



**ORDINARY MEETING OF COUNCIL
MONDAY, 16 OCTOBER 2023**

AGENDA

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AGENDA

REPORTS

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HELD ON 2 OCTOBER 2023**

**COMMUNITY SERVICES COMMITTEE MEETING
HELD ON 3 OCTOBER 2023**

**DEVELOPMENT SERVICES COMMITTEE MEETING
HELD ON 9 OCTOBER 2023**

**DEVELOPMENT SERVICES COMMITTEE MEETING
HELD ON 18 SEPTEMBER 2023**

**CORPORATE SERVICES COMMITTEE MEETING
HELD ON 10 OCTOBER 2023**

CHIEF EXECUTIVE OFFICER'S REPORT

NOTICE OF MEETING AND AGENDA

CR _____

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

MONDAY, 16 OCTOBER 2023

**JOANNE ABBISS
CHIEF EXECUTIVE OFFICER**

12 October 2023

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

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

Nil

4 PUBLIC QUESTION TIME

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

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

It is also available in the public gallery.

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

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CITY OF ARMADALE

MINUTES

OF TECHNICAL SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 2
OCTOBER 2023 AT 7:00 PM.

PRESENT:

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

APOLOGIES:

Nil

OBSERVERS:

Cr S J Mosey
Cr J Keogh (*via teams 7.04pm – 7.19pm*)

IN ATTENDANCE:

Mr P Sanders	Acting Chief Executive Officer
Mr M Andrews	Executive Director Technical Services
Ms S van Aswegan	Executive Director Community Services (<i>via teams</i>)
Ms M Bell	Acting Executive Director Corporate Services (<i>via teams 7.05pm – 7.19pm</i>)
Ms N Mathieson	Senior Administration Officer

PUBLIC:

1

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

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was read as there were members of the public present.

DECLARATION OF MEMBERS' INTERESTS

Nil

QUESTION TIME

Nil

DEPUTATION

Nil

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Technical Services Committee Meeting held on 4 September 2023 be confirmed.

Moved Cr M S Northcott

MOTION CARRIED

(7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

Outstanding Matters and Information Items

Various Items

Monthly Departmental Reports

Technical Services Works Programme

No items were raised for further investigation or report

.

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TECHNICAL SERVICES COMMITTEE

2 OCTOBER 2023

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***1.1 - LOCAL ROADS AND COMMUNITY INFRASTRUCTURE INVESTMENT
PROGRAM - PHASE 4 EXTENSION***

WARD : ALL
FILE No. : M/502/23
DATE : 11 September 2023
REF : SA
RESPONSIBLE : Executive Director
MANAGER : Technical Services

In Brief:

- The City has been allocated an amount of \$953,448 under Phase 4 of the Federal Government's Local Roads and Community Infrastructure (LRCI) Program, which aims to stimulate the economy by supporting Local Governments to deliver priority Local Road and Community Infrastructure Projects.
- This report recommends that Council prioritise the following projects for LRCI Phase 4 funding and submit the projects to the Federal Government for approval:
- Recommend that Council prioritise the following projects for LRCI Phase 4 funding and submit the projects to the Federal Government for approval:
 - Gwynne Park Tennis Club Lights
 - Cross Park Lighting Upgrades
 - Piara Waters Oval Carpark

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

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 has not revealed any restrictions.

The projects will need to be undertaken in compliance with the LRCI Program funding criteria, which includes a condition that all projects must be completed by 30 June 2025.

Council Policy/Local Law Implications

General assessment has not revealed any applicable policies or local laws, however should Council adopt the recommendation contained within this report, procurement of the relevant goods and services will need to be in accordance with Council Policy *ADM 19 – Procurement of Goods and Services*.

Budget/Financial Implications

The City is eligible to receive an amount of \$953,448 under the Phase 4 of the Local Roads and Community Infrastructure (LRCI) Program. The projects proposed to be nominated as detailed in the report recommendation are proposed to be funded from this allocation.

Consultation

1. Executive Leadership Team
2. Inter Directorate.

BACKGROUND

The aim of the LRCI program is to assist Local Governments to deliver local road and community infrastructure projects as well as to create local job opportunities. The Australian Government partners with local, state and territory governments to deliver services and build infrastructure that delivers benefits and supports jobs in local communities.

Every Local Government, in all 150 electorates across Australia, is able to nominate projects for LRCI Program funding.

Funding is available for local road and community infrastructure projects that involve the construction, maintenance and/or improvements to council-owned assets including natural assets that are accessible to the public. Projects funded under the program need to deliver benefits to the community, such as improved accessibility, visual amenity and safety benefits.

Eligible local road projects could include works involving any of the following associated with a road:

- Traffic signs
- Traffic control equipment
- Street lighting equipment
- Bridge or tunnel
- Facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station)
- Facilities off the road that support the visitor economy
- Road and sidewalk maintenance, where additional to normal capital works schedules.

Eligible **community infrastructure** projects could include works involving:

- Closed Circuit TV (CCTV)
- Bicycle and footpaths
- Painting or improvements to community facilities (including the construction of new facilities)
- Repairing and replacing fencing
- Improved accessibility of community facilities and areas
- Landscaping improvements, such as tree planting and beautification of roundabouts
- Picnic shelters or barbeque facilities at community parks
- Playgrounds and skate parks (including all ability playgrounds)
- Noise and vibration mitigation measures
- Off-road car parks (such as those at sporting grounds or parks).

The City has previously received funding allocations under Phases 1, 2 & 3 of the LRCI Program, and as part of the Phase 4 Program extension, the City is now eligible to receive an allocation to the amount of \$953,448. This funding is available from this financial year.

For Councilors reference, projects (either partially or fully) funded under Phases 1, 2 & 3 of the program are as follows:

LRCI Phase	Project	Current Status	Total Project Cost	LRCI Funding
Phase 1	Creyk Park Pavilion	Completed	2,359,639	953,448
Phase 2	Solar Panel Project – Orchard House	Completed	205,360	200,000
	Solar Panel Project – Champion Centre	Completed	96,331	100,000
	Solar Panel Project – Armadale Fitness and Aquatic Centre	Completed	667,463	600,000
	Westfield Heron Reserve upgrade	Completed	1,421,393	1,369,398
	Harber Reserve Upgrade	Completed	573,004	363,000
	Frye Park Fencing	Completed	217,943	65,000
	Wilcannia Park Upgrade	Completed	53,429	50,000
	Dawson Park Upgrade	Completed	115,503	100,000
	Solar Panel Projects – COA Facilities	Progressing	175,000	175,000
Phase 3	Civic Precinct Lighting and Amenity Improvements	Design / Tender Phase	1,002,884	1,002,884
	Frye Park – Sports Lighting	Completed	315,318	315,318
	Springdale Oval – Sports Lighting	Completed	387,662	387,662
	Dog Park Lighting (4 sites)	Completed	201,031	201,032

DETAILS OF PROPOSAL

Projects receiving funding under Phase 4 of the program will need to be completed by 30 June 2025 and it is a requirement that Council's maintain their overall capital spending on roads and community infrastructure, funded by their own revenue, at or above their 2023-24 capital spending level. In this respect, consideration has been given to projects not already fully funded in Council's 2023-24 annual budget.

To ascertain priorities with respect to the allocation of the Phase 4 funding, eligible projects were discussed at Executive Leadership Team meeting based on priority and risk levels.

Following the meeting, potential investment opportunities are ranked in priority order based on the high-level principles of risk and benefits to the community.

Table 1 – Project Priorities

Rank	Project Description		Notes	Estimated Costs
1	Park Upgrades Lighting	Gwynne Park Tennis Club Lights	Replacement of 6 no. LED lights to mitigate the high likelihood of safety risks due to each assets' condition. Given the plans to upgrade Gwynne Park, a high proportion of the investment will be 'no regret' spend as the lights can be relocated as part of the wider project if determined by Council. The upgrade will accommodate the standard of lighting required for 'small ball' sports and in consideration of light 'pollution', the project will include the engagement of a lighting specialist.	\$350,000
2	Sports Upgrades Lighting	Cross Park Lighting Upgrade	Install LED lighting to 28m poles which enables achievement of the Australian Standards. The Cross Park lighting upgrade is partially funded from Community Sporting Recreation Facilities Fund (CSRFF). Together with this LRCI funding it will enable the project to proceed. The drawings and tender specification are complete. The project is replacing the existing light poles and luminaries which are currently metal halide based with an efficient LED system. The lighting will provide lighting for both 50 & 100Lux, which is suitable for AFL Club Competition night games (100lux) and training (50lux) as per AS 2560.1:2018	\$253,448
3	Community Carpark Upgrades	Piara Waters Oval Carpark	In response to community feedback and with the safety of visitors to the oval a priority, extend/duplicate car parking to resolve the ongoing parking capacity issues with the existing parking.	\$350,000
Total				\$953,448
4	Community Carpark Upgrades	Alfred Skeet Carpark	Require additional southern carpark – new sealed carpark. Identified in endorsed Master Plan. The solution will alleviate existing parking capacity pressures.	\$200,000
5	Community Carpark Upgrades	Armadale Golf Club Carpark	Seal the existing carpark at the Armadale Golf Club. Note: requirement to carry out a feasibility study is required. This cost is currently earmarked as part of the Consultancy budget.	\$300,000
6	Playground Renewal Upgrade	Fancote Playground	Playground Renewal as captured through the renewal program.	\$170,000
Total				\$670,000

CONCLUSION

Under the Phase 4 extension to the LRCI Program, the City is eligible to receive funding to an amount of \$953,448 for the delivery of local community infrastructure projects. Similar to Phases 1, 2 and 3 of the LRCI program, and as a result of the success thereof, the aim of the program is the continuation of Federal Government to Local Government support in delivering local jobs through local projects.

Following the feedback received from the Executive Leadership Team regarding suitable projects for Phase 4 LRCI program funding, it is recommended to nominate the top three ranked projects listed in Table 1 for Phase 4 LRCI Program funding.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

T1/10/23

That Council:

- 1. Endorse the following projects being submitted for Phase 4 LRCI Program funding to the amount of \$953,448:**

- a) **Park Upgrades - Lighting**
 - **Gwynne Park Tennis Club Lights – Lighting and poles**
- b) **Sports Upgrades - Lighting**
 - **Cross Park Lighting Upgrades – LED Lighting and poles**
- c) **Community Carpark Upgrades**
 - **Piara Waters Oval Carpark – Provide additional parking**

- 2. Pursuant to Section 6.8 of the *Local Government Act 1995* (as amended):**

Amend the 2023/24 Annual budget as follows:

REVENUE	
LRCI Grant Funding	\$953,448
EXPENDITURE	
Park Upgrades – Lighting	\$350,000
Sports Upgrades - Lighting	\$253,448
Community Carpark Upgrades	\$350,000
Total	\$953,448

ABSOLUTE MAJORITY RESOLUTION REQUIRED

Moved Cr S Peter
MOTION CARRIED

(7/0)

2.1 - APPLICATION TO CLEAR NATIVE VEGETATION - ROLEYSTONE THEATRE, ROLEYSTONE

WARD : HILLS
FILE No. : M/513/23
DATE : 18 September 2023
REF : CO
RESPONSIBLE : Executive Director
MANAGER : Technical Services

In Brief:

- Application to clear native vegetation protected under the *Environmental Protection Act 1986* – Roleystone Theatre, 587 Brookton Highway, Roleystone
- Recommend that Council give authorisation to the CEO to sign the clearing permit application to facilitate works in the Asset Protection Zone at Roleystone Theatre and submit to the Department of Water and Environmental Regulation.

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

Nil

Strategic Implications

- 2.1 Conservation and restoration of the natural environment
- 2.1.6 Protect soil and land resources throughout the City of Armadale.
 - 2.1.7 Biodiversity is managed to preserve the improve ecosystem health.
 - 2.1.8 Facilitate the creation of partnerships and support strategies for the maintenance and enrichment of the natural environment.

Legal Implications

An assessment of legislative and regulatory requirements that are applicable to the proposed works is summarised below.

- *Environmental Protection Biodiversity Conservation Act 1999 (EP Act)*
- *Biodiversity Conservation Act 2016 (BC Act)*
- *Environmental Protection Act 1986, Section 51 (Clearing of native vegetation)*

- *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*
- *Aboriginal Cultural Heritage Act 2021 (ACH Act)*
- *State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7)*

Council Policy/Local Law Implications

General assessment has not revealed any applicable Policies/Local Laws.

Budget/Financial Implications

The clearing permit application cost, including the costs associated with the implementation of a successful application, have been provided for within the 2023/24 Budget and Long Term Financial Plan (LTFP).

Consultation

Internal

- Intra Directorate including; Environment and Sustainability, Program Delivery, Ranger and Emergency Services and Governance and Administration.

External

- Department of Water and Environmental Regulation (DWER)

BACKGROUND

The City's Capital Works Program includes redevelopment of the Roleystone Theatre located at 587 Brookton Hwy, Roleystone (Attachment 1).

As the theatre is located in a bushfire prone area, a Bushfire Management Plan (BMP) was prepared to comply with State Planning Policy 3.7 (SPP 3.7). The BMP identified an Asset Protection Zone (APZ), extending 21 meters from the building (Attachment 2), to be created to comply with the BMP and the Bushfire Protection Criteria of SPP 3.7. The APZ is a requirement for building compliance and occupancy. The Proposal did not require a Development Application for planning approval under the City's Town Planning Scheme No.4.

The administrative procedure for the City to apply to Department of Water and Environmental Regulation (DWER) for a Clearing Permit in accordance with the Environmental Protection (EP) Act 1986 requires the signature of the Chief Executive Officer (CEO). This report seeks Council's authorisation for the CEO to sign a NV-F01 Clearing Permit application (Attachment 3).

DETAILS OF PROPOSAL

The proposed establishment of the APZ to comply with the BMP around the Roleystone Theatre includes the removal of 26 native tree saplings (*Corymbia calophylla* and *Eucalyptus marginata*) with a diameter at breast height (DBH) of 150mm or less.

The proposed APZ comprises mature and juvenile *Corymbia calophylla*, *Eucalyptus marginata*, *Xanthorrhoea preissii*, planted exotic and native shrubs with a mass of *watsonia* and bridal creeper, both weed species, at ground level. The area has historically been partially cleared and replanted; and the saplings are most likely regrowth.

A desktop review of the site was undertaken with a view to determine the significance of vegetation and opportunistic records of vertebrate species.

- No threatened or priority ecological communities were noted
- No records of threatened or priority fauna was noted

Offsets of Impact

The provision of an offset for the proposal is unlikely to be formally required under the EP Act.

The City's Local Planning Policy (LPP) PLN2.4 – Landscape and Tree Preservation provides for offsets in relation to significant trees/vegetation, however cannot be applied in this instance. It is envisaged that offsets of this nature will be addressed in the Urban Forest Strategy and Biodiversity Strategies in development during 2023/24.

It is proposed to develop and implement an offset that:

- utilises the Helliwell system as an example, formally evaluates the contribution of the trees to the City's urban forest – including visual amenity, urban heat reduction, local biodiversity and sense of local character; and:
- reinstates the calculated contribution of the trees as close to construction areas as possible, ideally within 400m. These trees will help keep the benefits of new planting as close as possible to where trees have been removed. Trees planted will enhance existing parks, drainage networks, community facilities or streets

Avoidance and Mitigation of Impacts

A site visit undertaken by the City's Senior Environmental Officer with the Bushfire Consultant identified the removal of 26 saplings comprised of *Corymbia calophylla* and *Eucalyptus marginata* would accommodate the retention of larger, mature trees:

- Approximately 29 mature Marri and Jarrah (*Corymbia calophylla* and *Eucalyptus marginata*) with DBH over 150mm to remain
- All the grass trees (*Xanthorrhoea preissii*) and *Zamia* (*Macrozamia riedlei*) to remain
- All of the vegetation outside the APZ will remain intact.

This would allow for continued ecological function and separation of the canopy in line with the requirements of the APZ.

The City has continuing revegetation projects in the locality, recently 6000 locally native seedlings were planted at Roley Pools.

Irrespective of this, City Officers will look to offset these losses in-line with what may be contained in the future Urban Forest Strategy and Biodiversity Strategy. The Roleystone Theatre Project Budget will accommodate the costs of the offset.

OPTIONS

Council is presented with two options to consider.

Option 1

Support

- the submission of an Application to Clear Native Vegetation under the *Environmental Protection Act 1986*, authorising the Chief Executive Officer to sign the permit application. The draft area permit application is provided as Attachment 3; and:
- The provision of an offset as described in the 'offset of impact' component of this report.

Option 2

Not support the administrative process for the clearing of native vegetation for this purpose. Option 2 is not supported as this will not allow for the establishment of the APZ in accordance with the BMP and would likely preclude occupancy of the Roleystone Theatre. Option 1 is recommended.

CONCLUSION

The redevelopment of the Roleystone Theatre is a high-profile Capital Works project. The clearing of native vegetation is required to comply with the BMP and design compliance and therefore requires a Clearing Permit under the EP Act.

To progress the required environmental approval for the Roleystone Theatre redevelopment, the following documents have been prepared for Council endorsement:

- Form NV-F01 Clearing Permit application (area permit) - Application for 26 native trees for the purpose of establishing an APZ around Roleystone Theatre. This permit application is to be submitted, assessed and approved by the Department of Water and Environmental Regulation (DWER) prior to the undertaking of proposed works. It is recommended that Council endorse the Chief Executive Officer of the City of Armadale to sign this application on behalf of the City. See Attachment 3.

ATTACHMENTS

1. [Location Map Roleystone Theatre](#)
2. Asset Protection Zone Roleystone Theatre
3. Draft - Native Vegetation Clearing Permit Area Application

RECOMMEND

T2/10/23

That Council:

1. **Authorise the Chief Executive Officer to sign the clearing permit application to facilitate works in the Asset Protection Zone at Roleystone Theatre and submit to the Department of Water and Environmental Regulation in accordance with the *Environmental Protection Act 1986***
2. **Note that City Officers will determine and carry out a preferred and appropriate offsetting of the loss as described in the 'offset of impact' component of this report.**

Moved Cr M S Northcott
MOTION CARRIED

(7/0)

COUNCILLORS' ITEMS

1Martin Street Reserve, Kelmscott - Erosion and Decay of Logs (Cr Ruth Butterfield)

Cr Butterfield requested the erosion and decay of logs which acts as a crossing point for residents be looked into to make it a safe crossing point for residents. Response to be provided administratively.

Cr Peter extended his thanks to Cr Nixon – Chairperson for Technical Services Committee for his work and assistance throughout his term.

Cr Butterfield extended her thanks to both Cr Nixon – Chairperson Technical Services Committee and Cr Flynn – Deputy Chairperson Technical Services Committee for their efforts and work during the period

Cr Nixon thanked Deputy Chair – Cr Flynn for her assistance during the period and extended thanks to the remaining Committee Members and the Executive Director Technical Services for the support and efforts during the period.

EXECUTIVE DIRECTOR TECHNICAL SERVICES REPORT

As this is the last time the current committee meets before the upcoming local government election, Technical Services Director extended his thanks to Chairperson Cr Nixon and Deputy Chair Cr Flynn for their work and support during this period.

MEETING DECLARED CLOSED AT 7.19pm

TECHNICAL SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
2 OCTOBER 2023		
ATT NO.	SUBJECT	
2.1	APPLICATION TO CLEAR NATIVE VEGETATION - ROLEYSTONE THEATRE, ROLEYSTONE	
2.1.1	Location Map Roleystone Theatre	
2.1.2	Asset Protection Zone Roleystone Theatre	
2.1.3	Draft - Native Vegetation Clearing Permit Area Application	

The above attachments can be accessed from the Minutes of the Technical Services Committee meeting of 2 October available on the City's website

CITY OF ARMADALE

MINUTES

OF COMMUNITY SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 3
OCTOBER 2023 AT 7:00PM.

PRESENT: Cr M Silver (Chair)
Cr M S Northcott (Deputy Chair)
Cr E J Flynn
Cr K Kamdar
Cr J Keogh
Cr S J Mosey
Cr G J Smith (Deputy for Cr Busby)

APOLOGIES: Cr K Busby (Leave of Absence)

OBSERVERS: Cr R Butterfield (Mayor)
Cr P A Hetherington
Cr G Nixon
Cr S Peter

IN ATTENDANCE:	Mr P Sanders	A/CEO
	Mrs S van Aswegen	Executive Director Community Services
	Mr M Andrews	Executive Director Technical Service <i>(via Teams)</i>
	Ms M Bell	A/Executive Director Corporate Services <i>(via Teams)</i>
	Mrs R Milnes	Manager Community Development
	Mr C Halpin	Manager Recreation Services
	Mr N Peyton	Community Facilities Officer - Agreements
	Mr L Annese	Community Facilities & Recreation Coordinator
	Mr S Tiverios	Associate Director, URBIS <i>(formerly)</i>
	Ms J Avery	Manager Design
	Ms D Koelen	Community Planning Project Officer
	Ms J Cranston	Executive Assistant Community Services

PUBLIC: 9

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

DISCLAIMER

As there were members of the public present, the Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was read.

DECLARATION OF MEMBERS' INTERESTS

Nil

QUESTION TIME

Public question time was opened at 7:05pm

1. Peter Thompson – 15 Chesham Mews, Canning Vale WA 6155

Q1. Would the City of Armadale consider a long term proposal to purchase a portion of land (currently a Men's Shed) at 67 Balannup Road, Harrisdale to be retained under their Community Infrastructure Plan.

Mr Thompson provided a background on the Men's Shed. The property has recently been sold with an agreement having been reached with the new owner to be able to stay there until December next year.

The Shed currently has about 35 members who meet three times per week. The proposal with the new owner is for members to be able to meet Monday to Friday and introduce more people, including women, to the Shed. If the Shed is to stay there, they would like the City to consider the Shed getting a portion of the land and turning it into a community club including a smaller shed that can be used by other clubs. This will expand community involvement (shared use) within the Harrisdale area.

There is no other community facility in the Harrisdale Area. The Men's Shed was opened in 2019.

R. The Chair advised that the points raised would be taken into consideration.

Public question time was declared closed at 7:09pm

DEPUTATION

Roleystone Theatre Inc – Intention to Lease

Attendees: Bree Hartley
Daniel Ramsell
Bradley Towton
Henry Ronghi

Ms Bree Hartley addressed the Committee at 7.10pm and provided a presentation which outlined:

- *The history of the Roleystone Theatre;*
- *The closure of the Roleystone Theatre in 2018;*
- *The productions and shows of the Roleystone Theatre from 2019-2023;*
- *The community value and community perception of the Roleystone Theatre; and*
- *Previous lease discussions and the request for consideration of a longer lease.*

The Chair thanked Ms Hartley for her attendance and congratulated Roleystone Theatre on their 90 year anniversary.

Deputation retired at 7.26pm.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Community Services Committee Meeting held on 5 September 2023 be confirmed.

Moved Cr M S Northcott

MOTION CARRIED

(7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

Report on Outstanding Matters – Community Services Committee

Items referred from the Information Bulletin – Issue 15 – September 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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3 OCTOBER 2023

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SUMMARY OF ATTACHMENTS	49

4.1 - NEW FACILITY FOR HARRISDALE MEN'S SHED

Item 4.1 was brought forward to this junction of the meeting in the interests of the public gallery.

At the Council meeting held on 24 July 2023, Cr Peter referred the following matter to the Community Services Committee.

That the matter of the possibility of finding a new facility for Harrisdale Men's Shed be referred to the Community Services Committee.

Comment from Cr Peter

The Harrisdale Men's Shed Inc (located at 67 Balannup Road) will have to relocate or close down for several reasons.

I am requesting a report on the possibility of a temporary facility and the opportunity of a permanent shed in the future.

Cr Peter's further comments including the Harrisdale Men's Shed history have been forwarded under separate cover.

Officer Comment

Overview

To summarize the options within the City of Armadale, there are not considered to be any suitable facilities, reserves or vacant land for the Harrisdale Men's Shed to relocate to. In light of this outcome, a greater discussion around the future for Men's Sheds within the City of Armadale may be required.

The Harrisdale Men's Shed advised City Officers in a recent meeting that while their current site has been sold and they are seeking a new location, the Men's Shed have negotiated with their new owners to remain at their current site until December 2024.

While this has alleviated their immediate concerns, this still presents as an opportune time to further consider the options available for Men's Sheds operating within the City of Armadale.

In addition to City facilities and land, the Harrisdale Men's Shed also indicated that they are exploring all options for the future, including other private and commercial facilities, and that their request to the City was only one of those options.

Availability of Facilities and Reserves

In terms of both suitability and availability, there are currently no community facilities or reserves available to accommodate the Harrisdale Men's Shed and equipment under an exclusive-use occupancy arrangement.

It should also be noted that at this stage, City Officers do not anticipate any suitable facilities or reserves becoming available in both the short-term and long-term future.

As a temporary option, there are individual meeting rooms within community facilities that are available for hire on an hourly basis.

However, these rooms would only be suitable for meeting purposes and the Men's Shed would not be permitted to store equipment in these rooms outside of the hired hours, as these rooms are also hired by other community groups for meeting purposes.

The Harrisdale Men's Shed will be added to the City's 'Prospective Occupants' contact list to be contacted each time a new facility or space is made available for exclusive use or hire, however, there is not considered to be any suitable upcoming options.

Availability of Land (relocation of equipment)

The group have requested a preference for a Harrisdale/Piara Waters location. The recent investigation into sites for outdoor youth facilities indicated that with the allowance for noise buffer, there are no known POS sites suitable for locating a Men's Shed in their preferred area. There may be private land opportunities within this catchment area, and the group have indicated they may pursue this option.

In regards to availability of land outside of their preferred catchment, previous investigations for both the Roleystone and Armadale Men's Sheds identified a limited number of City sites where a Men's Shed could be developed.

Community Infrastructure Plan (CIP)

Men's Sheds are not currently included in the Community Infrastructure Plan (CIP). The Men's Shed demand can be considered in the CIP Review, however, the development of a particular project, scope and costings would be outside the scope of the CIP review, and would require discrete resourcing.

City of Armadale and Men's Shed Facilities

Officers are also aware of other men's shed demand, and it would be logical to consider this demand holistically rather than a response with multiple shed facilities with relatively modest membership numbers and shed capacity.

- The Armadale Men's Shed are without a home following the reversal of their decision to move to the old Bedforddale Fire Station. It is noted that the option of collocation with the Waterwheel Community Shed is still available, though not supported by the Armadale Men's Shed currently.
- The land where the Heart and Soul Men's Shed (Forrestdale) is located has recently been progressed for Metropolitan Regions Scheme amendment for rezoning. This men's shed is privately run (i.e. not a community group) and no approach has yet been made to the City for support.

There is no clear guideline or legislative direction in regards to the development of a Men's Shed facility. However, following review of industry and funding bodies, the following position has been outlined by Parks and Leisure Australia WA (industry body) community infrastructure guidelines and Lotterywest (funding body) in regards to the development and funding of Men's Sheds:

PLAWA Community Infrastructure Guidelines:

- Men's/Women's Shed:
 - The local government role should not be one of provision, but to facilitate the potential development on appropriate land where need and community benefit is evidenced.
 - Capital funding is usually sourced through external grants and fundraising.

PLAWA Community Infrastructure Guidelines 2020

Item	Facility	Definition	Population Guideline	Facility hierarchy, distance & spatial components
47	Men's shed / Women's Shed	A community facility primarily for sharing and developing trade skills, while improving mental and physical health outcomes. Typically they incorporate workshops, kitchen spaces and a meeting room varying from 200m ² to 1,000m ² .	Area/location and need specific.	Typically provided through local government strategic community plans as an important local resource. The local government role should not be one of provision, but to facilitate the potential development on appropriate land where need, community benefit and viability is evidenced. Capital funding is usually sourced through external grants and fundraising.

Lotterywest:

- Funding:
 - Lotterywest have previously advised City Officers that prior to funding a Men's Shed, they would expect to see that all other avenues/options have been exhausted, including the option of members travelling via public transport methods to existing Men's Sheds in other Local Government Authorities.
 - Lotterywest would not anticipate being a major funder of Men's Sheds as they had in the past.

Overall, the above indicates that while Local Government has a role in collaborating with Men's Sheds to assist with the overall development, Local Government Authorities are not considered to be responsible for funding these initiatives and funding should instead be sourced from external grants or other fundraising avenues.

ATTACHMENTS

There are no attachments for this report.

Committee Discussion

Committee discussed the report and the following recommendation was put forward.

RECOMMEND

C23/10/23

That Council:

- 1. Note the Officer's report.**
- 2. Request staff to investigate future longer term options through the Community Infrastructure Plan review.**
- 3. Work with bordering Local Governments to identify potential sites.**

**Moved Cr K Kamdar
MOTION CARRIED**

(7/0)

***1.1 - ARMADALE REGIONAL RECREATION RESERVE - REGIONAL NETBALL
AND BASKETBALL FACILITY BUSINESS CASE***

WARD : RANFORD
FILE No. : M/512/23
DATE : 18 September 2023
REF : SVA
RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

1. This report presents the Business Case prepared by an external consultant for the Regional Netball Basketball Facility at the Armadale Regional Recreation Reserve, as part of Stage 1 of the whole site development.
2. Recommend that Council:
 - Supports the Regional Netball Basketball Facility Business Case.
 - Supports actions to further the City's advocacy efforts.
 - Authorise Officers to progress the detailed planning to have the project 'tender ready' in order to take advantage of and optimise potential funding opportunities as they arise.

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

The subject of this report delivers on the following objectives of the Strategic Community Plan 2020-2030 and Corporate Business Plan 2023-2027:

Aspiration 1 – Community

- 1.2 Improve Community Wellbeing
 - 1.2.3 Take an adaptive approach to the provision of a diverse range of active and passive recreational opportunities within the City.
- 1.3 Community Facilities Meet Community Needs
 - 1.3.1 Ensure the equitable, evidence based provision of Community Facilities throughout the City.
 - 1.3.1.2 Develop a business case for the Armadale Regional Recreational Reserve to support the Advocacy Strategy for Federal and State Funding.

Aspiration 2 – Environment

- 2.3 Functional, Inclusive and Sustainable Infrastructure
 - 2.3.1 Ensure that the condition of the City's assets (including green assets*) are accurately captured, regularly reviewed and the subject of comprehensive management plans in order to assist Council balance the financial cost of asset renewal and replacement with delivery of other Community Priorities.

Aspiration 4 – Leadership and Innovation

- 4.1 Strategic Leadership and Effective Management
 - 4.1.1 Advocate for the delivery of key transformational projects.
 - 4.1.1.4 Maintain a portfolio of 'shovel ready' projects consistent with identified community priorities in order to take advantage of funding opportunities.
 - 4.1.2 Develop and maintain a comprehensive suite of strategies and plans to guide the City's delivery of infrastructure and services to the community.

Legal Implications

Land Administration Act 1997 – If this project is progressed, the City will be requested to accept a Management Order over Lot 102 that is owned by the Western Australian Planning Commission.

Council Policy/Local Law Implications

Asset Management Vision Policy and Management Practice (ENG 13).

Budget/Financial Implications

The City's current Corporate Business Plan, Long Term Financial Plan and Four Year Budget 2023 – 2027 do not include an allocation for the delivery of the Regional Netball and Basketball Facility (RNBF) at the Armadale Regional Recreation Reserve (ARRR). The business case identified an estimated cost based on 2023 market rates for the construction of the RNBF of \$76.1 million (excluding GST and including 13.9% escalation through to 2026).

Advocacy will therefore be key to securing external funding for this project. Provision has been made within the 2023/24 annual budget for detailed planning to have the project "tender ready" to take advantage of funding opportunities as they arrive and as per the City's adopted advocacy approach.

Stakeholder Engagement

1. Basketball WA
2. Netball WA
3. Council Briefings – 6 June 2023 and 5 September 2023
4. Relevant City Departments

BACKGROUND

The City began investigating the provision of a regional recreation reserve west of Twelfth Road in 1991.

The ARRR is a multi-stage development set to be a future regional facility for sports and recreation clubs within the City of Armadale. The ARRR is closely aligned with state government direction and objectives that identified the ARRR site as a regional sport and recreation site through its Directions 2031 and Perth and Peel @ 3.5m planning documents. While it will predominantly serve the Armadale community, it will also be a key facility for sporting and recreation activity for the region, offering high quality grounds and infrastructure for both recreational level and competition level sport (C17/5/21).

Following the decision to establish a regional recreation space at the Twelfth Rd site in the mid-2000s, as per State government direction, planning and consultation for the ARRR has been advanced with the most significant references being:

- Active Sporting Reserves Needs Assessment and Feasibility Study (2006 - 2008);
- Draft Integrated Open Space and Landscape Policy (2009);
- Wungong Urban Community Infrastructure Schedule and concept plan (2016);
- ARRR Preliminary Planning and Design (2018);
- Sporting Associations Engagement Report (2019);
- Overall site topography, drainage, services, infrastructure requirements, Aboriginal heritage, flora and fauna studies;
- On-going discussions with the Department of Local Government, Sport and Cultural Industries (DLGSC), South East Regional Recreation Advisory Group and various State Sporting Associations;
- ARRR Concept Plan (May 2020);
- Feasibility Study (2020);
- Initial RNBF Business Case (2021);
- Revised RNBF Business Case – Options (2022);
- Advocacy Priorities Strategy (2022 – 2030);
- Comprehensive stakeholder engagement with Netball WA and Basketball WA; and
- Final RNBF Business Case – Preferred Option (2023).

The first stage of the ARRR was identified through these abovementioned studies and events to be comprised of a regional level netball and basketball facility and a single oval AFL talent-hub.

This business case is intended to address the provision of the Regional Netball and Basketball Facility component only of ARRR Stage One.

DETAILS OF PROPOSAL

The site proposed for the ARRR is located on Twelfth Road and Waterworks Road in Haynes, south-east of the Tonkin Highway and Armadale Road intersection. The site consists of lots 22, 32, 33, 51, 102 and 103, all zoned Parks and Recreation under the Metropolitan Regional Scheme (Image 1).

Lots 32, 33 and 51 are owned freehold by the City. Lots 22, 102 and 103 are currently owned by the Western Australian Planning Commission (WAPC) with the mutual understanding that the land will be transferred to the City's ownership when required.

The RNBF is located on parts of Lots 33 and 102, as shown on the indicative concept plan below (Image 2). The Concept Plan 2020 is indicative of the general intent and scale of the overall ARRR, with the inset showing a potential layout and location for the proposed RNBF.

