



ORDINARY MEETING OF COUNCIL
MONDAY, 24 JULY 2023

AGENDA

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AGENDA

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DEVELOPMENT SERVICES COMMITTEE MEETING
HELD ON 17 JULY 2023

CORPORATE SERVICES COMMITTEE MEETING
HELD ON 18 JULY 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, 24 JULY 2023

**JOANNE ABBISS
CHIEF EXECUTIVE OFFICER**

20 July 2023

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Leave of Absence previously granted to Cr J Keogh, Cr M J Hancock and
Cr S S Virk

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

Nil

4 PUBLIC QUESTION TIME

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

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

It is also available in the public gallery.

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

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PETITIONS

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
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**8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT
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**9 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN
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Nil

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BUSINESS ARISING FROM REPORT

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Nil

**12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR
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**13 MATTERS FOR REFERRAL TO STANDING COMMITTEES –
WITHOUT DISCUSSION**

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

15 CLOSURE

CITY OF ARMADALE

MINUTES

**OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 17
JULY 2023 AT 7.00PM.**

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

APOLOGIES: Cr M J Hancock (Leave of Absence)
Cr S S Virk (Leave of Absence)
Cr M Silver (Deputy to Cr Virk)

OBSERVERS: Cr M Northcott (*via Teams*)

IN ATTENDANCE: Ms J Abbiss Chief Executive Officer
Mr P Sanders Executive Director Development Services
Mr J Lyon Executive Director Corporate Services (*via Teams*)
Mr M Andrews Executive Director Technical Services (*via Teams*)
Ms R Milnes A/Executive Director Community Services (*via Teams*)
Mrs N Cranfield Executive Assistant Development Services

PUBLIC: 2

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

DISCLAIMER

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

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 19 June 2023 be confirmed.

Moved Cr P A Hetherington
MOTION CARRIED

(5/0)

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 10 - JUNE 2023

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

DEPUTATION

Consideration of Minister's Modifications – TPS No.4 – Amendment No.121 – Rezoning of Lots 601-603 Balannup Road & Lots 200-202 Skeet Road, Harrisdale

Mr Richard Henderson, landowner of Lot 604 (No.57) Balannup Road, Harrisdale addressed the Committee at 7.03pm and provided the following comments -

- In regard to the above report being considered at tonight's meeting and my property boundary at Lots 603 and 604 Balannup Road, Harrisdale, I have previously put my objections in writing to the Council stating my objections to the boundary fencing and have not received a response.

I would like privacy fencing on my property boundary being Lots 603 and 604 Balannup Road, my property is quite a mess and I would like to leave it that way at the moment. The current development plan shows 25 houses on the boundary facing into my property. I would like to know what the Council's opinion on this is.

The Executive Director Development Services advised that the WAPC is currently determining the Structure Plan and the WAPC will determine the design of the subdivision application, including whether residential lots or a road will abut the subject lot. The Executive Director Development Services further advised that it's common for landowners to liaise with the developer and discuss any proposed boundary fencing.

