach of the consultant, Emerge, in excluding Plot 10 (Page Road/Saddlers Retreat vicinity) is understood. The City also notes that the proponent of the aged care facility has development approvals in place and remains committed to construction in the short to medium term. Should ground conditions be substantially different in the vicinity of Plot 10 (Page Road/Saddlers Retreat vicinity) the Precinct Structure Plan map can be amended to identify surrounding lots where updated BAL assessments could be required at later subdivision and development stages.

DFES did not identify specific spatial areas of concern where Emerge utilised a Firebreak Notice to achieve the BAL ratings proposed, in addition to other BAL rating matters DFES raised. The City notes that BMP Section 4.2 Temporary/Manageable Hazards acknowledges that Firebreak Notices are merely one tool to reduce bushfire hazard, but this section of the BMP applies to areas of undeveloped residential land that have been classified for the purposes of the BMP; assessments for future development applications are another tool.

The City maintains that the Precinct Structure Plan land use zones for lots along Page Road (adjacent to the Canning River) are appropriate at this stage, noting that land is already zoned for Urban purposes under the Metropolitan Region Scheme, the provisions of State Planning Policy 3.7 Planning in Bushfire Prone Areas continue to apply at subsequent planning assessment stages and the Structure Plan has identified that development outcomes may be limited. The latter can be confirmed by a future Method 2 BAL Assessment if required.

Recommendation:

That the submission not be supported at this time.

Issue 4 – Main Roads Western Australia submission relating to future Albany Highway road planning and technical inputs to the Movement, Transport and Car Parking Strategy

Main Roads Western Australia (MRWA) lodged a submission indicating that it required modification of the Structure Plan report, a revised Movement, Transport and Car Parking Strategy to address its comments and a revised Bushfire Management Plan to accord with its comments. MRWA indicated it required these documents prior to providing a recommendation on the Precinct Structure Plan. MRWA comments are responded to in detail within the Schedule of Submissions, and therefore only the key matters are discussed in this report.

The following key matters are of particular interest:

- MRWA prefers that lots do not have direct access to the Primary Regional Road (Albany Highway) and rationalise access to consolidated access points via parallel service roads. MRWA does not support car parking along the Primary Regional Road Reservation. In addition to state and local planning policies guiding and limiting access, MRWA encourages implementation of a Vehicle Access Strategy.
- In relation to the Movement, Transport and Car Parking Strategy, MRWA cannot confirm how development will impact on the state road network as trip generation rates require justification, peak hour flows appear to be underestimated, modelling files require review by MRWA, further consideration of household car ownership reduction is necessary and further proposals (e.g. traffic treatments, speed limit changes) require MRWA approval.
- The MRWA submission states that this section of Albany Highway is close to its ultimate configuration; no additional lanes beyond the existing dual carriageway are proposed.

Comment:

The City's initial review of MRWA's submission identified that MRWA did not make any reference to the State Government's recently-completed Denny Avenue LXR Project which resulted in major road upgrades and modifications to Albany Highway (MRWA-controlled), as well as to Davis Road, Denny Avenue and other local connecting roads. These modifications have set the regional road network in place for the medium to long term horizon and the City has deliberately sought, through the Precinct Structure Planning process, to work consistently with the State Government's infrastructure outcomes.

The City's Movement, Transport and Parking Strategy was prepared by transport consultants Flyt, who were also engaged by the State Government to prepare traffic modelling in Kelmscott for many years prior to and during the Denny Avenue LXR Project. Flyt advises that its modelling was developed for a variety of State Government agencies involved in initial project planning, including the former Metropolitan Redevelopment Authority (now DevelopmentWA), MRWA and METRONET. Prior to Flyt's model being applied to the Kelmscott Precinct Structure Plan, the model was most recently used by METRONET for the

MRWA ‘Stage 1’ and ‘Stage 2’ traffic signal approval process (which included presentation of the model to MRWA network operations team and adjustments in response to MRWA feedback).

Flyt advises that Section 5 of the Movement, Transport and Parking Strategy already outlines in detail the approach taken to trip generation, background trip growth (based on MRWA’s strategic models) and extension of the model from 2031 (Denny Avenue LXR Project forecast horizon) to 2041 (Precinct Structure Plan forecast horizon).

The City acknowledges MRWA’s preferred intention to rationalise vehicle access, however the City does not consider that a vehicle access strategy is warranted in this instance. The Denny Avenue LXR Project has established and set road network modifications and crossovers, some lots are solely accessible from Albany Highway and/or have reciprocal rights of access easements in place. It is also noted that future development in accordance with Precinct Structure Plan outcomes could result in crossover closures and removal of parking areas fronting Albany Highway (particularly in the centre core) as redevelopment occurs. It is noted that MRWA has not indicated an intention to construct any separate parallel service roads within its reservation, has indicated that Albany Highway is close to its ultimate configuration and advised in earlier consultation that it has no intention to effect the closure of existing crossovers. The City therefore proposes a measured approach to vehicle access that will allow redevelopment while also achieving MRWA’s aims for its regional road network.

Comments provided by MRWA in relation to bushfire management are noted, however these are more appropriately dealt with by DFES, and comments relating to road and rail noise applicable to future planning stages are already addressed in the Precinct Structure Plan.

Recommendation:

That MRWA’s submission generally not be supported, with matters relating to subsequent planning stages noted.

ANALYSIS

Schedule of Modifications

Schedule 2 Part 4 Division 3 of the *Regulations* provides that the Local Government can submit to the WAPC a Schedule of Modifications it wishes to recommend in response to comments received during advertising and assessment of a Precinct Structure Plan prior to its approval by the WAPC. During and after the advertising period, the City undertook further reviews of the Precinct Structure Plan’s Part 1 Implementation Section and it recommends that further modifications be made in order to strengthen Council’s objectives for landscaping and interim development, improve clarity and cross referencing between different plans in Part 1, correct minor anomalies, correct typographical errors and improve consistency with TPS No.4 and the Deemed Provisions.

Refer to Schedule of Modifications attached to this report.

Planning Process

Schedule 2 Part 4 Division 3 of the *Regulations* outlines the process for Precinct Structure Plan preparation and approval. It provides for the Precinct Structure Plan to be advertised for a minimum 42 day period. Advertising must include notice on the City's website, however as discussed earlier in this report the City also writes to adjoining and affected landowners, writes to service agencies, publishes a notice in a local newspaper and considers additional communication methods in consultation with the City's Communications and Marketing Department.

The City must subsequently prepare a further report (i.e. this report) on the Precinct Structure Plan responding to submissions and providing the City's recommendation within 60 days of the close of advertising, however as in this instance the City is the creator and proponent of the Precinct Structure Plan and not simply an assessment authority, additional time to review submissions was justified. This report and the submissions are to be submitted to the WAPC (the determining authority) for assessment and approval.

The *Regulations* assign a 120 day period for the WAPC's assessment process, however in the City's experience the State Government assessment process for Precinct Structure Plans is considerably longer. It is further noted that WAPC determination and timeframes may also be impacted by the normalisation intentions of DevelopmentWA for its Kelmscott Redevelopment Area included in the Precinct Structure Plan boundary.

Future Project Tasks

The preparation of draft Precinct Structure Plan documents is the main component of the Kelmscott District Centre Precinct Structure Plan project to be prepared and finalised by the lead planning consultant. However, in order to support the final development outcomes in the Precinct Structure Plan, a future Amendment to TPS No.4 will be prepared to incorporate key development controls into the Scheme and to review any land use zone changes required to assist in implementation of the Precinct Structure Plan.