Image 1 - Armadale Regional Recreation Reserve Location Plan

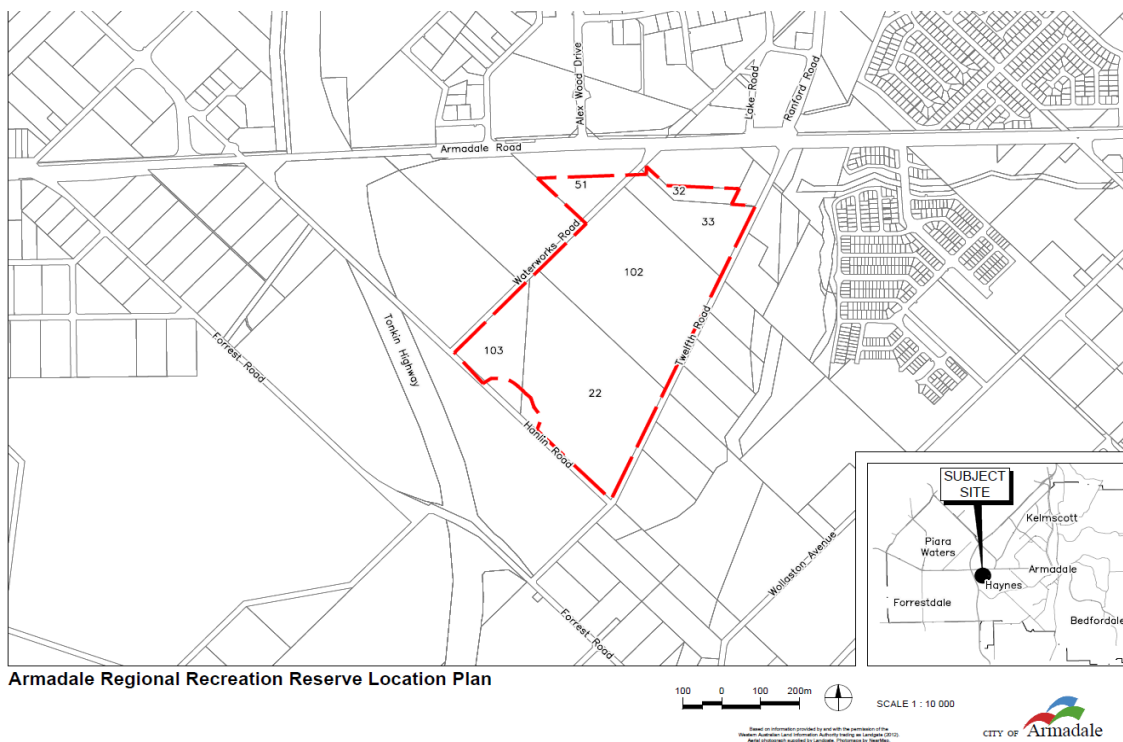


Image 2 – Indicative Concept Plan 2020 for the ARRR



Appendix 1 to the RNBF Business Case highlights the background long-list options and analysis that has occurred throughout the life of this project.

Following further comprehensive engagement with Netball WA and Basketball WA the key features of the preferred option costed in this Business Case include:

- 20 outdoor netball / basketball courts (including 4 under cover);
- 8 indoor basketball / netball courts within an indoor sporting complex (including 2 show courts);
- Gym and associated group fitness class rooms;
- Allied Health practitioner spaces (285m²)
- Office;
- Commercial kitchen;
- Café;
- First floor function space;
- Indoor changerooms and toilets; and
- Car parking accessible off Twelfth Road.

Images 3 and 4 reflect the indicative layout, intent and scale of the RNBF. It should be noted that these indicative plans are subject to further detailed design as part of the recommended next steps and this may alter attributes such as the location, scale and design of the facility.

Image 3 – Armadale Netball/Basketball Facility Layout

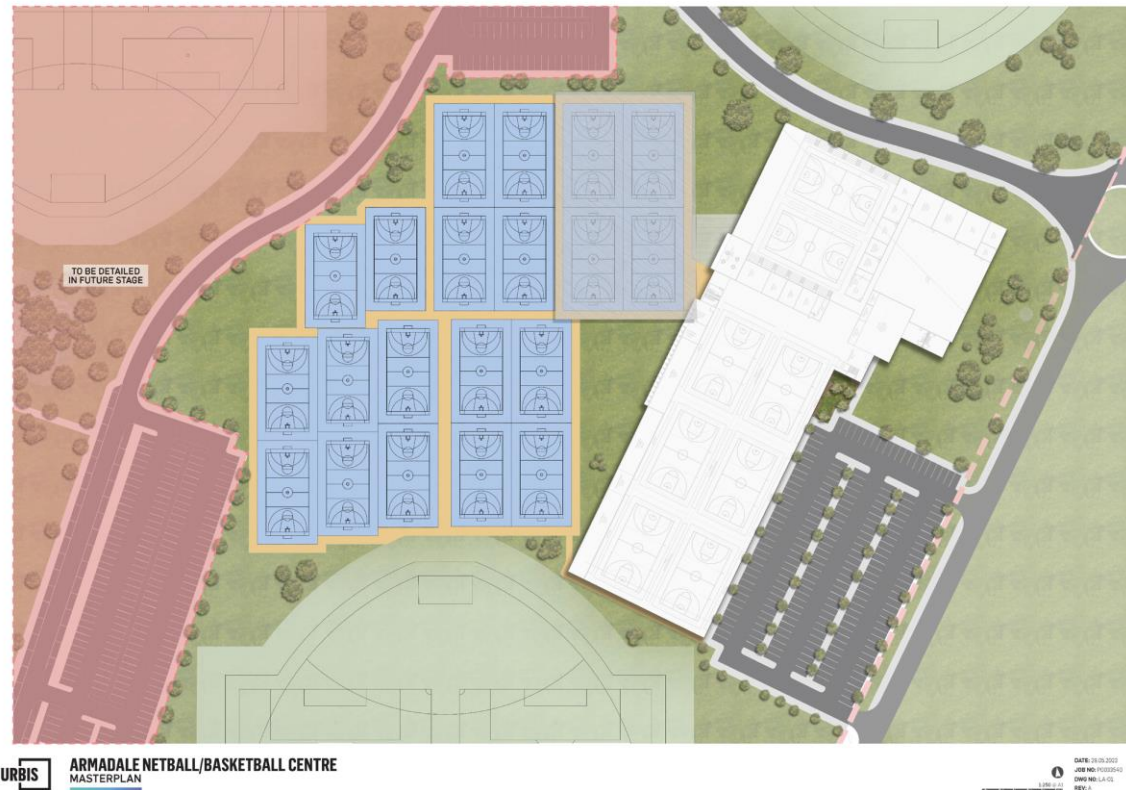
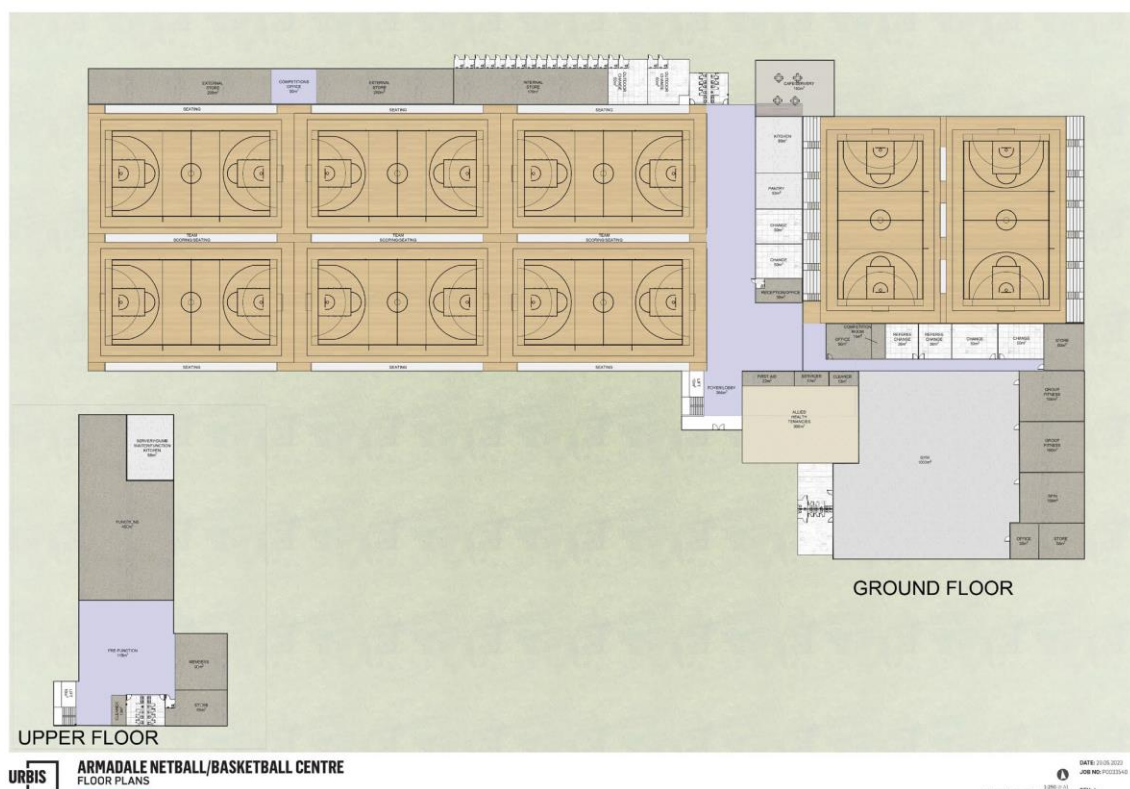


Image 4 – Armadale Netball/Basketball Facility Indoor Floor Plans



ANALYSIS

Key findings of the RNBF Business Case are:

- The preferred option investigated in the RNBF Business Case is based on 2023 market rates resulting in a cost estimate of \$76.1 million (excluding GST) including a 13.9% escalation through to 2026. Given the volatility of industry costs over recent years, this escalation may be conservative. Image 5 shows the estimated construction costs at P90 i.e. 90 per cent probability of the project being delivered within that cost estimate. Note, the estimate is subject to a number of exclusions (Source: SAGE Quantity Surveyors, Appendix D to the RNBF Business Case).

Image 5 – Estimated Construction Costs

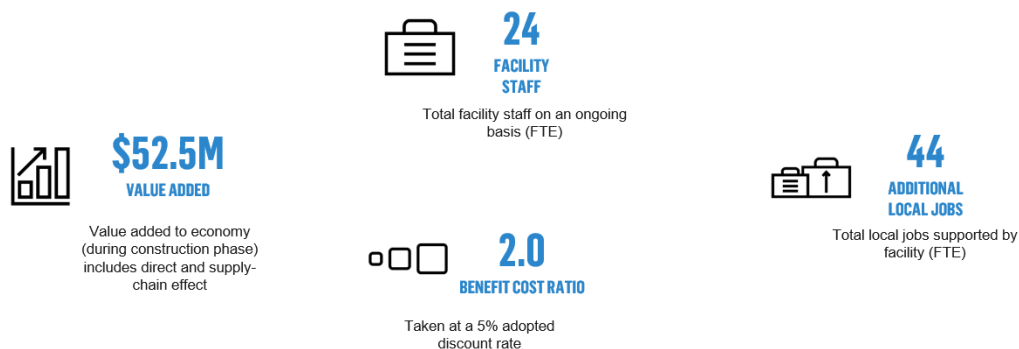
Estimated Capital Costs	
ITEM	COST (\$)
Construction Cost	
Building Works	\$46,839,951
External Works	\$7,136,803
External Services	\$2,642,480
<i>Construction Sub-total</i>	<i>\$56,619,234</i>
Professional Fees	\$8,153,000
P50 Inherent & Contingent Risk - 10%	\$5,662,000
P50 Cost Estimate	\$70,434,234
P90 Inherent & Contingent Risk - 20%	\$11,324,000
P90 Cost Estimate	\$76,096,234

Source: SAGE

Note: Construction costs are adjusted with escalation rates of 13.9% based on a 2026 construction time as provided by SAGE

- Total direct and indirect Gross Value-Added to the economy is estimated at \$52.5 million over the construction period of the development with 319 direct and indirect jobs created. The RNBF could support at least 44 FTE ongoing jobs and 100 volunteer opportunities. At the adopted five percent (5%) discount rate, the net benefit for the project is estimated to be approximately \$72.6 million with a healthy Benefit-Cost Ratio of 2.0. Image 6 below is a snapshot of the economic analysis undertaken by Urbis. A real discount rate of five percent (5%) was adopted for this assessment. A sensitivity test involved utilisation of three percent (3%) and seven percent (7%) discount rates with a Benefit-Cost Ratio of 2.8 and 1.5 respectively.

Image 6 – Snapshot of Economic Analysis



Source: Urbis, REMPLAN, ABS

Note: includes non-City employed jobs, eg allied health.

- The presence of a high-quality sporting complex could have strong health benefits, reduced health costs, create stronger social capital, as well as improved childhood development outcomes.
- The RNBF is likely to: increase local expenditure of \$3.5 million per annum; improve economic participation and productivity valued at \$1.2 million per annum; and increase private sector property development as a result of an increase in the desirability of living, visiting and working in the immediate area and estimated as one-off amenity uplift of \$12 million.
- There are significant benefits of utilising the existing AFAC management structure to support the facility, with the courts and associated rooms being licensed or leased respectively to Netball WA, Basketball WA and other service providers. The proposed RNBF will likely provide a positive cash flow from its operations. This expected positive cash flow can be used to subsidise costs, including debt repayment, asset maintenance and renewal costs. The level of external grant funding will ultimately determine the feasibility of the project.
- A combination of external grant funding types were found to be the most appropriate capital funding option to fund the construction of the RNBF. Advocacy will therefore be key to securing external funding for this transformational project.
- A risk assessment and risk management plan forms an integral part of this RNBF Business Plan, as per Appendix E.
- The RNBF Business Case recognises the need for clear implementation plans to support the successful delivery of the project, including but not limited to: strong project management and governance structures; effective procurement management; development of asset management plans for the RNBF; and the development of a clear communication plan that will promote the project, encourage community participation, liaise with potential funding partners and engage with sporting clubs and associations.

OPTIONS

The following options are open to Council:

1. Support the attached RNBF Business Case, advocate for funding as per the City's adopted advocacy approach and progress with finalising the detailed planning required for a proposed construction start date in 2026.
2. Not support the RNBF Business Case and reconsider the provision of a RNBF at the ARRR.

CONCLUSION

The RNBF Business Case identifies a clear need for the provision of a regional level facility both netball and basketball in the City. However, the feasibility is dependent on the City being successful in its advocacy efforts to secure external grant funding for the construction of the RNBF.

ATTACHMENTS

1. [↓](#) ARRR Stage 1 - RNBF Business Case - FINAL - September 2023

RECOMMEND

C24/10/23

That Council:

1. **Supports the Armadale Regional Recreation Reserve, Stage 1 - Regional Netball Basketball Facility Business Case.**
2. **Supports actions to further the City's advocacy efforts.**
3. **Authorise Officers to progress the detailed planning to have the project 'tender ready' in order to take advantage of and optimise potential funding opportunities as they arise.**

Moved Cr J Keogh
MOTION CARRIED

(7/0)

2.1 - DRAFT RECONCILIATION ACTION PLAN

WARD : ALL

FILE No. : M/545/23

DATE : 22 September 2023

REF : RM

RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

- This report presents the draft Reconciliation Action Plan 2023 – 2025 for the City of Armadale
- Recommend that Council:
 1. Endorse the proposed draft Reconciliation Action Plan 2023 - 2025

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

Nil

Strategic Implications

Strategic Community Plan Community

1.2 *Improve Community Wellbeing*

- 1.2.2 Facilitate the alignment of service and program delivery to identify social priorities within the community

1.4 *An Inclusive and Engaged Community*

- 1.4.4 Encourage the provision of culturally appropriate services and programs in the City

Leadership

4.2 *A Culture of Innovation*

- 4.2.2 Drive innovation and develop an inclusive culture that supports diverse perspectives and 'outside the box' thinking across the organisation

Public Health and Wellbeing Plan

11.3 *Improve and Maintain Aboriginal and Torres Strait Islander Health and Wellbeing*

11.3.1.1 Consider developing a Reconciliation Action Plan for the City of Armadale

- Improve health and wellbeing outcomes for the local Aboriginal and Torres Strait Islander community

Legal Implications

Nil

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

The actions within the draft RAP are based on the current municipal resources. For actions and deliverables requiring additional resources, Officers will prepare information via the proposals process for Council's consideration.

Consultation

- RAP Working Group
- Local Aboriginal Elders
- Internal City Departments

BACKGROUND

In response to a Councillor item raised in June 2022 regarding the development of a Reconciliation Action Plan (RAP) for the City of Armadale, a report was presented to Council in August 2022, resulting in the following resolution (C15/8/22):

That Council:

- 1. Endorse the establishment of a Reconciliation Action Plan Working Group to oversee the development of a draft Reconciliation Action Plan*
- 2. Endorse the development of a draft Reconciliation Action Plan to be presented to Council for endorsement prior to the end of the 2022/23 financial year*

Purpose of the RAP

Developing a RAP under the direction of a RAP WG and with guidance from Reconciliation Australia is a way of formalising the City's commitment to its long standing and positive relationship with the Aboriginal community and will identify further actions to progress meaningful reconciliation based on the core pillars of relationships, respect and opportunities.

According to Reconciliation Australia, "RAPs provide tangible and substantive benefits for Aboriginal and Torres Strait Islander peoples, increasing economic equity and supporting First Nations self-determination".

There are a number of mandatory actions and deliverables that Reconciliation Australia cites in the RAP template that organisations must adhere to in order for their RAP to be accepted and endorsed by Reconciliation Australia. Of the four RAP types, the City has prepared a RAP in the Innovate category. According to Reconciliation Australia, the Innovate category may be summarised as follows:

“Spans two years and focuses on developing and strengthening relationships with Aboriginal and Torres Strait Islander peoples, engaging staff and stakeholders in reconciliation and developing and piloting innovative strategies to empower Aboriginal and Torres Strait Islander peoples”.

In addition to the mandated actions Reconciliation Australia have assigned, there are also actions and deliverables that are locally relevant. A key role of the RAP Working Group was to identify, discuss and prioritise these additional deliverables that would have the most positive impact with progressing meaningful reconciliation with the local Aboriginal community.

The RAP Working Group

The RAP Working Group was formed via a publicly advertised Expression of Interest invitation, with the community member candidates attending a meeting to ascertain their interest and motivation in being part of the Working Group, and the skills they can offer to progress the draft RAP and subsequently oversee its implementation. This process was undertaken between September and November 2022, and resulted in the following RAP Working Group membership:

- Jodie Clarke, Aboriginal Development Coordinator (co-chair)
- Adrian Tanner, Aboriginal Children and Families Officer
- Cr Emma Flynn (co-chair)
- Cr Melissa Northcott
- Cr Ruth Butterfield
- Cr Scott Mosey
- Three local community members – Kerry Steele, Tracey Innes and Fiona Ontong
- Suzette van Aswegen, Executive Director Community Services
- Mike Andrews, Executive Director Technical Services
- Laura Swain, People Services Lead
- Rebekah Milnes, Manager Community Development

The Development of the Draft RAP

For the duration of the draft RAP’s development, the RAP Working Group met once a month to focus on each of the four key areas of the RAP and the additional locally relevant deliverables. During this time, two workshops were held with local Aboriginal Elders to review and prioritise the suggestions from the RAP Working Group. The process from December 2022 to October 2023 is summarised as follows:

From December 2022 until May 2023:

- 2 x meetings with RAP WG and Terms of Reference accepted
- 3 x workshops with RAP WG were held to determine:
 - Additional deliverables under Relationships
 - Additional deliverables under Respect
 - Additional deliverables under Opportunities and Governance

- Two workshops with local Aboriginal Elders were held to:
 - Review and prioritise additional deliverables under Relationships and Respect
 - Review and prioritise additional deliverables under Opportunities and Governance
- An all staff email was sent and a staff information/update session was held to explain the purpose and progress of the draft RAP's development

From May to June 2023

- Drafted the RAP
- Discussed actions and deliverables with relevant City Departments
- Discussed draft RAP with local Aboriginal Elders
- Distributed draft RAP to RAP Working Group for feedback and approval
- Sent draft RAP to Reconciliation Australia for review and endorsement - 5 June

July to October 2023

- Reconciliation Australia provided feedback on the draft RAP and feedback was addressed in the document
- Meeting with RAP Working Group held to discuss feedback and subsequent responses
- Sent second draft to Reconciliation Australia – 23 August
- Conditional endorsement received from Reconciliation Australia – 21 September
- Presentation of draft RAP to Council in October 2023

Next Steps:

Design of RAP and formal endorsement from Reconciliation Australia.

DETAILS OF PROPOSAL

It is proposed that Council endorses the attached draft Reconciliation Action Plan 2023 – 2025 now that the City has received conditional endorsement from Reconciliation Australia. Conditional endorsement of the draft RAP means the content is approved. Formal endorsement will occur once the fully designed RAP document is submitted.

The Structure of the Draft RAP

The draft RAP comprises the following discrete sections:

- Our vision for reconciliation
- Our business
- The City's approach to reconciliation
- Area 1: Relationships
- Area 2: Respect
- Area 3: Opportunities
- Area 4: Governance

Under the four areas, the RAP comprises a total of 14 actions and under those actions, 71 deliverables across City of Armadale eight business units.

ANALYSIS

Developing a RAP within Reconciliation Australia's Innovate category assists with formalising the City's dedication over the last 24 years to authentically engage and retain a positive relationship with the local Aboriginal community. It is a formal document to ensure the City's actions in the reconciliation area are appropriate, at a high standard and are held accountable by the RAP Working Group.

It is vital that the Aboriginal Elders are engaged with on an ongoing basis during the implementation and monitoring of the RAP to ensure the actions are conducive to progressing reconciliation in a meaningful way and to make a positive impact on the local Aboriginal and Torres Strait Islander community.

OPTIONS

Council has the following options:

1. Endorse the proposed draft Reconciliation Action Plan 2023 – 2025.
2. Do not endorse the proposed draft Reconciliation Action Plan 2023 – 2025.

Options 1 is recommended.

CONCLUSION

Council's endorsement of the draft RAP will further solidify the ongoing positive relationship between the City and the local Aboriginal community. Under the guidance of the RAP Working Group and in consultation with the local Aboriginal community, its implementation is conducive to ensuring reconciliation is a long term focus of the City.

ATTACHMENTS

1. City of Armadale Innovate RAP 2023 - Conditionally Endorsed

RECOMMEND

C25/10/23

That Council endorse the proposed draft Reconciliation Action Plan 2023 – 2025.

Moved Cr E J Flynn
MOTION CARRIED

(7/0)

3.1 - ROLEYSTONE THEATRE - INTENTION TO LEASE

MEETING CLOSED TO PUBLIC

MOVED Cr Flynn that that the meeting be closed to members of the public as the matter to be discussed, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person.

Motion Carried (7/0)

Meeting declared closed at 8:32pm. There were no members of the public present at the time.

WARD : HILLS
FILE No. : M/531/23
DATE : 20 September 2023
REF : NP
RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

- A report is presented as a confidential attachment to this Agenda.

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

Nil

A Confidential Report is presented as an attachment to this Agenda.

ATTACHMENTS

1. Confidential Attachment - Roleystone Theatre - Intention to Lease - *This matter is considered to be confidential under Section 5.23(2) (e iii) of the Local Government Act, as the matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person*

RECOMMEND

C26/10/23

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

Moved Cr S J Mosey

MOTION CARRIED

(7/0)

MEETING OPENED TO PUBLIC

MOVED Cr Flynn that that the meeting be opened.

Motion carried (7/0)

Meeting declared open at 9:12pm

3.2 - REGISTRATION OF INTEREST - REG WILLIAMS PAVILION

MEETING CLOSED TO PUBLIC

MOVED Cr Silver that that the meeting be closed to members of the public as the matter to be discussed, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person.

Motion Carried (7/0)

Meeting declared closed at 9:12pm

WARD : MINNAWARRA
FILE No. : M/549/23
DATE : 28 September 2023
REF : NP
RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

- A confidential report is presented as an Attachment to this Agenda.

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

Nil

A Confidential Report is presented as an attachment to this Agenda.

ATTACHMENTS

1. Confidential Report - ROI - Reg Williams Pavilion - *This matter is considered to be confidential under Section 5.23(2) (e iii) of the Local Government Act, as the matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person*

RECOMMEND

C27/10/23

That Council adopt the recommendation as outlined in the Confidential Report as amended.

**Moved Cr E J Flynn
MOTION CARRIED**

(7/0)

MEETING OPENED TO PUBLIC

MOVED Cr Flynn that that the meeting be opened to members of the public.
Motion carried (7/0)

Meeting declared open at 9:31pm

4.2 - SPONSORSHIPS TO PRIMARY SCHOOLS

At the Council meeting held on 13 March, Cr Silver referred the following matter to the Community Services Committee.

That the matter of sponsorships to Primary Schools be referred to the Community Services Committee.

Comment from Cr Silver

In December 2022, I received an invitation to attend a Year 6 Primary school graduation ceremony in the Lake Ward on behalf of Council. Alongside this invitation, we were approached with a request to consider sponsoring a specific student award for the graduating class of 2022, with the suggested contribution amount set at \$50. The award package would include a plaque, certificate, and a voucher for the student.

In the overall budget for the City, this is a modest allocation to support primary school children and encourage their progression to high school. It would bring considerable benefit to our community and foster the City's relationships with local primary schools.

Cr Silver's further comments have been forwarded under separate cover.

Officer Comment

A report presented to Council in December 2022 (C33/12/22) outlining the Scholar Awards initiative indicated that according to five high schools surveyed, the Scholar Award is of benefit to Year 10 students in terms of the Award contributing to their academic progress to Year 11. It was recommended that the Scholar Award amount offered was increased to \$300, resulting in a Council resolution reflecting the same.

The Scholar Award was added to the revised draft Financial Assistance Policy, which was presented to Council and endorsed at the Ordinary Council Meeting held on 8 May 2023 (C13/5/23).

There are 29 Primary Schools, including Education Support Centres, in the City of Armadale. If each school was allocated \$50, it would equate to a maximum expenditure of \$1450 per annum.

ATTACHMENTS

There are no attachments for this report.

The Committee discussed the report and the following recommendation was moved.

RECOMMEND

C28/10/23

That Council:

- 1. Endorse the addition of the fiscal amount to be allocated to the Annual School Scholarships Initiative of up to \$50 per local primary school.**
- 2. Endorse that the Annual School Scholarships Initiative is now offered to local primary schools to nominate one Year 6 student as an award recipient.**
- 3. That the increase of \$1,450 in the allocation of the Annual School Scholarship Initiative for Primary schools be included in the mid-year budget review.**

Moved Cr Silver, Seconded Cr G J Smith

Opposed Cr J Keogh

MOTION CARRIED

(5/2)

4.3 - INCREASE OF BUDGET FOR YOUTH PROGRAMS

At the Council meeting held on 24 July 2023, Cr Peter referred the following matter to the Community Services Committee.

That the matter of increasing the budget for Youth Programs in the FY25 Budget be referred to the Community Services Committee

Comment from Cr Peter

The real victim of the living costs crisis is the young people.

"An estimated 750,000 children - one in six young people in Australia - are currently living in poverty, the Australian Council of Social Service (ACOSS) estimates".

For many reasons, the CoA's SEIFA index is lower than the greater Perth and requires more support. The most significant concern many residents raised is the need for more activities for young people in this area, and they are involved in crime due to not being engaged with the community, education, or employment.

CoA is running several programs to support youth in the vicinity of CoA, and additional funding will help stretch the current activity and cover extended targets due to the living cost crisis.

Officer Comment

In 2019, Council endorsed the new 'Social Priorities' community development approach comprising the analysis of a range of data sets and feedback from residents at a suburb level to determine the best way for the City to prioritise its support the community. Whilst each of the three iterations of the Social Priorities since 2019 have included a focus on young people in identified suburbs, 'youth programs' have not been a separate portfolio area in terms of the allocation of standalone funds and resources.

The table below indicates the breakdown of the expenditure of \$80,740 for the 2022/23 financial year on the 'Youth Education and Engagement' Social Priority. The category column refers to the type of response from the City to address the identified Social Priority.

These are cited in the Community Development Strategy and comprise:

- Advocacy
- Coordination of internal and external stakeholders
- Contract of services via Service Agreements
- Capacity building

Category	Initiative	Cost
Contract of services	Dismantle Bike Rescue	\$2695
Contract of services	Whereabouts Skateboarding	\$17,825
Contract of services	Alta-1 College – Armed for Life	\$19,800
Contract of services	Stephen Michael Foundation	\$17,837
Coordination of internal and external stakeholders	Armadale Youth Advisory Council	\$1000
Coordination of internal and external stakeholders	Armadale Youth Network	\$11,600

Category	Initiative	Cost
Capacity building		
Capacity building	Humans of Armadale My Art My Armadale	\$2,463 ((\$12,000 was carried forward from 2021/22 hence the total expense for this was \$14,463))
Capacity building	Gwynne Park Skate Park Art Work Project	\$4520
Capacity building	Whereabouts Skateboarding	\$3000

Please note this breakdown does not include the Nutrition in Schools program which is a category in the City's Financial Assistance Policy aimed at assisting primary and secondary schools with breakfast clubs and other nutrition programs, or the Community Grants category in the same Policy which may fund external organisations to deliver activities for young people. The breakdown also does not include any other activities aimed at young people at the City's Libraries, at the Armadale Fitness and Aquatic Centre and via the local sporting clubs.

Additional funds specifically allocated to youth projects either as a discrete focus area or as part of the suburb-level Social Priorities could increase the range, scope and length of initiatives, or fund new projects. However, an additional staff resource would be required to manage the additional projects. Therefore, it would be estimated that to double the budget allocated for young people and an additional staff member, a total of \$171,000 per annum would be required.

ATTACHMENTS

There are no attachments for this report.

The Committee discussed the report and the following recommendation was moved.

RECOMMEND

C29/10/23

That Council:

1. Note the Officer's report.
2. Consider budget allocation for the provision of additional youth programs in the 24/25 Annual Budget review.

Moved Cr E J Flynn
MOTION CARRIED

(7/0)

COUNCILLORS' ITEMS

1. Renaming of the Armadale Regional Recreation Reserve Facility (ARRR) (Cr John Keogh)

Cr Keogh requested that a Working Group be formed to consider options for renaming of the Armadale Regional Recreation Reserve Facility currently being referred to as the ARRR.

RECOMMEND

C30/10/23

That Council refer the following Councillor item in regard to:

1. Renaming of the Armadale Regional Recreation Reserve Facility (ARRR)

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

Moved Cr J Keogh

MOTION CARRIED

(7/0)

Being her last meeting, Cr Flynn extended her thanks to the Chair, Councillor and Officer who have made her time enjoyable.

Cr Silver extended her thanks to Councillors for their consistent attendance at meetings, their respectful attitudes during discussions and the support for her position as Chair. Cr Silver also thanked her Deputy Chair, the Executive Director Community Services and City Officers. She wished Cr Flynn all the best and wished good luck to all Crs who were contesting the election.

EXECUTIVE DIRECTOR COMMUNITY SERVICES REPORT

The Executive Director Community Services thanked the Committee and wished everyone all the best for the upcoming elections.

MEETING DECLARED CLOSED AT 9:51PM

COMMUNITY SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
3 OCTOBER 2023		
ATT NO.	SUBJECT	
1.1	ARMADALE REGIONAL RECREATION RESERVE - REGIONAL NETBALL AND BASKETBALL FACILITY BUSINESS CASE	
1.1.1	ARRR Stage 1 - RNBF Business Case - FINAL - September 2023	
2.1	DRAFT RECONCILIATION ACTION PLAN	
2.1.1	City of Armadale Innovate RAP 2023 - Conditionally Endorsed	

The above attachments can be accessed from the Minutes of the Community Services Committee meeting of 3 October available on the City's website

CITY OF ARMADALE

MINUTES

**OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 9
OCTOBER 2023 AT 7.00PM.**

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

APOLOGIES: Cr M J Hancock (Leave of Absence)

OBSERVERS: Cr M S Northcott - *via Teams*
Cr E J Flynn - *via Teams*

IN ATTENDANCE: Ms J Abbiss Chief Executive Officer
Mr P Sanders Executive Director Development Services
Ms N Cranfield Executive Assistant EDDS

PUBLIC: 5

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

DISCLAIMER

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

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

DEPUTATION

Amendment No.1 to Anstey Keane Urban Development Precinct East Structure Plan – Recommendation to WAPC

Mr Alessandro Stagno from Apex Planning (Applicant on behalf of Cedarville Pty Ltd) addressed the Committee at 7.02pm and provided the following comments:

- *Advised of the comprehensive report prepared by the City officers.*
- *The proposed LSP amendment incorporates a single zoning change to the previously approved Structure Plan being the change of zone for Lot 500 (No.16) Anstey Road, Forrestdale from “Residential R25” zone to “Local Centre” zone.*
- *The intent of the proposed zoning change would facilitate the future development of a local shopping facility within Lot 500 to a total size of 1,500m² shop retail floor space.*
- *The site is located next to an approved service commercial development (service station and fast food outlets) and a child care premises, reinforcing a local hub for the growing Forrestdale community.*
- *The LSP amendment was prepared through regular and genuine engagement with the City’s planning officers and the DPLH. The amendment was accompanied by expert retail, traffic, and hydrological assessments which have all been considered and supported by the City.*
- *Overall, this proposal will enhance local amenity and quality of life for the growing local community. We ask Council to endorse the officer recommendation.*

Chair thanked Mr Stagno for his attendance.

Deputation retired at 7.05pm.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 18 September 2023 be confirmed.

**Moved Cr P A Hetherington
MOTION CARRIED**

(6/0)

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 14 - SEPT 2023

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

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DEVELOPMENT SERVICES COMMITTEE

9 OCTOBER 2023

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1.1 - COMMUNITY HEALTH AND WELLBEING PLAN ANNUAL REPORT

WARD : ALL
FILE No. : M/501/23
DATE : 5 October 2023
REF : DD
RESPONSIBLE : EDD
MANAGER

Tabled Items

Nil

In Brief:

- This report provides a progress update on the actions of the Community Health and Wellbeing Plan 2021–2024 between August 2022 and August 2023.
- Recommend that Council note the progress update on the actions of the Community Health and Wellbeing Plan 2021–2024 described in this report and attachment.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

1.2 Improve community wellbeing

1.2.4 Facilitate the delivery of health and wellbeing programs and services within the community.

Legal Implications

Currently annual Public Health Plan reporting to the Department of Health is not mandatory, however after the enactment of Part 5 of the *Public Health Act 2016* it will be a statutory requirement.

Council Policy/Local Law Implications

ADM19 – Procurement of Good and Services

Budget/Financial Implications

Nil. Council allocated additional staff to Health Services as part of its adoption of the 2023/24 budget.

Consultation

Cross-Directorate implementation of Community Health and Wellbeing Plan.

BACKGROUND

In July 2019, the Department of Health (DoH) released the first State Public Health Plan (SPHP) for Western Australia: Objectives and Policy Priorities for 2019 – 2024. The SPHP aims to guide the direction of public health planning across the State for a coordinated approach to improving the health and wellbeing of all Western Australians, whether it be at State or local community level. The SPHP was developed in preparation for the future enactment of Part 5 of the *Public Health Act 2016* (the Act), which introduces the requirement of a State public health plan by the DoH and a Local public health plan by each local government in WA. Mandating public health planning aims to support and drive ongoing improvements to the public health and wellbeing of local communities.