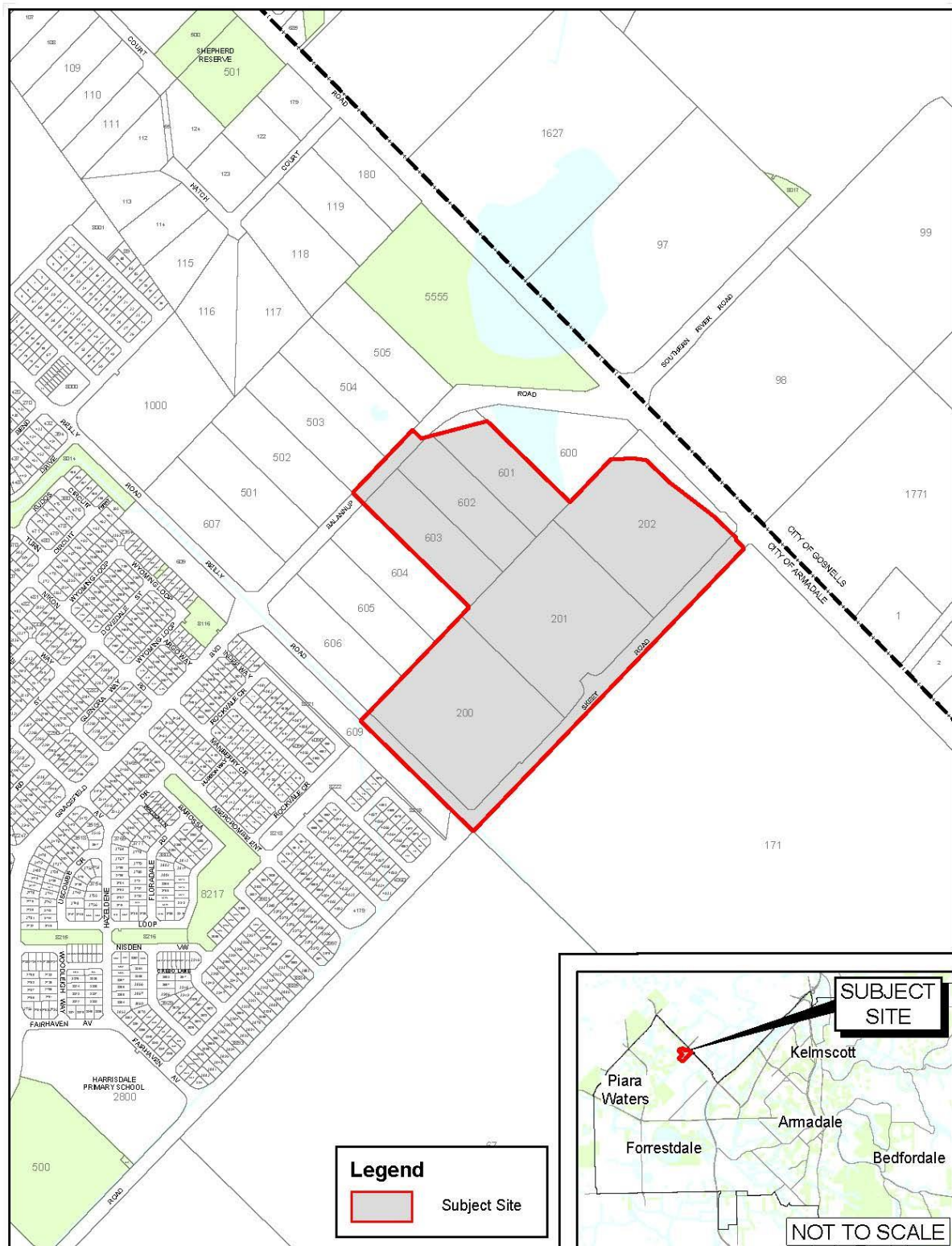
*Chair thanked Mr Henderson for his attendance.
Deputation retired at 7.11pm.*

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**4.1 - CONSIDERATION OF MINISTER'S MODIFICATIONS - TPS NO.4
AMENDMENT NO.121 - REZONING OF LOTS 601-603 BALANNUP ROAD & LOTS
200-202 SKEET ROAD, HARRISDALE**

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

WARD : RANFORD
FILE No. : - M/337/23
DATE : 13 JULY 2023
REF : AR
RESPONSIBLE MANAGER : EDDS
APPLICANT : Hex Design and Planning
LANDOWNER : Various
SUBJECT LAND : Lots 601 - 603 Balannup Road & Lots 200 - 202 Skeet road, Harrisdale
ZONING
MRS / : Urban
TPS No.4 : General Rural

In Brief:

- At its 24/10/2022 meeting, Council resolved to adopt Town Planning Scheme No.4 Amendment No.121 with modifications and to forward the amendment to the Western Australian Planning Commission and the Minister for Transport, Planning and Ports for final approval.
- The WAPC has advised the City that the Minister requires the City to further modify the Amendment pursuant to Section 87(2) of the *Planning and Development Act 2005*.
- The Minister's modifications require the re-inclusion of Lots 601 – 603 Balannup Road into the amendment area.
- Recommend that Council adopt the modified Amendment in accordance with the Minister's decision.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil

Strategic Implications

- 2.5.1 Ensure the City's planning framework is modern, flexible, responsive and aligned to achieving the outcomes of the Strategic Community Plan and Corporate Business Plan.
- 3.3.1 Ensure the City has contemporary strategies and dynamic planning frameworks to be responsive to economic development opportunities and trends.