The lead planning consultant will also subsequently be preparing a 'recommendations report' (note: separate to this Precinct Structure Plan Recommendation Report to the WAPC). The recommendations report will capture consultation outcomes or other recommendations that are unable to be addressed by the planning framework. It is expected that preparation of the future scheme amendment and the recommendations report will be progressed after Council's consideration of Precinct Structure Plan submissions (i.e. this report). The City's Corporate Business Plan also lists a separate, but connected, action to prepare a Public Realm Strategy to supplement and support the public realm outcomes for the Kelmscott District Centre contained in the Precinct Structure Plan itself.

OPTIONS

The following options are available to Council:

1. Resolve to recommend that the WAPC approve the Precinct Structure Plan with modifications, for the reasons outlined in this report and its attachments, or by providing alternative modifications and reasons.
2. Resolve to recommend that the WAPC approve the Precinct Structure Plan without modification, providing reasons for its decisions.
3. Resolve to recommend that the WAPC not approve the Precinct Structure Plan, providing reasons for its decision.

CONCLUSION

The Kelmscott District Centre Precinct Structure Plan is an important planning document that will guide further subdivision and development in the Kelmscott District Centre consistent with the WAPC's and Council's strategic planning framework for District Centres. This strategic planning project will assist both the City and private landowners in achieving high quality built form and public realm outcomes, support ongoing regeneration and further the development and revitalisation of the Kelmscott District Centre.

Council's consideration of submissions in this report is a major project milestone, made possible by community inputs and substantial work by the City's consultant team and Planning Services Department over the preceding two years.

The Precinct Structure Plan has been prepared and advertised in accordance with the requirements of the *Regulations* and is considered suitable for the purposes of Council's recommendation to the WAPC. The City will continue to liaise with the WAPC and other agencies to progress the final assessment and approval of the Precinct Structure Plan.

It is recommended that Council endorse the Schedules of Submissions and Modifications, and recommend to the WAPC that it approve the Structure Plan subject to the Schedule of Structure Plan Modifications. In accordance with the above report and attachments, Option 1 is recommended.

ATTACHMENTS

1. TPS No.4 Zoning Plan - Kelmscott District Centre Precinct Structure Plan
2. Explanatory Text Attachment Preliminary Phase 1 -Consultation Information
3. Advertised Kelmscott District Centre Precinct Structure Plan - Part 1 Implementation Section
4. Schedule of Submissions - Kelmscott District Centre Precinct Structure Plan
5. Extensions to Precinct Structure Plan Boundary - Submitter Proposals
6. Schedule of Modifications - Kelmscott District Centre Precinct Structure Plan
7. Confidential Submitter Plan - Kelmscott District Centre - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*
8. Confidential Submitter Names and Address List - Kelmscott District Centre - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*

Committee discussed the Kelmscott District Centre Precinct Structure Plan including modifications to the provisions and plans contained within the draft Precinct Structure Plan ie. provision for additional landscaping (trees), identification of existing trees, retention of trees policy, nil building setbacks etc.

Committee requested that prior to the next Council meeting, officers to provide additional information on the proposed modifications to the draft Precinct Structure Plan for Council's consideration.

RECOMMEND

D3/2/23

That Council:

- 1. Endorse the comments made in this report, the Schedule of Submissions and the Schedule of Structure Plan Modifications, both attached to this report, in response to the preparation, advertising and agency referral of the Precinct Structure Plan.**
- 2. Pursuant to Schedule 2 Clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:**
 - a) Forward the Kelmscott District Centre Precinct Structure Plan, this report and attachments (including Schedule of Submissions and Schedule of Structure Plan Modifications) to the Western Australian Planning Commission; and**
 - b) Recommend that the Western Australian Planning Commission approve the proposed Kelmscott District Centre Precinct Structure Plan, subject to the modifications listed in the Schedule of Structure Plan Modifications attached to this report.**
- 3. Note that City Officers will continue to liaise with the Western Australian Planning Commission and other agencies to resolve any matters raised by the Schedules of Modifications and Submissions.**
- 4. Advise submitters of its decision at the time that the Structure Plan is granted final approval by the WAPC.**

**Moved Cr R Butterfield
MOTION CARRIED**

(7/0)

***1.3 - CONFIDENTIAL REPORT - WUNGONG DEVELOPMENT CONTRIBUTION
PLAN REVIEW - CONSIDERATION OF SUBMISSION TO DEVELOPMENTWA***

MEETING CLOSED TO PUBLIC

MOVED Cr P Hetherington

That the meeting be closed to members of the public as the matter is considered to be confidential under Section 5.23(2) (h) of the Local Government Act, as it deals with other matters as may be prescribed.

Motion Carried (7/0)

Meeting declared closed at 8:23pm. Members of the public left the meeting.

Cr Keogh declared a non-financial interest in this item as he is a member on the DevelopmentWA Armadale Land Redevelopment Authority Committee. As a consequence, there may be a perception that his impartiality on the following matter may be affected, but declared that he would disregard this association, consider the matter on its merits and vote accordingly.

WARD : RANFORD
MINNAWARRA
FILE No. : M/51/23
DATE : 16 February 2023
REF : RS
RESPONSIBLE : EDDS
MANAGER

In Brief:

- A confidential report is presented in the Confidential Attachments to this Agenda.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

- 1.2.3 Provide for a diverse range of active and passive recreational pursuits within the City.
- 1.3.1 Ensure the equitable provision of Community Facilities throughout the City.
- 2.2.1 Focus on achieving a high level of streetscape amenity in new developments.
- 2.5.4 Proactively plan for normalisation of DevelopmentWA area back to the planning jurisdiction of the City.

Legal Implications

Metropolitan Redevelopment Authority Act 2011

WAPC's State Planning Policy 3.6 - Infrastructure Contributions

Town Planning Scheme No. 4

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

The Wungong Development Contribution Plan (DCP), currently administered by DevelopmentWA, collects development contributions to fund the development of facilities and infrastructure in the DevelopmentWA Wungong Masterplan area. The City is required to manage the future recurrent costs for the facilities and the majority of the infrastructure included in the DCP where it becomes the City's responsibility. Furthermore, if initial capital expenditure is not covered by DCP funding or met via other arrangements, the capacity to deliver the required facilities and infrastructure for the area may be delayed or not occur.

It is proposed that the Wungong Masterplan area and the associated DCP are normalised, however this should not occur until a number of the outstanding issues and funding is resolved. This will include the need for Council to initiate scheme amendments to introduce a planning framework for Wungong area, including a DCP, into the City's Town Planning Scheme. The DCP review, including its outcomes and the financial consequences, will form part of Council's consideration for this to occur.

ATTACHMENTS

1. Confidential Report - Wungong DCP Review - Consideration of Submission to DevelopmentWA - refer to separate attachment - *This matter is considered to be confidential under Section 5.23(2) (h) of the Local Government Act, as it deals with other matters as may be prescribed*

RECOMMEND

D4/2/23

That Council adopt the recommendation as outlined in the Confidential report.

Moved Cr R Butterfield

MOTION CARRIED

(7/0)

MEETING OPENED TO PUBLIC

MOVED Cr P Hetherington that that the meeting be opened.

Motion carried (7/0)

Meeting declared open at 9.00pm. Members of the public did not return to the meeting.

