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**ORDINARY MEETING OF COUNCIL  
MONDAY, 12 JUNE 2023**

**AGENDA**

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**AGENDA**

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**REPORTS**

**COMMUNITY SERVICES COMMITTEE MEETING  
HELD ON 6 JUNE 2023**

**TECHNICAL SERVICES COMMITTEE MEETING  
HELD ON 7 JUNE 2023**

**CHIEF EXECUTIVE OFFICER'S REPORT**

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# 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, 12 JUNE 2023**

**JOANNE ABBISS  
CHIEF EXECUTIVE OFFICER**

**8 June 2023**

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## **1                   DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

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## **2                   RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

Leave of Absence previously granted to Cr G Nixon

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

The following questions were taken on notice at the Special Meeting of Council on Monday 29 May 2023 and responses (summarized below) forwarded in a letter by the Chief Executive Officer.

### **Meghan Travers**

Q4       With the GRV and the rates going up and given the average demographics in the City of Armadale are there concerns that a rate rise will effectively mean a number of defaulted rate payers in the same way that banks are faced with a bunch of defaulted loans?

*Mayor: That information is brought to our attention if there is a rise in people being unable to pay their rates. We do have a Hardship Policy which we have been using and which was reviewed during COVID and we are continuing with that policy. So we are trying to be as fair as possible and helping people to pay off their debt over a long period of time.*

Q-5 Has there been an increased usage of that?

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

**Response**

**No. The last applicant to enter into an arrangement under the Hardship Policy occurred last August. Most people are opting for the City's Smarter Way to Pay program.**

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**4 PUBLIC QUESTION TIME**

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

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

*It is also available in the public gallery.*

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

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**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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**6 PETITIONS**

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**7 CONFIRMATION OF MINUTES**

- 7.1 PREVIOUS ORDINARY COUNCIL MEETING  
HELD ON 22 MAY 2023..... (ATTACHED)
- 7.2 PREVIOUS SPECIAL COUNCIL MEETING  
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- 

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

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

Nil

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**BUSINESS ARISING FROM REPORT**

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**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

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

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**14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION**

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**15 CLOSURE**

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# CITY OF ARMADALE

## MINUTES

OF COMMUNITY SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,  
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 6  
JUNE 2023 AT 7:00PM.

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**PRESENT:** Cr M Silver (Chair)  
Cr M S Northcott (Deputy Chair) (from 7:12pm)  
Cr K Busby  
Cr E J Flynn  
Cr P A Hetherington (Deputy for Cr Northcott until 7:12pm)  
Cr J Keogh  
Cr S J Mosey  
Cr S Peter JP (Deputy for Cr Kamdar)

**APOLOGIES:** Cr K Kamdar

**OBSERVERS:** Cr R Butterfield (Mayor)  
Cr G J Smith

<b>IN ATTENDANCE:</b>	Ms J Abbiss	CEO
	Mrs S van Aswegen	Executive Director Community Services
	Ms J Cranston	Executive Assistant Community Services
	Mr M Andrews	Executive Director Technical Services ( <i>via Teams</i> )
	Mr D Baker	Senior Governance Officer ( <i>via Teams</i> )
	Mr C Halpin	Manager Recreation Services
	Mrs C Whittington	Community Facilities Planning Coordinator
	Mrs W Stanley	Community Facilities Planning Advisor
	Ms D Koelen	Community Planning Project Officer

**PUBLIC:** Nil

*“For details of Councillor Membership on this Committee, please refer to the City’s website  
– [www.armadale.wa.gov.au/your council/councillors](http://www.armadale.wa.gov.au/your_council/councillors).”*

## **DISCLAIMER**

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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**

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Nil

## **QUESTION TIME**

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Nil

## **DEPUTATION**

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Nil

## **CONFIRMATION OF MINUTES**

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## **RECOMMEND**

**Minutes of the Community Services Committee Meeting held on 2 May 2023 be confirmed.**

**Moved Cr J Keogh**

**MOTION CARRIED**

**(7/0)**

## **ITEMS REFERRED FROM INFORMATION BULLETIN**

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Report on Outstanding Matters – Community Services Committee

Items referred from the Information Bulletin – Issue 7 – May 2023

*None of the items from the Community Services Information Bulletin required clarification or a report for a decision of Council.*

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## COMMUNITY SERVICES COMMITTEE

6 JUNE 2023

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## ***1.1 - PUBLIC ART POLICY***

WARD : ALL

FILE No. : M/247/23

DATE : 10 May 2023

REF : RM

RESPONSIBLE : Executive Director  
MANAGER Community Services

### **In Brief:**

- This report presents an amended draft Policy: *Public Art*
- Recommend that Council:  
Endorse the amended draft Policy: *Public Art*

### **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**

#### **Community**

##### **1.1 *Foster and Strengthen Community Spirit***

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

#### **Environment**

##### **2.2 *Attractive and Functional Public Spaces***

- 2.2.4 Develop, improve and maintain quality parks, playgrounds and public open space throughout the City

#### **Leadership**

##### **4.1 *Strategic Leadership and Effective Management***

- 4.1.5 Establish comprehensive governance policies and processes

### **Art and Culture Strategy 2021 – 2025**



### **Legal Implications**

*Local Government Act 1995:*

s2.7 – The role of the Council – “(2) (b) determine the local government’s policies”

### **Council Policy/Local Law Implications**

PLN 3.12 Percent for Public Art (Local Planning Policy)

This Policy – *Public Art* will be added to the City’s Policy Manual as an amended policy.

### **Budget/Financial Implications**

The public art component of the current policy comprises an annual budget allocation of \$100,000 every second financial year. In addition, developers may contribute funds as per the PLN 3.12 Percent for Public Art (Local Planning Policy).

### **Consultation**

1. Executive Leadership Team (ELT)
2. Development Services Directorate

## **BACKGROUND**

Council policies are an essential part of Council’s governance framework. They guide Council and Officers in their decision making. Policies can be developed to respond to legislative requirements, discretionary legislated powers and/or non-legislated functions/activities of Council.

The objective of the amended draft Policy: *Public Art* is to provide an administrative framework for public art commissions, maintenance and management of all aspects of public art across the City of Armadale.

With regards to the scope of the draft Policy, it applies to City staff and external organisations looking to establish new artworks, maintain or decommission existing public artworks across the City. Public art is diverse in nature and it is recognised that different approaches are often required depending on the artwork’s purpose, expected life and the budget commitment.

### **The City’s Art and Culture Strategy**

In June 2022 (CS29/6/22), Council endorsed the following recommendation pertaining to the draft Arts and Culture Strategy 2022 – 2026:

1. *Endorse the proposed Arts and Culture Strategy 2022 – 2026.*
2. *Amend the adopted 2022/23 Annual Budget to include funds of \$25,000 for the Music in the Mall program.*

The endorsed Arts and Culture Strategy contains a section dedicated to Public Art. The amended draft Public Art Policy provides detail on the processes and management required to implement the Strategy.

Amendment to the draft Public Art Policy

At the Ordinary Council Meeting on 8 May 2023 (C12/5/23), Council resolved:

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

The draft Policy is therefore being recommitted with the added amendment that Council will make a decision at the commencement of the process of commissioning of medium to long term public art valued at \$50,000 and over with regards to the location, budget and a brief direction for the theme. This amendment will appear in the Types of Commissions table on page six and under the heading Public Art Approvals on page nine of the Policy.

**DETAILS OF PROPOSAL**

It is proposed that Council adopt the amended draft Policy: *Public Art*. The Policy cites definitions, terms and priorities relating to the City's process of managing public art, and details the following categories:

- Key Themes
  - Natural place
  - Vibrant community
  - History and heritage
  - Urban/rural gateway
- Artwork Plaques
- Commissioning Guidelines for City Funded Public Artwork
  - Types of commissions
  - Artist brief
  - Public art approvals
  - Concept design
  - Preparation, installation and handover
  - Artwork launch
  - Commissioning Process Chart – City funded public artwork
- Commissioning Guidelines for Privately Funded Public Artwork as part of a Development Approval Condition Clearance Request (Percent for Public Art Submission).
  - Engaging with the City of Armadale
  - Lodging a Percent for Public Art Submission
  - Percent for Public Art Submission Criteria
  - Approval criteria and process
  - Building permits
  - Practical completion criteria
  - Monetary contributions
  - Commissioning Process Chart – privately funded public artwork
- Maintaining Existing City Owned Public Artwork
- Decommissioning City Owned Public Artworks

In addition to the amalgamation of the Policy and Management Practice to align with the updated format for City policies, the key amendments of the amended draft Policy comprise guidelines for different types of public art commissions. These include medium to long term public art, community public art and temporary public art.

It also provides comprehensive detail on the City's process for managing applications from private developers.

## **ANALYSIS**

The amended draft Policy: *Public Art* provides clear and practical guidance for City Officers to manage public art works spanning different categories. This was an important addition, as for example, community art projects are increasingly used as an engagement tool, conducive to contributing to local ownership and pride. With larger and more iconic public art and whether funded by the City or privately, the amended draft Policy provides comprehensive guidelines to maximise the opportunity to ensure that the art work enhances the unique identity and sense of place of Armadale. The policy also makes it clear that the process of providing concept designs and formal presentations by artists is only required for commissions of >\$50,000.

## **OPTIONS**

Council has the following options:

1. Endorse the amended draft Policy: *Public Art*
2. Do not endorse the amended draft Policy: *Public Art*

Option 1 is recommended.

## **CONCLUSION**

The amended draft Policy: *Public Art* provides clarity and detail on managing public art across a range of categories. It is envisaged that once the amended draft Policy is endorsed it will allow for a more streamlined process to be applied, thus contributing to the aim of highlighting the City of Armadale's strengths in the arts field, community pride and unique identity.

## **ATTACHMENTS**

1. Draft COA Public Art Policy - 2023
2. Draft COA Public Art Policy - 2023 - Amendments Accepted

## **RECOMMEND**

**C14/6/23**

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

**Moved Cr J Keogh  
MOTION CARRIED**

**(7/0)**

**\*\*2.1 - COMMUNITY SERVICES DIRECTORATE - REVIEW OF DELEGATIONS**

WARD : ALL  
FILE No. : M/245/23  
DATE : 8 May 2023  
REF : DB  
RESPONSIBLE : Executive Director  
MANAGER : Community Services

**In Brief:**

- On 25 July 2022 Council reviewed all of its delegations to the CEO (Local Government Act, Dog Act, Cat Act) to ensure compliance with *Local Government Act 1995* requirements.
- This review was made on the premise that a detailed review and update of the City's delegations would continue to occur in time for the subsequent 12 month milestone.
- Tranche 1 of that detailed review is complete and delegations relevant to Community Services Directorate functions are presented for consideration.
- Recommend that Council adopt the delegations as attached to this report.