In 2014, Council endorsed the City's first Public Health Plan 2014-17, prepared in line with past recommendations from the *WA Public Health Bill 2008* to improve the health and wellbeing of the community. The City was one of the first WA local governments to develop a Public Health Plan which produced many award winning projects and programs.

At its meeting on 23 August 2021, Council endorsed the City's second plan, the Community Health and Wellbeing Plan 2021-2024 (CHWP) which will meet the requirements of Part 5 of the Act, once formally enacted.

The adoption of the CHWP was a key action in the City's Corporate Business Plan to improve community wellbeing by facilitating the delivery of health and wellbeing programs and services within the community. Using the State Public Health Plan as a guide, the City's CHWP focuses on three objectives:

1. Prevent chronic disease through empowering and enabling people to live healthy lives;
2. Provide environmental health protection for the community; and
3. Improve and maintain Aboriginal and Torres Strait Islander health and wellbeing.

Last year the first annual report was presented to Council at its meeting on 12 December 2022, with Council resolving to:

Note the progress update on the actions of the Community Health and Wellbeing Plan 2021-2024 described in this report and attachment.

DETAILS OF PROPOSAL

The second annual review of the 48 deliverables in the CHWP has been completed. Actions and achievements relating to each deliverable are detailed in the ***Attachment to this report***. The target status of each deliverable has been reported using the following categories:

Colour	Meaning
On Target	Deliverable is expected to be completed as planned
Needs Attention	Deliverable is in progress but needs attention so it can get on target
Subject to Funding	Deliverable is contingent on funding
At Risk	Deliverable is at risk of not being delivered or completed

Out of the 48 actions within the CHWP:

- 90% (43) are on target
- 2% (1) is at risk of not being achieved
- 10% (5) have been completed
- 2% (1) are subject to funding
- 6% (3) need attention
- 2% (1) have not been started

Note: Actions can be in more than one category above.

The following provides detail on the action that has been noted at risk of not being achieved by the end of the CHWP:

Action: 11.2.5.2 Establish a Public Health Stakeholder network with the purpose of encouraging organisations to work together, reduce duplication and share information to assist in ensuring clients of represented organisations receive the best care available to them.

Deliverable: Identify and engage appropriate health stakeholders. Facilitate quarterly meetings.

Responsible Team/s: Health Services

Comment: Community and service provider stakeholders who participated in consultation for the Plan requested the formation of the group. When the City contacted these stakeholders to establish the network there was no longer enough interest to warrant its establishment. This action is no longer able to be progressed by the City, as reported to Council in December 2022.

Summary of Key Achievements

The following provides a summary of the key achievements in the CHWP's second year:

Eat Brighter LiveLighter Campaign

- Partnered with Cancer Council WA's (CCWA) LiveLighter team to run Eat Brighter in Armadale project. The campaign was promoted on socials, in City facilities and advertised on 3 City billboards from 29 August to 16 December 2022.

SunSmart Campaign

- Partnered with CCWA's SunSmart team to produce the SunSmart space at the Armadale Fitness and Aquatic Centre (AFAC).

Alcohol and Smoke Signage

- Alcohol and smoke free signage was designed and installed in Jull Street Mall in collaboration with Armadale District Police and local businesses.

Move Your Body Program - Outdoor Fitness Equipment

- New outdoor fitness equipment was installed at 3 parks and equipment was upgraded at an additional 3 parks. All equipment has the Move your Body outdoor fitness equipment workout recommendation for beginner, intermediate and advanced installed.
- The City won the Outstanding Achievement by a Local Government in Injury Prevention or Recovery Support for the 2023 Injury Prevention and Safety Promotion Awards for the Move Your Body Program.
- The City received a commendation for Community Based Initiative of the Year at the Parks and Leisure WA Awards for the Move Your Body Program.

Acts of Kindness in Armadale Project and Act Belong Commit Partnership Renewal

- The Acts of Kindness in Armadale project launched in November 2022 in line with World Kindness Day.
- The City renewed its Act Belong Commit partnership until 2025.

Community Health and Wellbeing Programming

- The City delivered 33 workshops, 2 courses and 3 programs, attracting 641 participants.
- Workshops, courses and programs were delivered by the City's Health Service independently, and in partnership with Library and Heritage Services. This partnership increased the number of events offered in the libraries, whilst also offering opportunities for the community to improve their health literacy and skills.
- A number of workshops, courses and programs were also delivered by Alzheimer's WA, Annie Knoth, HelpingMinds, Carrie Reedy Functional Nutrition, Cancer Council WA, Anglicare WA, BreastScreen WA, Yoga Flourish, KidSafe WA, Communicare, Foodbank WA and Independent Living Association.

Food Environment Project

- East Metro Health Service completed a number of food environment projects within the City. Food outlets were mapped as part of the Food Atlas State-wide project, local food business menus were assessed, food stress index mapping was completed and opportunities were identified to create healthier City events.

Blender Bike

- There were 23 organisations that hired the Blender Bike in the reporting period and it was operated at 28 events, with 2680 smoothies being made. These numbers have increased since the 2021/22 reporting period.

The attached table outlines all 48 actions of the CHWP, a list of achievements based on the measures set to achieve the expected outcome for each action and its current target status.

ANALYSIS

The progress of the CHWP's 48 actions are monitored and measured against performance indicators in a working document updated by all responsible City Business Units as programs, projects or services are delivered. An annual progress update will continue to be provided to Council in October/November for the life of the plan.

The following table provides a brief summary of the current target status for 48 actions included in the CHWP:

Target Status	Number of actions in 2023	Number of actions in 2022
At Risk	1	1
Needs attention	3	10
Subject to Funding	1	4
On Target	43	33

OPTIONS

Council has the following options:

1. Note the progress update on the actions of the Community Health and Wellbeing Plan 2021–2024 described in this report and attachment.
2. Request further information on the target status of the deliverables of the Community Health and Wellbeing Plan 2021–2024 described in this report and attachment.

CONCLUSION

The purpose of the Community Health and Wellbeing Plan is to contribute to improving health and wellbeing outcomes for City of Armadale residents to enable people to live well and experience the best possible quality of life. Following the second year of the CHWP's implementation 43 out of the 47 actions are on target to be completed by 2024 which is a great outcome. The annual review also identified that, although in progress, 3 actions require attention in the next 12 months and 1 is subject to funding (i.e. won't be progressed without funding). Option 1 is recommended.

ATTACHMENTS

1. [Community Health and Wellbeing Annual Progress Report 2023](#)

RECOMMEND

D25/10/23

That Council:

1. **Note the progress update on the actions of the Community Health and Wellbeing Plan 2021-2024 described in this report and attachment.**

Moved Cr R Butterfield
MOTION CARRIED

(6/0)

***2.1 - AMENDED APPLICATION - GROUPED DWELLINGS - STRATA LOTS 2 AND 3
- NO.93B & NO.93C RIVER ROAD, KELMSCOTT***

Previous Items: 1.1 - Lot 56, No.93 River Road, Kelmscott - Demolition and Three Grouped Dwellings - Development Services - 21 Jan 2020

WARD : RIVER

FILE No. : - M/490/23

APPLN NO. : 10.2023.194.1
10.2023.193.1

DATE : 5 October 2023

REF : JF

RESPONSIBLE MANAGER : EDDS

APPLICANT : Tobia Constructions

LANDOWNER : I & J Mills

SUBJECT LAND : Strata Lot 2 (No.93B)
River Road, Kelmscott –
Size - 300m²; and,
Strata Lot 3 (No.93C)
River Road, Kelmscott –
Size - 316m²

ZONING
MRS / : MRS - Urban
TPS No.4 : TPS4 - Residential 10/25

In Brief:

- The City received an application for an amendment to Development Approval 10.2019.324.1 (dated 29/01/2020) on 27/07/2023.
- The application relates to a site located within the City's River Road Heritage Area. The application therefore requires determination by Council.
- The applicant is seeking approval for reduced floor area and ceiling heights for the two rear dwellings (Strata Lot 2 (No.93B) and Strata Lot 3 (No.93C) River Road, Kelmscott.
- The application has been referred to the City's Community Heritage Advisory Group for comment.
- Recommend that the Council approve the application subject to appropriate conditions.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

- 2.3 Diverse and attractive development that is integrated with the distinctive character of the City.
 - 2.3.1 *Provide supportive planning and development guidance and liaison on major land developments*
- 2.4 Attractive and user-friendly streetscapes and open spaces
 - 2.4.1 *Implement townscape, streetscape and parkland improvements to enhance the distinctive character of the City.*
- 2.5 Quality Development that Enhances the Amenity and Liveability of the City
 - 2.5.6 *Seek improvements to the nature and standard of developments within the City.*

Legal Implications

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Town Planning Scheme No.4 (TPS No.4)
Local Planning Strategy 2016
Metropolitan Region Scheme
State Planning Policy 3.7 Planning in Bushfire Prone Areas
State Planning Policy 5.4 Road and Rail Noise
State Planning Policy 7.3 Residential Design Codes Volume 1

Council Policy/Local Law Implications

PLN 2.9 Landscaping
PLN 3.1 Residential Density Development
PLN 3.9 River Road Heritage Area

Budget/Financial Implications

Nil.

Consultation

Public advertising is not required in this instance due to the level of compliance with relevant local planning policies and State Government planning policies.

The application was referred to the City's Community Heritage Advisory Group (CHAG) for comment.

BACKGROUND

The site (93B and 93C River Road, Kelmscott) was formerly part of a heritage place in the City's Local Heritage Survey (i.e. Betsy Buckingham's Property, Place No.082). Demolition of the Betsy Buckingham residence was approved by Council in January 2020. The site has since been subdivided into three survey strata lots, the current proposal is located on the rear two strata lots. Strata Lot 3 (No.93C) at the rear is no longer designated as a heritage place in the City's Heritage List.

Both Strata Lots 2 and 3 are still located within the River Road Heritage Precinct and development on the site is subject to the provisions of the City's *Local Planning Policy PLN 3.9 River Road Heritage Area*.

Note that Council approved three Grouped Dwellings on the parent lot (93 River Road, Kelmscott) in January 2020. The current proposal includes some minor variations to the relevant development standards however it is still largely consistent with the previous approval (DA 10.2019.324.1 dated 29/01/2020). An assessment of the amended grouped dwelling proposals against the design guidelines in Policy PLN3.9 and other relevant development standards is provided further below in this report.

The site is vacant and no verge trees are affected by the proposal.

DETAILS OF PROPOSAL

The applicant seeks to amend Development Approval 10.2019.324.1 by reducing the floor area and plate height of the two rear Grouped Dwellings.

The proposal includes:

- two single storey Grouped Dwellings on Strata Lots 2 and 3 with double garages;
- dwellings to be constructed from timber frame with a Colorbond roof;
- external cladding to be a mix of horizontal Colorbond and horizontal cladding boards;
- garages to be constructed from face brick and Colorbond roof; and
- plate height of dwellings proposed at 2.4m high.

COMMENT

Development Control Unit (DCU)

The proposal was referred to the City's Development Control Unit (DCU) for comment and no objections were raised.

Community Heritage Advisory Group (CHAG)

The proposal was referred to the City's Community Heritage Advisory Group (CHAG) for comment. The CHAG advised that the revised designs closely follow the original approved plans however there is no indication of colour schemes for roofing and wall elevations. These should be in accordance with illustrations provided in the original approved development application and the River Road Heritage Area Policy guidelines.

ANALYSIS

Town Planning Scheme No.4 (TPS4)

The proposal is generally consistent with the aims and provisions of the Scheme.

Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 (Deemed Provisions)

Clause 77(1)(c) of the Deemed Provisions permits an applicant to seek approval to amend an aspect of an existing development approval which, if amended, would not substantially change the development approved.

In this instance, it is considered that the proposal does not substantially change the approved development as it reduces the footprint of the two rear dwellings and additionally reduces the plate height of the rear dwellings.

PLN 3.9 River Road Heritage Area (PLN3.9)

The site is located within the River Road Heritage Area and was formerly the site of Betsy Buckingham's cottage (Place No 082). The cottage was approved for demolition by Council in 2020 and the relevant place documentation provided to the City. The parent lot has since been subdivided into three survey strata lots.

The proposal has been assessed for compliance with Policy PLN3.9 and includes the following variations to the Policy:

- Plate height of dwellings proposed at 2.4m rather than the required 2.7m; and
- Strata Lot 2 garage is 1.6m forward of the dwelling rather than 0.5m behind the front of the dwelling.

The proposal is otherwise compliant with the policy.

With regard to the plate height variation, the previous approval included a 2.7m plate height. The applicant has provided the following justification for the proposed variation to plate height for Units 1 and 2. The applicant has advised that:

- the plate height was reduced to 2.4m so that the two rear dwellings were less intrusive when viewed from River Road;
- the site slopes up from River Road and the two rear units would appear to sit higher and 'over crowd' the front dwelling (Unit 1); and,
- the front dwelling was oriented and designed to incorporate the River Road heritage appeal and the rear dwellings have been designed to sit more subtly behind the front dwelling.

Officer review of the currently approved plans and the proposed plans indicate that the rear dwellings will still be visible behind the front dwelling. The plate height of the rear Unit 3 is proposed to be 1.6m above the plate height of the front Unit 1 (current approval would result in a 1.9m height difference). The proposed plate height is not considered to significantly reduce the appearance of the rear dwellings in terms of bulk and scale in relation to the front dwelling. The 2.7m plate height requirement of PLN3.9 is an important and distinct design element, and enhances the heritage character of the development. It is therefore recommended that approval be conditional on retaining the 2.7m plate height.

With regard to the location of the garage on Strata Lot 2, the previous approval included a variation to the garage setback (Lot 2 garage was located 0.5m behind the front of the dwelling however the veranda extended 0.5m forward of the garage). It is recommended that the veranda in the revised proposal be brought forward to at least match the proposed garage setback. This would ameliorate the impact of the Lot 2 garage in the streetscape to some extent.

PLN 2.9 Landscaping

All communal (common property) landscaping is a condition of previous DA 10.2019.324.1. A Landscape Plan has been provided in support of the application. The City's Parks and Reserves Department has reviewed the submitted plan and has no objection (as noted earlier in this report). The standard landscaping condition on the existing development approval requires ongoing maintenance of the adjoining verge area by the landowners in accordance with the approved Landscape Plan. The same condition will continue to apply.

PLN 3.1 Residential Density Development

The proposal was assessed for compliance with the City's Local Planning Policy PLN3.1. The following variations to the Policy are proposed:

- Strata Lot 2 garage is 1.6m forward of the dwelling rather than being behind the front of the dwelling.

The proposal is otherwise compliant with the Policy.

The proposed variation has already been discussed and a recommendation made earlier in this report (see the PLN3.9 River Road Heritage Area section).

State Planning Policy 7.3 - Residential Design Codes, Volume 1 (R-Codes)

Proposed variations to the Deemed to Comply (DTC) provisions of the R-Codes include:

- Strata Lot 3 – the size and dimensions of the Outdoor Living Area (OLA) do not comply with the minimum R-Codes requirement.

The proposal is otherwise compliant with the policy.

It should be noted that the proposed variation has been considered and the OLA provided in the revised proposal is more generous (by 18.5m²) than the OLA proposed in the previous approval. The variation is therefore supported.

Note that a nil setback (parapet) wall (5.8m long) is shown on northern boundary of Strata Lot 3. This wall is already approved (see DA 2019.324.1) and was advertised to the current neighbour in 2019. Additionally, a 12.9m long nil setback wall is shown on eastern boundary of Strata Lot 2. This wall has also been approved previously in DA 10.2019.324.1.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas and Guidelines (SPP3.7)

The site is located within a designated Bushfire Prone Area therefore development may be subject to the provisions of WAPC's SPP3.7. A Bushfire Attack Level (BAL) assessment report was prepared and submitted which classified the site as BAL-LOW. The provisions of SPP 3.7 are therefore not applicable in this instance.

State Planning Policy 5.4 Road and Rail Noise

The proposal is within the trigger distance for WAPC's SPP5.4 however the screening assessment in the Guidelines indicates that no further noise mitigation measures are necessary.

OPTIONS

Council has the following options:

1. Resolve to approve the application to amend Development Approval 10.2019.324.1 (dated 29/01/2020) proposing to reduce the floor areas of the dwellings and subject to the plate height for the two rear dwellings being increased to 2.7m and the veranda for Unit 2 being brought forward to match the garage setback.
2. Resolve to refuse the application and provide reasons for its decision.

CONCLUSION

The subject site was formerly part of a heritage place in the City's Local Heritage Survey (i.e. Betsy Buckingham's Property, Place No.082). Demolition of the Betsy Buckingham residence was approved by Council in January 2020. The site has since been subdivided into three survey strata lots. The site is located within the River Road Heritage Precinct and development on the site is subject to the provisions of the City's *Local Planning Policy PLN 3.9 River Road Heritage Area*.

Council approved three Grouped Dwellings on the parent lot (93 River Road, Kelmscott) in January 2020. The current proposal on the two rear strata lots includes some minor variations to the relevant development standards however it is still largely consistent with the previous approval (DA 10.2019.324.1 dated 29/01/2020) with the exception of the recommended changes in Condition 15 below.

An assessment of the amended grouped dwelling proposals against the design guidelines in PLN3.9 and other relevant development standards has been undertaken and discussed in this report. The proposal has been referred to the City's Community Heritage Advisory Group (CHAG) for comment and referred internally to the City's Development Control Unit (DCU). No objections were raised in relation to the proposal.

It is considered that the proposal is generally consistent with the objectives of the Scheme and the relevant policy framework subject to two minor amendments.

It is therefore recommended that the application is approved in accordance with Option 1 above.

ATTACHMENTS

1. Location Plan - Strata Lots 2 & 3 River Road, Kelmscott
2. Aerial Plan - Strata Lots 2 & 3 River Road, Kelmscott
3. Site Plan - Strata Lots 2 & 3 River Road, Kelmscott
4. Feature Survey Plan - Strata Lots 2 & 3 River Road, Kelmscott
5. New Building Footprint Plan - Strata Lots 2 & 3 River Road, Kelmscott
6. New Floor Plan 1 - Strata Lots 2 & 3 River Road, Kelmscott
7. New Floor Plan 2 - Strata Lots 2 & 3 River Road, Kelmscott
8. Elevations Plan 1 - Strata Lots 2 & 3 River Road, Kelmscott
9. Elevations Plan 2 - Strata Lots 2 & 3 River Road, Kelmscott
10. Elevations Plan 3 - Strata Lots 2 & 3 River Road, Kelmscott

RECOMMEND

D26/10/23

That Council:

- A) Approves the application to amend Development Approval 10.2019.324.1 reducing the floor areas of the two rear Grouped Dwellings on Strata Lot 2 (No.93B) and Lot 3 (No.93C) River Road, Kelmscott respectively subject to the following additional condition:**

- 15. Prior to the submission of a Building Permit, revised plans shall be submitted to and approved by the City's Planning Services, in-accordance with Schedule 2, Part 9, Clause 74(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* that modify the proposal by:**

- a) Increasing the plate height of both dwellings to 2.7m;**
- b) Extending the veranda for Unit 2 forward to match the Unit 2 garage setback.**

**Moved Cr R Butterfield
MOTION CARRIED**

(6/0)

***3.1 - AMENDMENT NO.1 TO ANSTEY KEANE URBAN DEVELOPMENT PRECINCT
EAST STRUCTURE PLAN - RECOMMENDATION TO WAPC***

WARD : LAKE

FILE No. : M/322/23

DATE : 5 October 2023

REF : MK/JR

RESPONSIBLE : EDDS
MANAGER

APPLICANT Apex Planning

ZONE/RESERVE Urban Development
Zone

In Brief:

- Proposed amendment to the approved Anstey Keane Urban Development Precinct East Structure Plan to change Lot 500 (16) Anstey Road from “Residential” zone to “Local Centre” zone to allow for the future development of a shopping centre.
- Advertising of the proposed amendment to the Structure Plan produced seven (7) government agency responses and six (6) landowner submissions including three (3) objections to the Structure Plan.
- Recommend that Council resolve to forward the Amendment to the Western Australian Planning Commission, recommending approval subject to modifications.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

Corporate Business Plan 2022/23-2025/26

- 2.5.1 Implement and administer the City’s Town Planning scheme and Local Planning Strategy to deliver quality development outcomes
- 2.5.1.3 Deliver key strategic planning projects and strategies

Legal Implications

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Dampier-Bunbury Natural Gas Pipeline Act 1997

Metropolitan Region Scheme

Town Planning Scheme No.4

Council Policy/Strategy/Local Law Implications

Strategic Community Plan 2020-2030

Corporate Business Plan 2022/23-2025/26

Economic Development Strategy

PLN 2.4 Landscape Feature and Tree Preservation

PLN 2.9 Landscaping

State Government Policy/Strategy Implications

Perth and Peel @ 3.5 million South Metropolitan Perth and Peel Subregional Framework

State Planning Policy 4.2 Activity Centres (2023).

Budget/Financial Implications

No direct financial implications.

Consultation

1. Development Control Unit referral upon initial submission of the Amendment and discussion with City Directorates.
2. Advertised for 42 days to adjoining/nearby landowners, State Government Agencies and service providers in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. Referred to owners of existing and proposed centres within the catchment of the proposed centre.

BACKGROUND

Anstey Keane East Structure Plan (AKESP)

The existing Structure Plan for this area was approved by the Western Australian Planning Commission on 10 November 2020. The existing Structure Plan includes a variety of zones including Residential (with density codes ranging from R25-R60) and Industrial Business along with a number of reserves (Public Purpose – Primary School, Recreation and Drainage).

Apart from the small area of the Structure Plan with the Industrial Business zoning, there are not any other non-Residential zones within the Structure Plan.

Outside the AKESP area (directly abutting the property the subject of this Amendment), there are two properties with a Local Centre zone under Town Planning Scheme No.4. A Development Application for those lots has been lodged with the City for the development of a Service Station, Convenience Store and four (4) Fast Food/Takeaway Food premise.

DETAILS OF PROPOSAL

The City of Armadale has received a proposed amendment (Amendment No.1) to the approved Anstey Keane East Structure Plan. Proposed Amendment No.1 has been prepared by Apex Planning on behalf of Cedarville Pty Ltd.

Amendment No.1 incorporates a single zoning change to the previously approved Structure Plan being the change of zone for Lot 500 (No.16) Anstey Road, Forrestdale from “Residential R25” zone to “Local Centre” zone. The proposed zoning change would facilitate the future development of a local shopping facility within Lot 500 to a total size of 1,500m² shop retail floor space in addition to further non-retail uses on the site.

The following documents have been submitted to support the proposed Amendment:

- Structure Plan Amendment report including an amended Structure Plan map, a list of modifications to Part 1 of the previous approved Structure Plan document and a new Part 2: Explanatory Report to justify the rezoning;
- A Retail Needs Assessment and Impact Test reviewing the need for a Local Centre in this locality in the context of surrounding commercial centres;
- Transport Impact Assessment addressing traffic changes resulting for the change in land use; and
- An Addendum to the previously approved Local Water Management Strategy.

COMMENT

Development Control Unit

The proposal was referred to the City’s various Technical Teams including Technical Services (Environment, Subdivision Design), Community Services (Rangers) and Development Services (Statutory and Strategic Planning, Building and Health teams).

None of the comments received from the various teams objected to the proposal. However, the Subdivision Design Team confirmed the necessity of retaining the Rathbone Road and the additional access road running through the north of the site to provide connection through to Anstey Road as identified on the existing Structure Plan in order to provide adequate road frontage to the Centre and access from within Anstey Keane East to the Centre without directing all traffic onto Anstey Road. It will be necessary for the extension of Rathbone Drive and the construction of the north access road to be created and constructed prior to commencement of operation of the shopping centre site. However, the road construction works may be able to be carried out concurrently with the shopping centre development works. A subdivision will be necessary to create the road reserves and define the shopping centre site.

Additions will be required to the provisions contained in the Implementation portion of the Structure Plan report addressing the matters raised above. This requirement is included in the attached Schedule of Modifications.

The Subdivision Design team also reviewed the Addendum to the Local Water Management Strategy that was lodged with the application and have confirmed that it is acceptable.

Public Advertising

The Structure Plan was advertised for a period of 42 days from 20 April 2023 to 1 June 2023. Advertising included signs on site, notifications to State Government/utility providers/agencies, letters to owners of existing and proposed centres within the catchment of the proposed centre, letters to affected and surrounding landowners, notices in the “West Australian” and information published on the City’s website.

Total No. of public and agency submissions received	:	13
No. of public submissions of support/comment	:	3
No. of public submissions of objection	:	3
No. of agency submissions of support/comment	:	7
No. of agency submissions of objection	:	0

Refer to Confidential “Submitter Plan” and “Schedule of Submitters” in the Confidential Attachments to this report.

The issues raised by the submissions have been summarised and recommendations made on each submission in the Key Issues section to this report and the “Schedule of Landowner Submissions” and “Schedule of State Government Submissions” attached to this report.

Key Issues

Issue 1 - The proposed Local Centre will impact the ability for retail uses to be established in the Industrial Business zone on corner of Allen and MacFarlane Rds.

Comment

The Retail Needs Assessment prepared by Pracsys states as follows with regard to the Industrial Business zone:

The “Shop” land use is an “A” category land use that can be approved in the Industrial Business zone. It should be noted the City would only aim to approve “Shop” uses in the Industrial Business zone that are considered incidental to the predominant/primary use on a property or where they are considered to be logical and complementary to an industrial area (e.g. shops selling work wear or safety clothing, small convenience stores, etc.). Shops such as supermarkets or liquor stores, etc. would be unlikely to be approved in an Industrial Business zone and it is not expected that any future Shop uses on this type of land within the catchment would affect the demand for the proposed uses.

Recommendation

That the issue is not supported.

Issue 2 - The existing Local Centre zone on Lot 3 Armadale Road and Lot 301 Anstey Road was deemed to satisfy the retail demand from the Anstey Urban Cell when it was approved via Scheme Amendment 113.

Comment

The Local Centre zone on the corner of Armadale and Anstey Roads is outside the area of the Anstey-Keane East Structure Plan although it is noted that this centre will provide a facility for residents of the area. The land uses proposed on that previously approved Local Centre

site are aimed considerably at demand from passing traffic on Armadale Road given the visibility of the centre from Armadale Road. The proposed land uses are convenience in nature (fuel and food) that rely on high volumes of passing traffic. This new Local Centre proposed in the Structure Plan amendment is aimed at providing for the daily/weekly needs of the resident community of the Anstey-Keane precinct.

Recommendation

That the issue is not supported.

Issue 3 - The City's Retail (Commercial) Centres Strategy 2020 places an upper limit of 500m² of shop-retail floor space in this location, which is already accounted for and being delivered within this urban cell.

Comment

The City's Retail (Commercial) Centres Strategy identified a retail floor space limit of 500m² NLA for the Anstey-Keane Area as that was the amount approved via the Scheme Amendment that rezoned the land to Local Centre. Without a Retail Needs Assessment being proposed specifically for the Anstey Keane Precinct it would not have been appropriate for the Retail Strategy to recommend a higher amount of retail floor space particularly given the approved Structure Plan prepared by the land developers had not identified or expressed a desire for a Local Centre in the area.

The proposed Local Centre will serve the needs of the residents of the Anstey-Keane Precinct and residents of the Forrestdale townsite and surrounding rural properties. In addition, the WAPC resolved on 19 July 2023 to prepare an MRS amendment for the area known as Forrestdale Townsite East to rezone the area to Urban under the MRS. Development of that area will increase the residential population of Forrestdale by approximately an additional 2000 residents. This was not contemplated at the time of preparation of the Retail (Commercial) Centres Strategy.

Recommendation

That the issue is not supported.

Issue 4 - The addition of the new Local Centre zone will provide over 12000m² of land for Local Centres (combination of existing and proposed Local Centre zones).

Comment

The land area of the site already zoned Local Centre is almost half the size of the Local Centre site now being considered. However, the land area was required to account for the movement of vehicles (including large fuel trucks) within the site, the large outdoor footprint a fuel bowser area requires and the large footprint fast food drive-thru lanes require. There is also the need to accommodate vehicle stacking on site while customers are waiting to access bowzers.

The actual retail (shop) floorspace proposed on the site on the corner of Armadale Road is 180m² NLA. This is because only part of each premise is counted towards retail (shop) floorspace. Areas within the convenience store and food premises provided for sit down dining, kitchen, storage, toilet and change facilities and plant rooms are not considered as retail (shop) floorspace.

Any proposed future increases in the retail floor space of this centre above 1500m² would require an Impact/Demand Assessment to be provided by the proponent in accordance with the requirements of the Western Australian Planning Commission's State Planning Policy SPP 4.2 and the City's Retail (Commercial) Centres Strategy.

Recommendation

That the issue is not supported.

Issue 5 - The proposed Local Centre will impact the viability of the Armadale Central Shopping Centre which is already affected by diminishing patronage.

Comment

The Retail Needs Assessment prepared by Pracsys for this proposal identifies the trade area of the centre as follows:

The modelled trade area encompasses Haynes to the west, Forrestdale and Hilbert to the south, Harrisdale and Piara Waters to the north, and Banjup to the east. The supply catchment extends up to five kilometres from the centre and includes shopping centres such as Harrisdale District Centre and ERADE Village Local Centre.

The site's location at the corner of Armadale Road and Anstey provides high levels of passing traffic that will increase the level of supportable floorspace, particularly once the nearby estate developments are completed.

A total of six developments containing Shop/Retail floorspace within five kilometres of the proposed development were included in the analysis to ensure a comprehensive assessment of current local retail supply. Two additional large centres with a wider catchment located outside of the 5km area were included in the gravity modelling to ensure the retail supply is accurately represented. The trade area and surrounding area includes a wide range of retail offerings, from Strategic and Secondary centres such as Armadale and Cockburn Gateway, to mixed-used industrial business areas, and various neighbourhood and local level centres. Most centres within the 5km trade area are neighbourhood and local centres that provide for daily and weekly household shopping needs.

It should be noted that the proposed Local Centre trade will be located approximately 7 km from the Armadale Central Shopping Centre and 5 km from the Haynes Neighbourhood Centre. It is appropriate that the residents of Forrestdale have a Local Shopping Centre within a walkable catchment for their everyday needs.

Recommendation

That the issue is not supported.

Issue 6 - The City is preparing its new Local Planning Strategy and the amendment should not proceed until the City has finalised its new Local Planning Strategy as it pre-empts an outcome for the site, which may not be supported in the LPS.

Comment

The City's proposed Local Planning Strategy will not be finalised for approximately 2 years or longer. The WAPC or the City would not be prepared to place a moratorium on proposed Structure Plan or Scheme Amendments for such a long period. A draft of the proposed LPS is

not likely to be referred to Council until the end of 2023 and advertising (after receipt of consent to advertise from WAPC) is not likely to occur until at least mid-2024.

The proposed Local Centre was not identified by developers on the Structure Plans for the Anstey Keane Precinct at the time of preparation of the City's Retail (Commercial) Centres Strategy. The Retail (Commercial) Centres Strategy provides for the proposal of additional centres subject to relevant needs/demand assessments demonstrating their need.

Recommendation

That the issue is not supported.

Issue 7 - Approval of the new Local Centre will substantially compromise the ability for the Harrisdale District Centre to develop to its intended size and function to support the district level community need and result in a fragmentation of activity and remove the ability to generate a critical mass necessary to create a vibrant urban centre.

Comment

The Harrisdale Shopping Centre is a District Level centre under the State Planning Policy SPP 4.2 Activity Centres. The Centre has a proposed cap exceeding 20,000m² retail (shop) floor space and as a District Centre attracts a range of retail (shop) and other land uses that are unlikely to occur in a Local Centre both because of the small size of Local Centres and because the nature of small centres is to provide for the essential daily and weekly needs of nearby residents.

The Pracsys Retail Needs Assessment's modelling has determined the following impact on other centres, such as the Harrisdale District Centre, with the 5km catchment of the proposed Local Centre:

The impact on all centres is below the 10% significant impact and moderate impact thresholds identified in the draft SPP4.2 guidelines (and the revised SPP4.2 (2023) Impact Guidelines). This reflects the small scale of the development. Over time the identified impacts are wholly mitigated by population growth and additional expenditure in the trade area and all centres achieve increases in turnover to baseline by 2027 and significant increases in turnover compared to the baseline by 2032. This reflects the increase expenditure at the proposed development drawing largely from the significant population increase from surrounding residential developments.

Recommendation

That the issue is not supported.

Issue 8 - The relocation of the activity node impedes on the established retail hierarchy of the Harrisdale District Centre.

Comment

The proposed Local Centre will be located approximately 4km from the Harrisdale District Centre.

As discussed in relation to Issue 7 above, the Harrisdale Shopping Centre is a District Level centre under the State Planning Policy SPP 4.2 Activity Centres. A District Centre has a catchment far wider than that of a Neighbourhood or Local Centre by virtue of the offerings they provide. The modelling carried out by Pracsys in the Retail Needs Assessment identified

that any impact on the trade of other centres within the 5km catchment of the proposed Local Centre would be:

...below the 10% significant impact and moderate impact thresholds identified in the draft SPP4.2 guidelines (and the revised SPP4.2 (2023) Impact Guidelines). This reflects the small scale of the development. Over time the identified impacts are wholly mitigated by population growth and additional expenditure in the trade area and all centres achieve increases in turnover to baseline by 2027 and significant increases in turnover compared to the baseline by 2032. This reflects the increase expenditure at the proposed development drawing largely from the significant population increase from surrounding residential developments.

Recommendation

That the issue is not supported.

Issue 9 - The size of the Local Centre in the Anstey-Keane Precinct will exceed 1500m² due the combined retail (shop) floor space of the combined existing and proposed Local Centres in that precinct.

Comment

The proposed centre on the land already zoned Local Centre under TPS No.4 will have a retail (shop) floor area of only approximately 180m² NLA given the uses proposed on the corner site are land uses that only have an incidental retail (shop) component being four (4) take-away/dine-in food premises and a Convenience store associated with a Fuel Station. Areas within these businesses that are used for sit down dining, kitchens, toilets/change rooms, storage and plant rooms are not classified as retail (shop) floor space.

The Retail Needs Assessment prepared by Pracsys states with regard to this issue that:

- *All testing included the Fast food and Service station developments on Lot 3 and 301 Anstey Rd (180m² retail NLA proposed) that could be viewed as an extension of the Anstey Rd local centre; although the uses are more likely to cater for the needs of passing traffic rather than local residents;*
- *It is recommended that the Lot 84 development is supportable at 1,500m² of Shop/Retail floorspace (excluding the Lot 3 and 301 Anstey Road uses). It is also likely that the demand addressed by Lot 3 and 301 Anstey Road uses will come from outside the local area and the supportable floorspace required to meet community need will be greater than 1,500m² (excluding the 180m² of retail NLA at Lot 3 and 301 Anstey Road); and*
- *The proposed 180m² of retail uses at Lots 3 and 301 Anstey Rd are uses that derive expenditure from passing traffic (fuel and takeaway food). The analysis has conservatively included these as part of the centre for modelling purposes. While these are technically within the same centre according to the City's Strategy, they do not address the role of a local centre in providing walkable access to daily shopping needs.*

Recommendation

That the issue is not supported.