AERIAL PLAN

TPS No.4 Amendment 121



SCALE 1 : 8000

DATE 15 September 2022 - REVISION 2201
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Legal Implications

Planning and Development Act 2005

Town Planning Regulations 1967

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme (TPS) No.4

Metropolitan Region Scheme

Council Policy/Local Law Implications

Local Planning Strategy 2016

Local Planning Policies

Budget/Financial Implications

Nil.

Consultation

The October 2022 Council minutes documents the consultation undertaken with stakeholders, government and the community as part of the City's consideration of the Amendment. The City will write to all submitters advising upon gazettal of the Amendment.

BACKGROUND

The Amendment to rezone Lots 601 - 606 Balannup Road and Lots 200 - 202 Skeet Road, Harrisdale from 'General Rural' to 'Urban Development' was initiated at Council's September 2021 meeting to ensure that TPS No.4 remained consistent with the MRS 'Urban' zone. This is a legislative requirement pursuant to Section 125 (3) of the *Planning and Development Act 2005 (P&D Act)*. Amendment No.121 is considered a Standard Amendment which has followed the appropriate process set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The various proposals of this Amendment (as advertised and described in the September 2021 report) are outlined as follows:

1. Rezone Lots 601 - 606 Balannup Road and Lots 200 - 202 Skeet Road, Harrisdale to the TPS No.4 'Urban Development' zone to enable the preparation of a Structure Plan;
2. Include the area in the TPS No.4 Special Control Area Map 3 – Development Areas, to identify the new Structure Plan (Development) Area;
3. Insert applicable provisions into TPS No.4 Schedule 8 Development (Structure Planning) Areas to address later structure planning, subdivision and development; and
4. Remove the poultry farm buffer from TPS No.4 Special Control Area Map 1 as a result of the permanent closure of the poultry farm on the corner of Skeet Road and Ranford Road.

Refer to Council Resolution D36/9/21 (including Plan (Amendment No.121 – Initiation)) in the report Attachments.

The Amendment was advertised for public review. The Council recommended at the 24 October 2022 meeting for the adoption of the Amendment subject to modifications excluding Lots 601 - 606 Balannup Road. Several landowners had also lodged wetland reclassification requests to the the Department of Biodiversity, Conservation and Attractions (DBCA), which has been determined by the DBCA. Further detailed discussion on the landowner objections and the DBCA wetland reclassification is included within the October 2022 Council meeting report.

Refer to Council Resolution D19/10/22 and recommended modified zoning Plan (Amendment No.121 – Adoption) in the report Attachments.

The WAPC has now written to the City advising that the then Minister for Transport, Planning and Ports (Minister) requires a number of modifications to the Amendment in accordance with Section 87(2)(b) of the *Planning and Development Act 2005 (Act)*. Section 87(2)(b) states as follows:

“(2) *The Minister may, in relation to a local planning scheme or amendment submitted to the Minister under subsection (1) —*

...

(b) *require the local government concerned to modify that local planning scheme or amendment in such manner as the Minister specifies before the local planning scheme or amendment is resubmitted for the Minister’s approval under this subsection;”*

DETAILS OF PROPOSAL

This report advises of the Minister’s modifications to TPS No.4 Amendment No.121 under Section 87(2)(b) of the *Act*, outlines the City’s assessment of the extent of each modification and a recommendation for subsequent progression of the Amendment. A copy of the modified Amendment text and the Amendment Plan as instructed by the Minister is attached. Council is required to resubmit the duly modified Amendment to the Minister for approval.

The Minister’s Amendment No.121 text and Plan Modifications are presented in the Attachments to this report.

The table below has been prepared to summarise Council’s adopted Amendment proposal and describe the Minister’s required modification.

Council Resolution Part	Details of Resolution	Minister’s Required Modification and City Planning Services Department Response
1.a.	Rezone Lots 200 – 201 Skeet Road and Lot 202 Skeet Road from the ‘General Rural’ zone to the ‘Urban Development’ zone;	Modified to also include Lots 601 – 603 Balannup Road into the Amendment area as originally advertised. Refer to later discussion in this report.
1.b.	Rezone portions of Skeet Road and Reilly Road reserves to ‘Urban Development’ zone;	Modified to also include portion of Balannup Road abutting Lots 601 - 603. This is a minor modification as a result of the changes to 1.a.