**Tabled Items**

Nil

**Decision Type**

☒ **Legislative**

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

☐ **Executive**

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

☐ **Quasi-judicial**

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

**Officer Interest Declaration**

Nil

**Strategic Implications**

*4.1. Develop organisational frameworks to achieve consistency, transparency and clarity of decision making processes.*

**Legal Implications**

Delegations of authority are made using enabling legislation (in this case, Local Government Act, Dog Act, Cat Act) to allow Officers to exercise functions and powers that would otherwise require to be exercised by Council.

Section 5.46(2) of the *Local Government Act 1995* (LGA) requires delegations made under the Act to be reviewed at least once by the delegator in every financial year.

Similarly, section 47 of the *Cat Act 2011* and section 10AB(2) of the *Dog Act 1976* require delegations made under those acts to be reviewed by the delegator (whether it is Council or the CEO) at least once each financial year.

### **Council Policy/Local Law Implications**

New and revised delegations should not alter the ability of the City to use local laws or policies. Some policies may require an administrative amendment to reflect a change in the name of a delegation; however, the heads of power remain the same.

### **Budget/Financial Implications**

Nil

### **Consultation**

1. Directorate Managers
2. Chief Executive Officer
3. ELT
4. External legal services provider in some cases

## **BACKGROUND**

At Council's meeting on 25 July 2022, Council reviewed, for the purposes of compliance with section 5.46(2) of the LGA, section 47 of the *Cat Act 2011* and section 10AB(2) of the *Dog Act 1976*, all of the City's delegations of authority from Council to the CEO (CS36/7/22).

This followed an in-depth review commenced by the Standing Order House Advisory Group (SOHAG) in 2020 which ultimately recommended to Council to review, amend or approve a number of delegations (both existing and new) that covered a range of functions and business areas. Fifty two (52) in total were subject to review.

The review of the delegations by Council in July 2022 was made on the premise that a detailed assessment of the City's existing delegations would continue to be conducted. This would allow the City to account for changes in legislation, address any anomalies or issues with current delegations, and any operational gaps in functions and powers that are delegated.

Due to the timing of the review falling due by the end of this financial year to achieve compliance with the Act, it will not be possible for SOHAG to review the delegations and still allow the City to be compliant with legislative requirements. Consequently, the delegations are presented to committees for consideration and recommendation to Council.

## **DETAILS OF PROPOSAL**

As noted earlier, Council's review on 25 July 2022 was for the purpose of satisfying the compliance requirements of the enabling legislation behind those delegations where review by the delegator is required on an annual basis. It did not constitute a detailed review of each instrument, however, it was understood that this would continue to be done in time for the next review anniversary.

Since then, a wide ranging assessment of the City's existing delegations that had not been subject to detailed review has been conducted and benchmarked against other local governments in the Perth metropolitan area, as well as against templates provided by the Western Australian Local Government Association (WALGA). Legislative requirements were reviewed, and where necessary, advice obtained from external legal service providers on particular powers and the delegable status of those powers.

This assessment eventually led Officers to form the view that for the remaining delegations that had not been reviewed, the City's existing delegation structure, and many individual delegations, were no longer fit for purpose and did not reflect current industry practice.

In addition, the system administrators of the cloud-based Attain system, which the City uses to manage its delegations (amongst other functions) have provided an updated and improved delegated authority template to better demonstrate functions and powers that have been delegated, in detail. This was in response to requests from the City for a better template to serve a more contemporary approach to making and managing instruments of delegated authority. It was viewed as an opportunity to make a generational change to the City's instruments of delegation and improve their utility.

Where more than one delegation is identified that has the same head of power, generally a single replacement is proposed combining them. The previous reviewed delegations are proposed to be replaced like-for-like with a version using the updated format and providing expanded detail of the delegation.

The delegations are proposed to be dealt with in the following way:

**Tranche 1** – delegations that require annual review. *Local Government Act 1995, Cat Act 2011, Dog Act 1976*. Delegations in this Tranche to be presented to the respective Committees responsible for the function being administered.

**Tranche 2** – all other delegations that do not have an annual review requirement. This will include Development Services delegations and *Bush Fires Act 1954* delegations. Delegations in this Tranche are still being assessed, with internal consultation ongoing.

Delegations for the Community Services Directorate are attached to this report, numbering 13 in total. It is proposed that these delegations will replace existing delegations as follows.

#### **Local Government Act 1995 Delegations – Council to CEO**

- 1.1.3 Administration of leases and licences.** Replaces “NEW TBC Administration of Leases and Licences”. Change: revision of function delegated to better clarify the purpose and intent of the delegation.
- 1.1.6 Declare vehicle is an abandoned vehicle wreck.** Replaces “NEW TBC Declare vehicle is an abandoned vehicle wreck”. Essentially carryover of existing with some changes made to clarify powers that can be exercised.
- 1.1.7 Dealing with confiscated, impounded or uncollected goods.** Replaces “NEW TBC Confiscated or Uncollected Goods”. Change: includes functions of s. 3.42 and 3.44 of the LGA in respect of issuance of notices to an offender.

- 1.1.8 Disposal of sick or injured animals.** Replaces “NEW TBC Disposal of sick/injured animals”. Change: delegated function revised to reflect the legislative requirements of s. 3.47 and 3.48 of the LGA.
- 1.1.30 Appointment of Poundkeepers.** New instrument. Delegates the function of the *Local Government (Miscellaneous Provisions) Act 1960* to appoint persons to be poundkeepers.
- 1.1.31 Free use of local government facilities.** Replaces “CS 3.0 Free use of Facilities” and “CS 6.0 One-off use of facilities”. The two existing delegations are recommended to be deleted and their functions rolled into a single version. This is because the actual head of power to grant a concession or waive a fee (s. 6.12(1)(b) of the LGA) is the same, thus removing the need for duplication.
- 1.1.32 Donations, community grants and requests for financial assistance.** Replaces “CS 5.0 Request for assistance”. Change: delegated function revised to reflect the legislative requirements of the *Local Government (Financial Management) Regulations 1996*.
- 1.1.34 Sponsorship and grant applications, agreements and acquittals.** Replaces “NEW TBC Sponsorship and grant applications, agreements and acquittals” although this new instrument is in reality a direct carry-over of the existing one to the updated format.

#### **Local Laws Delegations – Council to CEO**

- 2.1.1 Local Law Relating to Dogs – licencing and administration.** Replaces “CS 11.0 Dog Local Law”. Change: expanded detail of the functions delegated to encapsulate the entirety of licencing functions of the Local Law.

#### **Cat Act 2011 Delegations – Council to CEO**

- 5.1.1 Cat Act 2011 – administration of functions and powers.** Replaces “NEW TBC Cat Act 2011 – Administration and enforcement”. Expanded detail of delegable enforcement functions.

#### **Dog Act 1976 Delegations – Council to CEO**

- 6.1.1 Dog Act 1976 – registration functions.** Replaces “NEW TBC Dog Act 1976 – Power or duty of the local government under any provision of this Act”. It is proposed to replace the single general existing delegation with three proposed more detailed delegations.
- 6.1.2 Dog Act 1976 – dog control and enforcement functions.** New instrument. As above.
- 6.1.3 Dog Act 1976 – administration.** New instrument. As above.



In addition to the proposed new and replacement delegations, there are two that are recommended for deletion as Officer opinion is that they are no longer required. These are:

“NEW TBC Administration of Lease to Wallangarra Riding and Pony Club Inc – Fletcher Park”

The delegation was made by Council to manage the existing lease as it stood at the time. It was also to allow a range of administrative functions and dealings to be performed by City officers in respect of the lease, as well as negotiations over an environmentally sensitive area that was part of the leased area. It is understood that this was necessary particularly in the absence of an overarching policy for the management of community leases and licences.

The passage of time, Council’s later adoption of a delegation of authority to manage leases and licences, and the adoption of the Lease and Licence Policy (adopted on 19/04/2021), means that the general function to administer the Wallangarra Pony Club lease is now able to be managed within the policy and delegation structure Council has created to manage community leases generally.

“NEW TBC Lease – Wallangarra Riding and Pony Club – Deed of Variation of existing lease”

As noted above, this delegation is associated with the Administration of the Lease to the Wallangarra Riding and Pony Club however this dealt with the deed of variation to the leased area. The variation is in effect. The delegation appears to have been implemented to allow officers to deal with the administrative requirements of excising a part of the leased area, which was an environmentally sensitive area. Such dealings are now captured by the overarching Lease and Licence Policy. It is recommended the delegation is repealed.

## **COMMENT**

Council will note the proposed new and replacement delegations have new designator numbers as well. Whilst these may, on the face of it, seem to have no real coherent sequence as shown in this report, eventually, once all delegations have been adopted they will all form part of a revised Register of Delegations that will be structured like a piece of legislation, with the delegated powers being separated by their respective heads of power. All will be numbered sequentially with sub-delegations similarly separated by head of power.

Council is requested to adopt the delegations that are presented, with any such desired modifications as the case may be, and specify that the delegations do not come into effect until a future date, in this case, 7 August 2023.

The reason for this is to allow time for Officers to create sub-delegations for approval by the CEO, so that the sub-delegations are able to come into effect at the same time as the principal delegations. This is necessary due to the changes proposed in the attached drafts and the fact that if adopted, existing delegations are required to be repealed. Consequently, any sub-delegation made under a current delegation will cease to have legal effect as its source of authority will no longer exist.



Section 59(1)(b) of the *Interpretation Act 1984* provides broad discretion to a delegator when making or granting a delegated power. Notwithstanding the technical requirements of the LGA when making a delegation, section 5.45(1)(a) of the LGA itself appears to grant a Council the ability to delegate its authority in the manner proposed, particularly when a limitation of time is involved:

*“(a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely...”*

Council can, therefore, specify a period of time when the delegations come into effect, in its resolution.

## OPTIONS

- 1) Adopt the draft delegations attached, and revoke the existing delegations as recommended.
- 2) Not adopt the delegations and request additional information or explanation on them. The City will still be compliant with the annual review requirement of section 5.46 of the Act, as Council will have made a decision to accept or not accept the draft delegations.

## CONCLUSION

The assessment and revision of the attached delegations and the overarching process involved represents a significant body of work to overhaul the City’s delegation structure and bring about a contemporary change to how the City makes and exercises its functions and powers.

For all practical purposes, little will change for Officers in the course of their day to day duties and the powers delegated are the same as those used currently. What these changes will do is improve transparency around how Council delegates, and what specific legislative functions are delegated, whilst creating a clear and unambiguous link between the legislation through to the proper exercise of a power.