COUNCILLORS' ITEMS

Nil

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT

Nil

MEETING DECLARED CLOSED AT 9.02 PM

DEVELOPMENT SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
20 FEBRUARY 2023		
ATT NO.	SUBJECT	
1.1 PROPOSED AMENDMENT - LOCAL PLANNING POLICY PLN 4.1 - THE DESIGN OF INDUSTRIAL ESTATES		
1.1.1	Current Local Planning Policy 4.1 - The Design of Industrial Development Estates	
1.1.2	Proposed Local Planning Policy 4.1 - The Design of Industrial Development Estates	
1.1.3	Ultimate Staged Road Layout Plan - Lots 902, 9006, 9045 & 9550 Remisko Drive & Alex Wood Drive, Forrestdale	
1.1.4	Figure 2 - Forrestdale Business Park East	
1.2 RECOMMENDATION TO WAPC - KELMSCOTT DISTRICT CENTRE PRECINCT STRUCTURE PLAN		
1.2.1	TPS No.4 Zoning Plan - Kelmscott District Centre Precinct Structure Plan	
1.2.2	Explanatory Text Attachment Preliminary Phase 1 -Consultation Information	
1.2.3	Advertised Kelmscott District Centre Precinct Structure Plan - Part 1 Implementation Section	
1.2.4	Schedule of Submissions - Kelmscott District Centre Precinct Structure Plan	
1.2.5	Extensions to Precinct Structure Plan Boundary - Submitter Proposals	
1.2.6	Schedule of Modifications - Kelmscott District Centre Precinct Structure Plan	
2.1 SUBURB RENAMING - A PORTION OF FORRESTDALE		
2.1.1	Land Use Plan - Rowley Road Industrial Area	
2.1.2	Schedule of Submissions - Rowley Road Industrial Area	

The above attachments can be accessed from the Minutes of the Development Services Committee meeting of 20 February available on the City's website

CITY OF ARMADALE

MINUTES

OF CORPORATE SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY,
21 FEBRUARY 2023 AT 7.00PM.

PRESENT: Cr K Busby (Chair)
Cr J Keogh (Deputy Chair)
Cr P A Hetherington
Cr G Nixon
Cr S Peter

APOLOGIES: Cr M J Hancock
Cr M Silver

OBSERVERS: Cr G Smith
Cr M Northcott (Teams)

IN ATTENDANCE:

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

PUBLIC: Nil.

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

DISCLAIMER

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

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

DEPUTATION

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Corporate Services Committee Meeting held on 13 December 2022 be confirmed.

Moved Cr J Keogh

MOTION CARRIED

(5/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

Items in Issue No.14

Progress Report

Progress Report on Contingency, Operational & Strategic Projects

Outstanding Matters & Information Items

Report on Outstanding Matters – Corporate Services Committee

Economic Development

Tourism & Visitor Centre Report

Report of the Common Seal

No items were raised for further investigation or report.

CONTENTS

CORPORATE SERVICES COMMITTEE

21 FEBRUARY 2023

1.	FINANCIAL MANAGEMENT & PLANNING	
1.1	LIST OF ACCOUNTS PAID - DECEMBER 2022.....	50
1.2	STATEMENT OF FINANCIAL ACTIVITY - DECEMBER 2022.....	53
2.	COUNCILLORS' ITEMS	
	NIL.	62
3.	CHIEF EXECUTIVE OFFICER'S REPORT	
	NIL.	62
4.	EXECUTIVE DIRECTOR'S REPORT	
	NIL.	62
	SUMMARY OF ATTACHMENTS	63

1.1 - LIST OF ACCOUNTS PAID - DECEMBER 2022

WARD : ALL
FILE No. : M/26/23
DATE : 19 January 2023
REF : MH
RESPONSIBLE : Executive Director
MANAGER : Corporate Services

In Brief:

- The report presents, pursuant to Regulation 13(1), (3) and (4) of the *Local Government (Financial Management) Regulations 1996*, the List of Accounts paid for the period 1 December to 31 December 2022 as well as the credit card statements for December 2022.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

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

Legal Implications

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

6.10 Financial management regulations

Regulations may provide for —

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

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

13. Lists of Accounts

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

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

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

Consultation

Nil.

BACKGROUND

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

COMMENT

The List of Accounts paid for the period 1 December to 31 December 2022 is presented as an attachment to this report as well as the credit card statements for December 2022.

ATTACHMENTS

1. Monthly Cheque and Credit Card Report - December 2022

RECOMMEND**CS1/2/23**

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

Municipal Fund

Accounts paid totaling \$13,309,181.00 on transactions 4201 to 4922 and Payrolls dated 11 December and 25 December 2022.

Credit Card

Accounts Paid totalling \$3,636.96 for the period ended December 2022.

Moved Cr G Nixon

MOTION CARRIED

(5/0)

1.2 - STATEMENT OF FINANCIAL ACTIVITY - DECEMBER 2022

WARD : ALL
FILE No. : M/27/23
DATE : 19 January 2023
REF : MH
RESPONSIBLE : Executive Director
MANAGER : Corporate Services

In Brief:

- This report presents the City's Monthly Financial Report for the six (6) month period ended 31 December 2022.
- This report recommends accepting the Financial Report for the six (6) month period ended 31 December 2022, noting there are reportable actual to budget material variances for the period.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

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

Legal Implications

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

Local Government Act 1995 – s.6.11 Reserve accounts

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

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

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

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

Consultation

Nil.

BACKGROUND

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

COMMENT

Presented as an attachment this month, is the sixth monthly financial statement (presented in nature and type format) prepared from information posted in the OneCouncil system following the “go live” for Phase One on July 1. Work is continuing on refining and improving the presentation and information in the detailed notes.

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

Revenue

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

Expense

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

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

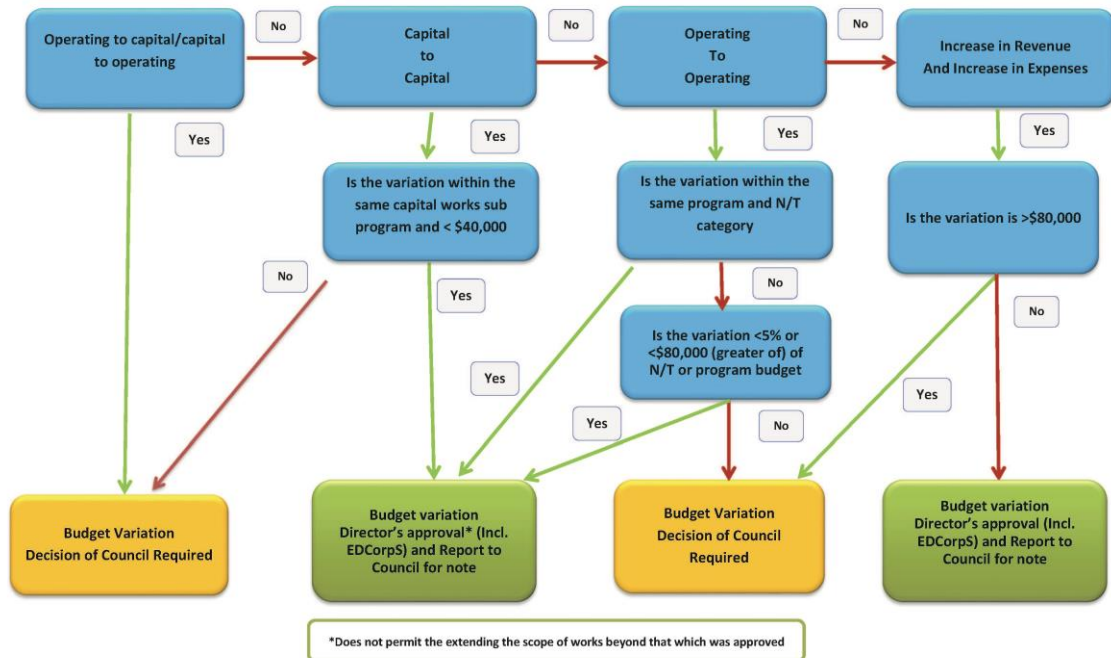
1. Period Variation
Relates specifically to the value of the Variance between the Budget and Actual figures for the period of the report.
2. Primary Reason
Explains the primary reasons for the period Variance. As the report is aimed at a higher level analysis, minor contributing factors are not reported.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

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

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



Budget Variation Process Map



DETAILS

Presented as an attachment is the Monthly Statement of Financial Activity for the six (6) month period ended 31 December 2022.