Issue 10 - The Retail Needs Assessment submitted with the proposed amendment does not adequately prove the need for the new Local Centre.

Comment

The Pracsys Retail Needs Assessment (RNA) was prepared using a proven retail gravity model methodology to examine the supply of, and demand for, retail floorspace within a defined catchment and estimate the potential impact of proposed retail developments. The RNA sets out the modelling used as follows:

The Gravity Model is a popular model widely used in international trade modelling, transport modelling and regional planning. Retail Gravity modelling studies retail supply, and the probability of a customer (demand) visiting a particular centre. The model accounts for the distribution and attractiveness of competing centres, along with the distance a customer will have to travel to each centre. Floorspace quantum (m²) is used to represent the attractiveness of retail centres. Customers are willing to travel farther to shop at large centres, representing a higher level of attraction (they can generally satisfy multiple needs in one trip to a larger centre, which also contains a higher proportion of comparison goods).

The model provides an objective method of distributing expenditure among centres. Calibration is used to match the calculated distribution of expenditure to actual published turnover levels, optimising the model outputs. Having established a benchmarked current distribution of expenditure, new floorspace can be introduced and changes in expenditure distribution across time can be examined, allowing for various retail centre transformations such as planned expansions and new developments. This comprehensive approach creates a distribution of expenditure that is fundamentally unbiased, as it is based on mathematical rules. It is a widely used approach that has been accepted by the Department of Planning, Lands and Heritage and Western Australian Planning Commission (WAPC) through the review of a wide range of Structure Plans, Local Commercial Strategies and Retail Sustainability Assessments.

With regard to the potential for the demand for the proposed local centre it is important to note that the WAPC resolved in July 2023 to initiate an MRS amendment for the Forrestdale Townsite East locality (directly opposite the Anstey-Keane Precinct) which will result in approximately 2000 more residents in the locality than had previously been contemplated.

Recommendation

That the issue is not supported.

Comments from State Government Agencies/Utility Providers

ATCO Gas

ATCO Gas Australia (ATCO) advised they had no objection to the proposed application, based on the information and plan provided and provided the following instructions to the developer:

- 1. The proposed areas fall within the WAPC Draft Development Control 4.3 Trigger Distance for ATCO Infrastructure (area hachured blue in attachment). Any sensitive land use or high density community use developments within this Trigger Distance of a High Pressure Gas Pipeline requires further consultation with ATCO prior to preliminary designs being finalised. Please consider the WAPC's draft DC4.3 and also the site; PlanWA for development planning.*

2. *ATCO identifies that the proposed future development may require additional safety measures to be considered, identified and in place for the high pressure gas pipeline risk mitigation.*
3. *Anyone proposing to carry out construction or excavation works within 15 metres of Critical Asset Infrastructure must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>*
4. *All works occurring within 15 metres of Critical Asset Infrastructure must undergo ATCO Engineering Assessment to determine if additional safety measures are required. Risk mitigation and asset protection measures may be necessary. Notification for the works must be submitted to ATCO via the online web portal.*
5. *All works occurring within 15 metres of Critical Asset Infrastructure must comply with the ATCO document Additional Information for Working Around Gas Infrastructure - AGA-O&M-PR24 <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>*
6. *Future construction and any proposed access roads across the ATCO Critical Asset gas mains (including proposed roads and road upgrades) need to be managed in accordance with the ATCO document Additional Information for Working Around Gas Infrastructure -AGA-O&M-PR24 <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>*
7. *Anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>*

The advice was provided to the Applicant.

TELSTRA

Telstra advised no objection to the proposed structure plan amendment.

Water Corporation

The Water Corporation provided advice with regard to the requirement for connection to the reticulated water and sewer supply in the area and advised that only pre-development stormwater quantities from the site may be discharged into the Water Corporation's Forrestdale Main Drain and any increase generated by the development must be compensated on site.

The advice was provided to the Applicant.

Department of Water and Environment Regulation

DWER advised that they had assessed the proposal and had no objections.

DFES

DFES advised that they did not conduct a full assessment of the proposal for the following reasons:

- There does not seem to be an intensification of land use triggering the application of SPP 3.7.
- The Local Structure Plan that complements the amendment is already approved.
- The BMP sent with the referral applies to the Local Structure Plan and is written in 2018 which and does not apply the current version of the *Guidelines for Planning in Bushfire Prone Areas 1.4*.
- The Structure Plan Amendment report details that a new BMP will be needed at the Development Application stage in Section 1.3.6 – State Planning Policy 3.7 Planning in Bushfire Prone Areas.

DFES further advise that should the City apply SPP 3.7 at the DA Stage then the relevant information pursuant to this policy will be required to be forwarded to DFES to allow them to review and provide comment prior to the City's endorsement of the proposal. An update BMP will likely be required at this time.

DFES' advice was provided to the applicant.

Main Roads WA (MRWA)

MRWA advised that the Traffic Impact Assessment (TIA) is to be revised addressing the following matters:

1. The TIA suggests 80% of trips are internal trips associated with the structure plan area and only 20% of external trips which are to/from Armadale Road and Weld Street. It is unclear why only a small percentage has been allocated to external trips. Further clarification is required on the assumed trip distribution as these would impact on the magnitude of traffic flows along Armadale Road / Anstey Road / Weld Street intersection.
 - a. The proposed local centre is centrally located to all surrounding residential developments, including the residential dwellings south of Armadale Road. Considering the location of other local centres, it should be reasonable to assume a high percentage of the residential catchment south of Armadale Road will utilise the proposed local centre via Weld Street.
 - b. Table 4 shows the distribution of trips associated with the approved service station and fast-food development adjacent to the proposed local centre, which assumes 20% trips from Anstey Road, 30% trips from Weld Street and the remaining 50% trips equally apportioned between the Armadale Road approaches.
2. The proposed amendment results in a significant net increase of trips generated. Traffic modelling should be undertaken to understand the impacts of the proposed amendment to the surrounding network including an intersection treatment analysis to identify appropriate turning treatments to facilitate efficient and safe turning movements from Anstey Road into the proposed local centre.

MRWA's comments were provided to the applicant. In response to comment 1. above, Transcore (who prepared the TIA) provided the following information:

Information provided in the Transport Impact Assessment for the Anstey-Keane East Precinct LSP in July 2020 indicates the Anstey-Keane Urban Precinct north of Armadale Road will accommodate approximately 1250 new dwellings plus existing dwellings north of Armadale Rd, for a total in the order of 1300 dwellings. The existing Forrestdale residential areas south of Armadale Road contain approximately 200 dwellings. So if the Anstey-Keane Urban Precinct is fully developed the total local catchment would be in the order of 1500 dwellings with approximately 87% located north of Armadale Road. Therefore the assumed trip distribution of 80% from the Anstey-Keane Urban Precinct and 20% from Armadale Road and Weld Street should be considered a reasonable estimate of future trip distribution. (Future urban development of adjacent areas of Forrestdale south of Armadale Road would have its own local centre and would not significantly increase traffic flows to the subject site).

It should be noted that Table 4 of the TIA report (Trip distribution for service station) indicated 20% from Weld Street, not 30% as stated by MRWA. It is also not appropriate to compare the trip distribution of the shopping centre and service station sites. The service station site is clearly visible at the Armadale Rd / Anstey Rd / Weld St roundabout, whereas the local centre site will not be easily seen from that intersection. The trip distribution percentages listed for the service station factor in pass-by trips by existing traffic through that roundabout, which are a major factor for service stations, rather than just primary trips from the local catchment.

In terms of traffic distribution, the key finding of the TIA report is that the new local centre will actually result in less traffic on Anstey Road immediately north of Armadale Road because of shopping trips by residents in the Anstey Keane Urban Development Precinct that would be able to be done locally instead of having to drive out of the Precinct. Any increases on individual roads will be less than 100vph and therefore do not warrant further detailed analysis under the WAPC Transport Impact Assessment Guidelines.

It is considered that this clarifies the matters raised in MRWA's comment 1. and there is not a requirement for further modifications to the Structure Plan Report or the TIA prior to the WAPC determining the Structure Plan.

With regard to MRWA's comment 2. Transcore acknowledge the additional modelling and analysis that will be required at the Development Application stage below:

The layout of the local centre site in terms of future car parks and driveways is unknown at this stage as the current application is only for rezoning of the site. Traffic analysis of appropriate layout and operation of driveway crossovers onto the adjacent road network will be addressed as part of the future development application for that local centre.

Department of Biodiversity, Conservation and Attractions (DBCA)

DBCA advised the following:

1. That it appears that the stormwater strategy (LWMS) relies heavily on the pipe network system. Generally, for small rainfall events, stormwater retention and/or detention should occur as high in the catchment and as close to the run-off source as possible. Further opportunity to retain or detain stormwater runoff from small rainfall events (i.e. first 15mm) within the road reserves (i.e. tree pits, roadside swales and biofilters) should be considered, with piping to be minimised where possible (i.e. increase overland flow).
2. When preparing the Urban Water Management Plan consideration should be given to the change of land use to 'Local Centre' and the implication of hardstand areas, including roads and car parking. The use of permeable pavements and vegetated areas, including kerb openings / flush kerbs, tree pits and vegetated swales, facilitates increased retention/detention and treatment of stormwater.
3. It is also noted that Stormwater management over the subject site shall address Corporate Policy Statement 49: Planning for Stormwater Management Affecting the Swan Canning Development Control Area, the Department of Water and Environmental Regulation's Stormwater Management Manual for Western Australia (2004-2007) and Decision Process for Stormwater Management in Western Australia (2017) and water sensitive urban design principles.

The comments of DBCA have been provided to the applicant for further detailed water planning at the Development Application stage as recommended.

Traffic Impact Assessment

The Transport Impact Assessment (TIA) prepared by Transcore supports the proposed rezoning of Lot 500 (16) Anstey Road, Forrestdale from Residential (R25) to Local Centre. The TIA uses the traffic studies submitted under the approved Structure Plan as the baseline and focuses on the traffic impact of the changing land use rather than revising the assessment of the whole Anstey Keane Urban Development Precinct - East Structure Plan.

With the Residential R25 zoning over Lot 500 Anstey Road, the net dwelling yield was estimated to be 29 residential dwellings. The TIA anticipates the previous vehicles per day (VPD) to be 10 per dwelling, resulting in VPD of 290 in total for Lot 500 with the current residential zone. To assess the traffic impact of a proposed Local Centre over Lot 500, the TIA assumes a Local Centre will be constructed with a floor area of 2000m², consisting of a development incorporating 1500m² for retail shops and an additional 500m² for non-retail.

The TIA calculates a total of 1,172 VPD for the proposed Local Centre, which greatly exceeds the 290 VPD anticipated with the current residential zoning. However the TIA anticipates that approximately 80% of the trips are expected to be from residents within the Anstey Keane Urban Development Precinct and 20 percent (approximately 224 VPD) are expected to be external trips from Armadale Road and Weld Street. The impact of the increased VPD trips is lessened further as the Local Centre is anticipated to capture shopping trips by residents in the Anstey Keane Urban Development Precinct that will not need to leave the precinct and will only have to use internal roads within the precinct to access the centre.

The TIA concludes that whilst VPD will increase significantly as a result of the proposed Local Centre, most of the traffic flow will remain within the precinct as a result of local residents visiting the centre and the net impact to road network outside of the Structure Plan area is not anticipated be significant.

MRWA did not agree with the presumption of the submitted TIA that 80% of trips generated by the centre would come from within the Anstey Keane precinct and that only 20% would come via Armadale Road and the Forrestdale townsite. MRWA particularly disputed this assumption based on the central location of the proposed Local Centre to not just the Anstey Keane precinct but also the Forrestdale townsite and surrounding rural-residential land holdings in the wider Forrestdale area on the south side of Armadale Rd and the current distance from these precincts to existing shopping centres at Haynes and Harrisdale (approximately more than 4 km to the Haynes Shopping Centre and 3.8km from the Harrisdale Shopping Centre).

Additional detailed analysis regarding vehicle movement and road and driveway intersection treatments will be required at the Development Application stage when there is more certainty on the layout of the shopping centre and proposed land uses within the centre. The requirement for this further detailed analysis should be detailed in the implementation part of the Structure Plan Report. Both of the above requirements will be included in a Schedule of recommended modifications to be provided to the WAPC as part of Council's recommendation.

ANALYSIS

In accordance with Section 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City is required to provide a report to the WAPC on the proposed amendment to the Structure Plan within 60 days of the close of advertising and addressing the following matters:

- a list of the submissions considered by the City/Council and any comments by the local government in respect of those submissions;
- a schedule of any proposed modifications to address issues raised in the submissions;
- the City's/Council's assessment of the proposal based on appropriate planning principles;
- a recommendation by the City/Council on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.

With regard to the timeframe of the report to the WAPC it was due to be lodged with the WAPC by the 31st of August however, the applicant requested the matter be deferred to a later meeting of Council due to the consultant's availability and additional time being requested by the consultant to provide the revised technical studies/further information that had been requested by the City. Accordingly, an extension of time for submission of the report to the WAPC was sought and received from WAPC until 22 October 2023.

City of Armadale Retail (Commercial) Centres Strategy 2020

The residents of Forrestdale have been advocating for a local shopping centre to be developed in the area for some time now. However, until recently there was insufficient population to support a centre in the locality.

The City of Armadale's Retail (Commercial) Centers Strategy was prepared in 2019 and was adopted following advertising at the Council meeting held on 27 July 2020. The Strategy contemplated a number of 'new' Local Centres within the City of Armadale which included a Local Centre at the intersection of Armadale Road and Anstey Road (referred to as Centre 38 - Anstey Road Local Centre). The Centres Map in the City's Strategy contains a Note stating that Local Centres are restricted to a maximum of 1500m² retail floor area. However, the Strategy (and also State Planning Policy SPP 4.2) allows for the option of Local Centres exceeding 1500m² where a Retail Needs Assessment proves the larger centre would not unreasonably impact other existing and proposed centres within the catchment. In this regard, the Pracsys Retail Needs Assessment modelling identified that:

- *All testing included the Fast food and Service station developments on lot 3 and 301 Anstey Rd (180m² retail NLA proposed) that could be viewed as an extension of the Anstey Rd local centre; although the uses are more likely to cater for the needs of passing traffic rather than local residents;*
- *It is recommended that the Lot 84 development is supportable at 1,500m² of Shop/Retail floorspace (excluding the Lot 3 and 301 Anstey Road uses). It is also likely that the demand addressed by Lot 3 and 301 Anstey Road uses will come from outside the local area and the supportable floorspace required to meet community need will be greater than 1,500m² (excluding the 180m² of retail NLA at Lot 3 and 301 Anstey Road); and*
- *The proposed 180m² of retail uses at Lots 3 and 301 Anstey Rd are uses that derive expenditure from passing traffic (fuel and takeaway food). The analysis has conservatively included these as part of the centre for modelling purposes. While these are technically within the same centre according to the City's Strategy, they do not address the role of a local centre in providing walkable access to daily shopping needs.*

State Planning Policy SPP 4.2 Activity Centres

SPP 4.2 establishes a number of policy objectives that relate to activity centre hierarchy, activity, movement, and urban form.

As the proposal seeks to change the zoning of Lot 500 to Local Centre with a maximum shop-retail floor space allocation of 1500m², and the activity centre was not identified within an existing Local Planning Strategy a Retail Needs Assessment (RNA) was required in accordance with Section 7.8 and 7.9 of SPP 4.2.

The Retail Needs Assessment lodged with the application was prepared under the version of State Planning Policy SPP 4.2 Activity Centres that was in effect until 1 August 2023. A new version of SPP 4.2 came into effect on 1 August 2023. DPLH officers have advised that it will not be necessary to modify the RNA lodged with the application to bring it into line with the new format required for a Needs Assessment or prepare an Impact Test as is now required under the current version of SPP 4.2 as the application was received several months before the new policy came into effect and the applicant has completed the public comment procedure.

The RNA must demonstrate that the proposal will:

- not unreasonably impact upon existing, committed and planned public and private investment;
- not unreasonably impact the activity centre hierarchy or their existing or planned activity centre functions; and
- deliver net community benefits and not reduce the level of service to the community.

The Retail Needs Assessment lodged with the application to amend the Anstey Keane East Structure Plan was prepared in accordance with the requirements set out in the previous version of State Planning Policy SPP 4.2 Activity Centres for Perth and Peel. This document has been comprehensively reviewed by City Officers and includes centres that have been approved since the finalisation of the Retail (Commercial) Centres Strategy in 2020.

The modelling in the RNA takes account of additional activity centres within the City of Armadale and City officers are satisfied that the outcome of the modelling supports the establishment of a new Local Centre within the Anstey Keane precinct aimed specifically at providing for the daily and weekly needs of the existing and proposed population of the precinct and the existing population of the Forrestdale townsite directly opposite the Anstey-Keane Precinct on Armadale Road.

Pracsys' Retail Needs Assessment clearly identifies that 1500m² of shop retail floor space could be accommodated on the subject property in addition to the 180m² shop retail floor space approved on the two lots on the corner of Anstey Road and Armadale Road as per the following result of the modelling carried out:

It is recommended that the Lot 84 development is supportable at 1,500m² of Shop/Retail floorspace (excluding the Lot 3 and 301 Anstey Road uses). It is also likely that the demand addressed by Lot 3 and 301 Anstey Road uses will come from outside the local area and the supportable floorspace required to meet community need will be greater than 1,500m² (excluding the 180m² of retail NLA at Lot 3 and 301 Anstey Road).

OPTIONS

Council has the following options:

1. Resolve to recommend to the WAPC that the Anstey-Keane Urban Precinct East Structure Plan be approved with or without modifications.
2. Resolve to recommend to the WAPC that the Anstey-Keane Urban Precinct East Structure Plan be refused and provide reasons for the refusal recommendation.

CONCLUSION

The residents of Forrestdale have advocated for a local shopping centre for many years but the low population of the locality meant that it was not a particularly viable location for a centre. Now with the addition of many new residents to the locality as a result of the fast growing Anstey-Keane Urban Development Precinct, the resident population in the Forrestdale locality is fast rising to a level that will support a Local Centre. The recent decision of the WAPC to initiate an amendment to the MRS to enable the future urban development of the Forrestdale Townsite East Precinct will eventually add approximately another 2000 residents to the area.

The Retail Needs Assessment lodged with the application demonstrates that there is demand for a Local Centre to a maximum size of 1500m² to provide for the daily and weekly shopping needs of surrounding residents. The separate small Local Centre proposed to be developed on the two (2) lots on the corner of Armadale and Anstey Road will have a distinctly different function due to its location on a Primary Regional Road and the proposed land uses being restricted to a Fuel Station and combined convenience store and four (4) takeaway/dine-in food premises. This centre will be more a service centre for passing traffic on a road with high traffic volumes. Also, the proposed centre on the corner of Armadale Road is proposed to have a retail (shop) floor space component of approximately 180m² Net Lettable Area (NLA) with the retail (shop) land use being an incidental component of the development.

The nearest existing shopping centres to the site of this proposed new Local Centre are the Haynes Neighbourhood Centre and the Harrisdale District Centre, located by road approximately 4 km east and north west of the proposed new centre. These two centres provide a different hierarchy of service offerings with specialty retailing (clothing, footwear, bulky goods retailers) that are not likely to be found in a Local Centre.

The proposed new Local Centre with only 1500m² retail (shop) floor space will not support a full-service supermarket such as a Coles or Woolworths, which generally have a floor area of 3000-4000m². However, this small Local Centre will provide an opportunity for residents to not always have to travel so far for their daily or weekly needs or in many cases to walk or cycle to a nearby local centre. This is a sustainable option to provide in a community.

It is recommended that in accordance with Option 1 above, Council resolve to recommend to the WAPC that the amendment to the Anstey Keane Urban Development Precinct East Structure Plan be approved subject to the modifications contained in the attached Schedule of Modifications.

ATTACHMENTS

1. Location Plan - Lot 500 Anstey Road, Forrestdale
2. Aerial Plan - Lot 500 Anstey Road, Forrestdale
3. Existing Structure Plan - Anstey Keane Urban Development Precinct East
4. Proposed Structure Plan - Anstey Keane Urban Development Precinct East
5. Anstey-Keane Urban Development Precinct East Structure Plan (Amendment 1) - Apex Planning
6. Retail Needs Assessment Anstey Road
7. Schedule of Submissions - Lot 500 Anstey Road, Forrestdale
8. Schedule of Modifications - Lot 500 Anstey Road, Forrestdale
9. Confidential Submittee Plan - Lot 500 Anstey Road, Forrestdale - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*
10. Confidential Submittee Names & Address list - Lot 500 Anstey Road, Forrestdale - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*

RECOMMEND

D27/10/23

That Council:

- 1. Pursuant to Schedule 2, Part 4, Clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommend to the Western Australian Planning Commission that the amended Anstey-Keane East Urban Development Precinct Structure Plan be approved subject to the modifications detailed in the attached Schedule of Modifications.**
- 2. Advise submitters of Council's decision.**

**Moved Cr S S Virk
MOTION CARRIED**

(6/0)

***4.1 - PROPOSED AMENDMENT NO.124 TO TPS NO.4 - KELMSCOTT DISTRICT
CENTRE PRECINCT STRUCTURE PLAN IMPLEMENTATION***

WARD : RIVER

FILE No. : - M/74/23

DATE : 5 October 2023

REF : AV

RESPONSIBLE : EDDS
MANAGER

APPLICANT : City of Armadale

LANDOWNER : Various

SUBJECT : Various lots in
LAND Kelmscott District
Centre

ZONING :
MRS / : Urban; Primary
: Regional Road; Parks
and Recreation

TPS No.4 : District Centre; Special
Residential; Residential;
Parks and Recreation

In Brief:

- The City of Armadale is initiating an amendment to Town Planning Scheme No.4 to ensure consistency between TPS No.4 and the Kelmscott District Centre Precinct Structure Plan. The proposed Amendment includes 10 proposals to modify TPS No.4 maps and text to reflect Precinct Structure Plan built form and land use outcomes.
- The Precinct Structure Plan provides a plan for future subdivision and (re)development coordination in the Kelmscott District Centre. Council considered a report on submissions received during the statutory advertising period in February 2023. Council recommended that the Western Australian Planning Commission approve the Precinct Structure Plan, subject to modifications.
- The Department of Planning, Lands and Heritage has acknowledged that an Amendment is required to implement the Precinct Structure Plan. However it also recommended that the City minimise the extent of modifications to TPS No.4, noting the future preparation of TPS No.5 and the progress of State Government planning reform initiatives.
- Recommend that Council initiate the proposed Amendment, forward the Amendment to the Environmental Protection Authority and Minister for Planning, Lands, Housing and Homelessness, and advertise the Amendment for public review.

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

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

Legal Implications

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Metropolitan Redevelopment Authority Act 2011

Environmental Protection Act 1986

Council Policy/Local Law Implications

Town Planning Scheme No.4

Local Heritage Survey

Local Planning Strategy 2016

Strategic Community Plan 2020-2030

Corporate Business Plan 2022/23-2025/26

Armadale Activity and Retail (Commercial) Centres Strategy 2020

Local Planning Policies

State Government Policy Implications

Metropolitan Region Scheme

Perth and Peel@3.5Million

South Metropolitan Perth and Peel Subregional Structure Plan

State Planning Policy 4.2 Activity Centres (2020 Draft)

State Planning Policy 7.2 Precinct Design

Armadale Redevelopment Scheme No.2

Budget/Financial Implications

Council endorsed Tender 11 of 2020 to engage Taylor Burrell Barnett and a sub-consultant team to prepare the Precinct Structure Plan documents and supporting Scheme Amendment.

The Council endorsed Precinct Structure Plan applies to a small number of reserves and lots managed by or vested in the City. Precinct Structure Plan outcomes applied through this Scheme Amendment (if initiated) may have land use, management and asset disposal/retention implications for these reserves/lots.

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

Consultation

The City consulted with a variety of stakeholders during preliminary Precinct Structure Plan preparation and during formal statutory consultation under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the *Regulations*). In particular, the period between March 2021 and June 2022 involved preparing for, conducting, analysing and applying stakeholder consultation activities/outcomes. Stakeholder consultation involved project notification letters and a project website, online surveys, six Councillor workshops, two landowner and business operator workshops, working groups, individual meetings with major landowners and individual meetings with State Government agencies. Project consultation and engagement activities were informed by Council's endorsed Engagement Strategy (February 2020; D15/2/20).

Refer to Explanatory Attachment – Preliminary (Phase 1) Consultation and Statutory (Phase 2) Consultation Information attached to this report.

During the preparation of this Scheme Amendment, City Officers and the lead planning consultant also met and subsequently liaised with the Department of Planning, Lands and Heritage (DPLH) to discuss proposed Amendment No.124 features and approaches. Outcomes of this consultation are discussed later in this report, in conjunction with State Government planning reform projects.

If initiated, Amendment No.124 will be advertised for public review and submissions in accordance with the *Regulations*.

BACKGROUND

The City has prepared Town Planning Scheme No.4 (TPS No.4) Amendment No.124 to implement the Kelmscott District Centre Precinct Structure Plan (Precinct Structure Plan), ensure consistency between the Precinct Structure Plan and TPS No.4 and make minor updates to the District Centre zone in advance of the City's future Town Planning Scheme No.5 (TPS No.5).

The Kelmscott District Centre Precinct Structure Plan provides a plan for future subdivision and (re)development coordination in the Kelmscott District Centre. Further details on the Precinct Structure Plan and local planning frameworks is included below.

Kelmscott District Centre & Council-endorsed Precinct Structure Plan

The Kelmscott District Centre is located approximately 23km south east of the Perth Central Area and 4km north of the Armadale Strategic Centre. The Kelmscott District Centre is characterised by a linear core containing retail, commercial and office development surrounded by a peripheral frame of residential, medical, bulky goods commercial/showroom and commercial development adjoining an approximately 2km length of Albany Highway and the Perth to Armadale Railway Line. Kelmscott Station, within the District Centre, is an important rail and bus interchange point for the local and metropolitan public transport network. The District Centre also abuts/includes areas of public open space, most prominently the Canning River environs and Fancote Park.

The Kelmscott District Centre is the second largest centre in the City of Armadale after the Armadale Strategic Centre. It is also the oldest of three proposed and existing District Centres, a category that includes Harrisdale District Centre (developing) and Hilbert (planned). Kelmscott matured as a suburban centre in the late 1960s and 1970s, with continued development and future opportunities highlighted by its good access to public transport and the Canning River environment.

The City's Local Planning Strategy 2016 identifies the potential for approximately 5,044 additional dwellings within the Kelmscott District Centre catchment by 2036, to support a population increase of more than 6,100 residents. As dwelling and population numbers grow within the Kelmscott District Centre and its catchment, the number and extent of business premises in the Centre is also expected to grow and undergo renewal.

The proposed Precinct Structure Plan (now endorsed by Council and recommended to the Western Australian Planning Commission) creates a contemporary planning framework to plan for this future growth. The Precinct Structure Plan was prepared during 2021 and 2022 with extensive stakeholder input and Council supported the advertising of a draft Precinct Structure Plan at its June 2022 meeting. Council subsequently considered the submissions in February 2023 and recommended that the State Government Western Australian Planning Commission (WAPC), as decision maker, approve the proposed Precinct Structure Plan with modifications. Matters raised during the statutory consultation period are discussed in the June 2022 report to Council.

Refer to Explanatory Attachment – Kelmscott District Centre Precinct Structure Plan Document Overview

Development WA Redevelopment Area & TPS No.4 Amendment No.112

In 2006 a core area of the Kelmscott District Centre was transferred to the planning control of the Armadale Redevelopment Authority under its enabling legislation and the Armadale Redevelopment Scheme. The area continued as a Redevelopment Area under the *Metropolitan Redevelopment Authority Act 2011* and remains under the planning control of DevelopmentWA. The City's TPS No.4 does not apply to the Kelmscott Redevelopment Area.

In November 2021, Council granted final adoption to TPS No.4 Amendment No.112. Amendment No.112 proposes to include DevelopmentWA's Kelmscott Redevelopment Area into the TPS No.4 boundary in order for the City to resume planning control over the Precinct once DevelopmentWA normalises its Redevelopment Area (date unconfirmed at this point in time).

Amendment No.112 also proposes to zone the land currently within the Armadale Redevelopment Scheme predominately 'District Centre', with a small land area adjoining the Third Avenue realignment (outside the Precinct Structure Plan area) 'Residential R15/60'. Amendment No.112 also identifies a 'Development Area No.67' designation on Special Control Area Map 3 and associated TPS No.4 Schedule 8 Development (Structure Planning) Area provisions which enable and support the preparation of a Precinct Structure Plan for the Kelmscott District Centre.

The relationship between Amendment No.112 and future Amendment No.124 was discussed with the DPLH during the preparation of Amendment No.124. The City has considered a number of options, including incorporating Amendment No.112 proposals into Amendment No.124. Due to uncertainty over normalisation timeframes and possible impediments to Precinct Structure Plan implementation, the City proposes Amendment No.124 as a stand-alone amendment encompassing the spatial extent of the Kelmscott District Centre outside the Redevelopment Area. Amendment No.112 and Amendment No.124 do not conflict with one another in terms of their individual proposals.

Local Planning Strategy 2024 & Future Town Planning Scheme No.5

The City is currently preparing a proposed Local Planning Strategy 2024, which will be considered by Council in the coming months for recommendation to the State Government WAPC for its endorsement to advertise. The proposed Local Planning Strategy sets out the City's directions for future land use and development over the next 15 to 20 years. It will also guide the preparation of proposed TPS No.5 and future development decisions by Council and determining authorities. The *Planning and Development Act 2005* (the *Act*) requires that the City's future TPS No.5 include all prescribed model provisions (i.e. the Model Scheme Text (MST) as outlined in Schedule 1 of the *Regulations*), unless otherwise approved by the Minister for Planning, Land, Housing and Homelessness.

The status of the City's Local Planning Strategy 2024 and future TPS No.5 were discussed with DPLH during preparation of Amendment No.124. Matters of focus included changes to proposed land use permissibility, WAPC planning reform initiatives (including possible standardisation of land use permissibility), the continued application of a District Centre zone in TPS No.5 (which is not a MST zone as specified in the *Regulations*) and the need to implement the Precinct Structure Plan prior to the future gazettal of TPS No.5.

The City was advised by DPLH that its District Centre zone could be considered for inclusion in TPS No.5, and therefore the City need not change land use zones via Amendment No.124. The City was further advised that it could undertake a general review of the District Centre zone objectives, subdivision/development requirements and land use permissibility to support its future inclusion in TPS No.5.

However, DPLH conveyed its lack of support for significant changes to TPS No.4 land use permissibility ahead of future TPS No.5. DPLH advised that substantial changes to land use permissibility should be avoided so that situations do not arise where development rights are conferred, only to be removed in the short term when TPS No.5 is prepared (on the basis of any current or new MST provisions prepared by the DPLH) and ultimately gazetted. In this regard an approach of undertaking a minor review of the District Centre zone was preferred.

Following receipt of the above advice, the WAPC released its 'Consistent Local Planning Schemes' Report for stakeholder review and comment. This planning reform project, among other things, proposes to standardise land use permissibility and zonings for commercial and industrial zones. These zones include those that would typically be assigned to city/town centres such as Armadale, Kelmscott and Harrisdale. While implementation methods are unconfirmed, they may include one or a combination of methods such as guidelines, model provisions (*Regulations* Schedule 1) or 'Deemed Provisions' (*Regulations* Schedule 2, applicable to every Local Planning Scheme). The City has lodged a submission with the WAPC to identify potential issues with the proposed approaches; the outcomes of this consultation, including the WAPC's final position, may not be known for some time.

The varying advice of DPLH has informed the City's approach to Amendment No.124.

DETAILS OF PROPOSAL

Amendment No.124 primarily proposes to ensure that identified land use zones in the Precinct Structure Plan area connect with an appropriate existing zone in the City's TPS No.4. It also applies other appropriate reservations and development standards for the Precinct Structure Plan Area to properly support the vision and objectives, land use designations, and subdivision and development requirements of the Precinct Structure Plan as supported by Council in February 2023.

The proposals included in Amendment No.124 are listed as follows:

1. Rezoning of Land to District Centre zone
2. Assignment of Density Codes to Kelmscott District Centre Precinct Structure Plan Area
3. Reclassification of Lot 39 (No.24) Page Road, Kelmscott to Parks and Recreation (Local)
4. Rezoning of various lots on Gilwell Avenue/Clifton Street and Lot 802 (No.11) Erica Street to Residential
5. Removal of Special Use Zone 1 from portion of Page Road and Fancote Park
6. Application of Development Area No.67 (Special Control Area Map 3) over the Kelmscott District Centre
7. District Centre Zone Objectives Review
8. District Centre Zone Land Use Permissibility Review
9. TPS No.4 District Centre Zone Plot Ratio Provisions
10. TPS No.4 Schedule 8 Development (Structure Planning) Areas

Full explanation of and justification for the various proposals are discussed in the 'Comment' section of this report.

It is noted that Proposals 7, 8 and 9 above apply to all land in the District Centre zone. The proposals support the overall review of the District Centre zone provisions, which was a feature discussed with DPLH during the preparation of Amendment No.124. The only other precinct zoned District Centre in TPS No.4 is the Harrisdale District Centre; Amendment No.124 does not have any significant implications for this centre.

It should also be noted that there is no current proposal to remove the Restricted Use overlays (RU 1, RU 2 and RU 11) that apply to 'transition' or 'peripheral' areas of the Kelmscott District Centre. The restricted use zonings operate in a positive manner to support core retail activity and function in the town centre while redevelopment demand increases. The operation of Restricted Use zones will require review (in the context of development uptake and market conditions) during TPS No.5 preparation.

COMMENT

Proposal 1 – Rezoning of Land to District Centre Zone

Proposal One:

- a) Rezones Lot 12 (No.38), Lot 60 (No.36), Lot 64 (No.32), Lot 65 (No.34), Lot 581 (No.40) and Lot 582 (No.42) Streich Avenue and portion of Lot 800 Albany Highway (No.2907) as depicted on the Scheme Amendment Map from ‘Residential (R15/60)’ to ‘District Centre’; and
- b) Rezones Lots 1-2 (No.14-14a), Lot 6 (No.8), Lot 7 (No.10a), Lot 10 (No.32), Lot 21, Lot 21 (No.16) Lot 23 (No.12), Lot 32 (No.20), Lot 35 (No.18), Lot 33 (No.28), Lot 34 (No.30) and Lot 40 (No.22) Page Road and Lot 8 (No.26) Gilwell Avenue (Proposal 2) as depicted on the Scheme Amendment Map from ‘Residential (R15/40)’ to ‘District Centre’.

The objectives, land use permissibility and subdivision and development standards of TPS No.4 are considered to be generally consistent with the intent of the Precinct Structure Plan and accommodate its subdivision/development outcomes for the majority of the Precinct Structure Plan area (excluding the lower density residential lots along Gilwell Avenue). Specifically, the District Centre zone is considered appropriate for the Precinct Structure Plan area for the following reasons:

- The Centre is identified as a ‘District Centre’ under State Planning Policy 4.2 Activity Centres;
- It provides for a variety of retail, commercial and residential land uses;
- It accommodates existing commercial land uses within the core;
- The District Centre zone in TPS No.4 is currently applied within the centre (prior to Precinct Structure Plan preparation);
- The District Centre zone is the closest aligned zone to support the land use zone designations under the Precinct Structure Plan (which are Commercial, Mixed Use Retail Core and Mixed Use Residential); and
- The approach is consistent with the approach proposed under Amendment No.112.