## ATTACHMENTS

1. DRAFT proposed delegations for Community Services functions
2. CURRENT Community Services Directorate delegations

*Cr Northcott joined the meeting at 7:12pm and indicated that she would vote on this item and Cr Hetherington attended as an observer.*

**RECOMMEND**

C15/6/23

**That Council:**

**In accordance with section 5.42(1) of the *Local Government Act 1995*; section 10AA(1) of the *Dog Act 1976*; and section 44(1) of the *Cat Act 2011*, delegate to the CEO the exercise of the powers and duties prescribed in the instruments of delegation specified by Attachment 1 of this report, and that –**

- 1. Pursuant to section 5.45(1)(a) of the *Local Government Act 1995*, the instruments of delegation have effect from 7 August 2023; and**
- 2. Upon the coming into effect of the instruments of delegation on 7 August 2023, and in accordance with section 5.45(1)(b) of the *Local Government Act 1995*, instruments of delegation specified by Attachment 2 of this report are revoked in their totality.**
- 3. Authorise the CEO to correct any identified minor grammatical, formatting or punctuation errors to the delegations once adopted, provided the correction does not represent a change to the function or power delegated.**

**\*ABSOLUTE MAJORITY RESOLUTION REQUIRED**

**Moved Cr E J Flynn, Opposed Cr S J Mosey  
Seconded Cr K Busby  
MOTION CARRIED**

**(4/3)**

***COUNCILLORS' ITEMS***

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Nil

***EXECUTIVE DIRECTOR COMMUNITY SERVICES REPORT***

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Nil

**MEETING DECLARED CLOSED AT 7:43PM**

<b>COMMUNITY SERVICES COMMITTEE</b> <b>SUMMARY OF ATTACHMENTS</b> 6 JUNE 2023		
ATT NO.	SUBJECT	
<b>1.1 PUBLIC ART POLICY</b>		
1.1.1	Draft COA Public Art Policy - 2023	
1.1.2	Draft COA Public Art Policy - 2023 - Amendments Accepted	
<b>2.1 COMMUNITY SERVICES DIRECTORATE - REVIEW OF DELEGATIONS</b>		
2.1.1	DRAFT proposed delegations for Community Services functions	
2.1.2	CURRENT Community Services Directorate delegations	

*The above attachments can be accessed from the Minutes of the Community Services Committee meeting of 6 June available on the City's website*

# CITY OF ARMADALE

## MINUTES

OF TECHNICAL SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,  
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON  
WEDNESDAY, 7 JUNE 2023 AT 7:00 PM.

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**PRESENT:**

Cr E J Flynn (Deputy Chair)  
Cr R Butterfield  
Cr M S Northcott  
Cr S Peter JP  
Cr G J Smith  
Cr S J Mosey (Deputy to Cr G Nixon)

**APOLOGIES:**

Cr G Nixon (Leave of Absence)  
Cr S S Virk

**OBSERVERS:**

Cr P Hetherington  
Cr M Silver (*Via Teams*)

**IN ATTENDANCE:**

Ms J Abbiss	Chief Executive Officer
Mr M Andrews	Executive Director Technical Services
Mr J Lyon	Executive Director Corporate Services ( <i>via Teams</i> )
Ms S van Aswegan	Executive Director Community Services ( <i>via Teams 7.05 pm</i> )
Mr D Baker	Senior Governance Officer ( <i>via Teams</i> )
Mr R Payne	Contract Administrator/Scheduler Technical Services
Ms N Mathieson	Senior Administration Officer Technical Services

**PUBLIC:**

Nil

*“For details of Councillor Membership on this Committee, please refer to the City’s website  
– [www.armadale.wa.gov.au/your\\_council/councillors](http://www.armadale.wa.gov.au/your_council/councillors).”*

## **DISCLAIMER**

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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**

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Nil

## **QUESTION TIME**

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Nil

## **DEPUTATION**

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Nil

## **CONFIRMATION OF MINUTES**

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## **RECOMMEND**

Minutes of the Technical Services Committee Meeting held on 1 May 2023 be confirmed.

Moved Cr M S Northcott

**MOTION CARRIED**

(6/0)

## **ITEMS REFERRED FROM INFORMATION BULLETIN**

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### **Outstanding Matters and Information Items**

Various Items

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

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7 JUNE 2023

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***1.1 - PETITION - REQUEST - MAINTAIN NATURE SPACE & INSTALL SHADE SOLUTIONS - GUERIN PARK AND COLUMBIA PARKWAY GARDENS, PIARA WATERS***

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WARD : RANFORD  
FILE No. : M/312/23  
DATE : 29 May 2023  
REF : DF  
RESPONSIBLE : Executive Director  
MANAGER : Technical Services

**In Brief:**

- A petition was presented 14 March 2023, the prayer of which reads a number of requests regarding the maintenance and upkeep of Guerin Park and Columbia Parkway Gardens, Piara Waters
- It is recommended that Council endorse the Officers Recommendations, Options 1, 2, 4, 6, 8, 10, 12, 14 and 16 and advise the petition convener accordingly.

**Tabled Items**

Nil

**Decision Type**

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

**Officer Interest Declaration**

Nil

**Strategic Implications**

- 2.2 Attractive, inclusive and functional public places
- 2.2.4 Develop, improve and maintain quality parks, playgrounds and public open spaces throughout the City

**Legal Implications**

General assessment of relevant legislation (e.g. *Local Government Act 1995*) has not revealed any restrictions.

**Council Policy/Local Law Implications**



General assessment of relevant legislation (e.g. *Local Government Act 1995*) has not revealed any restrictions.

### **Budget/Financial Implications**

The adoption of the recommendation contained in this report has no financial implication.

### **Consultation**

1. Intra Directorate

## **BACKGROUND**

A Petition was presented to Council dated 14 March 2023, detailing 200 signatures, the prayer of which reads: -

*We the undersigned respectfully request that the Council : Implement appropriate and consistent measures to maintain and rejuvenate the nature space between Columbia Parkway & Archdale Loop, Piara Waters, and to immediately install a shade solution over the play area within Piara Waters Park.*

*Residents are seeking the following solutions: increased watering days, footpath and verge maintenance, removal and replacement of dead trees and shrubs, maintenance of mature trees growing over residential properties, annual mulching, annual street sweeping, repair and maintenance of existing play equipment within Piara Waters Park.*

*These issues have been raised with the City of Armadale on several occasions and by many residents of Piara Waters. Residents of Columbia Parkway and Archdale Loop urge the City to maintain and care for this community streetscape.*

The Petition made a number of requests regarding the maintenance and upkeep of Guerin Park and Columbia Parkway Gardens, Piara Waters

A detailed analysis of the findings and subsequent recommendations are provided within the body of this report for consideration.

## **DETAILS OF PROPOSAL**

### **Columbia Parkway Gardens Overview**

The Columbia Parkway Gardens were established as part of a development in 2011. Since 2011 the vegetation has established well (Image 1).

The City, as the Licensee, is responsible for maintaining the land as a low maintenance native garden. The Water Corporation, as the Licensor, can do anything on or under the premises including opening and breaking up the soil including excavation. Given the land is owned by the Water Corporation the City's investment on the land is subject to disturbance should the Water Corporation require to undertake such works. As a consequence, investment of City resources should be limited to an appropriate standard, and general upkeep should be in line with the original intent of the land as a low maintenance native garden.

Further improvement works including plantings, would be subject to Water Corporation approval. Council should be aware that this land forms part of a greater corridor that stretches from Nicholson Road to Armadale Road, and that the setting of a precedence for this portion may have subsequent budgetary implications for the remaining portion.



**Image 1 (Columbia Parkway Gardens 2011 and 2023)**

The parkland is landscaped with native plants and provides connectivity along Columbia Parkway via a meandering pathway through the middle of the park (Image 2).

Columbia Parkway Gardens is owned in Freehold by the Water Corporation and is maintained under a general License Agreement between the Water Corporation and the City of Armadale (2010). Water Corporation has subsurface infrastructure network that runs through the land, namely potable water pipes.

Columbia Parkway Gardens forms part of a linear length of land that forms part of the Serpentine Trunk Main Line, which delivers drinking water from the Serpentine Dam to the metropolitan area. This section runs from Warton Road (adjoining City of Gosnells) extending a length approximately 5km through to Armadale Road.

The City's intent has been to establish the gardens so they are a low maintenance native area acting as a wildlife corridor and providing connectivity for residents via the footpath. The maintenance schedule is a monthly schedule. This service incorporates weed management, general pruning and litter removal. The maintenance area is from the curb lines between Archdale Loop and Columbia Parkway and the roads Pleasant Avenue and Guerin Avenue. The area is currently managed by the City using a specialist contractor under the Parks Landscape Maintenance Services Tender (TEN/17/22).





**Image 2 (Pathway through Columbia Parkway Gardens)**

### **Watering days**

Currently the Gardens are being watered twice per week for 45 minutes between 6pm and 6am during the non-winter months. Irrigation was initially installed to establish the vegetation in 2011. The area was originally planted with native vegetation in line with Water Wise garden standards and to enhance local biodiversity.

In February 2023, the City was again endorsed as a 'Water Wise Council' (Water Corporation); a component of the plan is for the City to use lower water use plants, Water Wise mulch, hydro zoning and soil amendments. Columbia Parkway Gardens aligns with these standards.

The City abstracts ground water to irrigate its reserves from its annual allocation, the City's water allocation is granted through the State Department of Water, Environment and Regulation (DWER) who issue the City with Ground Water Licenses allowing a quantity of water to be abstracted to irrigate turf and gardens throughout the City. The State Government has released a plan to rebalance precious groundwater resources. Under the plan, Local Governments are required to reduce their ground water usage (abstraction) by 10% as of July 2028.

The City currently abstracts approximately 90% of its allocation of ground water (under its Ground Water Licenses), with a 10% reduction in allocation in 2028, the City would be at 100% of its abstraction allocation. Therefore, the City does not support an increase in watering at Columbia Parkway Gardens.



### Footpath and verge maintenance

The footpaths are maintained as per the monthly schedule whereby paths are blown and vegetation is generally maintained off the pathway (Image 4). Vegetation incorporated in the monthly schedule, is pruned away from the verge as required (Image 3).



**Image 3 (Verge along Columbia Parkway and Archdale Loop)**



**Image 4 (Sections of footpath through Columbia Parkway Gardens).**

### Removal and replacement of dead trees and shrubs

Columbia Parkway has experienced a natural decline in areas and particularly the *Callistemon viminalis* (Kings Park Special) which is a species that is in severe decline across the Perth Metropolitan Area. Historically, the scope of works in managing the area has not included removal of all the dead vegetation as the area is generally managed as a natural area in which dead vegetation is considered a component of a natural vegetation structure, unless the City deems any dead vegetation poses any risk. However, the City has recently assessed



the level of dead vegetation and has subsequently removed a significant amount of dead vegetation from within the park area.