Council Resolution Part	Details of Resolution	Minister's Required Modification and City Planning Services Department Response
1.c.	Insert the following text in Schedule 8 Development (Structure Planning) Areas for the land generally bound by Ranford Road, Skeet Road, Reilly Road and the western boundary of lots fronting Skeet Road	Modified to refer to Lots 601, 602 and 603 Balannup Road, and Lots 200, 201 and 202 Skeet Road. This is a minor flow-on modification as a result of the changes to 1.a.
1.c Schedule 8 72.1	Subdivision and development of land is to generally be in accordance with a structure plan prepared and approved pursuant to Part 4 of the Deemed Provisions of <i>the Planning and Development (Local Planning Schemes) Regulations 2015</i> (as amended).	Provision 72.1 has been removed. This is a minor modification and therefore should be supported. Subdivision and development will still be required to be consistent with any subsequent structure plan in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
1.d	Include the land generally bound by Ranford Road, Skeet Road, and Reilly Road and the western boundary of lots fronting Skeet Road within Special Control Area Map 3 with the appropriate 'Development Area (Structure Plan) Schedule 8' and 'No.72' designations;	Modified to refer to Lots 601, 602 and 603 Balannup Road, and Lots 200, 201 and 202 Skeet Road. This is a minor modification as a result of the changes to 1.a.
1.e.	Modify Special Control Area Map 1 to remove the entire Poultry Farm Buffer over all properties;	No modification required.
1.f	Amend scheme maps as above.	No modification required.

COMMENT

The Minister's required modifications that are deemed to be substantial in nature relate to the re-inclusion of Lots 601 – 603 Balannup Road into the Amendment area. As such Lots 601 – 603 will be rezoned from 'General Rural' to 'Urban Development' under the TPS No.4 and will now be shown on SCA Map 3 within Development Area 72.

DPLH Officers, on behalf of the Minister and the WAPC, have provided the following explanatory justification for the required modifications:

- *Lots 601, 602 and 603 Balannup Road are unencumbered by wetlands or wetland buffers and the landowners of these respective properties have advised of their objection to the City's proposed modification to the amendment. As such, the Minister for Planning has supported their inclusion in the amendment land.*
- *Matters relating to Lots 604, 605 and 606 Balannup Road are currently under consideration by DBCA per the request of the landowner, and these lots have been removed from the amendment land accordingly.*

ANALYSIS

Council has been directed by the Minister under Section 87(2)(b) of the *Act* to make modifications to Amendment No.121. There are no formal appeal or rights of review if Council is aggrieved by the changes required. Notwithstanding, it is open for Council to advocate a position to the Minister, if Council so determines. Should Council wish to make a submission to the Minister with respect to some or all of the modifications required, then that option is available.

Lots 601 – 603 were included in the advertised Scheme Amendment area. These lots are not affected by the wetland reclassification process the Department of Biodiversity, Conservation and Attractions (DBCA) was undertaking.

OPTIONS

1. Council may acknowledge and note the modifications instructed by the Minister and authorise the Mayor and CEO to execute the modified amendment documentation prior to returning the documentation for final approval and gazettal.
2. Council may lodge a submission seeking the Minister to reconsider the modifications and explaining why Council queries the changes required by the Minister and await the Minister's further response, prior to implementing modifications to Amendment No.121 and authorising the Mayor and CEO to execute the modified amendment documentation.

CONCLUSION

Lots 601 – 603 are not impacted by any DBCA wetland reclassification application/decision. Council's previous resolution (D25/12/22) included that if DBCA determines the Structure Plan area contains wetlands of regional significance for protection, then the City write to the WAPC requesting the wetlands and buffers be reserved for Parks and Recreation in the Metropolitan Region Scheme to enable landowners to be compensated.

In accordance with Option 1 above, it is recommended that Council resolve to note the modifications requested by the Minister, authorise the Mayor and CEO to execute the modified Amendment documentation and return the documentation for final approval and gazettal.