It should be noted that Lot 160 (No.10) Ottaway Street and Lot 161 (No.2933) Albany Highway, which are within the Precinct Structure Plan area, are not proposed to be rezoned to District Centre in this Amendment. These two lots were the only high-exposure residential lots on Albany Highway identified for District Centre zoning through the Precinct Structure Plan preparation process. City Officers consider that a precautionary approach is warranted for these two sites because there is uncertainty over future land use permissibility. The ultimate finalisation of the WAPC’s ‘Consistent Local Planning Schemes’ planning reform project will give greater clarity on model land use zones and permissibility, particularly for vehicle-oriented commercial land uses. In addition, City Officers do not wish to set land use permissibility expectations for these high exposure sites via this Amendment, only for permissibility to be altered again in the short term via TPS No.5 (including consideration of MST provisions) or possible Deemed Provisions. Applicable land use and built form provisions will be best clarified with certainty through TPS No.5.

In contrast, proposed District Centre zoning over identified lots along Streich Avenue and Page Road can be retained in Amendment No.124 as the risk of unintended consequences with respect to vehicle-oriented commercial land uses is much lower. These areas have smaller lot sizes, long-established community and medium density residential land uses and/or development constraints.

Proposal 2 – Assign Density Codes to Kelmscott District Centre Precinct Structure Plan Area

Proposal Two amends and applies the R60, R-AC1, R-AC3 and R-AC 4 residential density codes to various lots within the Kelmscott District Centre as depicted on the Scheme Amendment Maps.

TPS No.4 Clause 4.2.6 currently provides that in areas zoned District Centre the maximum density of development shall be determined by the local government, subject to suitability and impact considerations. The clause states:

“4.2.6 In those non-residential zones in which grouped or multiple dwellings are permitted at the discretion of the local government (Local Centre, District Centre and Mixed Business / Residential), the maximum density of development shall be determined by the local government, taking into consideration the suitability of the area for the proposed development and the likely impact of the development on the amenity of the locality.”

As much of the land within the Amendment No.124 area and the Precinct Structure Plan area is either currently zoned District Centre or proposed to be zoned District Centre, TPS No.4 as currently worded results in the residential density for much of the Precinct Structure Plan area being determined at the discretion of the local government. In order to implement the residential density allocated on the Precinct Structure Plan map, Amendment No.124 applies the R60, R-AC1, R-AC3 and R-AC4 Residential Density Code to various lots within the District Centre in accordance with the density codes depicted on the Precinct Structure Plan.

It is noted that the Armadale Strategic Metropolitan Regional Centre Precinct Structure Plan adopted the approach of applying a residential density code of R-AC0 to the City center area. The R-AC0 code defers density controls to a local planning scheme, local development plan and/ or precinct controls as applicable. In the particular context of the Kelmscott District Centre this approach was considered to add an additional layer of complexity, and therefore the Precinct Structure Plan applies specific density codes.

The density coding proposed under the Precinct Structure Plan is directly aligned with the applicable provisions of State Planning Policy 7.3 Residential Design Codes (SPP 7.3). Importantly, Precinct Structure Plan provisions will take precedence in the case of any inconsistencies, as SPP 7.3's Primary Control Table (Table 2) is a 'default' table of standards *“and does not supersede any development standard provided by a local planning scheme, local planning policy, structure plan, activity centre plan or local development plan.”* This provides the City (or other responsible authority) with the necessary statutory powers when assessing and determining any application for development approval or recommending subdivision approval.

A residential density code of R5 is proposed for lots along Gilwell Avenue as discussed in Proposal Four below.

Proposal 3 – Reclassification of Lot 39 (No.24) Page Road, Kelmscott to Parks and Recreation (Local)

Proposal Three reclassifies Lot 39 (No.24) Page Road, Kelmscott as depicted on the Scheme Amendment Maps from ‘Residential (R15/40)’ zone to ‘Parks and Recreation (Local)’ reservation. The lot is zoned Urban under the Metropolitan Region Scheme (MRS) and abuts a ‘Parks and Recreation’ Reservations to the east associated with the Canning River, Bush Forever areas and the Water Corporation’s Rundle Street Main Drain.

Lot 39 Page Road is a City of Armadale freehold land asset which was purchased by the City in 1982 with the intention of developing the site for a “future civic use”. During preparation of the Precinct Structure Plan and stakeholder consultation, Lot 39 Page Road was identified for public open space. In July 2023 Council considered a review of the City’s Freehold Land Assets, and resolved (D21/7/23) that Lot 39 Page Road (in addition to other sites) would be considered as public open space under a freehold land tenure with minor landscaping works to be considered in the next review of the City’s Long Term Financial Plan.

The proposed reclassification of Lot 39 Page Road to the Parks and Recreation (local) reservation is consistent with the existing use of the land, the proposed Precinct Structure Plan land use outcome and the purpose and intent of the proposed reservation. The reclassification also represents a logical extension to the abutting open space and foreshore area (reserved as Parks and Recreation under the MRS).

Proposal 4 – Rezoning of various lots on Gilwell Avenue/Clifton Street Lots and Lot 802 (No.11) Erica Street, Kelmscott to Residential

Proposal Four rezones Lot 1 Clifton Street and Lot 2 (No.54), Lot 3, Lot 4 (No.50), Lot 5 (No.48), Lot 6 (No.46), Lot 7 (No.44), Lot 8, Lot 9 (No.38), Lot 10, Lot 13, Lot 14 (No.41), Lot 18 (No.47), Lot 19 (No.49), Lot 20 (No.51), Lot 21 (No.53), Lot 22 (No.55) and Lot 51 (No.35) Gilwell Avenue as depicted on the Scheme Amendment Map from ‘Special Residential’ to ‘Residential’ and assigns a density code of ‘R5’. Proposal Four also rezones Lot 802 (No.11) Erica Street as depicted on the Scheme Amendment Map from ‘District Centre’ to ‘Residential’ and assigns a density code of ‘R60’.

In line with the Precinct Structure Plan’s land use zones for lots along Gilwell Avenue and the WAPC’s position that the Special Residential zone is no longer a supported zone, Amendment No.124 seeks to rezone lots currently zoned Special Residential to Residential. A density code of R5 is proposed, which is the same residential density code applied to the Special Residential zone pursuant to TPS No.4 Clause 4.3.1 a). The proposed density code will ensure that the existing streetscape and local character is maintained.

The Precinct Structure Plan also identifies a Residential zone on Lot 802 (No.11) Erica Street, Kelmscott. This lot is currently zoned District Centre, however the lot contains four grouped dwellings in a survey strata subdivision that are differentiated from adjoining District Centre-zoned lots because vehicular access is via Erica Street (a low order residential cul-de-sac street) rather than Albany Highway. A Residential zone and R60 density code is more consistent with the existing approved development on the lot, the existing zoning/density codes of other lots on Erica Street and Erica Street’s lower order road status.

Proposal 5 – Removal of Special Use Zone 1 from portion of Page Road and Fancote Park

Proposal Five removes the identified ‘Special Use 1’ designation from an approximate 180m length of Page Road. The Special Use designation also encroaches onto a 12m width of Fancote Park (Lot 24 Page Road) for the entire length, which portion is proposed to be reclassified to the ‘Parks and Recreation (Local)’ reservation consistent with the remaining land area of Fancote Park.

The inclusion of Special Use No.1 in TPS No.4 can be traced to the Department for Planning and Infrastructure and City of Armadale 2004 Kelmscott Enquiry By Design exercise (EBD). This exercise, consultation and subsequent report generated design, planning and infrastructure proposals to support town centre revitalisation. One proposal to enhance activation and improve urban form around Fancote Park was the possible sleeving of residential or mixed use development between the existing Stargate Shopping Centre and a future realigned Page Road carriageway (eastward, on the existing footprint of Fancote Park).

At the gazettal of TPS No.4 in 2005, Special Use No.1 was created as a negotiated outcome between the then Minister for Planning and Infrastructure and the City to implement this EBD proposal. The supporting TPS No.4 provisions required the WAPC’s approval for use and development of the Special Use No.1 land. However, neither the City nor any other party has progressed this negotiated outcome to implementation in the subsequent 18 year period, either by development applications or subdivisions.

The Precinct Structure Plan locates higher order mixed use development within the ‘Stargate Shopping Centre’ private landholding, supports recreation function and activation of Fancote Park and supports retention of significant trees (present within the Special Use No.1 designation). Therefore Special Use No.1 is no longer considered consistent with current strategic planning, the intention of the Precinct Structure Plan and the City’s parks improvement works in Fancote Park.

Proposal 6 – Apply Development Area No.67 (Special Control Area Map 3) over the Kelmscott District Centre

Proposal Six amends Special Control Area Map 3 to designate all lots within the Kelmscott District Centre Precinct Structure Plan area and outside the Kelmscott Redevelopment Area as Development Area No.67 on the Special Control Area Map 3. This spatial extension establishes the requirement that a Precinct Structure Plan be approved for the land area prior to any major subdivision or development occurring for the whole of the Kelmscott District Centre. As such, this proposal is administrative in nature, but secures an appropriate ‘head of power’ in TPS No.4. Proposed amendments to TPS No.4 Schedule 8 with respect to Development Area No.67 are discussed in further detail below.

Proposal 7 – District Centre Zone Objectives Review

Proposal Seven amends TPS No.4 Clause 3.2.6 ‘District Centre’ to add a new objective at c) as follows:

- c) *to provide for a high amenity mixed use residential environment that enhances the vibrancy and diversity of activity of the place.*

At present, the District Centre zone objectives make no reference to mixed use development outcomes, which is a core focus for future development in the Kelmscott and Harrisdale District Centres. The inclusion of this objective will allow the continued development of residential uses within the Kelmscott District Centre and also bring the zone objectives in line with the land use permissibility afforded by the District Centre zone which allows for the development of residential uses. The existing District Centre zone objectives do not explicitly reference residential uses as being supported or encouraged within this zone. The proposed objective is consistent with the objectives for the Precinct Structure Plan’s ‘Mixed Use Land Use’ areas to contain a range of non-residential and residential uses in a variety of forms that create a vibrant and well-designed District Centre.

Proposal 8 – District Centre Zone Land Use Permissibility Minor Review

Proposal Eight amends the permissibility of land uses in the District Centre zone column of TPS No.4 Table 1 (Zoning Table) for select land uses, as outlined in the table below. Symbols have the same meaning as defined in Clause 3.3, being ‘X’ (not permitted), ‘A’ (discretionary, subject to advertising), ‘D’ (discretionary) and ‘P’ (permitted).

Land use permissibility of the District Centre zone is considered to be generally in line with the expectations of the objectives and aspirations of District Centres within the City (including the Kelmscott District Centre), however there are certain land uses that limit a District Centre’s ability to accommodate mixed use activities or require further assessment to demonstrate consistency with an approved Precinct Structure Plan. This Amendment seeks to modify land use permissibility for these uses within TPS No.4 Table 1 applicable to the whole District Centre zone as outlined below.

Importantly, this proposal has been prepared in the context of DPLH Officer advice discussed earlier in this report that the City should not progress significant land use permissibility changes prior to the preparation of TPS No.5.

TPS NO.4 AMENDMENT NO.124 LAND USE REVIEW TABLE		
District Centre Use Classes	Current TPS No.4	Amendment No.124
<u>Industry – Cottage</u> Defined as: “A trade or light industry producing arts and crafts goods, which does not fall within the definition of a home occupation and which — (a) does not cause injury to or adversely affect the amenity of the neighbourhood; (b) where operated in a residential zone, does not employ	P	D

TPS NO.4 AMENDMENT NO.124 LAND USE REVIEW TABLE		
District Centre Use Classes	Current TPS No.4	Amendment No.124
<p><i>any person other than a member of the occupier's household;</i> <i>(c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;</i> <i>(d) does not occupy an area in excess of 50 square metres; and</i> <i>(e) does not display a sign exceeding 0.2 square metres in area;”</i></p> <p>Rationale: The City's discretion should be applied in determining the appropriateness of the use, assessing amenity impacts and ensuring the objectives of any applicable Precinct Structure Plan are not prejudiced.</p>		
<p><u>Single House</u></p> <p>Definition: “<i>has the same meaning as in the R-Codes</i>”, that is: “<i>A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access of services and excludes dwellings on titles with areas held in common property</i>” (SPP 3.7)</p> <p>Rationale: Permitting the Single House land use as-of-right is not consistent with the retail and mixed use residential outcomes sought in the District Centre zone. Single House development is likely to be an inefficient use of land, however it could be considered where the objectives and development outcomes of any relevant Precinct Structure Plan are not prejudiced.</p>	P	D
<p><u>Veterinary Centre</u></p> <p>Definition: “<i>premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders</i>”</p> <p>Rationale: As District Centres are intended for more intensive mixed use development, offsite impacts should be considered in the assessment of this land use with any such proposals advertised for public comment.</p>	D	A

The above modifications are minor in that no changes apply or remove non-permissible (X) land uses.

With regard to other land uses identified for possible review during Precinct Structure Plan preparation, the permissibility of the following land uses were not reviewed at this time but may be considered again in TPS No.5: Industry – Service, Home Store, Motor Vehicle, Boat and Caravan Sales, Night Club, Auction Mart, Betting Agency, Caretakers Dwelling, Bulky Goods Showroom, Ancillary Accommodation and Family Day Care. These uses were not reviewed given the likelihood of converting to or from non-permissible land uses prior to preparation of TPS No.5.

Proposal 9 – TPS No.4 District Centre Zone Plot Ratio Provisions

Proposal Nine amends subclause b) under Clause 4C.3.1 b) ‘Building Bulk’ as follows:

- b) District Centre Zone: 1.0 unless a maximum plot ratio is otherwise specified in an approved Structure Plan or Precinct Plan.*

Building bulk (plot ratio) requirements for the Strategic Regional, District Centre, Local Centre and Mixed Business/Residential zones are controlled by the existing provisions of TPS No.4 Part 4C. Currently a maximum plot ratio of 1.0 applies for development within the District Centre zone.

The definition of plot ratio under TPS No.4 and SPP 7.3 does not differentiate between residential (including mixed use residential buildings) and non-residential buildings/development. As such, the maximum plot ratio of 1.0 that applies to the District Centre zone under Clause 4C.3.1 b) is inconsistent with both the residential and non-residential plot ratio floorspace provisions in Precinct Structure Plan Part 1.

As plot ratio is considered a key built form control that should be given the force and effect of TPS No.4, Amendment No.124 proposes to retain the existing Scheme provision of a maximum plot ratio floorspace within the District Centre zone, unless determined by an approved Structure Plan or Precinct Structure Plan. This provides an additional level of certainty and clarity than currently provided by TPS No.4.

Proposal 10 – TPS No.4 Schedule 8 Development (Structure Planning) Areas

Proposal 10 amends TPS No.4 Schedule 8 – Development (Structure Planning) Areas to include the following new provisions for Development Area No.67 in the table below. It should be noted that TPS No.4 Amendment No.112 originally proposed Development Area No.67 provisions and the provisions in that amendment will continue to apply. Therefore provisions specific to Amendment No.124 and Precinct Structure Plan outcomes commence after Provision 67.3.

No.	Description of Land	Additional provisions applicable to subdivision and development
67	Kelmscott District Centre	67.4 The subdivision and development of all land shall comply with the following provisions as contained within Part 1 of the Kelmscott District Centre Precinct Structure Plan. In the event of any inconsistency between the standards outlined below and the standards outlined in Part 4C of this Scheme, the standards outlined below shall prevail.

No.	Description of Land	Additional provisions applicable to subdivision and development
		<ul style="list-style-type: none"> a) Interim Land Uses: <ul style="list-style-type: none"> i. Applications for development approval (including changes of use) proposing an interim land use as defined in Part 1 of the Kelmscott District Centre Precinct Structure Plan may only be considered where the requirements specified in Part 1 are satisfied. b) Tree Retention, in addition to TPS No.4 Clause 4C.9 <ul style="list-style-type: none"> i. In the assessment of subdivision applications, the local government will recommend to the WAPC that the location of significant trees be shown on subdivision plans as 'to be retained' to ensure protection where possible. ii. Where subdivision/development is proposed in areas with existing mature trees, proponents should undertake a Significant Tree Survey and the results should be used to inform the subdivision design process and prioritise significant tree retention. The 'significance' of trees should consider qualities such as age and condition, height, spread, girth, species, historical association, habitat value and landscape amenity value. c) Landscaping <ul style="list-style-type: none"> i. Landscaping for developments is to be provided in accordance with this Scheme, Local Planning Policies and applicable guidelines. Landscaping shall also achieve the objectives and provisions of State Planning Policy 7.3 - Residential Design Codes (Volume 2) (as amended) where applicable to residential and mixed use developments. ii. Applications for development approval shall be accompanied by a landscape plan addressing the requirements of the Precinct Structure Plan, this Scheme, Local Planning Policies and applicable guidelines. iii. In addition to the requirements of SPP 7.3 and/or the relevant Scheme provisions, local planning policies and guidelines, applications for subdivision or development approval shall demonstrate the preservation

No.	Description of Land	Additional provisions applicable to subdivision and development
		<p>of trees in private lots, road reserves and recreation reserves. Evidence of proposed tree retention is to be provided regardless of the number of lots proposed under a subdivision or the extent of development proposed. Information required by the local government for assessment is to be in accordance with the requirements of the relevant local planning policies.</p> <p>iv. The locations of landscaping areas and tree planting are to be consistent with the locations shown on Plan 6 Street Interface Type Plan of the Kelmscott District Centre Precinct Structure Plan, for lots where Plan 6 identifies that buildings are to be setback to enable tree planting and/or where landscaped parking is to be provided in the front setback.</p> <p>v. Where a proposed development includes portions of a car parking area abutting a street, an area no less than 2.0m wide within the lot along all street alignments shall be set aside, developed and maintained as landscaping.</p> <p>vi. For non-residential development, a minimum of 10% of the development site, or 7% of the development site if an existing tree with a diameter of 500mm at 1.0m height is retained on site, shall be allocated for landscaping</p> <p>vii. For non-residential and mixed use development, shade trees shall be planted, spaced and maintained in car parking areas at a rate of 1 tree for every 4 car parking bays at intervals of no greater than 10m.</p> <p>viii. For non-residential development, further trees in addition to vii) above are to be provided at the rate of 1 tree per 500sqm of the development site area (minimum).</p> <p>ix. For grouped dwelling residential development within the Precinct Structure Plan area, the local government may impose a condition of development approval to require the planting of a new street tree where no street tree(s) exist or are to be retained, at the applicant's cost, on an abutting road reserve.</p>

No.	Description of Land	Additional provisions applicable to subdivision and development
		x. In accordance with clause 4C.9 of this Scheme, a tree with a diameter of 500mm at 1.0m height in the District Centre zone shall not be removed, lopped, topped, chopped, ringbarked or otherwise trimmed or destroyed without the prior written approval of the local government.

Currently, built form controls (such as setbacks and landscaping) are included in Precinct Structure Plan Part 1 Implementation Section. However, as structure plans and precinct structure plans are instruments of due regard and do not have the same statutory force and effect as TPS No.4, it is proposed to include key subdivision and development considerations applicable in Development Area No.67 into TPS No.4 Schedule 8. Interim land uses (time limited approvals), landscaping and tree retention were identified as gaps in the primary considerations for the District Centre's amenity and improved urban design, and therefore these provisions have been incorporated into TPS No.4. Other existing key built form controls in TPS No.4 Part 4C, such as setbacks, building height and car parking, are considered appropriate to achieve Precinct Structure Plan outcomes.

ANALYSIS

Environmental Characteristics

The Precinct Structure Plan has been the subject of technical studies and assessment during its preparation and assessment process to date. The outcomes of the various technical assessments prepared at Precinct Structure Plan stage do not identify any environmental impacts on land the subject of Amendment No.124, and various constraints are addressed in the Precinct Structure Plan built form provisions. Minimal to negligible impacts have been determined, having regard to the necessary matters that require addressing from an environmental perspective, namely bushfire management, environmental and landscape management (including tree preservation), water management, heritage and noise and vibration. In this respect Amendment No.124 will ensure that development within the Precinct Structure Plan area protects, enhances and responds to the environmental features and attributes.

A high level of amenity and recreation benefits are afforded by the riverine environment of the Canning River and the objectives and subdivision/development requirements as provided for in the Precinct Structure Plan will ensure that development responds appropriately and sensitively to the environmental features, particularly around the river environs. In this regard the Precinct Structure Plan aims to improve stormwater quality overtime, particularly through upgrades to the Water Corporation's Rundle Street Main Drain by the Water Corporation (the City is currently advocating for these improvements). It is also noted that the Precinct Structure Plan and Amendment No.124 do not change the protection afforded to the Canning River through the Metropolitan Region Scheme and the Swan Canning River Development Control Area.

Officers of DWER EPA Services previously indicated via email that their involvement in the Precinct Structure Plan preparation was not required. DWER EPA Services considered, at a high level, that the Kelmscott District Centre is an ‘established’ or ‘built out’ centre with limited to no impact on the natural environment. DWER EPA Services indicated that any future amendment would likely be considered in the same manner as a normalisation amendment where TPS No.4 is amended to introduce a Structure Plan without implementing significant land use change. In this regard, the Precinct Structure Plan and proposed Amendment No.124 do not seek to introduce additional greenfield or urban fringe development areas that would warrant consideration by DWER EPA Services.

Scheme Amendment Process

The *Act* provides the head of power for the amendment of Local Planning Schemes and includes procedural provisions regarding referral of amendments to the EPA to determine if environmental assessment under Part IV Division 3 of the *Environmental Protection Act 1986* is required (Section 81) and the requirement for public/agency advertising (Section 83). The proclamation of the *Planning and Development Amendment Act 2020* on 1 August 2023 has also resulted in the insertion of Section 83A, which requires all scheme amendments to be submitted to the Minister for Planning for the Minister’s approval to advertise. The Minister may approve advertising, require modifications prior to advertising or refuse approval for advertising.

The *Regulations* provide additional procedural direction on the scheme amendment process. *Regulation 34* defines the different categories of scheme amendments and a risk-based assessment model where scheme amendments are categorised as basic, standard or complex. This Amendment is considered to be a ‘Standard Amendment’ under Part 5, Clause 34(i) of the *Regulations* for the reasons outlined below in response to *Regulation 34* criteria.

TPS NO.4 AMENDMENT NO.124 STANDARD AMENDMENT CRITERIA	
Regulation 34 Criteria – Standard Amendment	Response to Criteria
a) An amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve	Amendment No.124 primarily relates to the District Centre zone, as well as a discrete Residential zone on Gilwell Avenue. The Amendment proposes a new objective for the District Centre zone to bring the objectives into alignment with the Precinct Structure Plan and general District Centre aspirations to support high amenity mixed use environments with compatible centre activities and development. The Amendment proposals are consistent with the relevant zone objectives.
b) An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission	Amendment No.124 is consistent with the District Centre ‘Employment Area’ designation of the City’s current (2016) Local Planning Strategy and District Centre under the City’s draft local planning strategy (under preparation). The Amendment is considered to be consistent with the City’s existing strategic planning framework, and will be considered in parallel with the proposed Precinct Structure Plan to reflect proposed land use and development outcomes

TPS NO.4 AMENDMENT NO.124 STANDARD AMENDMENT CRITERIA	
Regulation 34 Criteria – Standard Amendment	Response to Criteria
<p>c) An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment</p>	<p>Amendment No.124 is consistent with the zones and reservations of the Metropolitan Region Scheme (MRS), which primarily zones the Precinct Structure Plan area ‘Urban’. The Amendment also proposes to reserve areas of open space as Parks and Recreation (Local) consistent with the existing use of the land and the purpose for which the land is currently zoned under the MRS.</p>
<p>d) An amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan</p>	<p>Amendment No.124 is considered appropriate to accommodate future subdivision and development in accordance with the intent of the Precinct Structure Plan. The Amendment is required to implement the land use and development framework identified in Precinct Structure Plan Part 1. The land use zones depicted on the Precinct Structure Plan align with the zones/reserves of the Amendment, namely the District Centre zone and the Residential zone.</p>
<p>e) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment</p>	<p>The Amendment No.124 area and associated Precinct Structure Plan boundary has been carefully considered based on physical characteristics/features (such as the Perth to Armadale railway line, Albany Highway and the Canning River) and existing and future zones/land uses (Armadale Redevelopment Area and surrounding suburban residential development). The Precinct Structure Plan facilitates a ‘core’ and ‘transition’ area to ensure appropriate interfaces to surrounding residential areas. This will be implemented through the specified residential density codings and built form provisions in both Amendment No.124 and the Precinct Structure Plan. The Precinct Structure Plan was prepared in consultation with various stakeholders and has been subject to statutory consultation in accordance with the <i>Regulations</i>; no significant issues were identified.</p>
<p>f) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area</p>	<p>The Precinct Structure Plan was informed by technical studies and assessments. Minimal to negligible impacts were identified, having regard to the necessary planning matters that require consideration including traffic, environmental, social, economic and bushfire management characteristics. The Kelmscott District Centre is an existing centre and Amendment No.124 supports Precinct Structure Plan</p>

TPS NO.4 AMENDMENT NO.124 STANDARD AMENDMENT CRITERIA	
Regulation 34 Criteria – Standard Amendment	Response to Criteria
	outcomes that improve utilisation of land in a transit-oriented town centre precinct, in accordance with State Government strategic planning objectives.
g) Any other amendment that is not a complex or basic amendment.	Not applicable.

In summary, Amendment No.124 is considered to be an amendment that is consistent with an advertised and Council-endorsed strategic planning document (the Precinct Structure Plan), and is not a basic or complex amendment because it meets the Standard Amendment criteria outlined above as applicable.

Part 5 Division 3 of the *Regulations* sets out subsequent procedural steps for standard amendments. In general terms, if the scheme amendment does not require environmental assessment and the Minister approves of advertising, the City is to advertise the amendment for a period of time not less than 42 days and has 60 days after the end of the submission period in which to consider the submissions and make a recommendation for the Minister's final decision.

OPTIONS

1. Council may initiate the scheme amendment for public review as proposed or with modifications as determined by Council.
2. Council may decline the initiation of the scheme amendment and provide reasons for its decisions.

CONCLUSION

Amendment No.124 proposes to integrate the development and land provisions of the Kelmscott District Centre Precinct Structure Plan (as recommended for approval to the WAPC by Council, subject to modifications) into TPS No.4. This includes additional provisions in TPS No.4 Schedule 8 Development (Structure Planning) Areas to guide future subdivision and built form design outcomes in the District Centre. Amendment No.124 has also been prepared having regard to the advice of relevant State Government agencies and future changes to the City's Local Planning Framework.

Following the closure of the advertising period, a further report on Amendment No.124 and any submissions received during the advertising period will be presented to Council for its consideration of final adoption and recommendation to the Minister.

Given the above, Option 1 is recommended.

ATTACHMENTS

1. Location Plan - Kelmscott District Centre Structure Plan
2. Aerial Plan - Kelmscott District Centre Structure Plan
3. Explanatory Attachment - Preliminary (Phase 1) Consultation and Statutory (Phase 2) Consultation Information
4. Explanatory Attachment - Kelmscott District Centre Precinct Structure Plan Document Overview
5. Proposal 1 - Existing and Proposed Zoning - TPS No.4 - Amendment No.124
6. Proposal 2 (Sheet 1 of 3) - Existing and Proposed Zoning - TPS No.4 - Amendment No.124
7. Proposal 2 (Sheet 2 of 3) - Existing and Proposed Zoning - TPS No.4 - Amendment No.124
8. Proposal 2 (Sheet 3 of 3) - Existing and Proposed Zoning - TPS No.4 - Amendment No.124
9. [Proposal 3 - Existing and Proposed Zoning - TPS No.4 - Amendment No.124](#)
10. Proposal 4 - Existing and Proposed Zoning - TPS No.4 - Amendment No.124
11. Proposal 5 - Existing and Proposed Zoning - TPS No.4 - Amendment No.124
12. Proposal 6 - Special Control Area Map 3 - TPS No.4 - Amendment No.124

RECOMMEND

D28/10/23

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, initiate Amendment No.124 to Town Planning Scheme No.4, as follows:

Proposal 1 – Rezoning of Land to District Centre Zone

- a. **Rezone the following lots as identified on the Scheme Amendment Maps from ‘Residential (R15/60)’ to ‘District Centre’: Lot 12 (No.38), Lot 60 (No.36), Lot 64 (No.32), Lot 65 (No.34), Lot 581 (No.40) and Lot 582 (No.42) Streich Avenue and portion of Lot 800 (No.2907) Albany Highway, Kelmscott;**
- b. **Rezone the following lots as identified on the Scheme Amendment Maps from ‘Residential (R15/40)’ to ‘District Centre’: Lots 1-2 (No.14-14a), Lot 6 (No.8), Lot 7 (No.10a), Lot 10 (No.32), Lot 21, Lot 21 (No.16) Lot 23 (No.12), Lot 32 (No.20), Lot 35 (No.18), Lot 33 (No.28), Lot 34 (No.30) and Lot 40 (No.22) Page Road, Kelmscott and Lot 8 (No.26) Gilwell Avenue, Kelmscott;**

Proposal 2 – Assign Density Codes to Kelmscott District Centre Precinct Structure Plan Area

- c. **Apply the R60, R-AC1, R-AC3 and R-AC 4 residential density codes to various lots within the Kelmscott District Centre as depicted on the Scheme Amendment Maps;**

Proposal 3 – Reclassification of Lot 39 (No.24) Page Road, Kelmscott

- d. **Reclassify Lot 39 (No.24) Page Road, Kelmscott as depicted on the Scheme Amendment Maps from ‘Residential (R15/40)’ zone to ‘Parks and Recreation (Local) Reservation’;**

Proposal 4 – Rezoning of Gilwell Avenue/Clifton Street Lots and Lot 802 (No.11)

Erica Street, Kelmscott to Residential

- e. **Rezone the following lots as depicted on the Scheme Amendment Maps from ‘Special Residential’ to ‘Residential’ and assign a density code of ‘R5’: Lot 1 Clifton Street, Kelmscott and Lot 2 (No.54), Lot 3, Lot 4 (No.50), Lot 5 (No.48), Lot 6 (No.46), Lot 7 (No.44), Lot 8, Lot 9 (No.38), Lot 10, Lot 13, Lot 14 (No.41), Lot 18 (No.47), Lot 19 (No.49), Lot 20 (No.51), Lot 21 (No.53), Lot 22 (No.55) and Lot 51 (No.35) Gilwell Avenue, Kelmscott;**
- f. **Rezone Lot 802 (No.11) Erica Street, Kelmscott as depicted on the Scheme Amendment Maps from ‘District Centre’ to ‘Residential’ and assign a density code of ‘R60’;**

Proposal 5 – Removal of Special Use Zone 1 from portion of Page Road Reserve and Fancote Park

- g. **Reclassify portion of Lot 24 Page Road (Fancote Park) as depicted on the Scheme Amendment Maps from ‘Special Use’ zone to ‘Parks and Recreation (Local)’ reservation;**
- h. **Remove the ‘Special Use’ zone from the Page Road reserve as depicted on the Scheme Amendment Maps;**
- i. **Remove the ‘Special Use No.1’ entry from Schedule 4 – Special Use Zones;**

Proposal 6 – Apply Development Area No.67 (Special Control Area Map 3) over the Kelmscott District Centre

- j. **Modify Special Control Area Map 3 to apply Development Area No.67 over various lots in the Kelmscott District Centre as depicted on the Scheme Amendment Maps;**

Proposal 7 – District Centre Zone Objectives Review

- k. **Modify Clause 3.2.6 District Centre to add a new objective in appropriate numerical order as follows:**
 - “c) **to provide for a high amenity mixed use residential environment that enhances the vibrancy and diversity of activity of the place.”;**

Proposal 8 – District Centre Zone Land Use Permissibility Review

- l. **Modify the Table 1 (Zoning Table) land use permissibility for the ‘District Centre’ zone in the following manner:**
 - i. **Industry – Cottage from ‘P’ to ‘D’;**
 - ii. **Single House from ‘P’ to ‘D’; and**
 - iii. **Veterinary Centre from ‘D’ to ‘A’;**

Proposal 9 – District Centre Zone Plot Ratio Provisions

- m. **Modify Clause 4C.3.1 b) to insert the following text after “District Centre Zone: 1.0”:**

“unless a maximum plot ratio is otherwise specified in an approved Structure Plan or Precinct Structure Plan”;

Proposal 10 – Schedule 8 Development (Structure Planning) Areas Provisions

- n. **Insert the following text in Schedule 8 Development (Structure Planning) Areas for the Kelmscott District Centre identified as Development Area No.67 on Special Control Area Map 3:**

No.	Description of Land	Additional provisions applicable to subdivision and development
67	Kelmscott District Centre	<p>67.4 The subdivision and development of all land shall comply with the following provisions as contained within Part 1 of the Kelmscott District Centre Precinct Structure Plan. In the event of any inconsistency between the standards outlined below and the standards outlined in Part 4C of this Scheme, the standards outlined below shall prevail.</p> <p>a) Interim Land Uses</p> <p>i. Applications for development approval (including changes of use) proposing an interim land use as defined in Part 1 of the Kelmscott District Centre Precinct Structure Plan may only be considered where the requirements specified in Part 1 are satisfied.</p> <p>b) Tree Retention, in addition to TPS No.4 Clause 4C.9</p> <p>i. In the assessment of subdivision applications, the local government will recommend to the WAPC that the location of significant trees be shown on subdivision plans as ‘to be retained’ to ensure protection where possible.</p> <p>ii. Where subdivision/development is proposed in areas with existing mature trees, proponents shall undertake a Significant Tree Survey and the results shall be used to inform the subdivision design process and prioritise significant tree retention. The ‘significance’ of trees shall</p>

		<p>consider qualities such as age and condition, height, spread, girth, species, historical association, habitat value and landscape amenity value.</p> <p>c) Landscaping</p> <p>i. Landscaping for developments is to be provided in accordance with this Scheme, Local Planning Policies and applicable guidelines. Landscaping shall also achieve the objectives and provisions of State Planning Policy 7.3 - Residential Design Codes (Volume 2) (as amended) where applicable to residential and mixed use developments.</p> <p>ii. Applications for development approval shall be accompanied by a landscape plan addressing the requirements of the Precinct Structure Plan, this Scheme, Local Planning Policies and applicable guidelines.</p> <p>iii. In addition to the requirements of SPP 7.3 and/or the relevant Scheme provisions, local planning policies and guidelines, applications for subdivision or development approval shall demonstrate the preservation of trees in private lots, road reserves and recreation reserves. Evidence of proposed tree retention is to be provided regardless of the number of lots proposed under a subdivision or the extent of development proposed. Information required by the local government for assessment is to be in accordance with the requirements of the relevant local planning policies.</p> <p>iv. The locations of landscaping areas and tree planting are to be consistent with the locations shown on Plan 6 Street Interface Type Plan of the Kelmscott District Centre Precinct Structure Plan, for lots where Plan 6 identifies that buildings are to be setback to enable tree planting and/or where landscaped parking is to be provided in the front setback.</p> <p>v. Where a proposed development</p>
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		<p>includes portions of a car parking area abutting a street, an area no less than 2.0m wide within the lot along all street alignments shall be set aside, developed and maintained as landscaping.</p> <p>vi. For non-residential development, a minimum of 10% of the development site, or 7% of the development site if an existing tree with a diameter of 500mm at 1.0m height is retained on site, shall be allocated for landscaping</p> <p>vii. For non-residential and mixed use development, shade trees shall be planted, spaced and maintained in car parking areas at a rate of 1 tree for every 4 car parking bays at intervals of no greater than 10m.</p> <p>viii. For non-residential development, further trees in addition to vii) above are to be provided at the rate of 1 tree per 500sqm of the development site area (minimum).</p> <p>ix. For grouped dwelling residential development within the Precinct Structure Plan area, the local government may impose a condition of development approval to require the planting of a new street tree where no street tree(s) exist or are to be retained, at the applicant's cost, on an abutting road reserve.</p> <p>x. In accordance with clause 4C.9 of this Scheme, a tree with a diameter of 500mm at 1.0m height in the District Centre zone shall not be removed, lopped, topped, chopped, ringbarked or otherwise trimmed or destroyed without the prior written approval of the local government.</p>
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- o. Amend the Scheme Maps accordingly.
2. The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
- a. The Amendment relates to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;

- b. The Amendment is consistent with the local planning strategy for the scheme that has been endorsed by the Commission;
 - c. The Amendment is consistent with a region planning scheme that has been endorsed by the Commission;
 - d. The Amendment to the scheme map is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all types that are outlined in the plan;
 - e. The Amendment has minimal impact on land in the scheme area that is not the subject of the amendment;
 - f. The Amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - g. The Amendment does not meet the definition of a complex or a basic amendment.
3. Refer the above Amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to Section 81 of the *Planning and Development Act 2005*.
4. Refer the above Amendment to Town Planning Scheme No.4 to the Minister for Planning, Lands, Housing and Homelessness pursuant to Section 83A of the *Planning and Development Act 2005* for approval to advertise the Amendment.
5. Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents, including in the instance that the Minister requires minor modifications to the Amendment prior to advertising.
6. Should the EPA advise that the Amendment does not require assessment, and the Minister for Planning, Lands, Housing and Homelessness grant approval to advertise the Amendment, conduct advertising for a period of 42 days in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved Cr R Butterfield
MOTION CARRIED

(6/0)

COUNCILLORS' ITEMS

Nil.