The City does not have a program for the replacement of dead trees and shrubs in this area. The Columbia Parkway Gardens were established as part of a development in 2011. Since 2011 the vegetation has been well established, though it is recognised that infill planting of trees to attain higher level of long term canopy and shrub understory after twelve years is an activity that would be beneficial to the City's environment (Image 5).



**Image 5 (Example of areas that could be improved with replacement tree and shrub planting).**

### **Maintenance of mature trees growing over residential properties**

The City generally prunes trees only to:

- Clear overhead power lines and other utility services;
- Improve the tree's form, structural integrity or heal;
- Clear infrastructure such as street lights, street signs and City controlled CCTV;
- Maintain pedestrian and vehicle access and /or sightlines; and
- In accordance with statutory and other industry guidelines and requirements.

The trees within the Columbia Parkway Gardens area that grow along the property line of residents were assessed. Only six houses have fence lines adjacent to Columbia Parkway Gardens.



Number 36 and 38 Pleasant Avenue and 61 and 63 (Image 5) Archdale Loop were assessed for mature trees growing over residential properties; no significant over growth was identified (Image 6).



**Image 5 Aerial view of Number 36 and 38 Pleasant Avenue and 61 and 63 Archdale Loop.**





**Image 6 (Fence line of Number 36 and 38 Pleasant Avenue and 61 and 63 Archdale Loop).**

Number 53 Archdale Loop and 60 Guerin Avenue (Image 7) were assessed for mature trees growing over residential properties; no significant over growth was identified along 53 Archdale Loop (Image 8), whilst there was notable dense growth along the fence line of 60 Guerin Avenue (Image 9). It is recommended that the City prune the vegetation away from the fenceline of 60 Guerin Avenue.

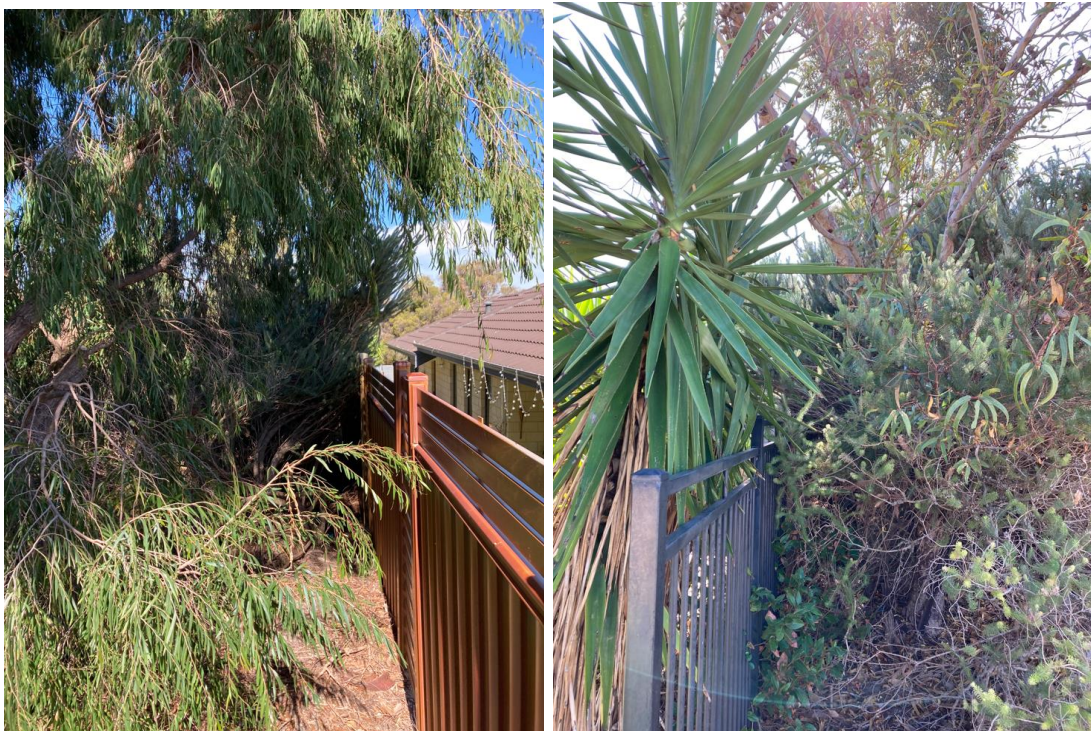


**Image 7 (Aerial view of Number 53 Archdale Loop and 60 Guerin Avenue).**





**Image 8 (Fence line of Number 53 Archdale Loop; note that the Bougainvillea is growing from the residents property).**



**Image 9 (Fence line of Number 60 Guerin Avenue)**

### **Annual Mulching**

The City does not currently implement any regular mulching in the Gardens. The area is approximately 0.6ha and the cost would be prohibitive. The native gardens produce leaf debris to assist in soil conditioning and acting as a natural mulch once established.



It is identified that there are areas that are bare of vegetation and could benefit from mulching by way of sand erosion control on the banks and be aesthetically pleasing if mulched, whilst soils generally benefits from the addition of organic matter. Mulching would be appropriate to establish any new plantings, particularly in the bare areas.

### **Annual street sweeping**

The City undertakes street sweeping of all local access roads twice per year.

### **Repair and maintenance of existing play equipment within Guerin Park (Piara Waters Park).**

Guerin Park (Piara Waters Park) Playground (Image 10) has a service regime, this service incorporates the activities detailed in Table 1 below.

Table: 1 Playground Maintenance Regime

<b>Activity</b>	<b>Frequency</b>
Inspection Routine	Monthly
Mulch Cleaning	Monthly
Mulch Rotary Hoe	Quarterly
Graffiti Removal	Monthly
Vandalism and Repairs*	Monthly
High Pressure Cleaning	Twice Yearly (Biannual)
Sanding and or Oiling of Timber Equipment	Once per Annum (September/October)
Rubbish Removal	Monthly
Emptying of the park rubbish bins	Weekly
Weed Control	Monthly

\*Urgent playground repairs are responded to immediately by City officers.

Guerin Park Playground currently has a condition rating of Fair to Good. The playground was installed in 2012, and based on a 15-year life cycle and is due to be replaced in 2026/2027.

The City provides safe playgrounds by having external biennial inspections by a specialist playground auditor, with maintenance carried out by weekly/monthly contracted services.



**Image 10 (Components of Guerin Park Playground)**

## **Shade Solutions**

Under the City's Parks Facility Strategy, Guerin Park is considered a local recreation reserve, as such the infrastructure is considered reasonable for the size and the use of the reserve.

Shade sails are not generally provided at local parks with preference for tree cover to provide shade instead, due to the costs associated with shade sails they cannot be provided in all locations. Guerin Park generally has some morning shade cover by the trees to the western side but minimal afternoon shade cover. It is suggested that some further tree planting is undertaken within the Park specifically to assist in natural shade in the long term.

## **COMMENT**

The issues raised within the petition requesting the implementation and measures to maintain and rejuvenate the nature space between Columbia Parkway and Archdale Loop, Piara Waters have been assessed.

The Columbia Parkway Gardens has a prescribed monthly maintenance whilst the Guerin Park playground has a regime as depicted in Table 1 above, although the City does recognise that on occasion Columbia Parkway Gardens has been underserviced at times due to resourcing challenges. The Gardens however, is now currently under a monthly contracted maintenance service. It should be noted that this standard and type of reserve is designed to be low maintenance and Water Wise.

Given the City's requirements to reduce water abstraction in 2028 by 10% (under the State Governments Plan to rebalance groundwater resources) it is not recommended that the City increase watering in the Gardens and particularly when it is designed to be water use efficient with native plantings.

The current maintenance program ensures footpaths and verges are kept clear of vegetation. Since the planting of the Gardens in 2011 it is recognised that even though across the land the planting has been a success, there are areas where trees have not survived along with some shrubs and ground covers. Replanting these areas would be appropriate to ensure the objectives of the initial planting are achieved. To ensure the best chance of survival, this would occur in the 2024 planting season (Winter months 2024).

The City recently (May 2023) assessed Columbia Parkway and provided an extra service level which incorporated removal of all dead vegetation as well as a higher level of weed control and pruning activities.

Of the six properties adjacent to Columbia Parkway, only one property (60 Guerin Avenue) was assessed to be requiring pruning of vegetation, notably away from the fence as the vegetation is dense and up against the fence line. All other properties have no significant vegetation over hanging the property lines. The pruning along 60 Guerin Avenue fence line would take place in July 2023.

Annual mulching of the Gardens is not required as native gardens are designed to provide self-generating beneficial leaf debris (mulch) once established. However, the Gardens do have a number of areas where the planting has not established, as such a mulching regime to assist in the establishment of any infill planting would be implemented in September/October 2023.



The City schedules a twice yearly street sweeping activity on all the local access roads. The roads within the vicinity of Columbia Parkway and Archdale Loop will continue to be swept in line with the level of service of all roads within the City.

Guerin Park Playground is currently on a monthly inspection and service regime which incorporates repairs to equipment, cleaning, treatments, undersurface cleaning and rubbish removal. As Guerin Park is a 'local playground', the City will continue to maintain the playground on the monthly service, as detailed in Table 1 above. As the playground was installed 2012 it will be due for replacement in 2026/2027. We will look to engage local residents ahead of the replacement.

The City generally does not provide shade sails to local parks where play is often of a short duration and children are responsibly sun smart. It is not recommended that shade sails be installed over the playground. The City will investigate shade tree planting for a longer term, natural and sustainable solution to shade.

Columbia Parkway is owned by the Water Corporation in Freehold and the City maintains the land under a general license agreement between the Water Corporation and the City of Armadale. The City is the Licensee and as such is responsible for maintaining the land. The Water Corporation, as the Licensor, can do anything on or under the premises including opening and breaking up the soil including excavation.

The Water Corporation has scheme water pipes under Columbia Parkway Gardens, as such, the City's investment on the land is subject to disturbance should the Water Corporation require to undertake such works. Further, any improvement works (inclusive of plantings) would be subject to Water Corporation approval.

## ANALYSIS

A full assessment has been carried out, with background, comment and recommendation outlined within the body of this report.

## OPTIONS

The City has reviewed the requests submitted within the petition and the following information is provided for Councilors' consideration.

**Option 1** Undertake a planting assessment of the Gardens to increase canopy with local native tree species, shrubs and ground cover where required. Subsequent planting to be undertaken during winter 2023/2024.