Capital Carry Forward Program Update

Included in the monthly reports is the status of the capital carry forward program as at the end of December 2022 to tie in with the monthly financials report. This is a historical perspective and the Executive Leadership Team regularly review the current status.

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

Project Delivery Phases

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

The phases are:

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

FY21/22 CFWDS with Funding Source – 31 December 2022			<i>Spend % is actual and committed purchase orders against budget</i>		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
	\$	\$	%		
Planning Phase					
Landfill Gas Capture	315,300	315,300	4%	Reserve	Relocation of gas flare stack - will be included with Ring Road/Vehicle Washdown and won't be constructed until FY23/24 – also waiting on DWER Approvals
Railway Avenue	2,990,000	2,990,000	0%	Grant/Muni	PTA liaison re alignment ongoing. A revised design is being confirmed which aims to achieve Council's objectives. Report forthcoming in due course
Eighth Rd	5,657,300	1,500,000	100%	Grant	Design review/Final Amendments 80% Land Acquisition 90% Services Relocations commencing Mar/Apr'23.
Hawkestone Rd	58,900	56,674	0%	Muni	Design review and land acquisition in progress – construct FY24
Street Lighting New	25,000	21,743	100%	Muni	Completed – final invoices pending
Kelmscott Streetscape	75,000	75,000	0%	Muni	Likely finish Qtr 4 FY23
Champion Lakes Resource Centre	291,000 (Revised)	277,678 (Revised)	9%	Reserve	Scope and design in progress
St Francis Xavier Church	100,000	97,000	10%	Muni	Scope and design in progress
Final Cover and Rehab – Landfill	7,280,000	2,000,000	1%	Reserve	DEWR approvals in progress. The project strategy is under review and will be considered in budget review.

FY21/22 CFWDS with Funding Source – 31 December 2022			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
	\$	\$	%		
Stereo Armadale Hall	40,000	40,000	0%	Muni	Target completion – Qtr 4 FY23
Basketball Backboards	90,000	90,000	0%	Muni	Target completion – Qtr 4 FY23
Public Art	100,000	100,000	43%	Muni	Target completion for Derry Ave mural – Qtr 3 FY23
Total Planning Phase	17,022,500	7,563,395			
Detailed Design Phase					
Entry Statement – Forrestdale	24,000	23,760	2%	Muni	Likely completion – Qtr 4 FY23, subject to manufacturing
Entry Statement – Kelmscott	24,000	24,000	0%	Muni	Likely completion – Qtr 4 FY23, subject to manufacturing
Municipal Reserves	73,400	73,400	0%	Muni	In design – completion Qtr 4 FY23
Rothery Park	320,000	317,250	0%	Reserve	In design – completion Qtr 4 FY23
Gwynne Park Football Pavilion	185,000	160,860	0%	Muni	To be completed – second half FY23
Alfred Skeet Oval Pavilion	42,000	133,833	0%	Muni	Tendered prices exceed budget – internal assessment in Feb '23 to amend scope
Piara Waters Library	8,480,000 (Revised)	1,774,600 (Revised)	22%	Reserve	Out for construction tender, responses mid-February. Report to Council on Construction Tender to follow.
Morgan Park	3,756,500	386,000 (Revised)	99%	Grant	The successful Architect (Bollig Design Group) is engaged. Startup meeting on 6 February.
Forrestdale Hub	5,835,000	600,000 (Revised)	22%	DCP/Muni	Design to be completed Qtr 2 FY24
Drop n Shop Parking and Entrance Road	100,000	100,000	0%	Reserve	Project start date deferred – to be carried forward. Full review of L&RF program in progress.
Detailed Design Total	18,839,900	3,593,703			
Procurement and Contracts Phase					
Gwynne Park	30,000	29,550	39%	Muni	Completed –waiting final invoices
Neilson Avenue	25,900	25,900	2%	Muni	Target completion – Qtr 4 FY23
Reg Williams Reserve	120,000	117,806	92%	Muni	Target completion – Qtr 2 FY23
Shipwreck Park	170,000	170,000	100%	Muni	Design finalised and approval from Changing Places for accreditation- BA1- Approved. Installation to commence late February 2023
Procurement Total	345,900	343,256			
Construction Qtr 1 Completion					
Data Connection - landfill	35,500	16,206	0%	Reserve	Completion date pending external service provider
Lina Hart Reserve	45,000	45,000	99%	Muni	Completed

FY21/22 CFWDS with Funding Source – 31 December 2022			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
	\$	\$	%		
Rosette Park	58,100	58,100	92%	Muni	Completed
Champion Centre solar	100,000	42,702	0%	Muni	Completed
Construction Qtr 1 Completion Total	238,600	162,008			
Construction Qtr 2 Completion					
CCTV – Landfill	33,400	30,500	0%	Reserve	Associated with Weighbridge project, Q3-Q4 FY23 completion. Project under review, to be carried forward
Corondale Reserve	674,800	528,513	100%	POS/T	Completed
Gwynne Park	96,500	81,527	80%	Muni	Completed – final invoices pending
Ticklie Park	760,300	87,648	13%	POS/T	Project Completed (consolidation period)
Trailer Transfer Area	100,000	52,056	100%	Reserve	Completed
Weighbridge Replacement	380,000	351,146	100%	Reserve	Expected to be completed Q3 FY23
San Jacinta Reserve	35,000	31,800	39%	Muni	Completed
Bedfordale Pavilion	683,000	429,694	100%	Muni	Project Completed
Robot Park	90,000	89,396	75%	Muni	Completed
Construction Qtr 2 Completion Total	2,853,000	1,682,280			
Construction Qtr 4 Completion					
RK Bush Fire Brigade	5,390,900 (Revised)	4,329,247 (Revised)	98%	Grant and Reserve	Tender has been let following Council decision and completion expected Qtr 2 FY24. Refer item CEO1/11/22
Completion Phase – Qtr 1					
Armada Road	179,300	116,416	3%	Grant/Muni	Project Completed
John Dunn Hall	3,562,000 (Revised)	831,342 (Revised)	100%	Muni and Reserve	Works in progress – nearing completion – aiming for March/April completion
Palomino Reserve	84,000	65,072	93%	Muni	Construction Phase & 95% work complete. Expecting variations from Western Power. Waiting consultant inspection.
Rotary Park	24,000	7,582	31%	Muni	Completed
Rushton Park	11,900	10,613	100%	Muni	Completed
Trailer Transfer Area	49,400	38,094	79%	Reserve	Works in progress – nearing completion
Westfield Heron Reserve	1,500,100	322,470	75%	Grant	Completed – final invoices pending payment
Warton Rd	904,300	173,300	0%	Muni	COG to advise when completed
Alderson Park	75,000	51,724	100%	Muni	Completed
Chiltern Estate	100,000	6,862	48%	Muni	Completed
Bronzewing Reserve	75,000	31,492	18%	Muni	Completed
Creyk Park	20,000	16,078	37%	Muni	Project in consolidation