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT

Nil.

MEETING DECLARED CLOSED AT 7.30 PM

DEVELOPMENT SERVICES COMMITTEE SUMMARY OF ATTACHMENTS 9 OCTOBER 2023		
ATT NO.	SUBJECT	
1.1 COMMUNITY HEALTH AND WELLBEING PLAN ANNUAL REPORT		
1.1.1	Community Health and Wellbeing Annual Progress Report 2023	
2.1 AMENDED APPLICATION - GROUPED DWELLINGS - STRATA LOTS 2 AND 3 - NO.93B & NO.93C RIVER ROAD, KELMSCOTT		
2.1.1	Location Plan - Strata Lots 2 & 3 River Road, Kelmscott	
2.1.2	Aerial Plan - Strata Lots 2 & 3 River Road, Kelmscott	
2.1.3	Site Plan - Strata Lots 2 & 3 River Road, Kelmscott	
2.1.4	Feature Survey Plan - Strata Lots 2 & 3 River Road, Kelmscott	
2.1.5	New Building Footprint Plan - Strata Lots 2 & 3 River Road, Kelmscott	
2.1.6	New Floor Plan 1 - Strata Lots 2 & 3 River Road, Kelmscott	
2.1.7	New Floor Plan 2 - Strata Lots 2 & 3 River Road, Kelmscott	
2.1.8	Elevations Plan 1 - Strata Lots 2 & 3 River Road, Kelmscott	
2.1.9	Elevations Plan 2 - Strata Lots 2 & 3 River Road, Kelmscott	
2.1.10	Elevations Plan 3 - Strata Lots 2 & 3 River Road, Kelmscott	
3.1 AMENDMENT NO.1 TO ANSTEY KEANE URBAN DEVELOPMENT PRECINCT EAST STRUCTURE PLAN - RECOMMENDATION TO WAPC		
3.1.1	Location Plan - Lot 500 Anstey Road, Forrestdale	
3.1.2	Aerial Plan - Lot 500 Anstey Road, Forrestdale	
3.1.3	Existing Structure Plan - Anstey Keane Urban Development Precinct East	
3.1.4	Proposed Structure Plan - Anstey Keane Urban Development Precinct East	
3.1.5	Anstey-Keane Urban Development Precinct East Structure Plan (Amendment 1) - Apex Planning	
3.1.6	Retail Needs Assessment Anstey Road	
3.1.7	Schedule of Submissions - Lot 500 Anstey Road, Forrestdale	
3.1.8	Schedule of Modifications - Lot 500 Anstey Road, Forrestdale	

DEVELOPMENT SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
9 OCTOBER 2023		
4.1 PROPOSED AMENDMENT NO.124 TO TPS NO.4 - KELMSCOTT DISTRICT CENTRE PRECINCT STRUCTURE PLAN IMPLEMENTATION		
4.1.1	Location Plan - Kelmscott District Centre Structure Plan	
4.1.2	Aerial Plan - Kelmscott District Centre Structure Plan	
4.1.3	Explanatory Attachment - Preliminary (Phase 1) Consultation and Statutory (Phase 2) Consultation Information	
4.1.4	Explanatory Attachment - Kelmscott District Centre Precinct Structure Plan Document Overview	
4.1.5	Proposal 1 - Existing and Proposed Zoning - TPS No.4 - Amendment No.124	
4.1.6	Proposal 2 (Sheet 1 of 3) - Existing and Proposed Zoning - TPS No.4 - Amendment No.124	
4.1.7	Proposal 2 (Sheet 2 of 3) - Existing and Proposed Zoning - TPS No.4 - Amendment No.124	
4.1.8	Proposal 2 (Sheet 3 of 3) - Existing and Proposed Zoning - TPS No.4 - Amendment No.124	
4.1.9	Proposal 3 - Existing and Proposed Zoning - TPS No.4 - Amendment No.124	
4.1.10	Proposal 4 - Existing and Proposed Zoning - TPS No.4 - Amendment No.124	
4.1.11	Proposal 5 - Existing and Proposed Zoning - TPS No.4 - Amendment No.124	
4.1.12	Proposal 6 - Special Control Area Map 3 - TPS No.4 - Amendment No.124	

The above attachments can be accessed from the Minutes of the Development Services Committee meeting of 9 October available on the City's website

CITY OF ARMADALE

MINUTES

**OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 9
OCTOBER 2023 AT 7.31PM**

At the previous Development Services Committee meeting on 18 September 2023
there was no quorum present and therefore no formal motions could be passed.

The Chair resolved that the meeting be adjourned until after the next
Development Services Committee meeting on 9 October 2023.

The Chair declared the meeting open at 7.31pm.

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

APOLOGIES: Cr M J Hancock (Leave of Absence)

OBSERVERS: Cr M S Northcott - via Teams
Cr E J Flynn - via Teams

IN ATTENDANCE: Ms J Abbiss Chief Executive Officer
Mr P Sanders Executive Director Development Services
Ms N Cranfield Executive Assistant EDDS

PUBLIC: 1

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

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

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

DEPUTATION

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 21 August 2023 be confirmed.

Moved Cr S S Virk

MOTION CARRIED

(6/0)

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 12 - AUG 2023

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

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DEVELOPMENT SERVICES COMMITTEE

9 OCTOBER 2023

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***1.1 - DEDICATION OF PORTIONS OF LAND AS A PUBLIC ROAD - LOT 10 (2883)
ALBANY HIGHWAY, KELMSCOTT***

WARD : RIVER

FILE No. : - M/92/23

DATE : 14 September 2023

REF : SS/SW

RESPONSIBLE MANAGER : EDDS

APPLICANT : DevelopmentWA

LANDOWNER : Amazon Investment (AUST)
Pty Ltd

SUBJECT LAND : 2883 Albany Hwy, Kelmscott

ZONING

MRS / : DevelopmentWA

TPS No.4 : Redevelopment Area

In Brief:

- DevelopmentWA have requested three portions of Lot 10 (2883) Albany Hwy, Kelmscott be dedicated as Road Reserve
- The City can request the Minister for Lands to dedicate the portion of land within its boundaries as road.
- It is recommended that Council support the request and dedicate the subject land.

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

- 2.2.1 Focus on achieving a high level of streetscape amenity in new developments.
- 2.2.2 Improve the amenity of streetscapes in established suburbs to provide an attractive, shaded network that connects residents to locations of interest.
- 2.3.1 The condition of the City's assets are accurately captured, regularly reviewed and the subject of comprehensive management plans in order to assist Council balance the financial cost of asset renewal and replacement with delivery of other community priorities.

Legal Implications

Land Administration Act 1997.

Metropolitan Redevelopment Authority Act 2011

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

If the land is dedicated as road reserve, the City of Armadale will formally be responsible for managing the additional road reserve.

Consultation

1. DevelopmentWA
2. Public Transport Authority
3. City of Armadale Directorates

BACKGROUND

DevelopmentWA have lodged a Taking Order for three corner truncations of the subject property - Lot 10 (2883) Albany Highway Road Dedication Plan.

Taking Orders over freehold land once finalised are usually held by the State of Western Australia as Crown land. An acquiring authority may also request that an immediate disposition of a fee simple in possession be granted to the acquiring authority or their nominee upon the freehold land being taken, in accordance with section 56 of the *Land Administration Act 1997*.

The truncations are as follows:

- Road Widening (300) from the south-eastern corner of Lot 10 – this truncation is 53m² and contains paving which now forms part of the public footpath;
- Road Widening (301) from the south-western corner of Lot 10 – this truncation is 30m² and forms part of the verge landscaping area; and
- Road Widening (302) from the north-western corner of Lot 10 – this truncation is 18m² and contains paving which now forms part of the public footpath.

Prior to the Denny Avenue Level Crossing project, these three areas formed part of the site's landscaping provision which historic planning approvals would have required to be installed and maintained. During the Level Crossing project, this landscaping was removed. See Road Dedication Aerial Plans 1, 2 and 3.

The intent of the taking order is to amalgamate the truncation areas into the adjoining road reserves of Albany Highway, Davis Road, Streich Avenue and Denny Avenue. This will ensure that the truncations, subject to the taking order, can be managed as road reserve.

DETAILS OF PROPOSAL

The proposal seeks a Council resolution to comply with section 56 *Land Administration Act 1997* to facilitate the dedication of a public road on several portions of land to be dedicated for the purpose of “Road Reserve” by undertaking the following:

- DevelopmentWA and/or Public Transport Authority (or other State Government agency) indemnifying the City of Armadale in regard to the request.
- Subject to No.1 above, request the Minister for Lands to dedicate the subject land as a public road, pursuant to Section 56 of the *Land Administration Act 1997*.
- The City indemnifying the Minister for Lands in respect of the proposed road dedication of the portions of Albany Highway, Davis Road, Streich Avenue and Denny Avenue pursuant to Section 56 (4) of the *Land Administration Act 1997*.

COMMENT

Metronet Denny Avenue Level Crossing Removal Project

On 26 August 2020, DevelopmentWA received approval for the landscaping plans associated with the approval granted for the Denny Avenue Level Crossing removal project. This plan noted and approved tree removal within the development area including two *Corymbia Calophylla* (Marri) trees adjacent to the Road Widening (301) truncation in the south-western corner of Lot 10.

A separate report on this agenda considers the Public Transport Authority’s proposals for funding of landscaping gaps in the Denny Avenue Level Crossing removal project.

Land Administration Act 1997

In essence, Section 56 of the *Land Administration Act 1997*, among other things, provides as follows:

- 1) *If in a district of a local government –*
 - (a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;*
 - (b) *in the case of land compromising a private road constructed and maintained to the satisfaction of the local government –*
 - i *the holder of the freehold in that land applies to the local government, requesting it to do so; or*
 - ii *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so; or*
 - iii *land compromises a private road of which the public has had uninterrupted use for a period of not less than 10 years,*

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

- 2) *If a local government resolves to make a request under subsection (1), it must –*
 - (a) *in accordance with the regulations prepare and deliver the request to the Minister; and*
 - (b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*
- 3) *On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then –*
 - (a) *subject to subsection (5), by order grant the request;*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) *refuse the request.*
- 4) *On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.*
- 5) *To be dedicated under subsection (3) (a), land must immediately before the time of dedication be –*
 - (a) *unallocated Crown land; and*
 - (b) *designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.*
- 6) *If land referred to in subsection (1) (c) is dedicated under subsection (3) (a), the holder of the freehold in that land is not entitled to compensation because of that dedication.*

Kelmscott Precinct Structure Plan

The road dedication proposal is consistent with the City's Armadale's Kelmscott Precinct Structure Plan and will facilitate the road network of the Precinct.

OPTIONS

Council has the following options:

1. Support the dedication of the described portions as a public road in accordance with Section 56 of the *Land Administration Act 1997* with or without requirements.
2. Decline the request to dedicate the described portions as a public road.

CONCLUSION

It is recommended that Council should adopt Option 2 and resolve to facilitate the dedication of the portions land adjacent of Albany Highway, Davis Road, Streich Avenue and Denny Avenue.

ATTACHMENTS

1. [↓](#) Location Plan - Lot 10 (2883) Albany Hwy, Kelmscott
2. Aerial Plan - Lot 10 (2883) Albany Hwy, Kelmscott
3. Road Dedication Plan - Lot 10 (2883) Albany Hwy, Kelmscott
4. Zoning Plan - Lot 10 (2883) Albany Hwy, Kelmscott
5. Truncated Deposited Plan 416752 - Lot 10 (2883) Albany Hwy, Kelmscott
6. Road Dedication - Aerial Plan 1
7. Road Dedication - Aerial Plan 2
8. Road Dedication - Aerial Plan 3

RECOMMEND

D29/10/23

That Council:

1. Request DevelopmentWA, the Public Transport Authority and/or relevant State Government agency to indemnify the City of Armadale in regard to this request.
2. Subject to No.1 above, request the Minister for Lands to dedicate as a public road Lots 300, 301 and 301 as shown shaded and stippled on the attached copy of the Lot 10 (2883) Albany Highway Road Dedication Plan pursuant to Section 56 of the *Land Administration Act 1997*, subject to:
 - a) DevelopmentWA and/or Public Transport Authority fulfilling and providing the administrative requirements of Section 56 of the *Land Administration Act 1997* to the satisfaction of the Department of Planning, Lands and Heritage.
3. The City indemnifying the Minister for Lands in respect of the proposed road dedication of the portions of Albany Highway, Davis Road, Streich Avenue and Denny Avenue pursuant to Section 56 (4) of the *Land Administration Act 1997*.
4. Advise DevelopmentWA, Public Transport Authority and the Department of Planning, Lands and Heritage accordingly.

Moved Cr R Butterfield
MOTION CARRIED

(6/0)

2.1 - PROPOSED INFRASTRUCTURE HANDOVER FROM DENNY AVENUE LEVEL CROSSING REMOVAL PROJECT

WARD : RIVER
FILE No. : M/305/22
DATE : 14 September 2023
REF : SW/PS
RESPONSIBLE : EDDS
MANAGER

In Brief:

- The Kelmscott Denny Avenue Level Crossing Removal Project is in its final stages and the State Government is proposing the handover of some infrastructure delivered by the project.
- Following negotiations, it is proposed that Public Transport Authority (PTA) fund the City to take responsibility for the balance of the two year landscaping maintenance period, fund some outstanding gaps in the provision of landscaping and have the City manage the Plaza.
- Recommend that Council accept the PTA funding proposal and maintenance responsibility for the relevant infrastructure as discussed in the report, amend the budget accordingly and authorise the CEO to enter into a Licence Agreement for the Station Plaza.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

- 1.1.1.3 Implement the City's Public Art Strategy.
- 2.2.2.4 Consider the development of a landscape/streetscape plan for Kelmscott Activity Centre post the Denny Avenue works.
- 2.2.2.5 Improve the amenity of streetscapes through the use of public art.
- 3.1.1.3 Support the completion of the Denny Avenue project and associated landscaping.

Legal Implications

Local Government Act 1995

Council Policy/Local Law Implications

City of Armadale Public Art Policy

Budget/Financial Implications

The City's budget will require amendment to reflect the revenue and expenditure for the proposed landscaping and maintenance of infrastructure, as recommended in this report. It is also recommended that a Reserve Account be created for the revenue funding provided by PTA for maintenance that the City will undertake in 2024/25, which is proposed to be included in the 2024/25 Parks budget when the maintenance is required to occur.

Consultation

Public Transport Authority (PTA)
City's relevant Directorates

DETAILS OF PROPOSAL

This report considers several matters relating to the MetroNet's Denny Avenue Level Crossing Project in Kelmscott delivered by the Public Transport Authority (PTA) including:

- Management of the Station Plaza;
- Management arrangements for public art;
- A funding proposal for landscaping maintenance;
- Funding proposal for gaps in the landscaping provision; and
- A proposed Licence Agreement in regard to the Plaza.

BACKGROUND

Kelmscott District Centre

The Kelmscott District Centre is characterised by a linear core containing retail, commercial and office development surrounded by a peripheral frame of residential, medical, bulky goods commercial/showroom and commercial development adjoining an approximately 2km length of Albany Highway and the Perth to Armadale Railway Line. Kelmscott Station, within the District Centre, is an important rail and bus interchange point for the local and metropolitan public transport network. The District Centre also abuts/includes areas of public open space, most prominently the Canning River environs and Fancote Park.

In 2006 a core area of the Kelmscott District Centre was transferred to the planning control of the Armadale Redevelopment Authority under control of the Armadale Redevelopment Scheme. This led to master planning of the District Centre and further analysis of (regional) traffic and pedestrian movement constraints at the existing Denny Avenue level crossing; alternatives to this rail crossing have been the primary infrastructure constraint affecting Kelmscott's future planning.

Denny Avenue Level Crossing Project

MetroNet's Denny Avenue Level Crossing Project removed the Denny Avenue level crossing and replaced it with a rail over road grade separation at Davis Road. The project works included significant modification of the surrounding road network to facilitate the underpass, as well as other civic works that formed part of the then Metropolitan Redevelopment Authority's plan to revitalise the Kelmscott District Centre.

Elected members and City Officers provided advice to the Denny Avenue Level Crossing Project project team over a number of years, including formal comment on two public works development applications (Resolutions D25/4/20 and D43/7/20) considered by DevelopmentWA.

The management responsibility of several infrastructure items requires Council's consideration including:

- Station Plaza; and
- Public Art (4 pieces).

The Level Crossing Project removed a substantial amount of existing landscaping from road reserves and private property within the District Centre. As part of the negotiations around handover of project assets, the City has been advocating for the completion of the landscaping works and the provision of additional replacement landscaping in areas where landscaping was removed. The City sought that PTA fund additional landscaping works to be undertaken by the City to a value of \$148,110. These works would be undertaken by the City using the additional funding and to the City's specification and standards, which are higher than those used by PTA's contractors to date.

Station Plaza

The Station Plaza is located immediately to the east of Kelmscott Station between the train station and Albany Highway. The plaza is a public space which comprises hard and soft landscaping elements and public art:

- Hard landscaping- retaining walls, planter boxes, pavers, tactile;
- Furniture - seating (different types), bollards (retractable and fixed), bins, water fountain;
- Utilities - water and electrical services for food trucks, backlights for the bench seating;
- Soft landscaping- garden beds, trees, plants, lawns;
- Irrigation reticulation;
- Retaining walls (around Station Plaza);
- Other civil components including drainage;
- Signage and wayfinding;
- Street lighting (public place lighting & architectural lighting) and associated infrastructure;
- CCTV and associated infrastructure; and
- Public Art, as described in detail below.

The City has estimated the annual cost of maintaining the Station Plaza, excluding the Station Masters House and public art, is shown in the table below.

Item	Description	unit	Rate (\$)	Quantity (based off drawings)	Cost per year
1	Streetscape - Consolidation Maintenance				
1.1	Annual rate for establishment maintenance of Irrigated landscaping excluding traffic management	msq	\$14.00	1757	\$24,598.00
1.2	Annual rate for establishment maintenance of non-Irrigated streetscaping excluding traffic management	msq	\$17.00	7471	\$127,007.00
1.3	Service filtration unit - minimum 10 services a year	service	\$265	10	\$2,650.00
1.4	Annual rate - Street tree - inspection and formative prune	per tree	\$15	253	\$3,668.50
1.5	Traffic management Plan, Traffic management implementation	Allowance			\$35,000.00
1.6	Tree replacement allowance for failed species	Allowance	\$250	10	\$2,500.00
1.7	Planting replacement allowance 130mm pots	Allowance	\$7	250	\$1,750.00
1.8	Planting replacement allowance tubestock	Allowance	\$3	1500	\$4,500.00
2	Plaza maintenance				
2.1	Annual rate for establishment maintenance of Civic Spaces	msq	\$15.00	2700	\$40,500.00
3	Admin				
3.1	In house Contract administration and site inspections	Allowance			\$4,500.00
					\$246,673.50

Rationalisation of Reservations

The PTA is currently undertaking the rationalisation of the existing boundaries between the Streich Avenue road reserve and the rail reserves on either side, so that the realigned Streich Avenue sits wholly with road reserve and the Station Plaza is wholly with the rail reserve.

Station Masters House

The Station Master's House is located adjoining the Plaza and there are landscaped areas around the building. It is a heritage listed building that has been restored by the PTA to secure its heritage values and was the subject of an expression of interest for leasing. There have been some offers from PTA for the City to manage building. The management of the Station Master's House is not considered as part of this report. The City's preference is that PTA find a suitable leasee for the building.

City of Armadale Public Art Policy & Plaques

In alignment with the City's Public Art Policy, the PTA provided the following items pertaining to the art work:

- A copy of the initial mock up design of the art work;
- A photograph of the completed art work;
- The installation of a commemorative plaque onto, or alongside the art citing the artist's name, the title of the art work, the date of the art work and a statement from the artist about the art work.

The final requirement outlined in the Policy comprises a final inspection of the art work at the practical completion stage; this was undertaken on 27 June 2022 comprising City officers, staff from the Public Transport Authority and the artists. The maintenance requirements for each artwork was confirmed and longer term implications of managing the art works were discussed. These discussions are summarised as below.

PTA are proposing to fund two years of day to day appearance, cleaning and aesthetic maintenance for four Artworks and the City will fund the aesthetic maintenance beyond two years. PTA will be responsible for the replacement, damage and vandalism repair and other aspects as the owner for the lifecycle of the artworks. The City has advised PTA that any agreement for the City to undertake maintenance of the artworks would need to include the ability of the City to advise PTA that it can cease maintaining the public art work, if determined by Council.

With regard to the current plaques provided by the PTA, the City has been advised by the PTA that these have been designed and installed according to MetroNet's guidelines. Due to the plaques being a product of the PTA, the City will exclude these from its maintenance schedule however if in the future, the City becomes the asset owner of the art work, then replacing the plaques with the more appropriate City of Armadale style and details may be considered.

Public Art – Piece 1 – “Goolarmup Kaard Bilya (Kelmscott Hills & Rivers” – Artist: Peter Farmer)

The underpass abutment walls at Davis Road will be owned and managed by the PTA, however the public art which has been installed on either side is proposed to be maintained by the City. This public art is a sculptural artwork made out of aluminium and painted in various colours. It can be cleaned with a high pressure hose, soap and water and cleaning is recommended every two months. If any portion of the artwork needs to de-installed or re-installed it is recommended that the artist be contacted by PTA.

Public Art – Piece 2 – “Story of Noongar Symbols” - Artist: Peter Farmer

The PTA have installed another piece of public art comprising of two sculptures which are attached to the retaining walls to the north and south of Davis Road.

This public art is a sculptural artwork made out of aluminium and industrially painted in various colours. It can be cleaned with a high pressure hose, soap and water and cleaning is recommended every three months. If any portion of the artwork needs to de-installed or re-installed it is recommended that the artist be contacted by PTA.

Public Art – Piece 3 - “The Grand Parade” – Artist: Margaret Dillon

“The Grand Parade” comprises 23 sculptures that depict past and present flora and fauna of the Kelmscott region, cast in terrazzo and fixed to the garden wall with stainless steel pins. Having been sealed and coated with anti-graffiti treatment the sculptures can be cleaned with tap water for environmental grime and warm water with a ph neutral detergent for more serious grime. It is recommended that the work have a re-application of Barricade anti-graffiti treatment every 2 years or as required. The Maintenance Manual states that the objects are prone to vandalism, with repairs being done either on site or at the artist’s workshop where the moulds for casting the works are held. The cost of recasting an individual piece ranges from \$700 to \$1800.

It should be noted that there has already been some damage to this artwork: two of the animal sculptures have already been removed and replaced. A third piece appears to have now been removed as there are currently only 22 on site.

Public Art – Piece 4 - “A Stitch in Time” – Artist: Margaret Dillon

The second public artwork in Station Plaza is “A Stitch in Time”, three Stencil Pave artworks based on domestic doilies which were crafted by local textile artists. A polymer modified cementitious product was applied to the existing paving with the use of adhesive stencils. The product is described in the Maintenance Manual as “durable and trafficable” and graffiti can be removed from the artwork with commercially available products. No information is provided about methods or cost of renewing the artwork.

Public Art Maintenance Costs

An estimated cost of maintaining the four pieces of public art is shown in the table below, which does not include replacement of artworks. The City has made it clear that only minor aesthetic maintenance would be included in the proposed agreement.

Item	Description	unit	service	Rate (\$)	Cost per year
1	Plaza - Stitch in time - general monthly clean	service	12	\$60.00	\$720.00
1.1	Plaza - Stitch in time - every 2 years clean and Resealer coat	service	0.5	\$250.00	\$125.00
2	Plaza - the grand parade - clean monthly -	service	12	\$60.00	\$720.00
2.2	Plaza - the grand parade - every 2 years clean and Resealer coat	service	0.5	\$250	\$125.00
3.1	Streich Avenue Retaining Wall Public Art - high pressure clean 4 times a year	service	4	\$120.00	\$480.00
3.2	Streich Avenue Retaining Wall Public Art- reseal anti-graffiti 2 years	service	0.5	\$800	\$400.00
4.1	Underpass Public Art - high pressure clean 6 times a year	service	6	\$120	\$720.00
4.2	Underpass Public Art – reseal-anti graffiti 2 years	service	0.5	\$800	\$400.00
					\$3,690.00

Early Handover of Road Reserve Infrastructure

In addition to the Station Plaza and Public Art, MetroNet/PTA wish to bring forward the handover of landscaping and other infrastructure which the Denny Avenue Level Crossing Project has delivered within local road reserves. The City has been advocating for a two year maintenance period. PTA are proposing to fund the City's costs of undertaking the balance of the two year maintenance period.

The City has no in-principle objections to bringing forward the handover of this infrastructure and has been liaising with MetroNet/PTA to place a value upon the cost of:

- replacing any existing works that have failed, not yet been installed, or not been installed in accordance with the City's specifications; and
- assuming maintenance responsibility for all of those works for the balance of the two-year period.

One of the components of maintenance within road reserves is the emptying of bins. The City's estimated cost of providing that service for two years is \$7,490.

The City's budget will require amendment, if Council decides to accept the proposed funding arrangements.

The PTA provided a list of works in the project and proposed breakdown of ownership and management responsibilities for that infrastructure. The relevant works are shown in the extract below.

<i>Infrastructure</i>	<i>Owner</i>	<i>Management Responsibilities</i>
<i>Public Art</i>		
Artwork on both Davis Road underpass walls	PTA	City of Armadale *
Streich Avenue at Western Side Retaining Walls Artwork (both northern and southern stretches)	PTA	City of Armadale *
<i>Station Plaza</i>		
Hard landscaping- Station Plaza	PTA	City of Armadale
Soft Landscaping- Station Plaza	PTA	City of Armadale
Irrigation reticulation – Station Plaza	PTA	City of Armadale
Furniture	PTA	City of Armadale
Retaining walls around Station Plaza	PTA	City of Armadale
Civil Assets- Station Plaza	PTA	City of Armadale
Station Plaza- Utility Services	PTA	City of Armadale
Signage and Wayfinding	PTA	City of Armadale
Streetlights	PTA	PTA
CCTV and associated infrastructure	PTA	PTA
Electrical Switchboard	PTA	PTA
Comms Switchboard	PTA	PTA
Public Art- The Grand Parade situated along garden bed walls	PTA	City of Armadale *
Public Art- A Stitch in Time paving artwork situated as ground works in the paved pedestrian passage to Albany Highway	PTA	City of Armadale *

* Only minor aesthetic maintenance undertaken by COA.

Station Plaza Licence Agreement

The Station Plaza is proposed to remain under PTA control as a Crown Reserve/Railway Reserve and an asset, but be maintained by the City. Therefore a licence agreement is required to put the necessary arrangements in place. If Council resolves to accept maintenance responsibility for the abovementioned assets, it is recommended that Council authorise the CEO to enter into that licence agreement with PTA, subject to appropriate terms being agreed. The draft Licence Agreement is discussed later in the report.

Payment for Landscaping and Public Art Maintenance, Additional Replacement Landscaping

In addition to the abovementioned arrangements, PTA propose bringing forward the handover of landscaping and other infrastructure which it has installed within road reserves as part of the project, by making a one off payment to the City to cover the relevant maintenance costs to make up the balance of the PTA's two year maintenance period.

The proposed transfer of funds is as follows, noting that the breakdown is slightly different to the description of costs above:

Item	PTA Funding Proposal
2 Years Public Art Maintenance	\$7,380
2 Years Bins Maintenance	\$7,490
1 Year Landscaping Maintenance, including Station Plaza	\$246,673.50
Additional Landscaping Works	\$74,055
Total	\$335,598.50

ANALYSIS

The construction phase of the project was completed some time ago but negotiations around maintenance have been ongoing and consumed a substantial amount of staff time and resources. That experience has informed the City's approach to the Byford Rail Extension project, where it has encouraged PTA to engage the City early in the process to ensure a clearer and smooth path to the handover of project assets.

The funding proposal is as per the City's estimates and request, with the exception of the funding for additional landscaping works for the gaps in landscaping provision which is half of the City's request of \$148,110. PTA have verbally advised that their contractors could undertake the schedule of works within the amount of funds offered by PTA for the landscaping gaps. However, the City's officers have advised that the City undertakes significantly more preparation of the soil and landscaping to achieve greater success in establishment and better long-term results for landscaping in high amenity locations than has occurred to date.

The additional \$74,055 for landscaping of gaps in the existing provision will assist the City in delivering and addressing some of the landscape gaps. This will provide a benefit to the community and improve town centre streetscapes. It is important to note that the total funding package also provides some flexibility for the City in the delivery of landscaping works, if efficiencies can be found in the maintenance costings that have been prepared.

Licence Agreement

PTA have forwarded a draft Licence Agreement for the City's consideration. The draft Licence Agreement needs to be modified to suit the Kelmscott Plaza, the works the City is prepared to manage and management arrangements. The draft Licence Agreement includes the following:

- A Licenced Area – the initial Licenced Area Plan only includes part of the Plaza, as the Streich Ave road reserve has not been closed and amalgamated with PTA's Reserve to consolidate the Plaza. This will need to be resolved.
- Ten (10) year term – The City would prefer to have Options in the Licence Agreement to enable the PTA and the City to agree to options to extend the term of Licence.
- A Licence fee of \$1 per year.
- The City to pay all outgoings, electricity, gas, water, etc.
- The City to pay management and administration fees charged by PTA in the Licence. Given the nature of the arrangements, the City recommends that this requirement be deleted and the parties meet their own costs.
- The Licenced Area is only used for Community purposes.
- The City to have insurance including public risk insurance for an amount not less than \$50,000,000; insurance of all building, structures and improvements comprised in the Licenced area; etc...
- Licencee to ensure that there is not at any time any light (white or coloured) on the Licenced Area that affects a person on a train etc...
- Maintain plants and trees and ensuring no plant or tree in the Licenced Area is closer than 5 meters to any level crossing.
- The City is construct a drainage system. Given that PTA have recently constructed this infrastructure, it is recommended that this requirement is deleted.
- If required by PTA, the City is to erect and maintain fences. Given that PTA have recently constructed this infrastructure, it is recommended that this requirement is deleted. Telstra should be responsible for their fencing.
- Clauses on remediation, contamination, pollution and environmental harm.
- Ability of both parties to terminate the Licence with 6 months notice.
- Potential to increase the Licence fee. Given the fee is a peppercorn fee, this clause should be deleted.
- Require for consent from PTA to undertake specific works.
- Remove all graffiti within specified time periods.
- Maintain in good repair and condition, etc.

It is proposed that the CEO be granted authority to negotiate the terms of the Licence with PTA and following agreement on appropriate terms, sign and enter in the Licence Agreement.

OPTIONS

Council has the following options:

1. Advise PTA that the City is willing to accept the PTA funding proposal and maintenance responsibility for the relevant infrastructure as outlined in this report and enter into a Licence Agreement.
2. Advise PTA that the City is not willing to accept the PTA funding proposal or maintenance responsibility for some of the relevant infrastructure.

CONCLUSION

Option 1 is recommended, as it provides an opportunity for the City to receive the funding for some of the gaps in landscaping provision and the funds for maintenance of landscaping for the balance of the two year period enabling the landscaping to occur and be managed in accordance with the City's standards to improve the streetscape in Kelmscott. This will also enable the City to commence its evaluation and planning to enable further landscaping upgrades in the Kelmscott Townsite.

ATTACHMENTS

1. Location Plan - Denny Avenue Level Crossing Removal
2. Aerial Plan - Denny Avenue Level Crossing Removal
3. Land Lease Boundary Plan - Denny Avenue Level Crossing Removal

RECOMMEND

D30/10/23

That Council:

1. **Agree to the funding proposal and maintenance responsibility for the relevant infrastructure as follows:**

2 Years Public Art Maintenance	\$7,380
2 Years Bins Maintenance	\$7,490
1 Year Landscaping Maintenance, including Station Plaza	\$246,673.50
Additional Landscaping Works	\$74,055
Total	\$335,598.50

2. Authorise the CEO to negotiate the relevant provisions and enter into a Licence Agreement with PTA for the City to maintain Station Plaza.
3. Pursuant to section 6.11(i) of the *Local Government Act 1995*, a reserve account be established for 'Kelmscott – Landscaping, Public Art and Bin Maintenance Contributions' for the purpose of facilitating the transfer of PTA's maintenance funds for the portion of the maintenance period in 2024/25 for Landscaping, Public Art and Bins for Kelmscott District Centre.