**Option 2** Undertake mulching and irrigation adjustments to support future planting.

**Option 3** Increase maintenance activity to mulch the whole Gardens annually.

**Option 4** Continue to operate the watering schedule twice weekly in the summer months; subject to future water restrictions.

**Option 5** Increase the watering schedule to thrice weekly; subject to future water restrictions.

- Option 6** Maintain current monthly service schedule of Columbia Parkway Gardens, subject to available resources.
- Option 7** Increase the planned maintenance activity service schedule of Columbia Parkway Gardens to fortnightly, subject to available resources.
- Option 8** Prune the vegetation from the fence line at 60 Guerin Avenue.
- Option 9** Increase the number of fence lines to be pruned of any vegetation away from the fence line and any vegetation overhanging fence line to include those along the properties of 60 Guerin Avenue, 53 Archdale Loop, 36 and 38 Pleasant Avenue, and 61 and 63 Archdale Loop.
- Option 10** Maintain the biannual street sweep activity.
- Option 11** Increase the sweeping activity to 3-4 times per year.
- Option 12** Do not install shade sails of the playground at Guerin Park.
- Option 13** Install shade sails over the playground at Guerin Park.
- Option 14** Investigate shade tree planting around the Guerin Park Playground and plant trees as required.
- Option 15** Do not investigate shade tree planting around the Guerin Park Playground.
- Option 16** Maintain current monthly maintenance regime on the Guerin Park Playground
- Option 17** Increase the planned maintenance activity on the Guerin Park Playground from monthly to a fortnightly regime.

## CONCLUSION

A petition has been received requesting consideration be given to the rejuvenation of Columbia Parkway Gardens, and an increase in service levels along with installing shade sails over Guerin Park Playground.

The City has given consideration to the concerns raised in the petition. In doing so, it is recognised that enhancing the Columbia Parkway Gardens vegetation with infill planting is appropriate, as well as maintaining a consistent monthly service regime.

As such, it is recommended that Council advise the convener of the petition that Options 1, 2, 4, 6, 8, 10, 12, 14 and 16 are the practical approaches to the matters raised within the petition.

**ATTACHMENTS**

There are no attachments for this report.

**RECOMMEND**

**T1/6/23**

**That Council:**

- 1. Endorse Options 1, 2, 4, 6, 8, 10, 12, 14 and 16**
- 2. Inform the petition convener**

**Moved Cr S Peter**  
**MOTION CARRIED**

**(6/0)**

***\*\*2.1 - TECHNICAL SERVICES DIRECTORATE - REVIEW OF DELEGATIONS***

WARD : ALL  
FILE No. : M/261/23  
DATE : 12 May 2023  
REF : DB  
RESPONSIBLE : Executive Director  
MANAGER : Technical Services

**In Brief:**

- On 25 July 2022 Council reviewed all of its delegations to the CEO (Local Government Act, Dog Act, Cat Act) to ensure compliance with *Local Government Act 1995* requirements.
- This review was made on the premise that a detailed review and update of the City's delegations would continue to occur in time for the subsequent 12 month milestone.
- Tranche 1 of that detailed review is complete and delegations relevant to Technical Services Directorate functions are presented for consideration.
- Recommend that Council adopt the delegations as attached to this report.

**Tabled Items**

Nil.

**Decision Type**

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

**Officer Interest Declaration**

Nil.

**Strategic Implications**

- 4.1. *Develop organisational frameworks to achieve consistency, transparency and clarity of decision making processes.*

**Legal Implications**

Delegations of authority are made using enabling legislation (in this case, the *Local Government Act 1995*) to allow Officers to exercise functions and powers that would otherwise require to be exercised by Council.

Section 5.46(2) of the *Local Government Act 1995* (Act) requires delegations made under the Act to be reviewed at least once by the delegator in every financial year.

### **Council Policy/Local Law Implications**

New and revised delegations should not alter the ability of the City to use local laws or policies. Some policies may require an administrative amendment to reflect a change in the name of a delegation; however, the heads of power remain the same.

### **Budget/Financial Implications**

Nil.

### **Consultation**

1. Directorate Managers
2. Chief Executive Officer
3. ELT
4. External legal services provider in some cases

## **BACKGROUND**

At Council's meeting on 25 July 2022, Council reviewed, for the purposes of compliance with section 5.46(2) of the Act, section 47 of the *Cat Act 2011* and section 10AB(2) of the *Dog Act 1976*, all of the City's delegations of authority from Council to the CEO (CS36/7/22).

This followed an in-depth review commenced by the Standing Order House Advisory Group (SOHAG) in 2020 which ultimately recommended to Council to review, amend or approve a number of delegations (both existing and new) that covered a range of functions and business areas. Fifty two (52) in total were subject to review.

The review of the delegations by Council in July 2022, was made on the premise that a detailed assessment of the City's existing delegations would continue to be conducted. This would allow the City to account for changes in legislation, address any anomalies or issues with current delegations, and any operational gaps in functions and powers that are delegated.

Due to the timing of the review falling due by the end of this financial year to achieve compliance with the Act, it will not be possible for SOHAG to review the delegations and still allow the City to be compliant with legislative requirements. Consequently, the delegations are presented to committees for consideration and recommendation to Council.

## **DETAILS OF PROPOSAL**

As noted earlier, Council's review on 25 July 2022 was for the purpose of satisfying the compliance requirements of the enabling legislation behind those delegations where review by the delegator is required on an annual basis. It did not constitute a detailed review of each instrument, however, it was understood that this would continue to be done in time for the next review anniversary.

Since then, a wide ranging assessment of the City's existing delegations that had not been subject to detailed review has been conducted and benchmarked against other local governments in the Perth metropolitan area, as well as against templates provided by the Western Australian Local Government Association (WALGA). Legislative requirements



were reviewed, and where necessary, advice obtained from external legal service providers on particular powers and the delegable status of those powers.

This assessment eventually led Officers to form the view that for the remaining delegations that had not been reviewed, the City's existing delegation structure, and many individual delegations, were no longer fit for purpose and did not reflect current industry practice.

In addition, the system administrators of the cloud-based Attain system, which the City uses to manage its delegations (amongst other functions) have provided an updated and improved delegated authority template to better demonstrate functions and powers that have been delegated, in detail. This was in response to requests from the City for a better template to serve a more contemporary approach to making and managing instruments of delegated authority. It was viewed as an opportunity to make a generational change to the City's instruments of delegation and improve their utility.

Where more than one delegation is identified that has the same head of power, generally a single replacement is proposed combining them. The previously reviewed delegations are proposed to be replaced like-for-like with a version using the updated format and providing expanded detail of the delegation.

The delegations are proposed to be dealt with in the following way:

**Tranche 1** – delegations that require annual review. *Local Government Act 1995, Cat Act 2011, Dog Act 1976*. Delegations in this Tranche to be presented to the respective Committees responsible for the function being administered.

**Tranche 2** – all other delegations that do not have an annual review requirement. This will include Development Services delegations and *Bush Fires Act 1954* delegations. Delegations in this Tranche are still being assessed, with internal consultation ongoing.

Delegations for the Technical Services Directorate are attached to this report, numbering 10 in total. It is proposed that these delegations will replace existing delegations as follows.

#### **Local Government Act 1995 Delegations – Council to CEO**

- 1.1.4 Compensation for damage incurred when performing executive function.** New delegation for dealing with s. 3.22 of the Act in the event the City damages private property whilst performing any of its functions under the Act.
- 1.1.5 Power of entry.** Replaces “NEW TBC Local Government Act 1995 – Power of entry” however in reality it is a carryover of the existing delegation with formatting changes.
- 1.1.9 Closing certain thoroughfares to vehicles.** Replaces “TS 3.0 Authority to close roads” and improves the current delegation by ensuring the functions are adequately defined.
- 1.1.10 Reserves under control of the local government.** Replaces “TS 2.0 Reserves under control of Local Government” however it is essentially a carryover of the existing delegation, albeit with expanded detail of the functions.

- 1.1.11 Obstruction of footpaths and thoroughfares.** This is not expressly covered in an existing delegation. It introduces the ability for the City to exercise provisions of the *Local Government (Uniform Local Provisions) Regulations 1996* in respect of private works obstructing footpaths and roads.
- 1.1.12 Public thoroughfare – dangerous excavations.** This is a new instrument to allow the City to exercise provisions of the *Local Government (Uniform Local Provisions) Regulations 1996* that deal with excavations done in thoroughfares that present a public safety risk.
- 1.1.13 Requirement to construct, repair or remove crossing.** Replaces “NEW TBC Requirement to construct and repair crossing” and “NEW TBC Crossing from public thoroughfare to private land or private thoroughfare”. The existing delegations have the same head of power and deal with the same basic function (i.e. crossovers). It was considered better practice to combine the two and prescribe the functions with better detail in respect of the functions to be exercised.
- 1.1.14 Private works on, over or under public places.** Replaces “TS 5.0 Approval of Private Works on a Public Place” with a delegation that prescribes the functions to be exercised in detail.
- 1.1.20 Disposing of property other than land or buildings.** This is a new delegation that in part will replace some functions of “CORPS 11.0 Disposal of Property”. The delegated functions are proposed to be separated into two categories: disposal of property involving land or buildings, and disposal of property that is not land or buildings. Because the latter continually involves a substantial volume of transactions where City fleet vehicles and plant are disposed of, it is presented to Technical Services Committee for consideration.
- 1.1.35 Particular things local governments can do on land that is not local government property.** Replaces “TS 1.0 Things Local Government can do on land that is not Local Government Property”. The current delegation does not detail a head of power to carry out the function prescribed; the new delegation corrects this. This delegation will allow the use of the powers of the Act to perform works on private property that are prescribed by Schedule 3.2 of the Act (flooding mitigation for example).

## COMMENT

Council will note the proposed new and replacement delegations have new designator numbers. Whilst these may, on the face of it, seem to have no real sequence as shown in this report, eventually, once all delegations have been adopted they will all form part of a revised Register of Delegations that will be structured like a piece of legislation, with the delegated powers being separated by their respective heads of power. All will be numbered sequentially with sub-delegations similarly separated by head of power.

Council is requested to adopt the delegations that are presented, with any such desired modifications as the case may be, and specify that the delegations do not come into effect until a future date, in this case, 7 August 2023.

The reason for this is to allow time for Officers to create sub-delegations for approval by the CEO, so that the sub-delegations are able to come into effect at the same time as the principal delegations. This is necessary due to the changes proposed in the attached drafts and the fact

that if adopted, existing delegations are required to be repealed. Consequently, any sub-delegation made under a current delegation will cease to have legal effect as its source of authority will no longer exist.