FY21/22 CFWDS with Funding Source – 31 December 2022			<i>Spend % is actual and committed purchase orders against budget</i>		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
	\$	\$	%		
AFAC Solar	722,300	74,471	78%	Grant	Works in progress
Leachate Drainage	50,000	14,124	69%	Reserve	Project start date deferred – to be carried forward.
Site Fencing Landfill	50,000	37,784	59%	Reserve	Project start date deferred – to be carried forward.
Security Landfill	50,000	31,183	58%	Reserve	Project start date deferred – to be carried forward.
Optic Fibre to Depot	210,000	163,020	100%	Muni	Under review
Completion Phase – Qtr 1 Total	7,667,300	1,991,627			
Completion Phase – Qtr 4					
Skeet Rd Planting	345,100	7,529	100%	DCP	Completed
Skeet Rd Consolidated	307,600	41,796	76%	Reserve	Maintenance period extended
Completion Phase – Qtr 4 Total	652,700	49,325			
Supplier Delay					
Heavy Plant Items	2,864,000	2,864,000	100%	Reserve	All items ordered
Light Fleet Items	1,125,158	1,125,158	83%	Reserve	Most items ordered
Supplier Delay Total	3,989,158	3,989,158			
CFWD PROJECT TOTAL (Revised)		23,703,999			Original carry forward \$18.84M

Monthly Financials

The audit for FY22 is still in the process of being finalised by KPMG and the OAG. It is anticipated that this will be concluded early to mid February. The surplus as currently determined remains in the accounts as presented for the end of November 22. As per the Council resolution CS62/12/22 the use of the FY22 surplus funds will be considered by Council following the financial planning and budgeting workshops to be held over the coming months.

Rates Debtors

The rates debt data for \$250 and over (excluding pensioners) as produced by the system is provided below. Further efforts into collecting the 3 year plus category are underway and each of these debtors will be contacted over the next few months and individual collection actions based on the type and size of the debt will be determined. A staff member is now tasked solely to focus on collections and repayments in this area.

Dec-22		Non Pensioner							
		One Year		Two Years		Three + Years		TOTAL	
		#	\$	#	\$	#	\$	#	\$
ALL	Year One	383	483,050	174	370,022	174	377,849	731	1,230,921
ALL	Year Two				221,985		359,404		581,389
ALL	Year Three						525,084		525,084
TOTAL		383	483,050	174	592,007	174	1,262,337	731	2,337,394

Change from last month -29 -\$26,481 -4 -\$10,153 -5 -\$21,064 -38 -\$57,698

YTD Change -594 -\$773,911 -68 -\$215,190 -41 -\$185,633 -703 -\$1,174,734

Sundry Debtors

The priority for resolution has been the 120 days and over category and as at the end of December two large amounts that have not been referred to the Fines Enforcement Registry remain unpaid. The \$122k due relates to a commercial waste debt which is being repaid in consultation with the new ownership. The \$598k debt relates to a DCP generated Developer invoice for funds to be put into Reserve.

OneCouncil Implementation

The Statements as presented once again represent the most accurate information available, but may be subject to change as the OneCouncil data processes continue to be updated, verified and automated. It is expected that the Statements and Notes will be fully automated for the statements to be presented for the period ended January 2023.

ATTACHMENTS

1. Small Balance Rates Interest Written Off - December 22
2. Statement of Financial Activity - December 2022

RECOMMEND

CS2/2/23

That Council pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accept the Statement of Financial Activity for the six (6) month period ended 31 December 2022; and:

- i. Note that there are reportable actual to budget material variances for the period
- ii. Note the \$57.06 small rates debts written off under Primary Delegation 1.0 and Secondary Delegation CORPS 1.1.

Moved Cr S Peter

MOTION CARRIED

(5/0)

COUNCILLORS' ITEMS

Nil.

CHIEF EXECUTIVE OFFICER'S REPORT

Nil.

EXECUTIVE DIRECTOR'S REPORT

Nil.

MEETING DECLARED CLOSED AT 7.09PM

CORPORATE SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
21 FEBRUARY 2023		
ATT NO.	SUBJECT	
1.1 LIST OF ACCOUNTS PAID - DECEMBER 2022		
1.1.1	Monthly Cheque and Credit Card Report - December 2022	Error ! Book mark not defined.
1.2 STATEMENT OF FINANCIAL ACTIVITY - DECEMBER 2022		
1.2.1	Small Balance Rates Interest Written Off - December 22	
1.2.2	Statement of Financial Activity - December 2022	

The above attachments can be accessed from the Minutes of the Corporate Services Committee meeting of 21 February available on the City's website

CHIEF EXECUTIVE OFFICER’S REPORT

27 FEBRUARY 2023

INDEX

1. REPORTS	
1.1 COUNCILLORS INFORMATION BULLETIN - ISSUE NO 2/2023	65

1.1 - COUNCILLORS INFORMATION BULLETIN - ISSUE NO 2/2023

WARD : ALL

FILE No. : M/87/23

DATE : 14 February 2023

REF : MC

RESPONSIBLE : Chief Executive Officer
MANAGER

In Brief:

- Councillor's Information Bulletin – Councillors are advised to take note of the information submitted in Issue No. 2/2023 to be received by Council

The following general information and memorandums were circulated in Issue No 2/2023 on 23 February 2023.

COMMENT

Correspondence & Papers

Information from Human Resources

Employee Movements

Information from Technical Services

Outstanding Matters and Information Items

Various Items

Monthly Departmental Reports

Technical Services Works Program

Information from Community Services

Outstanding Matters & Information Items

Report on Outstanding Matters

Community Grants

Library Upcoming Events

Community Planning

Community Development

Recreation Services

Library and Heritage Services

Ranger & Emergency Services

Information from Corporate Services

Nil

Information from Development Services

Nil

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

CEO2/2/23

That Council acknowledge receipt of Issue 2/2023 of the Information Bulletin



ORDINARY MEETING OF COUNCIL
MONDAY, 13 FEBRUARY 2023

MINUTES

CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	3
3	ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
4	PUBLIC QUESTION TIME	4
1	PHIL DAVEY - 12 LENORE STREET, ROLEYSTONE	4
2	SHANE OLIVER - 3113 ALBANY HIGHWAY, ARMADALE	4
3	LESLEY BROWN - 3 GALLIERS AVENUE, ARMADALE.....	4
4	DEAN ADAMS, 94 WYMOND ROAD, ROLEYSTONE	5
5	TREHNA ROUSE - 3 COACHMANS PLACE, ROLEYSTONE	5
6	JOHN SANDER - 4 COACHMANS PLACE, ROLEYSTONE	6
7	TREHNA ROUSE - 3 COACHMANS PLACE, ROLEYSTONE	6
8	PHIL DAVEY - 12 LENORE STREET, ROLEYSTONE	7
1	DEPUTATION – WYMOND ROAD PROJECT.....	7
5	APPLICATIONS FOR LEAVE OF ABSENCE	10
1	REQUEST FOR LEAVE OF ABSENCE.....	10
6	PETITIONS	10
	NIL	10
7	CONFIRMATION OF MINUTES	10
	MINUTES OF ORDINARY COUNCIL MEETING HELD ON 30 JANUARY 2023	10
8	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.....	10
1.	MAYORS ANNOUNCEMENTS.....	10
9	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN – WITHOUT DISCUSSION	11
10	REPORTS	11
10.1	TECHNICAL SERVICES COMMITTEE MEETING - 6 FEBRUARY 2023	11
10.1.1	BARBEQUE FACILITY – WHITELEY PARK AND CONNECTING FOOTPATH (COUNCILLOR REFERRAL ITEM) (1.2)	11
10.1.2	WYMOND ROAD PROJECT, ROLEYSTONE (COUNCILLOR REFERRAL ITEM) (1.2).....	11
10.1.3	SAFETY AT ASPIRI OVAL - (COUNCILLOR REFERRAL ITEM) (1.3)	12