4. Pursuant to Section 6.8 of the *Local Government Act 1995*, amend* the 2023/24 budget as follows:

Increase in Revenue - Operational Works Contributions 5510-410073-42060-5062

Public Art Maintenance Account by \$3,380

Kelmscott Landscaping Additional Works Account by \$74,055

Kelmscott Landscaping Maintenance Account by \$154,673.50

Bins Maintenance Account by \$3,490

Increase in Transfer to Reserve

Landscaping, Public Art and Bins for Kelmscott District Centre Reserve \$100,000 for allocation in 2024/25.

5. List the following for consideration as part of the Long Term Financial Plan per annum:

- Public Art Maintenance - \$3,700;
- Bin Maintenance - \$4,000;
- Plaza Maintenance - \$40,000;

*** ABSOLUTE MAJORITY RESOLUTION REQUIRED FOR PARTS 3 & 4**

Moved Cr R Butterfield
MOTION CARRIED

(6/0)

2.2 - REQUEST TO REVOKE MANAGEMENT ORDERS FOR RESERVES 22186 & 25940 ALBANY HIGHWAY, KELMSCOTT

WARD : RIVER

FILE No. : M/472/23

DATE : 14 September 2023

REF : JC

RESPONSIBLE MANAGER : EDDS

APPLICANT : Department of Planning, Lands & Heritage

LANDOWNER : Crown

SUBJECT LAND : Lot 1091 Streich Avenue & Lots 1092 & 1751 Albany Highway, Kelmscott

ZONING
MRS : Armadale Redevelopment
TPS No.4 Scheme 2

In Brief:

- Council has received a request from the Department of Planning, Lands & Heritage (DPLH) for the revocation of Management Orders for the former Kelmscott Library and Infant Health Centre Reserves 25940 and 22186. The request also includes the dedication of a newly constructed section of Streich Avenue.
- The request relates to the future redevelopment of these sites as part of the State Government's Housing Diversity Pipeline initiative.
- It is recommended that Council resolves to support the request, subject to significant trees on the site being protected as part of any future redevelopment.

Tabled Items

Nil

Decision Type

☒ **Legislative**

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

☐ **Executive**

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

☐ **Quasi-judicial**

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

Officer Interest Declaration

Nil

Strategic Implications

2.5.2 Seek the retention of trees in new subdivisions and developments.

3.1.1 Facilitate vibrant and prosperous activity centres throughout the City.

Legal Implications

Land Administration Act 1997.

Planning & Development Act 2005.

Armadale Redevelopment Scheme 2.

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

The City is already managing the Streich Ave road reserve, so no additional costs are expected for the road reserve. DPLH have requested that the City revoke its Management Orders for the two Reserves, therefore the City will not be responsible for costs of land management of these two reserves if supported by the City.

Consultation

1. City of Armadale Internal Business Units.

BACKGROUND

Site History and Context

The subject site is located between the Kelmscott Train Station and Albany Highway within the Kelmscott District Centre. The site is bound by Albany Highway to the east, Streich Avenue to the north and west and existing commercial development to the south. The site historically housed the Kelmscott Library (prior to its relocation to the land adjoining Stargate Shopping Centre and is now located in the Stargate Shopping Centre) and an infant health centre. Following the demolition of both buildings in the mid 2000's, the sites have remained vacant, with the exception of its temporary use for informal car parking and as a site compound to facilitate the recently completed Denny Avenue Level Crossing Removal Project works. The Denny Avenue Project works have realigned a portion of Streich Avenue, which now encroaches into the north west portion of Reserve 22555. The site is currently vacant and contains some mature trees in the southern portion of the site.

Previous Consideration

Council has previously considered the following matters related to the subject site:

- An agreement to allow PTA to temporarily use the site for a construction site compound in February 2020.
- Recommendations to DWA for Development Applications for Stages 1 and 2 of Denny Avenue Project at its April and July 2020 meetings respectively.

Land Tenure

The subject site comprises for the following land parcels:

Lot Details	Reserve No.	Area	Management Body	Management Order Purpose
Lot 1091	22555	2887m ²	Public Transport Authority	Railways
Lot 1092	22186	655m ²	City of Armadale	Infant Health Clinic
Lot 1751	25940	472m ²	City of Armadale	Library

Reserves 22186 (Lot 1092) and 25940 (Lot 1751) Albany Highway, Kelmscott are Crown reserves vested and managed by the City of Armadale for the purposes of an infant health clinic and a library respectively. These two Reserves are the subject of this request from DPLH.

The Management Order for Reserve 22186 (Lot 1092) includes a condition that requires *“that the Red Gum [marri] trees on the Reserve must be preserved.”* This Management Order dates from 1940 and is unique, with such a mechanism rarely applying through Management Orders. This matter is discussed further in the Comment section below.

DETAILS OF PROPOSAL

Housing Diversity Pipeline

The subject site has been identified as one of a number of the State Government’s Housing Diversity Pipeline sites. The City understands the project identifies and offers suitable surplus Government-land to the market for innovative housing developments that provide for social housing and deliver more housing choice, with funding support/opportunities.

Following an invitation by DPLH for expressions of interest for innovative proposals to deliver quality mixed-use developments, the State Government has received a Concept Development Proposal for the site. The DPLH have requested the Concept Development Proposal be treated as Confidential at this stage: refer to Confidential Attachment.

DPLH have advised the following estimated milestones for the next steps of the project (subject to change):

- July 2023: commence negotiations with preferred proponent.
- Q1 2024: contract approval, commence detailed designs and Development Approval.
- Q3/Q4 2024: DevelopmentWA (DWA) Development Approval. Commence construction.

It should be noted that any future development approvals for the development will be determined by DWA rather than the City or a Joint Development Assessment Panel (JDAP) as the site is located within a Redevelopment Area where DWA have planning control. It is expected that the development application will be referred to the City for its recommendation and advertised by DWA for public comment.

Land Assembly

DPLH are coordinating land assembly of the subject site to facilitate the creation of one freehold land parcel. This process involves the following steps:

1. Revoking the current management orders for each of the three reserves;
2. DPLH lodging a Crown subdivision that will:
 - Dedicate the portion of Streich Avenue that is currently within Reserve 22555 (Lot 1091) as road reserve (under the City’s care, control and management); and
 - Amalgamate the existing three Crown Reserves (excluding the newly dedicated portion of Streich Avenue) into one freehold lot.

Request

The Department for Planning, Lands and Heritage has requested the City:

- Consent to revoke its current Management Orders for Reserves 22186 and 25940;
- Advise whether it has any objection to the dedication of Streich Avenue; and
- Execute a statutory declaration regarding potential contamination and any interests in the Reserves 22186 and 25940 to be revoked to facilitate the land administration process.

COMMENT

Normalisation

The subject site is located in DWA's Kelmscott Redevelopment Precinct where DWA are currently responsible for planning control. Council resolved at its meeting held on 19 April 2021 to support normalisation of the Precinct back to the City's planning control, subject to conditions. DWA have previously advised the City that normalisation of the Precinct currently remains on hold. The City also initiated, advertised and then adopted Scheme Amendment No.112 in November 2021 to bring the DWA's Precinct into the City's Town Planning Scheme. This amendment was forwarded to the Western Australian Planning Commission for its recommendation to the Minister for Planning for final approval, however a decision on the Amendment No.112 has not been made to date.

Planning Framework

The following is a summary of the current planning framework for the site:

- The Metropolitan Region Scheme (MRS) and Town Planning Scheme No.4 (TPS4) are suspended as the Armadale Redevelopment Scheme 2 currently applies.
- DevelopmentWA's Armadale Redevelopment Scheme 2 (ARS2) – covers a portion of the Kelmscott Town Centre Precinct including the subject site.
- Design Guidelines – DevelopmentWA has a set of Design Guidelines which were originally adopted in 2007 and apply to development proposals within the Kelmscott Town Centre Precinct. These Design Guidelines provide guidance on development standards including, but not limited to, building design, building height, setbacks and site coverage.
- Policies – DevelopmentWA has 12 Development Policies which address the Movement Network, Public Open Space, Green Building, Heritage Places, Sound and Vibration Attenuation, Providing Public Art, Additional Structure, Signage, Home Based Business, Hosting Public Events, Affordable and Diverse Housing, and Adaptable Housing.
- Reserve 22186 (Lot 1092) (former Infant Health Clinic) will be relisted on the City's Local Heritage Survey (LHS) for its cultural heritage significance with a Management Category 4. Category 4 meaning the place has elements worth noting for community interest but otherwise the place makes little contribution to local heritage, which reflects that the building has been removed. The LHS will come into effect following normalisation of the Precinct.

Kelmscott District Centre Precinct Structure Plan and Development Concept Plan

Since 2021 the City has progressed the preparation of the Kelmscott District Centre Precinct Structure Plan (Precinct SP) to guide revitalisation and urban renewal in the Kelmscott District Centre and meet State Government objectives for high quality precinct/development design as per the WAPC's State Planning Policy 7.2 Precinct Design. At its February 2023 meeting, Council considered public submissions on the advertised Precinct SP and recommended that the WAPC grant approval subject to modifications (D3/2/23). The DPLH has sought the deferral of the consideration of the Precinct SP, pending the City initiating a Scheme Amendment and it progressing.

ANALYSIS

Housing Diversity Pipeline project

The subject site's location in the core of the Kelmscott town centre, opposite the train station presents an opportunity to develop an innovative transit orientated housing development in Kelmscott. The subject site is an appropriate location for this type of development, provided the ground floor of the building is used for active uses, such as retail or commercial uses.

Revocation of Management Orders

Reserves 22186 and 25940 are vested in the City for the purposes of an infant health clinic and a library respectively. The lots have not been used for these purposes since before 2005 and are not required for these purposes.

S.50 of the *Land Administration Act 1997* provides the Minister for Lands various avenues to revoke the management order of a reserve either with or without management body (the City) consent. DPLH have requested the City make a Council resolution under s.50(1a) of the *Land Administration Act 1997* that the City agree that its management order should be revoked.

As the sites are no longer used for the purposes that they were vested for, City officers recommend Council agree to the revocation of the management orders, subject to a condition regarding the protection of a number of existing trees on site. This condition is discussed further below.

Reserve 22186 Management Order – Protection of Trees

A condition on the Management Order for Reserve 22186 (prepared in 1940) states:

“...subject to the condition that the Red Gum trees on the reserve must be preserved.”

A copy of the Management Order is included in the Attachments. The trees formed part of the surrounds to the previous Kelmscott Infant Health Clinic (identified on the City's Local Heritage Survey) and are culturally and historically important to the Kelmscott Townsite. The lot includes three marri trees, located close to Albany Highway. (Refer to Aerial Photograph)

An Arborist Report (July 2023) was commissioned by DPLH that assessed all of the trees on all three Reserves (see Attachments). The report refers to the three marri trees on Reserve 22186 as Tree Nos. 9 – 11. The report outlines the following findings:

Tree No.9 - Marri

“Tree around 20+m tall with a crown spread of 15+m. DBH = 1100mm – Basal diameter = 1300mm.

Good specimen. Good form. Major and minor dead wood. Fully occluded branch removal wound 3m agl on western side of stem. The tree has a moderate lean towards the NW aspect. Old first order (main) branch removal wound on low stem 3m agl. Epicormic shoots surround this wound site. No old tree tag seen on stem.

Tree Risk Factor – LOW

Life expectancy – Mid Term – 15-40 years”

The arborist report recommends the works be undertaken to “remove major dead wood”.

Tree No.10 - Marri

“Tree around 20+m tall with a crown spread of 12+m. DBH = 830mm – Basal diameter = 1300mm.

Stem divides at 1.6m agl. Tree is sited 5m from block-paved footpath adjacent to Albany Highway. The larger stem has a first order (main) branch removal wound 4.5m agl. Some decay noted in wound face. Massive open lesion surrounds this wound and travels down towards the base of stem. Exposed wood on lesion appears sound. Lesion is around 1m wide at its widest. Old termite activity noted in vertical cracks in lesion – appears sound. Major and minor dead wood. No old tree tag seen on stem.

Main union appears sound at 1.6m agl. Old ‘flush cut’ wound 2m agl on larger stem. Good wound margin. Old termite activity seen around old ‘flush cut’ wound site. Appears sound.

Tree Risk Factor – MODERATE

Life expectancy – Mid Term – 15-40 years”

The Arborist report recommends the works be undertaken to “remove major dead wood”.

Tree No.11- Marri

“Tree around 12m tall with a crown spread of 5m. DBH = 900mm – Basal diameter = 1000mm.

Tree is a dead standing stem without bark and a crown proper. No basal flare seen. Two shallow cavities noted on branch removal wounds, on footpath side. No old tree tag seen on stem. Dead standing tree close to road – remove from area of high traffic

Tree Risk Factor – MODERATE

Life expectancy – N/A”

The Arborist report recommends on page 16 work be undertaken to “remove tree”.

Note: The Arborist Report incorrectly labels one of the photos on page 16 as Tree No.11, which should state Tree No.10.

The Arborist report makes the following conclusions on page 24 regarding the trees:

- *“All the subject trees appear to be sound (including the dead standing trees) and generally healthy.*
- *All of the subject trees are estimated to have a mid-term life expectancy of 15-40 years. Trees growing in urban areas generally have much shorter life spans than those growing under native or natural conditions which usually are undisturbed by surrounding factors such as in-ground activity, poor pruning standards, soil contamination, depletion of water and nutrients and so on.*
- *No trees are recommended for removal at the present time. Although the two dead standing trees appear to be sound it is recommended however that Tree No 11 – Marri could be removed as it stands directly adjacent to the busy Albany Highway.*
- *Tree No.1 appears to be a dead standing Jarrah and should be able to remain in situ for many years to come as an example of the longevity of these old veteran trees. The final decision on the management of these dead standing trees remains with the local authority.”.....*

The last comment isn't accurate as the Jarrah tree is not on a Reserve the City manages. The City can advocate its position.

- *“All the subject trees appear sound and the live ones healthy. There is no evidence in a history of major limb failure in any of the subject trees nor do any of the subject trees have evidence of major pest and/or disease symptoms.*
- *Ten subject trees have been rated as having a LOW ‘risk status’. Three have a rating of MODERATE. No subject trees have a HIGH or EXTREME ‘risk rating’.”*

Bowden Tree Consultancy 2018

The City obtained an Arborist Report (Bowden Tree Consultancy) in 2018, which assessed the two trees numbered 10 and 11 in the Arborist Report (July 2023) and recommended:

Tree No.1 (No.11 in Arborist Report - July 2023)

- *“Structure : Poor*
- *Health : Moribund.”*
- *Recommendation: “Further decline in tree health and structural condition is highly probable in the short term and a number of large diameter dead branches overhang the road and footpath/verge area. Subsequently, it is recommended to remove this tree to ground level and grind the stump. Alternatively, with several hollows evident which have the potential to provide fauna habitat, consideration could be given to crown reduction to approximately 11m and retention of a habitat stump to assist local fauna.”*

Tree No.2 (No.10 in Arborist Report - July 2023)

- *“Structure : Fair*
- *Health : High.*
- *Recommendation: “Undertake selective pruning to remove the damaged codominant stem extending northwest back to the stem attachment (see figure 8). Additionally, undertake deadwooding to remove the large dead branches from the crown of the tree.”*

The revocation of the management order will also extinguish the condition on the management order that requires the three trees to be preserved. The City has had the greatest success of preserving trees where they are located within Crown Reserves under the City's management. City officers recommend a new mechanism be prepared to ensure the ongoing protection of the trees once the management order is revoked. The options include:

1. Writing to the DPLH and DWA requesting that specific trees be retained during the land sale and/or Development Approval and construction process.
2. Specific trees shall be retained in the Crown Reserve and the balance of the Reserves be included in the land sale.
3. Request the retention of specific trees and vesting of the land as a Crown Reserve for Recreation as part of the Development Approval.
4. Request that a legal arrangement be put in place for the protection of specific trees.

A number of other trees on Reserves 22186 and 25940 have also been assessed in the arborist report. The July 2023 Arborist report outlines the following findings:

Tree No.8 - Hills Weeping Fig

“Tree around 16m tall with a crown spread of 25+m. DBH = 2x 720mm – Basal diameter = 1300mm.

Very dense crown within 2-3m of the gl. Tree is sited between the cyclone fence and the kerb. Tree around 1.6m from kerb. Kerb remains intact. Stem divides at around 1m agl. Low branches around base of stem. Minor dead wood. No old tree tag seen on stem.

The foliage is of normal colour, size and density. All branch unions appear sound. No major pest or disease symptoms seen.

Tree Risk Factor – LOW

Life expectancy – Mid term – 15-40 years”

The Arborist report recommends the works be undertaken to *“Lift crown to required height”*.

Tree No.12 - Bottlebrush

“Tree around 4.5m tall with a crown spread of 4m. DBH = 500mm – Basal diameter = 550mm.

Tree has a moderate lean towards the north. Two ‘leaders’ exist around 1.2m agl – appear sound. A large old branch removal wound exists 1.5m agl – exposed wood appears sound. No old tree tag seen on stem.

Tree Risk Factor – Low

Life expectancy – Mid term – 15-40 years”

The Arborist report does not recommend any works be undertaken to this tree.

Tree No.13 - Norfolk Island Hibiscus

“Tree around 6m tall with a crown spread of 5m. DBH = 400mm – Basal diameter = 450mm.

The small tree forms part of a bushy hedge line running from east to west bordering the KFC car park. The hedge is behind Tree Nos 8 and 9. The hedge contains specimens of Oleander, Hibiscus and Port Wine Magnolia. Two small ‘leaders’ arise 1.2m agl – appear sound. No old tree tag seen on stem.

Tree Risk Factor – LOW

Life expectancy – Mid term – 15-40 years”

The Arborist report does not recommend any works be undertaken to this tree.

Trees No.8 and 13 are located within the communal open space shown on the Draft Development Concept Plan and could be retained as part of this open space. Tree No.12 is likely to be impacted by future development. Tree No.12 is smaller than the majority of the other existing trees within Reserves 22186 and 25940, separated from the other trees on site and considered to have a lower landscape significance than some of the other trees.

One large dead Jarrah tree (Tree No.1) is located on Reserve 22555 (the Reserve vested in PTA). This dead tree will be removed, however the wood trunk could be used by the City for future use within the City’s reserves as nature play or similar. This is currently being considered by the City’s Parks Department.

Contaminated Sites Statutory Declaration

To facilitate the land assembly, DPLH have requested the City execute a statutory declaration regarding the contamination status of the two lots currently vested to the City. This is a standard procedure of State Lands Services. City officers have undertaken a review of records related to the site and cannot find any evidence suggesting the sites are contaminated. A recommendation is included to authorise the CEO to execute the document.

Dedication of Streich Avenue

The portion of Streich Avenue adjacent to the subject site was reconstructed and realigned as part of the Denny Avenue project works. The road pavement is now partially located outside the road reserve and the following alterations are required to ensure the road reserve is consistent with the actual road pavement:

1. Dedication of a portion of Reserve 22555 south of the road pavement as road reserve under the City's care, control and management; and
2. A road closure of the northern portion of the Streich Avenue and the amalgamation of this land into the Reserve containing the Station Plaza.

The road dedication referred to in point 1 above will be undertaken by DPLH as part of the future Crown subdivision. There is no requirement under the *Land Administration Act 1997* for the City accept or reject this road dedication, however it is standard practice for State Land Services to obtain written support from the City for the road dedication. City officers support the road dedication as it will correctly define the southern boundary of Streich Avenue and the recent road constructed. A recommendation has been included to this effect.

The road closure referred to in point 2 is being undertaken as a separate process by PTA and DevelopmentWA. The City has been advised that a draft Deposited Plan has been lodged with Landgate to facilitate this process. The City supports the road closure and can include a recommendation to formalise its support.

OPTIONS

Council has the following options:

1. Council could resolve to support the revocation of the Management Orders for the reserves with or without conditions.
2. Council could resolve to decline to revoke the Management Orders for the reserves and give reasons for doing so. However, it is noted that the State Government can revoke the Management Order without the City's support.

CONCLUSION

The subject land has been unused for its reserved purpose for a considerable time period. The Housing Diversity Pipeline project will bring an opportunity to develop a type of built form that is currently limited in the Kelmscott Town Centre and potentially stimulate future development under the City's Precinct Structure Plan. The retention and protection of the existing trees on the former Infant Health Centre is an important element of any future development and should be appropriately secured. Therefore, Option 1 is recommended.

ATTACHMENTS

1. Location Plan - Kelmscott Management Orders - Lots 1091, 1751 & 1092 Albany Hwy, Kelmscott
2. Aerial Plan - Kelmscott Management Orders - Lots 1091, 1751 & 1092 Albany Hwy, Kelmscott
3. DPLH Arborist Report – July 2023
4. CoA Arborist Report – Nov 2018
5. CoA Arborist Picus test results – 2018
6. Vesting Order – Reserve 22186 - Lot 1092 Albany Highway
7. Vesting Order – Reserve 25940 - Lot 1751 Albany Highway
8. Confidential - Concept Plan - *This matter is considered to be confidential under Section 5.23(2) (c) of the Local Government Act, as the matter relates to a contract entered into or which may be entered into by the City of Armadale*

Committee Discussion

Committee discussed the handover of landscaping within the road reserves and the retention of significant trees and shrubs abutting the southern boundary of the Reserves No.22186 and No.25940. Committee requested that an additional Condition advising DPLH, PTA and DevelopmentWA of the proposed retention of trees and shrubs be included in the Recommendation. Accordingly, a new Part 5 was included in the Recommendation.

RECOMMEND

D31/10/23

That Council:

1. **Requests the Minister for Lands revoke the current management orders for Reserve No.22186 (Lot 1092) and Reserve No.25940 Albany Highway, Kelmscott (Lot 1751) pursuant to Section 50 (1a) of the *Land Administration Act 1997* subject to:**
 - a) **Specific trees shall be retained in the Crown Reserve and the balance of the Reserves be included in the land sale.**
2. **Authorise the Chief Executive Officer to execute a statutory declaration regarding potential contamination for Reserve No.22186 (Lot 1092) and Reserve No.25940 (Lot 1751) Albany Highway, Kelmscott.**
3. **Support the dedication of a portion of Reserve No.22555 (Lot 1091) as road reserve for Streich Ave to be under the care, control and management of the City as shown on the Attachment.**
4. **Support the closure of a portion of Streich Ave road reserve for its amalgamation with a Crown Reserve to create the Kelmscott Plaza.**
5. **Advise the Department of Planning, Lands and Heritage, PTA and DevelopmentWA that in addition to Condition 1 above the City is seeking the retention of Tree No's 4, 5, 6, 8 and the existing shrubs abutting the southern boundary of the two Reserves No.22186 (Lot 1092) and Reserve No.25940 (Lot 1751) Albany Highway, Kelmscott.**
6. **Advise the Department of Planning, Lands and Heritage, PTA and DevelopmentWA accordingly.**

Moved Cr R Butterfield
MOTION CARRIED

(6/0)

3.1 - UDIA NATIONAL CONGRESS - MELBOURNE 18-20 MARCH 2024

WARD : ALL

FILE No. : M/434/23

DATE : 14 September 2023

REF : SS

RESPONSIBLE : EDDS
MANAGER

In Brief:

- The UDIA National Congress will be held at the Crown Melbourne, Victoria from the 18th to 20th March 2024.
- Matters to be covered should be of relevance to Armadale.
- Recommend that consideration be given to nominating a Councillor to attend.

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

Relates to the aim for good governance and leadership to:

- 4.1 Visionary Civic leadership and sound governance
- 4.1.3 Support the role of the elected body
- 4.1.3.3 Advocate and support Councillor engagement in outside bodies and events to maintain awareness and enhance the City's knowledge base.

Legal Implications

Nil.

Council Policy/Local Law Implications

Council Policy ADM3 – Conferences and Training

Council Policy EM1 – Reimbursement Councillor's Expenses

Budget/Financial Implications

The UDIA National Congress is on the City's approved Conference List for both Officers and Elected Members. Officer attendance will be funded from the Planning Service's Conference and Meeting budget. Sufficient funds are available in the Councillor/Member Development Budget should a Councillor be nominated to attend. The cost of the conference is estimated at \$4,400 per delegate.

BACKGROUND

The UDIA is conducting its 2024 National Congress at the Crown in Melbourne from Monday 18th to Wednesday 20th March 2024.

The UDIA typically host a number of topics which are potentially applicable to the City and may provide valuable insight and information in a number of areas that impact the City.

Nominations for Councillor attendance are requested at this Development Services Committee Meeting, to be presented to the September 26th Ordinary Council Meeting, in order to facilitate timely registrations.

DETAILS OF CONFERENCE

The 2024 National Congress provides a professional development experience which will offer insights of international industry leaders. The Conference is focusing on the urban development industry of Australia.

The concurrent sessions cover topics including:

- Economic Outlook
- Diversity and affordability – the challenge facing our cities
- The Housing Puzzle
- The Infill Conundrum – Taken on the NIMBYs
- Emerging Housing Forms
- International Showcases
- Up and out? – The Future of Suburbia

It is potentially beneficial for an Elected Member to attend the UDIA National Congress, given a number of topics may be applicable to the City and offer insight into matters that are impacting the City.

CONCLUSION

An Officer may be attending the UDIA National Congress. The matter is brought to the attention of Council to determine if it wishes to nominate a Councillor/s to attend.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

D32/10/23

That Council nominates Cr Hetherington to attend the UDIA National Congress 2024 at the Crown Melbourne from Monday 18th to Wednesday 20th March 2024.

Moved Cr K Kamdar

MOTION CARRIED

(6/0)

COUNCILLORS' ITEMS

Nil.

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT

Nil.

MEETING DECLARED CLOSED AT 7.56 PM

DEVELOPMENT SERVICES COMMITTEE SUMMARY OF ATTACHMENTS 9 OCTOBER 2023		
ATT NO.	SUBJECT	
1.1 DEDICATION OF PORTIONS OF LAND AS A PUBLIC ROAD - LOT 10 (2883) ALBANY HIGHWAY, KELMSCOTT		
1.1.1	Location Plan - Lot 10 (2883) Albany Hwy, Kelmscott	
1.1.2	Aerial Plan - Lot 10 (2883) Albany Hwy, Kelmscott	
1.1.3	Road Dedication Plan - Lot 10 (2883) Albany Hwy, Kelmscott	
1.1.4	Zoning Plan - Lot 10 (2883) Albany Hwy, Kelmscott	
1.1.5	Truncated Deposited Plan 416752 - Lot 10 (2883) Albany Hwy, Kelmscott	
1.1.6	Road Dedication - Aerial Plan 1	
1.1.7	Road Dedication - Aerial Plan 2	
1.1.8	Road Dedication - Aerial Plan 3	
2.1 PROPOSED INFRASTRUCTURE HANDOVER FROM DENNY AVENUE LEVEL CROSSING REMOVAL PROJECT		
2.1.1	Location Plan - Denny Avenue Level Crossing Removal	
2.1.2	Aerial Plan - Denny Avenue Level Crossing Removal	
2.1.3	Land Lease Boundary Plan - Denny Avenue Level Crossing Removal	
2.2 REQUEST TO REVOKE MANAGEMENT ORDERS FOR RESERVES 22186 & 25940 ALBANY HIGHWAY, KELMSCOTT		
2.2.1	Location Plan - Kelmscott Management Orders - Lots 1091, 1751 & 1092 Albany Hwy, Kelmscott	
2.2.2	Aerial Plan - Kelmscott Management Orders - Lots 1091, 1751 & 1092 Albany Hwy, Kelmscott	
2.2.3	DPLH Arborist Report – July 2023	
2.2.4	CoA Arborist Report – Nov 2018	
2.2.5	CoA Arborist Picus test results – 2018	
2.2.6	Vesting Order – Reserve 22186 - Lot 1092 Albany Highway	
2.2.7	Vesting Order – Reserve 25940 - Lot 1751 Albany Highway	

The above attachments can be accessed from the Minutes of the Development Services Committee meeting of 18 September (held on 9 October 2023) available on the City's website

CITY OF ARMADALE

MINUTES

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

PRESENT:

Cr K Busby (Chair)
Cr J Keogh (Deputy Chair)
Cr M J Hancock
Cr G Nixon
Cr M Northcott (Deputy for Cr Hetherington)
Cr M Silver

APOLOGIES:

Cr P A Hetherington
Cr S Peter

OBSERVERS:

Cr E J Flynn (*via Teams*)
Cr S Mosey (*via Teams*)
Cr G J Smith

IN ATTENDANCE:

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

PUBLIC:

Nil

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

DISCLAIMER

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

DECLARATION OF MEMBERS' INTERESTS

Nil

QUESTION TIME

Nil

DEPUTATION

Nil

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Corporate Services Committee Meeting held on 19 September 2023 be confirmed.

Moved Cr G Nixon

MOTION CARRIED

(6/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

Items in Issue No.15

Nil

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

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CORPORATE SERVICES COMMITTEE

10 OCTOBER 2023

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****1.1 - STATEMENT OF FINANCIAL ACTIVITY - AUGUST 2023**

WARD : ALL
 FILE No. : M/524/23
 DATE : 4 October 2023
 REF : MH
 RESPONSIBLE : Executive Director
 MANAGER : Corporate Services

In Brief:

- This report presents the City's Monthly Financial Report for the second (2) month period ended 31 August 2023.
- This report recommends accepting the Financial Report for the second (2) month period ended 31 August 2023, noting there are reportable actual to budget material variances for the period and that the opening balances for this report are preliminary with the final end of year position about to be finalized and audited by KPMG/OAG.

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

Nil

Strategic Implications

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

Legal Implications

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

Local Government Act 1995 – s.6.11 Reserve accounts

- (1) *Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*

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

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

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

Consultation

Nil

BACKGROUND

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

COMMENTS

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

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

Revenue

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

Expense

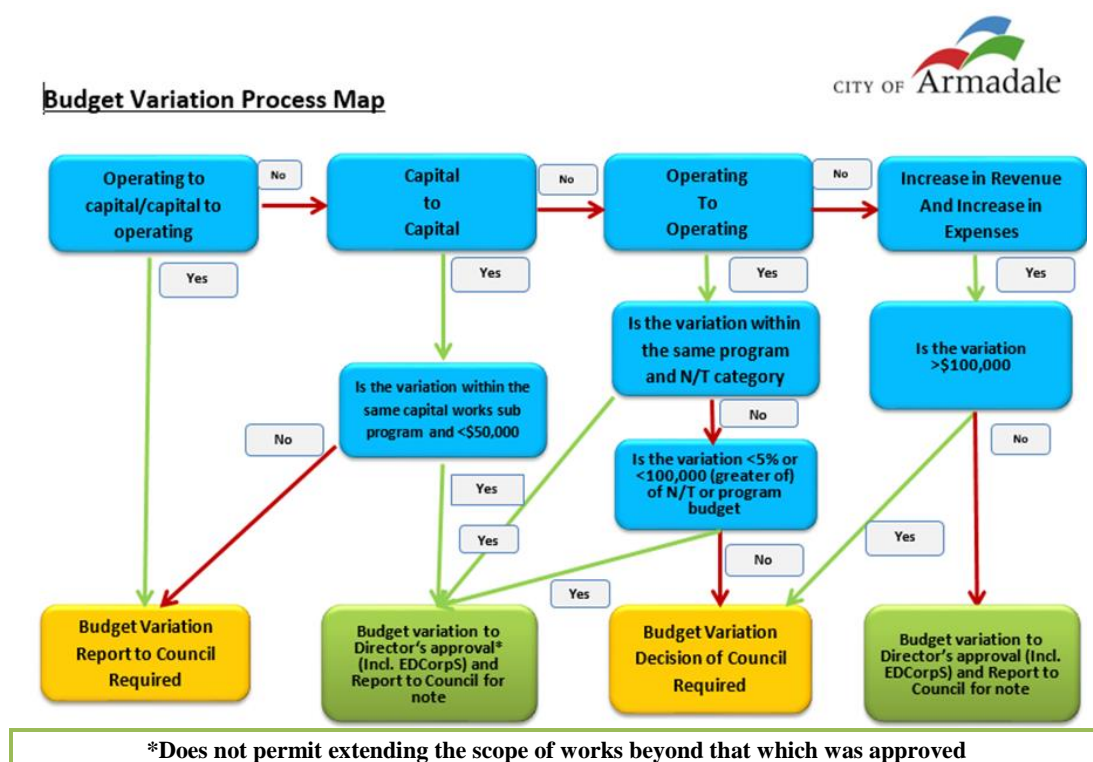
Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$100,000 and in these instances an explanatory comment has been provided.

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

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

At the 26 June 2023 Ordinary Meeting, Council adopted the Budget Variations Process Map which increased the Capital variation from \$40,000 to \$50,000 and the Operating to Operating from \$80,000 to \$100,000 to align with the adopted material variation threshold. Budget variations are presented to Council for authorisation by 'Absolute Majority' in circumstances where a forecast variation requires a movement from:

- Operating to Capital.
- Capital to Capital over \$50,000.
- Capital to Operating.
- Operating to Operating for amounts greater than 5% or \$100,000 (whichever is greater).



DETAILS

Presented as an attachment is the Monthly Statement of Financial Activity for the second (2) month period ended 31 August 2023.

The Monthly Statements are based on the model statements provided to the sector, which have been developed by Moore Australia, in conjunction with the Department of Local Government, Sport and Cultural Industries.

The opening balances presented for July are preliminary as the end of year accounts are due to be audited by KPMG/OAG during October. The accounts are yet to reflect the end of year reserve transfers for FY23 and do not include the infrastructure asset revaluation, which has only recently been received.

Capital Carry Forward Program Update

Included in the monthly report as an attachment is the status of the capital carry forward program as at the end of August 2023.

Rates Debtors

Last month, it was reported that there were 1670 properties that owed rates from FY23 totalling \$2.3M. City Officers have commenced the follow up with these properties and at the end of August, this had already reduced to 1534 properties totaling \$2.1M.

The complete table of rates debtors is being finalised and will be provided in the next report with the September financials.

Sundry Debtors

The total of Sundry Debtors 120+days is \$0.95M of which:

- \$675k is with Fines Enforcement Registry for collection;
- \$145k relate to Waste commercial customers which is likely to be collected;
- A further \$73k relate to Planning and Building debtors; and
- A number of community organisations make up the balance. The 60 day total which has rolled over with \$1.16M due is expected to be collected by the end of September.

ATTACHMENTS

1. [Rates Interest - Small Balance Written Off - August 2023](#)
2. Monthly Financial Report - Aug 2023
3. Carry Forward Balances for the Monthly Financial Statements - August 2023

RECOMMEND

CS43/10/23

That Council:

1. **Pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* accept the Statement of Financial Activity for the second (2) month period ended 31 August 2023; and:**
2. **Note that there are reportable actual to budget material variances for the period and this report is preliminary only for the end of August; and**
3. **Note the \$37.34 small rates debts written off under Primary Delegation 1.0 and Secondary Delegation CORPS 1.1.**

Moved Cr G Nixon
MOTION CARRIED

(6/0)

1.2 - LIST OF ACCOUNTS PAID - AUGUST 2023

WARD : ALL
 FILE No. : M/525/23
 DATE : 4 October 2023
 REF : MH
 RESPONSIBLE : Executive Director
 MANAGER : Corporate Services

In Brief:

- The report presents, pursuant to Regulation 13(1), (3) and (4) of the *Local Government (Financial Management) Regulations 1996*, the List of Accounts paid for the period 1 August to 31 August 2023 as well as the credit card statements for August 2023.