Section 59(1)(b) of the *Interpretation Act 1984* provides broad discretion to a delegator when making or granting a delegated power. Notwithstanding the technical requirements of the LGA when making a delegation, section 5.45(1)(a) of the LGA itself appears to grant a Council the ability to delegate its authority in the manner proposed, particularly when a limitation of time is involved:

*“(a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely...”*

Council can, therefore, specify a period of time when the delegations come into effect, in its resolution.

## OPTIONS

- 1) Adopt the draft delegations attached, and revoke the existing delegations as recommended.
- 2) Not adopt the delegations and request additional information or explanation on them. The City will still be compliant with the annual review requirement of section 5.46 of the Act, as Council will have made a decision to accept or not accept the draft delegations.

## CONCLUSION

The assessment and revision of the attached delegations and the overarching process involved represents a significant body of work to overhaul the City’s delegation structure and bring about a contemporary change to how the City makes and exercises its functions and powers.

For all practical purposes, little will change for Officers in the course of their day to day duties and the powers delegated are the same as those used currently. What these changes will do is improve transparency around how Council delegates, and what specific legislative functions are delegated, whilst creating a clear and unambiguous link between the legislation through to the proper exercise of a power.

## ATTACHMENTS

1. DRAFT delegations - Technical Services Directorate
2. CURRENT - Technical Services Directorate delegations

**RECOMMEND**

T2/6/23

**That Council:**

**In accordance with section 5.42(1) of the *Local Government Act 1995*, delegate to the CEO the exercise of the powers and duties prescribed in the instruments of delegation specified by Attachment 1 of this report, and that –**

- 1. Pursuant to section 5.45(1)(a) of the *Local Government Act 1995*, the instruments of delegation have effect from 7 August 2023; and**
- 2. Upon the coming into effect of the instruments of delegation on 7 August 2023, and in accordance with section 5.45(1)(b) of the *Local Government Act 1995*, instruments of delegation specified by Attachment 2 of this report are revoked in their totality.**
- 3. Authorise the CEO to correct any identified minor grammatical, formatting or punctuation errors to the delegations once adopted, provided the correction does not represent a change to the function or power delegated.**

**ABSOLUTE MAJORITY RESOLUTION REQUIRED**

**Moved Cr R Butterfield, Opposed Cr S J Mosey  
MOTION CARRIED**

**(5/1)**

***COUNCILLORS' ITEMS***

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Nil

***EXECUTIVE DIRECTOR TECHNICAL SERVICES REPORT***

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Nil

**MEETING DECLARED CLOSED AT 7:18pm**

TECHNICAL SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
7 JUNE 2023		
ATT NO.	SUBJECT	
<b>2.1 TECHNICAL SERVICES DIRECTORATE - REVIEW OF DELEGATIONS</b>		
2.1.1	DRAFT delegations - Technical Services Directorate	
2.1.2	CURRENT - Technical Services Directorate delegations	

*The above attachments can be accessed from the Minutes of the Technical Services Committee meeting of 7 June available on the City's website*

# **CHIEF EXECUTIVE OFFICER’S REPORT**

**12 JUNE 2023**

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***1.1 - COUNCILLORS INFORMATION BULLETIN - ISSUE NO 8/2023***

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WARD : ALL  
FILE No. : M/258/23  
DATE : 10 May 2023  
REF : MC  
RESPONSIBLE : Chief Executive Officer  
MANAGER

**In Brief:**

- Councillor's Information Bulletin – Councillors are advised to take note of the information submitted in Issue No. 08/2023 to be received by Council

The following general information and memorandums were circulated in Issue No 8/2023 on 8 June 2023.

**COMMENT**

**Correspondence & Paper**

NIL

**Information from Human Resources**

Employee Movements

**Information from Technical Services**

Nil

**Information from Community Services**

Nil

**Information from Corporate Services**

**Progress Report**

Progress Report on Contingency, Operational & Strategic Project

**Outstanding Matters & Information Items**

Report on Outstanding Matters – Corporate Services Committee

**Economic Development**

Tourism & Visitor Centre Report

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Review before the State Administrative Tribunal (SAT)

Design Review Panel Meetings – May2023

**Health**

Health Services Manager's Report – May2023



**Planning**

Planning Applications Report – May2023

Schedule of current Town Planning Scheme No.4 Amendments

Subdivision Applications - WAPC Approvals/Refusals – May2023

Subdivision Applications - Report on Lots Registered for 2022/2023

Compliance Officer's Report – May2023

**Building**

Building Services Manager's Report – May2023

Building Health/Compliance Officer's Report – May2023

**ATTACHMENTS**

There are no attachments for this report.

**RECOMMEND**

CEO1/6/23

**That Council acknowledge receipt of Issue 8/2023 of the Information Bulletin**

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

**MINUTES**

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# CITY OF ARMADALE

## MINUTES

OF ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,  
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 22  
MAY 2023 AT 7.00PM.

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### 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

---

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

#### PRESENT:

Mayor, Cr R Butterfield  
presided over

River Ward

Deputy Mayor, Cr K Busby

Minnawarra Ward

Cr J Keogh

River Ward

Cr K Kamdar

Ranford Ward

Cr S Peter JP

Ranford Ward

Cr M S Northcott

Palomino Ward

Cr P A Hetherington

Palomino Ward

Cr M J Hancock

Heron Ward

Cr E J Flynn

Heron Ward

Cr G J Smith

Minnawarra Ward

Cr M Silver

Lake Ward

Cr S S Virk

Lake Ward

Cr 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: 3

#### LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr G Nixon

#### APOLOGIES:

Nil

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

Nil

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**4                   PUBLIC QUESTION TIME**

**1 Jeff Green - 27 Sixth Road, Armadale**

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I am a member of the Community Heritage Advisory Group (CHAG). Terry Holton and Kim Fletcher are also members and Kim mentioned that he has been getting quite a few questions about the appearance of the Dr Colyer house extension. I have been an architect for years along with Terry and we are aware of the sensitivity of doing anything. Do we have a design philosophy of that extension that would be available to the members of CHAG? Would also take this opportunity to say thank you for putting the RSL, Fire Brigade Building onto a heritage list.

*Mayor: Thank you I would have expected that a design philosophy might have been something that came from CHAG to the City and would be something the Group would have given feedback on given the Group's experience. The architectural design and plans have been approved by Council so these should be publicly available and I believe you were at that meeting when these were considered. I will ask the Executive Director of Development Services (EDDS) to add further comment.*

*EDDS: The application was advertised for public comment and following Council's approval of the application, subject to conditions and requirements, works are commencing on site. We will investigate administratively as to what information is publicly available.*

**2 Mark Brzezinski - 13 Mader Crescent, Mt Nasura**

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I am a Retired optometrist, my father was a retired dentist and lived at 11 Mader Crescent next door. Returned to the area about 3 years ago to look after my parents who have now both passed away.

I grew up in the area and went to Armadale High School and coming back to my roots has been an interesting experience. I would like to compliment the Council on the great work that you are doing – Armadale is a beautiful place and you are doing great work for the area. During the last 3 years my parents and I went on relief walks and the trails around the hills area are some of the best in all of WA. However, the parking and access is poor so can I ask Council to develop these walking trails and promote Armadale as a day trip area?

The other point I want to make is about Albany Highway from Brookton Highway to the South West Highway intersection – you have done some improvements there and have added the trees. However, people drive up that part of the highway into the area and that section particularly by the hospital does need some improvement. Can the Council work with the hospital and the State Government to secure funding to improve this area?

The last point I would like to draw your attention to is by the Albany Highway and South West Highway intersection leading up towards Armadale High School where on the left hand side there is that incredibly ugly retaining wall – can something be done about this?

*Mayor: Thank you for your comments and we are very aware of the points and ideas you have raised. We have worked with Main Roads WA on that median down Albany*

*Highway and we have finally got a management agreement with them so we can mow the area. Regarding the retaining wall on South West Highway the costs involved are in the millions but we are trying to find solutions. Thank you again for your astute observations and keep fighting the good fight for Armadale.*

*Question time declared closed at 7.13pm*

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## **5 APPLICATIONS FOR LEAVE OF ABSENCE**

### **5.1 Request for Leave of Absence – Cr Kerry Busby**

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

MOVED Cr M S Northcott

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

**MOTION not opposed, DECLARED CARRIED (13/0)**

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## **6 PETITIONS**

Nil

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## **7 CONFIRMATION OF MINUTES**

### **7.1 PREVIOUS ORDINARY COUNCIL MEETING HELD ON 8 MAY 2023.**

MOVED Cr E J Flynn that the Minutes of the Ordinary Council Meeting held on 8 May 2023 be confirmed as a true and accurate record.

**MOTION not opposed, DECLARED CARRIED (13/0)**

---

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

### **1. Mayors Announcements**

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#### Thursday 11 May 2023

Cr Smith attended and launched the new artwork at the Gwynne Park Skate Park, on my behalf.

#### Friday 12 May 2023

Spoke at the opening of the Humans of Armadale, 'My Art, My Armadale' exhibition held at the Champion Centre. Councillors Keogh, Smith and Mosey also attended.

Attended the Armadale Art's Festival Event, (a performance featuring Beatles classics) at Studio 9 in Kelmscott. Councillors Mosey and Keogh also attended.

Saturday 13 May 2023

Spoke at the opening of the Extensions Exhibition event at the Arena on Townley Street Armadale. The exhibition is part of the Armadale Arts Festival and was hosted by the Armadale Society of Artists. Councillors Mosey, Keogh, and Smith were also in attendance.

Monday 15 May 2023

Met with Elders to discuss the Reconciliation Action Plan Working Group suggestions. Councillor's Flynn, Northcott and Mosey also attended as members of the RAP Working Group.

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

Tuesday 16 May 2023

Attended the Ladies High Tea held at the Challis Primary School, for girls from years 4 to 6 to be able to spend special time with their Mother (in lieu of Mother's Day). Choir and instrumental students performed and the attendees were inspired by Sarah Ford who gave a motivational speech about exercise and positive mental health outcomes.

Wednesday 17 May 2023

Rebekah Milnes, Community Development Manager and I met with the Salvation Army representatives to discuss issues and opportunities around Armadale.

Attended a walk-through of the John Dunn Pavilion with officers and local sporting clubs. Councillor Keogh also attended.

Thursday 18 May 2023

Chaired the LEMC (Local Emergency Management Committee) meeting held in the Function room.