10.2	COMMUNITY SERVICES COMMITTEE MEETING - 7 FEBRUARY 2023	12
10.2.1	NEW DRAFT POLICY: ENGAGEMENT AND CONSULTATION WITH THE ABORIGINAL ELDERS AND COMMUNITY MEMBERS (1.1)	12
10.2.2	CONFERENCE ATTENDANCE - NATIONAL SPORTS AND PHYSICAL ACTIVITY CONVENTION IN JULY 2023 (2.1).....	12
10.2.3	PROPOSED CAT LOCAL LAW (3.1)	12
10.3	CHIEF EXECUTIVE OFFICER'S REPORT - 13 FEBRUARY 2023	13
10.3.1	COUNCILLORS INFORMATION BULLETIN - ISSUE NO 1/2023 (1.1).....	13
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	13
12	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	13
	NIL	13
13	MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION	13
1	HOARDING ISSUE - GALLIERS AVENUE.....	13
2	FEASIBILITY STUDY FOR CABLE CAR PROJECT.....	14
3	COUNCILLOR BIOGRAPHIES.....	14
14	MATTERS REQUIRING CONFIDENTIAL CONSIDERATION.....	14
	NIL	14
15	CLOSURE.....	14

CITY OF ARMADALE

MINUTES

OF ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 13
FEBRUARY 2023 AT 7.00PM.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor, Cr Butterfield, declared the meeting open at 0.00 pm.

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

PRESENT:

Mayor, Cr R Butterfield
presided over

River Ward

Cr J Keogh

River Ward

Cr S Peter JP

Ranford Ward

Cr M S Northcott

Palomino Ward

Cr P A Hetherington

Palomino Ward

Cr M J Hancock

Heron Ward

Cr E J Flynn

Heron Ward

Cr G J Smith

Minnawarra Ward

Cr M Silver

Lake Ward (7.01pm)

Cr G Nixon

Hills Ward

Cr S J Mosey

Hills Ward

IN ATTENDANCE:

Ms J Abbiss

Chief Executive Officer

Mr J Lyon

Executive Director Corporate Services

Mr P Sanders

Executive Director Development Services

Mr M Andrews

Executive Director Technical Services

Mrs S Van Aswegen

Executive Director Community Services

Mrs S D'Souza

CEO's Executive Assistant

Public: 18

LEAVE OF ABSENCE:

Nil

APOLOGIES:

Apology received from Crs Busby, Kamdar and Virk.

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

Nil

4 PUBLIC QUESTION TIME

1 Phil Davey - 12 Lenore Street, Roleystone

My first question is on behalf of Pam Edwards who couldn't make it tonight.

At the 19 December Council Meeting the question posed to the City of Armadale in relation to the gate was actually "*Are the people sitting around this table all aware of vicarious liability?*" and the response from the City of Armadale Mayor was.... "*I hope so*".

Whereas the minutes reflected the question as: Do the people around this table appreciate the vicarious liability they may have? Mayor's response was "I believe so."

Q1. In this particular scenario, will the City of Armadale amend the minutes to show that Pam Edwards question is recorded accurately?

Mayor: The question will be taken on notice and a response provided in writing.

Q2. Do we have a date for the next electors meeting?

CEO: Will defer to Executive Director of Corporate Services (EDCS) to advise if we have received the audit from the auditors.

EDCS: We are still waiting on the auditors for the final management statement before we can convene the Audit Committee which is the precursor to an Annual Electors Meeting

Q3. Will there be any indication that it might be before May this year?

EDCS: It depends on the Office of the Auditor General, the City officers have completed all the work and provided all the advice that they need.

2 Shane Oliver - 3113 Albany Highway, Armadale

Q1. Are the cat laws going to be implemented? Any progress being made towards them coming in?

Mayor: Council will be dealing with that matter tonight

Q2. Can the Health Department arrange for the yard at Galliers to be sprayed? The smell today was pretty bad.

Mayor: We may be dealing with this matter as a councillor item later in the meeting. There may be some avenue for the City to be having a look at that.

3 Lesley Brown - 3 Galliers Avenue, Armadale

Q1: Is the curfew for heavy haulage trucks still applicable in the residential area along Albany Highway, especially from Tonkin Highway to the junction of Armadale Road - South West Highway?

Mayor: The question will be taken on notice and a response provided in writing.

4 Dean Adams, 94 Wymond Road, Roleystone

The residents of Wymond Road have received no correspondence whatsoever regarding the issue of opening the road.

Mayor: I will take that on board and note it as a comment and not a question requiring an answer.

5 Trehna Rouse - 3 Coachmans Place, Roleystone

My question relates to the minutes of the meeting of the Council dated 19/12/2022 and in particular the response to the question I raised regarding issues concerning cars with collision assist impacting on the driver's ability to "nudge" the Emergency gate open.

Are Councillors aware that the minutes have been amended to remove the comment made at the meeting that RAC had provided advice that it would not be an issue, and that this safety mechanism is easily over ridden by pressing accelerator harder?

In its place there is a statement that only two manufacturers have been contacted and mention of RAC being the source has not been included?

On the basis that Councillors rely heavily on the advice and commentary from the City Officers when the inference is that it suggests professional advice has been sought and supports the City stance. This should be correctly recorded and if that advice is subsequently proved inaccurate and an amendment is made then surely the minutes should only be amended at the next meeting when the minutes are formally accepted.

Q1: So my question is - why are the minutes not correctly reflecting what happens at the meeting and then if necessary amended properly at the next meeting prior to acceptance?

Mayor: At the 19/12/22 meeting I did give you the wrong information that it was the RAC we had consulted with and subsequently it was pointed out to me that it wasn't the RAC but instead the manufacturers. I was happy to have a comment included in the minutes to reflect the correct information. As to the process I will leave that up to the CEO to talk about.

CEO: I would like to have the opportunity to review the exact wording of the minutes and provide a response to this question.

Q2. My next question relates to the concerns I raised previously regarding issues with newer model vehicles fitted with collision control assist not brake assist. There are actually two different mechanisms in vehicles that would impact on a vehicle attempting to nudge the gate open i.e. Brake Assist and Collision Control System. Significant research has been done regarding this latter mechanism by contacting 13 major vehicle manufacturers and data collated into a spreadsheet for Councillors.
Has the City done further research into the concerns I raised in regard to the Collision Control System?

Mayor: We appreciate you have done further research and if you forward it to the officers perhaps it can be disseminated. In regard as to whether further research has been done by the City the question will be taken on notice and a response provided in writing.

Q3. Given there are between 3-7 steps to turn off your computer in your car to stop the collision control assist activating. Has the City considered that the gate can be nudged open. The combination of the above means the gate is not able to be opened in the way the Council intends and as such has the capacity to endanger lives in the terrifying scenario vehicles evacuating in a bushfire.

Given this properly researched and referenced data do the city still consider the gate can be nudged open by any and every vehicle and any and every driver including those that are disabled.

Mayor: *The question will be taken on notice and a response provided in writing.*

6 John Sander - 4 Coachmans Place, Roleystone

Q1. Do Councillors recall City of Armadale statement(s) made on numerous occasions that "DFES have approved the gate"? (E.g., Council meeting of 19th December 2022) Are Councillors now aware that that statement is not accurate and could be misleading?

Would Councillors care to be informed that the DFES Commissioner has responded to a question regarding the approval of the gate with a statement included in a letter addressed to Mrs Pam Edwards dated 13th January 2023. A copy will be provided to CoA on request.