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

Nil

Strategic Implications

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

Legal Implications

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

6.10 Financial management regulations

Regulations may provide for —

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

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

13. *Lists of Accounts*

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

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

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

Consultation

Nil

BACKGROUND

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

COMMENT

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

ATTACHMENTS

1. Monthly Cheque and Credit Card Report - August 2023

RECOMMEND

CS44/10/23

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

Municipal Fund

Accounts paid totaling \$10,944,690.91 on cheque numbers 229 to 238, transactions 10407 to 12393 and Payrolls dated 6 August and 20 August 2023.

Credit Card

Accounts Paid totalling \$5,150.09 for the period ended August 2023.

**Moved Cr G Nixon
MOTION CARRIED**

(6/0)

****2.1 - REVIEW OF REDUNDANT DELEGATIONS OF AUTHORITY**

WARD : ALL
FILE No. : M/460/23
DATE : 4 October 2023
REF : DB
RESPONSIBLE : Executive Director
MANAGER : Corporate Services

In Brief:

- On 12 June 2023 and 26 June 2023, Council adopted a range of new delegations of authority under the *Local Government Act 1995*, the *Dog Act 1976* and *Cat Act 2011*.
- A number of existing delegations were not replaced as part of this process, as further research was required into the functions.
- This research is complete in part, and a number are presented for replacement.

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 be required 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.

BACKGROUND

On 12 and 26 June 2023 Council adopted, and repealed, a range of delegations of authority to the CEO. This represented the culmination of work involving Tranche 1 delegations as part of the overarching review of the City's delegated authority structure.

There were a handful of delegations that were not replaced and were in essence, 'held over' as further detailed assessment was required of those delegations and the powers contained in them. Those delegations are –

- a) **CORPS 11.0 Disposal of Property**
- b) **CORPS 6.0 Legal Representation for Councillors and Employees**
- c) **CORPS 7.0 Recognition of Service by Councillors**
- d) **NEW TBC Action, notices, proceedings, prosecutions and withdrawals – any other written law**
- e) **DS 3.0 Sale of Land Assets**
- f) **DS 27.0 Execution of Documents – Landgate**
- g) **NEW TBC Authorised to sign Memorandums of Understanding**
- h) **NEW TBC Planning, building and other development related applications where the City is the applicant/land owner**

For the purposes of meeting its compliance obligations with section 5.46(2) of the *Local Government Act 1995*, Council reviewed these delegations.

DETAILS OF PROPOSAL

The detailed assessment has now been done in part, the results of which are presented to Council for consideration. "CORPS 6.0 Legal Representation for Councillors and Employees" and "CORPS 7.0 Recognition of Service by Councillors" are still subject to further research with a report to be presented at a later date; henceforth they are excluded for the purposes of this report.

(1) CORPS 11.0 Disposal of property
DS 3.0 Sale of land assets

Previously, the City had a single delegation in CORPS 11.0 for the disposal of property. As part of the overall review of delegations, it was decided a better approach to delegating the authority to dispose of local government property was to split the function into two categories.

- Property that is land or buildings
- Property that is other assets (fleet, plant and equipment etcetera).

It was considered that, with the volume of activity involved with disposal of non-land assets – motor vehicles and plant primarily – it would be more manageable for the organisation to separate the core activities of the function delegated.

Accordingly, at Council's ordinary meeting on 12 June 2023, Council adopted delegation "1.1.20 Disposing of property other than land or buildings". This new delegation specifically addresses the distinction between disposing of plant/fleet assets, and land.

"CORPS 11.0 Disposal of property" was carried over by Council unchanged, as officers were intending to do more research and consideration of what was needed. The outcome of this further work is the draft delegation attached to this report "1.1.19 Disposing of property involving land or buildings".

The draft presented is a modernised version of CORPS 11.0, with the provisions relating to disposal of non-land assets removed, as those matters are now covered by a dedicated delegation.

This process also included an assessment of Development Services delegation "DS 3.0 Sale of land assets", undertaken as part of the consideration of CORPS 11.0 and the function generally. DS 3.0 was created to allow the CEO to undertake property disposals when Council had approved the disposition of property, and for the CEO to engage in negotiations with the purchaser and sign a contract of sale on behalf of the local government.

For all intents and purposes the function is the same as that of CORPS 11.0 – give effect to Council's decision to dispose of land, with the associated administrative duties. However there are some specific requirements that pertain to DS 3.0; these are incorporated into the draft attached to this report "1.1.19 Disposing of property involving land or buildings" to ensure specific land disposals relating to urban development and/or infrastructure projects are encompassed.

(2) NEW TBC Action, notices, proceedings, prosecutions and withdrawals – any other written law

This delegation was adopted by Council on 29 September 2020 (CS47/9/20). It contains a broad power to commence legal proceedings on behalf of the City under legislation other than the *Local Government Act 1995* which at the time was covered by a dedicated delegation (and remains so – "1.1.2 Local Government Act 1995 – legal proceedings").

The City has existing delegations of authority for the commencement of legal proceedings or enforcement action for a range of functions that are specific to the enabling legislation that contains the offence provisions relating to the action to be taken. These are –

DS 1.0 Planning powers and duties

Existing delegation that conveys a broad range of powers and functions under the Local Planning Scheme and *Planning and Development Act 2005*. Enforcement ability is contained in the Act and is not excluded by this delegation.

NEW TBC Building Act 2011 – Building Orders

Existing delegation that contains the power to commence a prosecution under section 133 of the *Building Act 2011*. Likely to be reviewed as part of Tranche 2 with the functions carried over.

DS 32.0 Commence Proceedings (Public Health Act 2016)

This is an existing delegation, which will be revised as part of the Tranche 2 review of the City's delegations. Whilst it will be reviewed, the function will remain.

DS 36.0 Food Act 2008 – Functions of enforcement agency

Whilst this delegation is current and delegates authority to the CEO and Manager Health Services for certain functions, it will be reviewed as part of Tranche 2 to make the functions clearer.

NEW TBC Bush Fires Act 1954 – Prosecution of Offences

Existing delegation proposed to be replaced as part of the Tranche 2 review. The basic function will be carried over.

6.1.2 Dog Act 1976 – dog control and enforcement functions

Adopted by Council on 12 June 2023 and delegates the ability to undertake proceedings under the Act.

1.1.2 Local Government Act 1995 – legal proceedings

Adopted by Council on 26 June 2023 and contains the delegated authority to commence a prosecution for offences under the LGA relating to the City's local laws or local government regulations the City is responsible for administering.

Accordingly it is recommended the delegation "NEW TBC Action, notices, proceedings, prosecutions and withdrawals – any other written law" is repealed. It's function is adequately provided for by existing delegations of authority for specific legislation and is not required.

(3) DS 27.0 Execution of Documents – Landgate

NEW TBC Authorised to sign Memorandums of Understanding

NEW TBC Planning, building and other development related applications where the City is the applicant/land owner

Policy ADM 21 – Authority to Sign Documents

Due to the number of instruments involved, including a new draft policy to replace them, this matter will be presented to Council at a later date.

(4) 1.1.5 Power of entry

Council adopted this delegation on 12 June 2023 (T2/6/23) as part of Tranche 1 of the overall delegation review. In the officer report, it was stated the new delegation “...*replaces ‘NEW TBC Local Government Act 1995 – Power of entry’ however in reality it is a carryover of the existing delegation with formatting changes...*”.

Following Council’s adoption of the delegations, officers obtained external advice that cautions against relying on s.9.10(2) of the Act to appoint an authorised person for the purposes of Division 3 powers, as that appointment should be by the local government. Consequently a revision of “1.1.5 Power of entry” is presented for consideration.

OPTIONS

1. Council can decide to not adopt and repeal the delegations described if it chooses.
2. Council can decide to retain or modify any of these delegations.

CONCLUSION

As the overall review of delegations progresses from Tranche 1 into Tranche 2 powers and functions, further minor improvements will likely be identified and highlighted for closer attention.

The approach taken by officers in this respect is that, rather than focusing on a singular annual review milestone, continuous analysis and improvement is a better methodology to ensure issues are identified and addressed promptly, thus providing better service delivery outcomes for the City.

ATTACHMENTS

1. Delegations for repeal and review/approval

RECOMMEND

CS45/10/23

That Council:

1. In accordance with section 5.42(1) of the *Local Government Act 1995*, delegate to the Chief Executive Officer the exercise of the powers and duties prescribed in the following instruments of delegation:

1.1.19 Disposing of property involving land or buildings; and
1.1.5 Power of entry
2. In accordance with section 5.45(1)(b) of the *Local Government Act 1995*, repeal the following instruments of delegation to the Chief Executive Officer:

CORPS 11.0 Disposal of property;
DS 3.0 Sale of land assets; and
NEW TBC Action, notices, proceedings, prosecutions and withdrawals – any other written law
3. Authorise the Chief Executive Officer 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 M S Northcott

MOTION CARRIED

(6/0)

2.2 - DRAFT ACCESS AND INCLUSION REFERENCE GROUP TERMS OF REFERENCE

WARD : ALL
FILE No. : M/556/23
DATE : 4 October 2023
REF : RM
RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

- This report presents the draft City of Armadale Access and Inclusion Reference Group Terms of Reference.
- Recommend that:
Council endorse the draft City of Armadale Access and Inclusion Reference Group Terms of Reference

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

Nil

Strategic Implications

Strategic Community Plan

Aspiration 1: Community

1.2 Improve Community Wellbeing

1.2.2 Facilitate the alignment of service and program delivery to identified social priorities within the community.

1.4 An inclusive and engaged community

1.4.2 Encourage the provision of inclusive and accessible facilities, services and programs within the community.

Access and Inclusion Plan 2021 – 2026

Legal Implications

Disability Services Act 1993 (amended in 2004) – Disability Access and Inclusion Plan

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Nil

Consultation

Nil

BACKGROUND

The City's Access and Inclusion Reference Group (AIRG) was established in 1995 at the same time as the City's first Disability Access and Inclusion Plan (DAIP), with the latter required by local governments as an element of the *Disability Services Act 1993 (amended in 2004)*. Since this time the title of the Group has undergone changes, with the current title in place since February 2021.

The primary purpose of the AIRG is to garner insight into local issues and solutions associated with the DAIP's implementation, monitoring and evaluation. The AIRG comprises a City Councillor and relevant City officers, with the majority of representation coming from community organisations or community members who either live with disability, care for a person with disability or who have an interest in access and inclusion.

The AIRG Terms of Reference 2021 – 2023 were last revised in February 2021 and was presented to Council resulting in the following resolution (C2/2/21):

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

DETAILS OF PROPOSAL

The draft AIRG Terms of Reference 2023 – 2025 is now presented to Council. The amendments to the Terms of Reference are cited in the attached document using the track changes function, with accompanying comments providing the detail. The Membership section contains the most amendments. All the sections are listed as follows:

- Introduction
- Objectives
- Powers
- Membership
- Quorum
- Meetings
- Roles and Responsibilities
- Conflicts of Interest
- Reporting
- Resources and budget
- Review
- Variations
- Term

ANALYSIS

The Access and Inclusion Reference Group is important to ensuring the City not only complies with its Access and Inclusion Plan but exceeds the AIP's eight Outcome areas by taking a locally relevant approach based on good practice. The draft Terms of Reference provides a clear framework for the governance and operation of the group, conducive to maximising the benefit of the members' local knowledge and insight.

OPTIONS

Council has the following options:

1. Endorse the draft City of Armadale Access and Inclusion Reference Group Terms of Reference as attached to this report.
2. Does not endorse the draft City of Armadale Access and Inclusion Reference Group Terms of Reference as attached to this report.
3. Amends the draft City of Armadale Access and Inclusion Reference Group Terms of Reference as attached to this report.

Option 1 is recommended.

CONCLUSION

The draft Access and Inclusion Reference Group Terms of Reference is presented to Council for endorsement. It outlines the elements required for the successful governance and operation of the AIRG in order for the City to satisfactorily implement, monitor and evaluate the Access and Inclusion Plan.

ATTACHMENTS

1. Access and Inclusion Reference Group - Draft Terms of Reference 2023 - 2025
2. No Track Changes - Access and Inclusion Reference Group - Draft Terms of Reference 2023 - 2025

RECOMMEND

CS46/10/23

That Council:

1. **Endorse the draft City of Armadale Access and Inclusion Reference Group Terms of Reference as attached to this report.**

Moved Cr M S Northcott
MOTION CARRIED

(6/0)

3.1 - RIVERS REGIONAL COUNCIL TO SUBSIDIARY

WARD : ALL
FILE No. : M/546/23

DATE : 4 October 2023
REF : NM
RESPONSIBLE : Executive Director
MANAGER : Technical Services

In Brief:

- A confidential report is presented at Attachment B-1 to this Agenda.

Strategic Implications

2.4 Sustainable Waste Management

- 2.4.1 The City will provide a contemporary, responsive and affordable waste management service to the community that balances environmental, social and financial sustainability outcomes.

Legal Implications

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

Council Policy/Local Law Implications

Not applicable.

Budget/Financial Implications

There are no budget implications of adopting the recommendation of this report.

Consultation

Intra Directorate.

Legal advice.

ATTACHMENTS

A Confidential Report is presented at Attachment B-1 to this Agenda.

RECOMMEND

CS47/10/23

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

**Moved Cr G Nixon
MOTION CARRIED**

(6/0)

COUNCILLORS' ITEMS

Nil

Cr Nixon thanked everyone on the Corporate Services Committee and the Executive Director Corporate Services.

Cr Busby thanked everyone on the Corporate Services Committee for the last couple of years. He also thanked Executive Director Corporate Services, Executive Manager Corporate Services, the CEO, Executive Directors and the Executive Assistant. Cr Busby wished good luck to everyone who was running in the upcoming elections.

CHIEF EXECUTIVE OFFICER'S REPORT

Nil

EXECUTIVE DIRECTOR'S REPORT

Nil

MEETING DECLARED CLOSED AT 7:10PM

CORPORATE SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
10 OCTOBER 2023		
ATT NO.	SUBJECT	
1.1 STATEMENT OF FINANCIAL ACTIVITY - AUGUST 2023		
1.1.1	Rates Interest - Small Balance Written Off - August 2023	
1.1.2	Monthly Financial Report - Aug 2023	
1.1.3	Carry Forward Balances for the Monthly Financial Statements - August 2023	
1.2 LIST OF ACCOUNTS PAID - AUGUST 2023		
1.2.1	Monthly Cheque and Credit Card Report - August 2023	
2.1 REVIEW OF REDUNDANT DELEGATIONS OF AUTHORITY		
2.1.1	Delegations for repeal and review/approval	
2.2 DRAFT ACCESS AND INCLUSION REFERENCE GROUP TERMS OF REFERENCE		
2.2.1	Access and Inclusion Reference Group - Draft Terms of Reference 2023 - 2025	
2.2.2	No Track Changes - Access and Inclusion Reference Group - Draft Terms of Reference 2023 - 2025	

The above attachments can be accessed from the Minutes of the Corporate Services Committee meeting of 10 October available on the City's website

CHIEF EXECUTIVE OFFICER’S REPORT

16 OCTOBER 2023

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1.1 - COUNCILLORS INFORMATION BULLETIN - ISSUE NO 16/2023

WARD : ALL
FILE No. : M/543/23
DATE : 22 September 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. 16/2023 to be received by Council

The following general information and memorandums were circulated in Issue No 16/2023 on 12 October 2023.

Correspondence & Papers

Information from Human Resources

Employee Movements

Information from Technical Services

Outstanding Matters and Information Items

Various Items

Monthly Departmental Reports

Technical Services Works Program

Information from Community Services

Outstanding Matters & Information Items

Report on Outstanding Matters

Library Upcoming Events

Community Planning

Community Development

Recreation Services

Library and Heritage Services

Ranger & Emergency Services

Information from Corporate Services

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

Accounting Reports

Nil

Report of the Common Seal

Information from Development Services

Outstanding Matters & Information Items

Report on Outstanding Matters - Development Services Committee

Review before the State Administrative Tribunal (SAT)

Design Review Panel Meetings - Sept 2023

Health

Health Services Manager's Report - Sept 2023

Planning

Planning Applications Report - Sept 2023

Schedule of current Town Planning Scheme No.4 Amendments

Subdivision Applications - WAPC Approvals/Refusals - Sept 2023

Subdivision Applications - Report on Lots Registered 2023/2024

Compliance Officer's Report - Sept 2023

Building

Building Services Manager's Report - Sept 2023

Building Health/Compliance Officer's Report - Sept 2023

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

CEO1/10/23

That Council acknowledge receipt of Issue 16/2023 of the Information Bulletin

***1.2 - 2022-23 CEO PERFORMANCE REVIEW & KEY PERFORMANCE INDICATORS
FOR 2023-24 - CHIEF EXECUTIVE OFFICER***

WARD : ALL
FILE No. : M/560/23
DATE : 3 October 2023
REF : RB/MB
RESPONSIBLE : Chief Executive Officer
MANAGER

In Brief:

- A Confidential Report is attached for consideration.

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

The item relates to the CEO's Contract of Employment

The 2023 CEO's performance review has now been undertaken and a Confidential Report and panel's recommendation is attached for endorsement.

ATTACHMENTS

1. Confidential Report - 2022-2023 CEO Performance Review and Key Performance Indicators for 2023-2024 - *This matter is considered to be confidential under Section 5.23(2) (a) (c) of the Local Government Act, as the matter affects an employee of Council; AND the matter relates to a contract entered into or which may be entered into by the City of Armadale*

RECOMMEND

CEO2/10/23

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

1.3 - REMUNERATION REVIEW - CHIEF EXECUTIVE OFFICER

WARD : ALL
FILE No. : M/580/23
DATE : 12 October 2023
REF : RB/MB
RESPONSIBLE : Chief Executive Officer
MANAGER

In Brief:

- A Confidential Report is attached for consideration.

Tabled Items

Nil

Decision Type

☐ **Legislative**

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

☒ **Executive**

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

☐ **Quasi-judicial**

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

Officer Interest Declaration

The item relates to the CEO's Contract of Employment

The 2023 CEO's performance review has now been undertaken and a Confidential Report and panel's recommendation has been referred via a separate report.

Attached is a report to inform the annual review of the CEO's Total Remuneration Package and a recommendation for Council endorsement.

ATTACHMENTS

1. Confidential Report - Remuneration Review - Chief Executive Officer - *This matter is considered to be confidential under Section 5.23(2) (a) (c) of the Local Government Act, as the matter affects an employee of Council; AND the matter relates to a contract entered into or which may be entered into by the City of Armadale*

RECOMMEND

CEO3/10/23

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

1.4 - CONTRACT REVIEW - CHIEF EXECUTIVE OFFICER

WARD : ALL

FILE No. : M/581/23

DATE : 12 October 2023

REF : RB/MB

RESPONSIBLE : Chief Executive Officer
MANAGER

In Brief:

- A Confidential Report is attached for consideration.

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

The item relates to the CEO's Contract of Employment

The 2023 CEO's performance review has now been undertaken and a Confidential Report and panel's recommendation has been referred via a separate report for Council endorsement.

Attached is a Confidential Report along with the Consultant's Report informing Council on the CEO's contract review.

ATTACHMENTS

1. Confidential Report - Contract Review - Chief Executive Officer - *This matter is considered to be confidential under Section 5.23(2) (a) (c) of the Local Government Act, as the matter affects an employee of Council; AND the matter relates to a contract entered into or which may be entered into by the City of Armadale*

RECOMMEND

CEO4/10/23

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



ORDINARY MEETING OF COUNCIL
TUESDAY, 26 SEPTEMBER 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 TUESDAY,
26 SEPTEMBER 2023 AT 7.00PM.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

PRESENT:

Mayor, Cr R Butterfield
presided over

River Ward

Cr J Keogh

River Ward

Cr S Peter JP

Ranford Ward

Cr M S Northcott

Palomino Ward

Cr P A Hetherington

Palomino Ward

Cr E J Flynn

Heron Ward

Cr G J Smith

Minnawarra Ward

Cr S S Virk

Lake Ward

Cr G Nixon

Hills Ward

IN ATTENDANCE:

Ms J Abbiss

Chief Executive Officer

Mrs M Bell

A/Executive Director Corporate Services

Mr M Andrews

Executive Director Technical Services

Mrs S D'Souza

CEO's Executive Assistant

Public: 7

LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr K Busby and Cr K Kamdar

APOLOGIES:

Apology received from Cr S J Mosey, Cr M Silver and Cr M Hancock

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

The following questions were taken on notice at Council's Meeting on Monday, 11 September 2023 and responses (summarised below) forwarded in a letter by the Chief Executive Officer.

Trehna Rouse, 3 Coachmans Place, Roleystone

Q2 As we now have evidence that 3 different vehicle types which have been tested at the gate have failed to open it in the manner recommended by the council. We have collated that with factual evidence which we have supplied to the Council and Councillors several months ago demonstrating that not all vehicles have the same parameters in relation to forward collision assist. Will Council now acknowledge that the nudge gate is not fully functional as designed?

Mayor: The question will be taken on notice. But I would suggest that there is nothing wrong with the gate design and if the driver of the vehicle knows what they are doing with their own vehicle, it will be able to be over ridden and then the gate will work as it is designed to work.

Response:

The gate operates as designed.

Q3 I sent an email several months ago in relation to demonstrating how the gate doesn't work and it took 2 months to get a reply that was non relevant to my email. Why did it take that long and why was the response not relevant to my email?

Mayor: The question will be taken on notice.

Response:

The gate operates as designed and its operability is assessed through regular maintenance checks.

The response to your email received on 26 June 2023 referred you to the direction set by Council through its decision to advocate through WALGA and work with other local governments to seek a fund for secondary access ways for developments constructed in bush fire prone areas.

The City seeks to respond to queries to members of our community in a timely manner based on workloads and competing priorities.

Q4 Today a report was actually made to Tech Services that the gate had again dropped and was **unable to be opened** according to the signage indications, it was jammed again. So given that there are now failings of this gate on all counts.

Mayor: Can I just ask if there was an emergency today?

No, was checking out the new signage that had been put in and because we had the weekend where Croyden Road has been blocked both ways, I leant

against that gate and it could not easily be moved. **It wouldn't move at all** and I have got photos of that. In view of this I would like to respectfully request that given the failings of the gate, that it should be locked in its open position for the bushfire season. Can I request the Council to consider the motion tonight to lock that fire gate open during the bushfire season only?

Mayor: I understand that you have been here a number of times about the same issue. Council's procedures do not allow for matters to be raised and discussed from the floor. There is a process that Council has to consider a report and recommendation before making a decision.

Q5 Could you advise what process that would be?

Mayor: We will let you know.

Response:

The processes for Council to receive a report include:

- (i) Where a Councillor Referral item has been supported by a decision of Council for a report to be prepared on a matter;*
- (ii) Where a petition has been lodged and Council determines, on receipt of the petition, for the matter to be referred to Committee or dealt with in connection in any Order of the Day;*
- (iii) Where a motion has been passed at an Electors Meeting;*
- (iv) Where a councillor has raised a notice of motion in accordance with the City's Standing Orders Local Law;*
- (v) Where the matter has been approved by the Presiding Member as Urgent Business; and*
- (vi) Where City Officers provide a report related to City business.*

In response to the claims that the gate was inoperable and reported to Technical Services, please note the following:

- 1. On Monday 11 September 2023 Ms Rouse telephoned Technical Services leaving a message explaining that the gate was not opening and needed to be fixed as soon as possible. This message was relayed to City Officers.*
- 2. At 1:55 pm a Properties Crew were requested to go to site.*
- 3. At 2:20 pm the Head of Service Delivery returned Ms Rouse's call and advised that the City had a crew on site.*
- 4. An email from Ms Rouse was also received by the City at 2.24 pm.*
- 5. The City's Operators:*
 - a. Inspected the gate for damage/condition issues, assessing the asset's function*
 - b. Tested the gate's operability:*
 - i. Pushed open the gate by hand towards Wymond Road with ease (uphill)*
 - ii. Pushed open the gate by hand towards Old Albany Lane with ease (downhill)*
- 6. City Operators videoed the operation.*

7. *City Operators checked the latching mechanisms in the opened positions, cleaned off the ball catch and regreased, the swing post was also regreased and alignment reviewed.*
8. *City Operators confirmed that there was no deviation from the gate's designed operability.*

On the day in question (11 September 2023), the emergency gate's camera was triggered by the opening of the gate at 1.03PM. The image shows a civilian woman opening the gate towards Wymond Road (uphill), evidencing its ease of operability.

- Q6 A question in relation to the drainage on Heritage Drive - from the recent rains that we have had we have got a constantly blocked drain and it blocks whether it is heavy rain or light rain and causes blockage in both thoroughfares in and out of Araluen. This has caused damage to vehicles and property so I would like to know what the Council's rectification plans are for the immediate and long term future?

Mayor: The question will be taken on notice.

Response:

Common sense and advice from the Department of Fire and Emergency Services suggests that drivers should assess road and weather conditions before proceeding into a water crossing involving a hazard of unknown depth and speed.

This location has a high potential for water to accumulate on the road surface during a severe rainfall event because it is the low point along the road and is also built over a natural water course. Whilst the City accounts for this via regular maintenance inspections and drains to keep the road open and serviceable, ultimately the City has no control over the volume of water that may accumulate in the location after a weather event of the type experienced.

Veronica Hansen, 8 Protector Grove, Roleystone

- Q1 My question is also about the gate. Certainly it is a gate for emergency exit only and we are very much mindful of that, but the gate also has a sign on it saying 'push here by hand' which really contravenes the summation of the Human Rights Commission that was explored several years ago?

Mayor: The question will be taken on notice.

Response:

The gate operates as designed and does not require change from its current form by the Australian Human Rights Commission.

4 PUBLIC QUESTION TIME

1 Lynn Hart - 37 Numulgi Street, Armadale

Q In regard to traffic flow patterns when the railway line closes down - My fear is that the corner of Eighth and Armadale Road will become even more dangerous than it already is and also Forrest Road at the other end of Eighth Road and Eleventh Road. I noticed that there was no money allocated at all to Forrest Road even though the new suburbs that have gone in have increased traffic a lot in that area and I suspect when the railway line is closed down there will be quite a lot of people trying to cross to get to Tonkin Highway. Has any Department or the Council looked at traffic flow problems that might emerge during that period?

Mayor: Thank you Lyn. Council has been negotiating and working with Metronet and PTA over the traffic movements and we do have grave fears as to where the traffic might go while the line is closed down. The CEO will be able to provide further information.

CEO: MetConnx, the contractor in charge of the works for the extension of the Byford line have been required to prepare traffic management plans so that as far as is reasonably practicable the traffic impact of the works can be managed. The State Government is responsible for the approval of those traffic management plans and the City has, at every opportunity it has been given, provided that local knowledge to Metronet and the MetConnx team to try and draw their attention to particular behaviours or travel patterns that the traffic management plan should address.

2 Sarah Stoneham - 31 Wymond Road, Roleystone

Q Would it be possible that during public question time if a questioner references a piece of legislation or a code of conduct or some other factual or evidence based information that they provide clear details of the reference? Once the minutes get recorded and go on the CoA website it becomes a matter of public record and often then there is misinformation, misquotation or misrepresentation or out of context quotations. Can this be introduced in the public question time policy?

Mayor: With public question time not every detail is recorded in the Minutes as current procedures only requires a summary. It might be worthwhile talking to one or the councillors or myself after the meeting if you have specific examples you would like to discuss and then we can see what you are referencing.

Question time closed at 7.06pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

1 Request for Leave of Absence (Cr Michael Hancock)

Request for Leave of Absence received from Cr M Hancock for Monday 9 October 2023.

MOVED Cr E J Flynn

**That Council grant leave of absence to Cr M Hancock for Monday 9 October 2023
(does not include an Ordinary Council Meeting).**

MOTION not opposed, DECLARED CARRIED

(9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 11 SEPTEMBER 2023.

MOVED Cr E J Flynn that the Minutes of the Ordinary Council Meeting held on 11 September 2023 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

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

1 Mayor's Announcements

Tuesday 12 and 13 September 2023

Cr Northcott attended the WALGA State Council Regional meeting in Katanning on my behalf.

Thursday 14 September 2023

Attended the Roleystone Neighbourhood Family Centre AGM. I was able to talk to Matt Swinbourn MLC and Hugh Jones MLA about various matters in the City of Armadale.

Friday 15 September 2023

Had a phone interview with Curtin FM to promote the Armadale Highland Gathering and Perth Kilt Run.

Saturday 16 September 2023

Attended the Armadale Cup for the Girls Junior Soccer Team to give a speech and hand out trophies. Cr Michelle Silver also attended and handed out awards.

Sunday 17 September 2023

Attended the WALGA Convention Mayors and Presidents Forum and Awards reception where Cr Melissa Northcott, Deputy Mayor Cr Kerry Busby and Cr Grant Nixon received Merit Awards for their contribution to the community and local government.

Monday 18 – Tuesday 19 September 2023

Attended the WALGA Convention and AGM as a voting delegate. Crs Northcott, Mosey, Smith, Silver also attended the convention sessions where there were many opportunities to learn.

Thursday 21 September 2023

Met with the CEO and Matt Keogh MP, Member for Burt to discuss local issues. Hosted a public citizenship ceremony at the Kelmscott Hall for over 100 new residents. Councillors Silver, Virk, Kamdar, Mosey and Smith also attended and assisted with the Certificates.

Saturday 23 September 2023

Opened the Awesome Armadale Arts Festival for Kids at the Kelmscott Hall. It was a very engaging free event sponsored by the City and was enjoyed by the children and adults who attended.

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

Nil

10 REPORTS

10.1 DEVELOPMENT SERVICES COMMITTEE MEETING

Report of the Development Services Committee held on 18 September 2023.

MOVED Cr P A Hetherington that the report be received.

MOTION not opposed, DECLARED CARRIED (9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

10.2 CORPORATE SERVICES COMMITTEE MEETING

Report of the Corporate Services Committee held on 19 September 2023.

MOVED Cr J Keogh that the report be received.

MOTION not opposed, DECLARED CARRIED (9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

BUSINESS ARISING FROM REPORT

Recommendation CS37/9/23 - List of Accounts Paid - July 2023

MOVED Cr J Keogh

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 \$13,172,451.44 on cheque numbers 219 to 228, transactions 10407 to 11306 and Payrolls dated 9 July and 23 July 2023.

Credit Card

Accounts Paid totalling \$6,398.40 for the period ended July 2023.

MOTION not opposed, DECLARED CARRIED (9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

Recommendation CS38/9/23 - Statement of Financial Activity - July 2023

MOVED Cr J Keogh

1

That Council pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* accept the Statement of Financial Activity for the first (1) month period ended 31 July 2023; and:

- 1. Note that there are reportable actual to budget material variances for the period and this report is preliminary only for the end of July.**
- 2. Note the \$3.73 small rates debts written off under Primary Delegation 1.0 and Secondary Delegation CORPS 1.1.**

**MOTION DECLARED CARRIED BY AN ABSOLUTE
MAJORITY RESOLUTION OF COUNCIL**

(9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

Recommendation CS39/9/23 - Confidential Award Nomination - Council Policy &
Management Practice EM5

Cr Peter – impartial interest – know the nominee

MOVED Cr J Keogh

That Council consider it appropriate that the matter of the confidential award nomination be raised by Cr Peter at the 26 September 2023 Ordinary Council meeting under “Matters Requiring Confidential Consideration”.

MOTION not opposed, DECLARED CARRIED

(9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

Recommendation CS40/9/23 - Business Hours - 2023-2024 End of Year Holiday Period

MOVED Cr J Keogh

That Council approve the attached Schedule-1 “City Business Hours December 2023 to January 2024”.

MOTION not opposed, DECLARED CARRIED

(9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

Recommendation CS40/9/23 - Payment of Superannuation for Councillors (Referral Item)

Committee Recommendation

That Council:

1. Approve further legal and technical advice being obtain as outlined in the report.

MOVED Cr J Keogh, OPPOSED Cr G Nixon

That Council note the officer's report and no further action required.

MOTION LAPSED FOR WANT OF A SECONDER

MOVED Cr G Nixon, SECONDED Cr S Peter

OPPOSED Cr J Keogh

That Council note the report & defer consideration of the matter until such time as:

1. **Payment of Superannuation contributions to elected members is introduced in the *Local Government Act 1995*; and**
2. **Section 7B of the *Salaries & Allowances Tribunal Act 1975* is amended to require the Salaries and Allowances Tribunal to inquire into and determine the maximum amount of superannuation contributions for elected members**

MOTION DECLARED CARRIED

(5/4)

FOR: Cr Nixon, Cr Virk, Cr Smith, Cr Northcott, Cr Peter

AGAINST: Cr Flynn, Cr Hetherington, Cr Keogh, Cr Butterfield

Recommendation CS42/9/23 - Roleystone Theatre Update

MOVED Cr J Keogh

That Council adopt the amended recommendation as presented in the Confidential Report.

MOTION not opposed, DECLARED CARRIED

(9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

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

(9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

BUSINESS ARISING FROM REPORT

Recommendation CEO4/9/23 - Councillors Information Bulletin - Issue No 15/2023

MOVED Cr M S Northcott

That Council acknowledge receipt of Issue 15/2023 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED (9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

13 MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION

1 Multi-storey Carpark near Piara Waters Library (Cr Shanavas Peter)

That the matter of a multi-storey carpark near the Piara Waters Library be referred to the Technical Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

14.1 Confidential Award Nomination - Council Policy & Management Practice EM5

MOVED Cr Peter that the meeting be closed to members of the public as the matter to be discussed is considered to be confidential under Section 5.23(2)(b) of the Local Government Act, as the matter to be discussed relates to the personal affairs of a person and standard protocol related to award recognition.

Motion Carried (9-0)

7.34pm Meeting declared closed. Members of the public left the meeting.

MOVED Cr Keogh That Clauses 9.5 (Limitation of Number of Speeches) and 9.6 (Limitation on Duration of Speeches) of the Standing Orders be suspended.

Motion Carried (9-0)

MOVED Cr Keogh that Standing Orders (Clauses 9.5 and 9.6) be resumed.

Motion Carried (9-0)

MOVED Cr S Peter, SECONDED Cr R Butterfield
OPPOSED Cr J Keogh

That Council adopt the recommendation of the confidential report and in accordance with that recommendation this item is to remain confidential until the next step in the award nomination process i.e. communication to and acceptance by the nominee, has been effected.

MOTION CARRIED

(7/2)

FOR: Cr Nixon, Cr Virk, Cr Smith, Cr Northcott, Cr Hetherington, Cr Peter, Cr Butterfield
AGAINST: Cr Keogh, Cr Flynn

*MOVED Cr Peter that the meeting be opened.
7.56pm Meeting declared open*

Members of the public returned to the meeting and were made aware of the above Council resolution.

15 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 7.57pm

MINUTES CONFIRMED THIS 16 OCTOBER 2023

MAYOR