Friday 19 May 2023

Attended a meeting at the Champion Centre with Dr Anne Aly, the Federal Minister of Early Childhood Education and Matt Keogh Federal Member for Burt, the Early Years Partnership Board and associated Local Working Group. The Early Years Partnership is a 10-year initiative focused on improving school readiness of young children. The Minister wanted to visit the the Champion Centre which is the Armadale site for the program, to meet with Local Working Group. The City of Armadale is a stakeholder alongside state and federal government agencies and not for profit organisations. The City is a key partner as it is the recipient of \$300,000 per annum for three years (2022 – 2025) from the Federal Government's *Connected Beginnings* program allocated to the Early Years Partnership through the Minderoo Foundation.

The visit also included a tour of the Champion Centre where it was reiterated that the City's Aboriginal Development team together with the Centre as an accessible, neutral facility form an effective model for engagement with the Aboriginal and non-Aboriginal communities. The team's relationships with community and sector stakeholders; the innovation and flexibility of the programs offered both on-site and in an outreach capacity; the many external organisations providing services at the Centre; and the physical design of the facility means that the City is well placed to be an active stakeholder in a range of initiatives and funding opportunities.

Attended the City of Gosnells Community Art Exhibition and Awards held at the Agonis Centre.

Saturday 20 May 2023

Attended a regular interview in the studio of Heritage FM to talk about all things Armadale.

Presented Awards at the FOCUS Photo Competition Award Presentation held at the Armadale Library.

Monday 22 May 2023

Attended regular meeting with the CEO and Deputy Mayor to discuss local issues.

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

Nil

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**10 REPORTS**

**10.1 DEVELOPMENT SERVICES COMMITTEE MEETING**

Report of the Development Services Committee held on 15 May 2023.

MOVED Cr M J Hancock that the report be received.

**MOTION not opposed, DECLARED CARRIED (13/0)**

**BUSINESS ARISING FROM REPORT**

Recommendation D8/5/23 - Addition of Heritage Places and Modifications and Updates to  
Local Heritage Survey and Heritage List

MOVED Cr M J Hancock

**That Council:**

- 1. Adopt the proposed modifications to the Local Heritage Survey as follows:**
  - a. Transfer the Place Records for the RSL Hall and the Armadale Career Fire Brigade building from Appendix 1 of the Local Heritage Survey (LHS) 2020 to the Place Records section of the LHS document and the following Place Record numbers applied:**  
  
**118 RSL Hall;**  
**119 Armadale Career Fire Brigade building.**
  - b. Modification of the Contents pages for the LHS to reflect the changes set out in a. above.**
  - c. Modification of the Place Record for Place 117 (Dawkin's Place) to identify the current legal address for the place being Lot 809 (7) Corrigan Rise Wungong.**
  - d. Modification of the Place Record for Place 011 (Dr Colyer's Residence**



- (former)) to add details of the change of use and development occurring on the site.
- e. **Modification to the Place Record for the Stations Master's Residence in Appendix 1 DevelopmentWA properties to correct the address of the place.**
  - f. **Replacement of the wording Metropolitan Development Authority (MRA) with DevelopmentWA (DWA) where required.**
  - g. **Adoption of the modified Local Heritage Survey 2023.**
2. **Adopt the proposed modified Heritage List attached to this report including the addition of Place 118 (RSL Hall) Lot 28 (1) Commerce Avenue, Armadale.**

**MOTION not opposed, DECLARED CARRIED**

**(13/0)**

**Recommendation D9/5/23 - Development Application for Railway Viaduct in Armadale City Centre**

*Cr Northcott declared an impartial interest in Recommendation D9/5/23 on the basis that a family member has an association with the Armadale RSL. As a consequence, there may be a perception that her impartiality on the following matter may be affected, but declared that she would disregard this association, consider the matter on its merits and vote accordingly*

MOVED Cr M J Hancock

**That Council:**

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

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

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

#### ADVICE NOTES

1. The applicant is advised that this is a development approval under the *Planning and Development Act 2005*. It is not an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents, permits and licences required under any other law, and to commence and carry out development in accordance with all the relevant laws. All requirements under Ministerial Statement 1183 under Section 45 of the *Environmental Protection Act 1986* are still a requirement of the Office of the Environmental Protection Authority.
2. All development should comply with the provisions of the Building Code of Australia, *Health Regulations*, *Public Building Regulations* and all other relevant *Acts*, *Regulations* and Local Laws, including obtaining any relevant permits and licences. Additional approvals/licences may be required to ensure compliance with State Government environmental legislation.

3. In relation to Condition 5, the Landscape Plan shall address:
  - a. A sun and shadow study to inform the landscape plan;
  - b. Landscaping layout and design;
  - c. Detailed plans illustrating responses to grade differences and transitions;
  - d. Landscaping of the drainage swales under the railway viaduct;
  - e. Additional trees to be incorporated for shade canopy and in the car park drainage swales;
  - f. Deep soil locations for shading trees;
  - g. Planting specifications to include a plant legend including botanical and common names, and the quantity of each species;
  - h. Cross-sections for car park drainage swales to include drainage function, plant species, and kerbing;
  - i. Furniture specification and locations;
  - j. Fencing specification and location;
  - k. Maintenance of landscape areas; and
  - l. Reticulation systems.
4. In relation to Condition 6 requiring a Soil Management Strategy, soil compaction is often responsible for poor performance or failure of plantings. The process of construction usually involves the removal of topsoil and grading of the subsoil. Greater axle loads lead to deeper compaction. Soil compaction has negative impacts on storm- water runoff, infiltration, and vegetative establishment and growth. Therefore, the Soil Management Strategy should address the following:
  - Controlling Traffic to restrict the amount of soil that is compacted, for example, using the same tracks across the site, restricting equipment within certain radius of specific areas and establishing a Tree Protection Zone for all trees.
  - Managing axle loads and tire pressure as heavy axle loads and wet soil conditions increase the depth of compaction, for example properly inflate tires as contact pressure between tire & soil affects subsoil compaction, requiring excavated soil to be tilled and renovated post-construction: all effects of compaction are to be reversed.
  - Aeration of soil with the aim of supplying oxygen to the soil and preparing the soil to support plants: methods include spike, core, liquid and Air (Soil is tilled with an air tool while adding soil amendments, beneficial bacteria/fungi, and organic granular fertilisation).
  - Ripping of the site prior to establishment to promote the best chance of survival for seeds and plantings in the first year.
  - Use of Additives and soil conditioners to aerate and provide drainage.
  - Vertical mulching which involves digging or drilling vertical holes in an area and then filling these holes with organic compost or mulch: this works via the same general principle that surface mulching does, except that it can improve the soil's condition more quickly, as the material is placed deep in the ground.
5. In relation to Condition 9, the revised Construction Management Plan is expected to include the site-specific management, mitigation and monitoring measures to manage the issues of surface water, groundwater, vegetation and

**flora, geotechnical conditions, acid sulfate soils, aboriginal heritage, noise, vibration, dust and lighting or other matters as agreed by the environmental authorities and/or in consultation with the City of Armadale and the WAPC.**

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

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

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

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

- **Amended full or partial road closures, deviations and/or traffic management including Armadale Rd, Neerigen Street and Aragon Court;**
- **Traffic volumes from proposed work/activities;**
- **Construction activities;**
- **Maintenance of access to adjacent private properties;**
- **Arrangements for general traffic detours;**
- **Process for modifying haulage routes or agreed management arrangements, including any departure outside of approved haulage operations timeframes;**
- **Evaluation of impacts on residents and businesses and measures to minimise those potential impacts; and**
- **Communications with landowners/businesses/residents and the wider community.**

- 7. In relation to Condition 11, the finalised version of the Operational Noise and Vibration Report should include:**

- **Modelling and detailed discussion of LAeq Day and LAeq Night levels**

as per SPP5.4 (including specific discussion on Streich Avenue, Armadale).

- Modelling and discussion on LAMax levels. Including for: Streich Avenue, Armadale (No.304A, 306), Railway Ave (No.357, 359, 361, 363), 76 Owtram Rd and the Armadale Shopping Centre area.
- Track type highlighted in a map/legend (ballast vs slab tracks) with mention of why/when each is required (noise mitigation or otherwise).
- Discussion on why specifically a 1.5m high noise wall is proposed and discussion on if a higher wall would offer better noise mitigation or not.
- A cross sectional figure showing the predicted noise propagation with a 1.5m noise wall (as per figure 8 in the SPP5.4 guidelines) is to be included.

A list and elaboration of any noise mitigation measures (including noise wall specifications, use of sound absorption materials, etc).

2. Advise MetCONNx and the State Government that the retaining walls which form part of the viaduct ramps and noise walls require visual and/or artistic treatment because they are highly visible and up to 6.8m high and will significantly impact nearby residents if they are not appropriately treated.
3. Request a Deputation by the City officers to the relevant Committee of the WAPC to present the City's Submission.
4. Advise MetCONNx and the State Government that the City is concerned about the impacts of road closures and pedestrian access on residents and businesses and there needs to be a greater emphasis on reducing potential impacts during the construction of the project on residents and businesses.

**MOTION not opposed, DECLARED CARRIED**

**(13/0)**

Recommendation D10/5/23 - Public Realm Strategies - Hilbert and Harrisdale District Centres (Councillor Referral Item)

MOVED Cr M J Hancock

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

**MOTION not opposed, DECLARED CARRIED**

**(13/0)**

Recommendation D11/5/23 - Removal of Large Canopy Trees - Development Approval  
(Councillor Referral Item)

MOVED Cr M J Hancock

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

**MOTION not opposed, DECLARED CARRIED (13/0)**

**10.2 CORPORATE SERVICES COMMITTEE MEETING**

Report of the Corporate Services Committee held on 16 May 2023.

MOVED Cr K Busby that the report be received.

**MOTION not opposed, DECLARED CARRIED (13/0)**

**BUSINESS ARISING FROM REPORT**

Recommendation CS15/5/23 - List of Accounts Paid - March 2023

MOVED Cr K Busby

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

**Municipal Fund**

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

**Credit Card**

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

**MOTION not opposed, DECLARED CARRIED (13/0)**

Recommendation CS16/5/23 - Statement of Financial Activity - March 2023

MOVED Cr K Busby

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

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

**MOTION not opposed, DECLARED CARRIED (13/0)**

**10.3 CHIEF EXECUTIVE OFFICER'S REPORT**

Report of the Chief Executive Officer.

MOVED Cr M S Northcott that the report be received.