Mayor: *Those statements were made and I think for clarification it might be useful for me to read out the context of this which was "during engagement between the City and DFES in 2019 it was determined that the access met with the approval of DFES as they were satisfied that there was adequate access for their appliances and their services to use during emergencies" and that is their role, it is not their role to approve something that is clearly managed by the city.*

Q2: Are the councillors aware that in that statement the key words "their" being DFES equipment not residents' vehicles?

Mayor: *The question will be taken on notice and a response provided in writing.*

Q3: Will the City of Armadale provide satisfactory evidence of whether since the 2019 decision they have received any request from residents of Araluen for Wymond Road to become a permanent exit?

Mayor: *The question will be taken on notice and a response provided in writing*

7 Trehna Rouse - 3 Coachmans Place, Roleystone

Q4: Given my researched and evidence based advice would Council recognise that any gate regardless of weight or design will not provide the ease of emergency access that the City intended?

Q5: Would Council consider the request to have the gate open during the bush fire season to negate any requirement for individuals to exit their vehicle to open the gate. This would ensure that there is the safest possible evacuation for every individual including the infirm, elderly and disabled and in any vehicle regardless of the onboard safety systems.

Mayor: *The questions will be taken on notice and a response provided in writing.*

However, I think that all of our emergency exit gates are closed. I don't know if they are locked or not but I believe that they are all closed and so this one is being treated the same way.

Q6: Has the City considered the ease of exiting the estate during night time hours when there is no lighting and the signage advising "Emergency Gate" is not visible? I would respectfully request that this issue be considered and remedied to make the emergency exit more visible at night and also that they consider extending the tarmac under the gate to the exact width of the exit as there is currently a gap where pea gravel remains and could cause accidents and slippage.

Mayor: *The question will be taken on notice and a response provided in writing.*

7.16pm Moved Cr Nixon that question time be extended. Motion Carried (11-0)

- Q7: I believe the gate to be for ALL emergency access/exit inclusive of Ambulances. This week there was a cat 1 and a cat 2 ambulance call out that used Croyden Road instead of Wymond. I would like Clarity about the ambulance access on that road because they are now using Croyden and when questioned they said it is a gazetted no through road and they can't use it. That is an emergency Service.

Mayor: This matter will be sorted out.

8 Phil Davey - 12 Lenore Street, Roleystone

- Q4. In reference to our new Roleystone Karragullen Bushfire Brigade Building which I now see is happening – Thank you

I still am not 100% sure how it happens that in Oct 2021 it was reported that we are going to be spending \$1.7mil and now get told it was for the building only. With reference back to the Bedforddale Fire Station which recently or up until recently was showing on the City of Armadale website as a \$1.68 mil total project cost.

Is there a difference between the wording of total project cost and overall cost?

CEO: The question will be taken on notice and a response provided in writing.

- Q5: Recently it was showing under the City's website under the project banner and now it's no longer there. Would it have been taken down for any other reason? There are still projects there from many years ago.

Mayor: It is a project that has been finished but we will look into the matter.

Question time declared closed at 7.21pm

1 DEPUTATION – Re: Wymond Road Project

In attendance:

Jim Goodwin of 85 Wymond Road, Roleystone and Sarah Stoneham of 31 Wymond Road, Roleystone – 7.21 pm

Jim Goodwin - 85 Wymond Road, Roleystone

Mr Goodwin thanked Council for the opportunity and provided the following main comments:

- Recognising all of the complexities of the situation I would like to address the points of cost effectiveness of the proposals around Wymond Road.*
- The existing arrangements are simple and work effectively in that it allows access in the event of a bushfire, but discourages traffic to Wymond Road.*
- Wymond Road is not in any condition to carry a significant flow of vehicles. The topography and gradient does not allow safe passage of existing vehicles let alone increased vehicle flow.*
- The emergency gate is a simple and effective arrangement allowing access in the event of an emergency, this offers a simple solution without incurring substantial costs. The gate can be accessed by an ambulance or personal vehicle and can be opened by hand or by a car without any difficulty.*

- *During the period when the gate was open, I've nearly been involved in an accident with a large 4 wheel drive coming down the hill at high speed, noting that our driveway is down from a hill and given the topography and the blind approach involved, quite dangerous.*
- *The costs of making Wymond Road (currently a bitumenised rural track) remotely safe for significant traffic would be considerable.*
- *The intersections of Wymond Road at Soldiers Road is already challenging as is the Soldiers Road/Brookton Highway intersection. So to add another 35,000 cars to this would be stressing these intersections unduly.*
- *There is significant financial cost with questionable benefit over the existing arrangements i.e. the emergency gate at Old Albany Lane provides an access solution in the event of any emergency.*
- *We can also measure the costs in respect to ambience and amenity that is provided through the area, meaning we come to a rural area to enjoy the wildlife, the sanctuary and the tranquility.*
- *Finally in respect of cost effectiveness, the various enquiries and studies that have happened over many years with Wymond Road have all led to the same verdict - wouldn't we be better to spend those funds on bushfire mitigation in the first place rather than going through a substantial and ongoing cost?*
- *In summary, I don't see a situation where the costs are remotely viable and I think there is also a cost to the wildlife and amenity of the area.*

Sarah Stoneham - 31 Wymond Road, Roleystone

Ms Stoneham thanked Council for the opportunity and provided the following main comments:

- *In 2019-2020 it was deemed by Council that Wymond Road be an emergency access only for the residents of Araluen estate. This is what was intended in the original planning of the estate. The minutes relevant to this decision are available as public record. (Ref Community Services Meeting 7 July 2020)*
- *Residents of Wymond Road wholly support the recommendation of the Technical Services Committee of 6 February 2023 to be considered by the Council tonight.*
- *Cr Mosey's specific request to widen Wymond Rd should also encompass other developments in the area, i.e. Observation Circle and Leworthy Loop as they are in more pressing need of a secondary fire access. These two developments, have no emergency access while Araluen Estate has two and is likely to have 2 full access road through Heritage Drive and Armenti Road when that subdivision and development is complete.*
- *Some of the residents of Araluen claim that they are living in fear of their lives and that the constant threat of a bushfire is devastating to their health and wellbeing. I believe that every resident in Roleystone lives in fear of another bushfire. Araluen Estate is not unique in this regard. We are all mindful of the tragic events of 2011. Nobody wants to see that happen again.*
- *It has been demonstrated by the Department of Fire and Emergency Services that the full evacuation of Araluen Estate (750 vehicles) through Heritage Dr alone is capable of being done in 6 -25 minutes. (Ref Minutes of Technical Services Committee Meeting 3 Sept 2018)*
- *The residents of Wymond Rd have no issue with Wymond Road being a secondary fire emergency route for the residents of Araluen but we don't agree with Cr Mosey's*

proposal to widen Wymond Road as it will have a devastating impact on the immediate environment and the wildlife in the area.

- *At the bottom of the hill that Wymond Road sits on is the heritage listed Roley Pools and Djarlgarro (Canning) river which is a place of Aboriginal significance. It is a place with a unique landscape, is of environmental significance tended to by the Armadale and Gosnells Landcare Group, and a place that residents of Roleystone and beyond love to visit. We believe that the widening of Wymond Road will inevitably require the blasting of the granite boulders that lie underneath and along Wymond Road's length. The dust, vibration and noise will have a significant and devastating impact on the Canning River and Roley Pools area.*
- *Roley pools water supply is already being choked by the Araluen Estate's commandeering of the natural springs to water the golf course. The hill that Wymond Road sits on has many underground aquifers and streams that, since the building of Canning Dam and Araluen Estate, are one of the few remaining sources of water that feed into the Canning River and Roley pools.*
- *If the Council allows the widening of Wymond Road to go ahead, the impacts on the river will be devastating. If the Canning River stops flowing and Roley Pools ends up choked of water, it will become a muddy cesspit and a breeding ground for mosquitoes. No one in Roleystone wants a mosquito explosion.*
- *Some of the residents of Araluen estate have been relentless in their decades-long attempts to annexe Wymond Rd. They have squandered Armadale City Council's time, money and resources in this endeavour. The signage, CCTV and gate on Wymond Road alone cost over \$130,000.*
- *Before the CCTV cameras, signage and issuing of fines was put in place in 2020, some Araluen residents thought they had the right to vandalise the gate, drive through the firebreaks, and illegally use Wymond road as a rat run to Armadale CBD. (Ref Community Services 7 July 2020)*
- *The residents of Araluen behind Cr Mosey's proposal don't care –*
 - *that the widening of Wymond Road will lead to the destruction of one of the most important heritage sites that Roleystone has to offer;*
 - *about the impact this will have on the residents of Wymond Road, whose land will be taken away as the result of a Compulsory Acquisition Order for privately held residential land;*
 - *that the widening of the road and the disruption and the vibration might dislodge boulders that will fall down the valley, crush into the Canning River, destroying a site of aboriginal significance;*
 - *about grabbing millions of dollars of taxpayer's money to further their own ends; and*
 - *that the unique and endangered flora and fauna of Wymond Road will have its habitat destroyed and it's peace and tranquilly taken away.*

The Mayor thanked Mr Goodwin and Ms Stoneham for their comments with the deputation concluding at 7:33 pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

1 Request for Leave of Absence (Cr Scott Mosey)

Request for leave of absence received from Cr Mosey for Monday 20 February 2023.

MOVED Cr S Peter

That Council grant leave of absence to Cr Mosey for Monday 20 February 2023 (does not include an Ordinary Council meeting).

MOTION not opposed, DECLARED CARRIED (11/0)

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

**7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 30 JANUARY 2023.**

MOVED Cr E J Flynn that the Minutes of the Ordinary Council Meeting held on 30 January 2023 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (11/0)

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

1. Mayors Announcements

Wednesday 1 February 2023

Attended the WALGA State Council Information Forum where Minister Carey reiterated the intention to spill Councils who had not voluntarily gone to publically elected Mayors and told us that the legislation on LG reform would be coming in the very near future. The legislation will be divided into two bills with the first dealing with electoral matters such as optional preferential voting.

Thursday 2 February 2023

Attended a meeting with the COE and Yaz Mubarakai MLA, Member for Jandakot to discuss local issues. Updates on progress of local projects was provided.

Friday 3 February 2023

Attended the Switch Your Thinking presentation for the Switch Your Business Award at Anthologie in East Perth. The Lord Mayor Basil Zempilas was also in attendance.

Monday 6 February 2023

Attended a regular meeting with the CEO to discuss local issues.

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

Nil

10 REPORTS

10.1 TECHNICAL SERVICES COMMITTEE MEETING

Report of the Technical Services Committee held on 6 February 2023.

MOVED Cr G Nixon that the report be received.

MOTION not opposed, DECLARED CARRIED (11/0)

BUSINESS ARISING FROM REPORT

Recommendation T1/2/23 – Barbeque Facility – Whiteley Park and Connecting Footpath
(Councillor Referral Item)

MOVED Cr G Nixon

That Council:

**Request that Officers advise of the nearest neighbourhood open space that would
accommodate a BBQ facility as part of the future planning of the immediate area.**

MOTION not opposed, DECLARED CARRIED (11/0)

Recommendation T2/2/23 - Wymond Road Project, Roleystone (Councillor Referral Item)

MOVED Cr G Nixon, SECONDED Cr M Silver

OPPOSED Cr S J Mosey

That Council:

**Continue to advocate through WALGA, and in collaboration with other affected local
governments, for the establishment of a fund for the construction of secondary access
ways for developments constructed in bush fire prone areas prior to the gazettal of
Western Australian Planning Commission's State Planning Policy (SPP 3.7) Planning
for Bushfire Prone Areas and Guidelines.**

MOVED Cr S J Mosey, SECONDED Cr S Peter

OPPOSED Cr G Nixon

That Recommendation T2/2/23 be amended by adding a part (2) as follows:

2. Pending the above, open the Wymond Road gate during the bushfire season.

AMENDMENT LOST (3-8)

At the request of Cr Mosey it is recorded that he voted for the amendment.

The substantive motion was put to the vote.

MOTION CARRIED (11-0)

Recommendation T3/2/23 - Safety at Aspiri Oval - (Councillor Referral Item)

MOVED Cr G Nixon

That Council:

Leave the status quo and not make any changes.

MOTION not opposed, DECLARED CARRIED (11/0)

10.2 COMMUNITY SERVICES COMMITTEE MEETING

Report of the Community Services Committee held on 7 February 2023.

MOVED Cr Silver that the report be received.

MOTION not opposed, DECLARED CARRIED (11/0)

BUSINESS ARISING FROM REPORT

Recommendation C1/2/23 - New Draft Policy: Engagement and Consultation with the Aboriginal Elders and Community Members

MOVED Cr Silver

That Council endorse the draft new Policy: *Engagement and Consultation with the Aboriginal Elders and Community Members*.

MOTION not opposed, DECLARED CARRIED (11/0)

Recommendation C2/2/23 - Conference Attendance - National Sports and Physical Activity Convention in July 2023

MOVED Cr Silver

That Council:

- 1. Nominate Councillor K Kamdar and Councillor M Silver as delegates to the 2023 National Sports and Physical Activity Convention.**

MOTION not opposed, DECLARED CARRIED (11/0)

Recommendation C3/2/23 - Proposed Cat Local Law

Committee Recommendation

That Council:

- Endorses Option 3 with an amendment to the number of cats to be kept without a permit to be 4 as its preferred model of a proposed cat local law;
- In accordance with section 3.12(3)(a) of the *Local Government Act 1995*, give local public notice of the proposed draft cat local law with the purpose and effect of the proposed local law to be summarised in the notice;

3. Note that any public and Ministerial responses will be reported to Council for consideration prior to making of the local law and publication in the Government Gazette; and
4. Authorise the CEO to undertake necessary administrative actions in order to give effect to (1) above.

MOVED Cr Silver

That Council recommit this item to the April 2023 Community Services Committee pending further information.

MOTION not opposed, DECLARED CARRIED (11/0)

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

MOVED Cr M S Northcott that the report be received.

MOTION not opposed, DECLARED CARRIED (11/0)

BUSINESS ARISING FROM REPORT

Recommendation CEO1/2/23 - Councillors Information Bulletin - Issue No 1/2023

MOVED Cr S Peter

That Council acknowledge receipt of Issue 1/2023 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED (11/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil

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

13 MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION

1 Hoarding Issue - Galliers Avenue (Cr Ruth Butterfield)

That the matter of the hoarding issue at Galliers Avenue be referred to the Development Services Committee.

2 Feasibility Study for Cable car Project (Cr Shanavas Peter)

That the matter of a feasibility report for a cable car project connecting the City Centre, Roleystone and Kelmscott be referred to the Corporate Services Committee.

3 Councillor Biographies (Cr John Keogh)

That the matter of Councillor Biographies on the City's website be referred to the Corporate Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 8.10pm

MINUTES CONFIRMED THIS 27 FEBRUARY 2023

MAYOR