**MOTION not opposed, DECLARED CARRIED (13/0)**

**BUSINESS ARISING FROM REPORT**

Recommendation CEO3/5/23 - Councillors Information Bulletin - Issue No 7/2023

MOVED Cr M S Northcott

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

**MOTION not opposed, DECLARED CARRIED (13/0)**

Recommendation CEO4/5/23 - Contract of Employment - Senior Employee

MOVED Cr K Busby that the meeting be closed to members of the public as discussion of this matter in an open meeting would on balance be contrary to the public interest because the matter relates to an employee of Council. [Section 5.32(2)(a) of the *Local Government Act 1995*]

Motion Carried (13-0)

*Mr Lyon, Mr Sanders, Mr Andrews, Mrs van Aswegen and members of the public left the meeting.*

*Meeting declared closed at 7.22pm*

MOVED Cr E J Flynn

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

**MOTION not opposed, DECLARED CARRIED (13/0)**

MOVED Cr E J Flynn that the meeting be opened to members of the public.

Motion Carried (13-0)

*Meeting declared open at 7.42pm. No officers or members of the public returned to the meeting.*

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**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

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

**1 Rates on Vacant Land** (Cr Scott Mosey)

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That the matter of an increase in rates for vacant land for the next budget be referred to the Corporate Services Committee

**2 Review of Social Media Policy** (Cr Shanavas Peter)

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That the matter of a review of the Social Media Policy be referred to the Corporate Services Committee.

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**14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION**

Nil

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**15 CLOSURE**

*The Mayor, Cr Butterfield, declared the meeting closed at 7.44pm*

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MINUTES CONFIRMED THIS 12 JUNE 2023

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MAYOR



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**SPECIAL COUNCIL MEETING  
MONDAY, 29 MAY 2023**

**MINUTES**

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# CITY OF ARMADALE

## MINUTES

OF SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,  
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 29  
MAY 2023 AT 7.00PM.

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### 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

#### PRESENT:

Mayor, Cr R Butterfield  
presided over

River Ward

Deputy Mayor, Cr K Busby

Minnawarra Ward

Cr J Keogh

River Ward

Cr K Kamdar

Ranford Ward

Cr S Peter JP

Ranford Ward

Cr M S Northcott

Palomino Ward

Cr P A Hetherington

Palomino Ward

Cr M J Hancock

Heron Ward

Cr E J Flynn

Heron Ward

Cr G J Smith

Minnawarra Ward

Cr M Silver

Lake Ward

Cr S S Virk

Lake Ward

Cr S J Mosey

Hills Ward

#### IN ATTENDANCE:

Ms J Abbiss

Chief Executive Officer

Mr J Lyon

Executive Director Corporate Services

Mr M Andrews

Executive Director Technical Services

Ms S Van aswegen Executive Director Community Services

Mrs S D'Souza CEO's Executive Assistant

Public: 4

#### LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr G Nixon

#### APOLOGIES:

Nil

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### **3 PUBLIC QUESTION TIME**

#### **1 Phil Davey - 12 Lenore Street Roleystone**

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Q1 What is the overall value of 4.5% rate increase?

*Mayor: Referred the question to the Executive Director Corporate Services who confirmed that the overall value is \$3.5million.*

#### **2 Veronica Hansen - 8 Protector Grove, Roleystone**

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Q1 What budget deficiencies do we have to put this rate increase towards, particularly when we have just had a similar rate increase last year? Are there any projects that have a cost blow out that may affect such budget deficiencies?

*Mayor: I believe and the report states that the local government cost index for the previous years was significantly higher than was expected. Local government is involved with a lot of construction and obviously construction is where the cost escalations went crazy after COVID and also with the war in Ukraine. Those pressures on our budget have seen a broad range of costs increases on a number of our major projects.*

Q2 I do appreciate for example that the fire station in Springdale was an extra \$832,000 of cost overruns, but given that the project is almost close to \$6 million versus the original \$1.7 million - Is that part of the component of the deficiencies that you need to fill?

*Mayor: No I would say not. That source of funding is already catered for in our budgeting so that is not one of the things that we can foresee going forward as being a cost for the current rate payments that we are projecting.*

#### **3 Meghan Travers - 12 Croyden Road, Roleystone**

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Q1 I understand that there will be an increase in the GRV across the board in the City of Armadale – some quite high. Will that obviously not be an increase in the rate base that COA gets next year?

*Mayor: No that is not the case, so what happens every year is that the GRV may go up a lot or may go down a lot. Hence local governments adjust the rate in the dollar so that we don't see these huge swings with rates up and down and keep the costs to ratepayers on a very flat trajectory.*

Q2 So this year is the rates in the dollar amount going down since the GRV has gone up?

*CEO: The rate that you pay is a mathematical sum which is your GRV x the rate in the dollar equals what you pay. What the Mayor has described is, as there can be significant fluctuation in the GRV, to end up with a 4.5% (which is what is proposed in this budget) the rate in the dollar is then adjusted so that the overall increase for the average rate payer is only 4.5%.*

Q3 So even though the GRV has gone up our rates are also going up by 4.5% ?

*CEO: But not by the amount if we had applied 4.5% and let the GRV flow through because the GRV values increase for residential rates for example went up by an average of 20%.*

- Q4 With the GRV and the rates going up and given the average demographics in the City of Armadale are there concerns that a rate rise will effectively mean a number of defaulted rate payers in the same way that banks are faced with a bunch of defaulted loans?

*Mayor: That information is brought to our attention if there is a rise in people being unable to pay their rates. We do have a Hardship Policy which we have been using and which was reviewed during COVID and we are continuing with that policy. So we are trying to be as fair as possible and helping people to pay off their debt over a long period of time.*

- Q5 Has there been an increased usage of that?

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

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#### **4 Phil Davey - 12 Lenore Street, Roleystone**

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- Q2 Getting back to the \$3.5M potential gain with the new rates. Have the 2 previous budget surpluses been allocated yet and can they not help offset the cost increases?

*Mayor: No – part of the surplus has and part of it hasn't. That is not how budgeting works. The \$3.5M is not a one year windfall to cover just one year's increase in costs but is about ongoing cost increases over a period of time.*

- Q3 If we have a budget surplus what are we spending the budget surplus on? We have had 2 years so far with budget surplus of nearly \$6M.

*Mayor: The decision on what remains of the surplus hasn't been made yet. Those are one off amounts that can be applied to a project and when we are doing budgeting like this, this is an amount that goes on in future so it is a long term revenue change.*

- Q4 With the indicated Public notice going out this week in both the West Australian and Examiner newspapers and the 21 days reply period we are given does the council have the time to go through those public submissions and discuss those submissions as a Council to ensure the best outcome?

*Mayor: Yes we take on board feedback every year – submissions are presented and discussed before Council goes forward with its decision to either change or keep the same rate as what we intended in the first place.*

- Q5 We are already coming into June, so by the time everything happens with this process is there enough time to really consider what is happening before a final decision since we are only approximately 8 weeks from financial year rollover?

*Mayor: Yes that is fine.*

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#### **5 Veronica Hansen - 8 Protector Grove, Roleystone**

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- Q3: The agenda report indicates that there are 953 new rateable properties in FY23. So do these new properties and the added revenue not offset some of the costs you are concerned about and therefore allow for a lesser increase?

*Mayor: Obviously they do increase our revenue but by the same token there is the need to provide more infrastructure, more rubbish collection etc. so costs go up as well. So no they don't offset.*

Q4: The things like rubbish collections are all part of the cost of the rates anyway. Has any analysis been done on those 953 properties and the value of them to see what impact that will have on the need for a service?

*CEO: The best documents that I could recommend that you could look at are the City's publications around its 4 year Budget and Long Term Financial Plan. The City has identified within those financial planning documents how growth affects its finances going forward. What you will find when you read those documents is that once depreciation is factored into that growth it actually puts the City in a negative financial position. I would be happy to provide you with the specific page numbers for those documents that demonstrate that.*

7.16pm *Moved Cr Peter that question time be extended. Motion Carried (13/0)*

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#### **6 Meghan Travers - 12 Croyden Road, Roleystone**

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Q6 At the Xmas markets at the Kelmscott Community Garden held late last year, I did approach Cr Keogh about the Roleystone Community Garden to investigate fencing as they are losing members because of vandalism that is occurring there. I believe Cr Keogh did speak to Cr Mosey. I am just wondering what is happening with that request?

*Mayor: Cr Mosey and I met with a member of the community gardens at one of the markets that were on at the time and since then Cr Mosey has raised this at Council and officers are investigating and looking at opportunities to provide security cameras or to work with groups that are using that space. I understand there is a report being submitted for Council consideration and we will be able to update you shortly.*

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#### **7 Phil Davey - 12 Lenore Street, Roleystone**

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Q6 Just to recap on my submission last year regarding the rates increase. We have a CPI in 2022 that was up by 5.1%. In 2023 so far it is up 7% as per the ABS web reports. The living cost index in 2022 was at 4.4%, in 2023 it is showing a variance 7.1% – 9.6% so fairly high but our wage price index last year was only 2.4% and this year it has risen to 3.7%. So between our wage price index and the living cost index we have a 4-6% variance as in we are lower than what the cost of living is going up. Some of our biggest increases to most people are our mortgages and more so to the renters for the landlords putting up the rents so whilst some may still consider the proposed increase as little more than a cup of coffee or a takeaway choice are you happy that those already struggling to make such choices 12 months later must endure another 4.5% increase on their rates or can we consider something lesser which I know was put forward last year and not accepted?

*Mayor: There is a report on the rate to be advertised for Council to consider at this meeting.*

*Question time closed at 7.19pm*



**4 BUSINESS OF THE MEETING**

**4.1 SPECIAL CHIEF EXECUTIVE OFFICER'S REPORT**

Report of the Chief Executive Officer.

MOVED Cr M S Northcott that the report be received.

**MOTION not opposed, DECLARED CARRIED (13/0)**

**BUSINESS ARISING FROM REPORT**

Recommendation CEO5/5/23 - Notice of Intention to Impose Differential Rates 2023

MOVED Cr K Busby SECONDED Cr E J Flynn

OPPOSED Cr S Peter

**That Council:**

- 1. ENDORSE the rating strategy, objects and reasons for each differential rating category and each minimum payment contained in the attachment to this report.**
- 2. Pursuant to section 6.36 of the *Local Government Act 1995*, AGREE to provide local public notice of its intention to impose differential rates and minimum payments for the 2023/24 financial year (FY24) in accordance with the attached *Statement of Rating Objects and Reasons*, and as outlined below:**

Differential Rate Category	Rate in the \$ (cents)	Minimum Rate
1. Vacant Land	14.5778c	\$1,175
2. Residential Improved	9.4040c	\$1,356
3. Business Improved	9.8134c	\$1,577

**MOTION not opposed, DECLARED CARRIED (8/5)**

*Crs Peter, Kamdar, Silver, Virk and Mosey voted against the Resolution.*

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**5 CLOSURE**

*The Mayor, Cr Butterfield, declared the meeting closed at 7.47pm*

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MINUTES CONFIRMED THIS 12 JUNE 2023

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MAYOR