ATTACHMENTS

1. TPS No.4 Map - Amendment No.121 - Initiation
2. Special Control Area Map 3 - Amendment No.121 - Initiation
3. [↓](#) Special Control Area Map 1 - Amendment No.121 - Initiation
4. TPS No.4 Map - Amendment No.121 - Adoption
5. Special Control Area Map 3 - Amendment No.121 - Amended
6. Special Control Area Map 1 - Amendment No.121 - Adoption
7. Schedule of Modifications - TPS No.4 - Amendment No.121
8. TPS No.4 Map - Amendment No.121 - Ministers Modification for Adoption
9. Special Control Area Map 3 - Amendment No.121 - Ministers Modification for Adoption
10. Special Control Area Map 1 - Amendment No.121 - Adoption

RECOMMEND

D18/7/23

That Council:

1. **Notes the Minister for Transport, Planning and Port's direction pursuant to Section 87(2) of the *Planning and Development Act 2005* as advised in the WAPC's letter dated 18 July 2023 to require the implementation of modifications to Amendment No.121 prior to the Amendment receiving final approval; and**
2. **Authorises the Mayor and the Chief Executive Officer to execute the modified scheme amendment documentation prior to the documentation being returned to the Western Australian Planning Commission.**

Moved Cr K Kamdar
MOTION CARRIED

(5/0)

*****1.1 - HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911 - APPOINTMENT OF DEPUTIES OF THE LOCAL GOVERNMENT***

WARD : ALL
FILE No. : M/235/23
DATE : 13 July 2023
REF : DD
RESPONSIBLE : EDDS
MANAGER

In Brief:

- This report requests Council to appoint Officers as the City's Deputies for the purposes of exercising and discharging provisions of the *Health (Miscellaneous Provisions) Act 1911* and its relevant regulations, local laws and orders.
- Recommend that Council appoint the listed persons as Deputies of the Local Government for the purposes of the *Health (Miscellaneous Provisions) Act 1911*.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil

Strategic Implications

- 1.2 Improve community wellbeing
- 1.2.4 Facilitate the delivery of health and wellbeing programs and services within the community.
- 2.1 Protection and restoration of the natural environment, and the reduction of environmental impacts
- 2.1.2 Improve the quality of water in the City's rivers, streams, brooks, drains and wetlands.
- 2.5 Quality development that enhances the amenity and livability of the City
- 2.5.6 Seek improvements to the nature and standard of developments within the City.

Legal Implications

Section 26 of the *Health Miscellaneous Provisions) Act 1911* authorises and directs every local government to carry out within its district the provisions of the *Act* and its relevant regulations, local laws and orders.

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

The appointment enables to City to perform its functions under the *Health (Miscellaneous Provisions) Act 1911* in an efficient manner.

Consultation

City Directorates.
City's Solicitors.

BACKGROUND

Section 26 of the *Health (Miscellaneous Provisions) Act 1911* (the *Act*) authorises and directs every local government to carry out within its district the provisions of the *Act* and its relevant *regulations*, local laws, and orders.

This section also provides the ability for the local government to appoint and authorise a person to be its Deputy and exercise and discharge all or any of the powers and functions of the local government under the *Act*, subject to conditions and limitations (if any) as determined by the local government.

Such an appointment does not affect the exercise or discharge of any power or function by the local government itself.

DETAILS OF PROPOSAL

To ensure that the City is able to continue to efficiently and effectively administer its obligations under the *Act*, it is requested that Council resolve to appoint Deputies of the local government for the purposes of the *Act*.

Section 26 of the *Act* provides that “a local government may appoint and authorise any person to be its deputy and in that capacity to exercise and discharge all or any of the powers and functions of the local government”.

For all intents and purposes this will have no effect on how the City's officers carry out their roles, since a delegate and a Deputy effectively perform the same function. Multiple Deputies need to be appointed to ensure effective discharge of the City's functions under the *Act*.

Whilst the *Act* refers to “authorised officers” to perform particular functions assigned to their office, this does not extend to *regulations 4 and 4A* of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* which require a “local government” to grant approval for the construction or installation of an apparatus for the treatment of sewage and disposal of effluent and liquid waste (*reg 4*) and provide a report in relation to an application for approval of an apparatus made to the Chief Health Officer (*reg 4A*).

It is recommended that the City's Coordinator Health Services, Senior Environmental Health Officers and Environmental Health Officers be appointed as Deputies of the local government for the purposes of the *Act*, subject to the condition that these officers may only:

1. Issue approvals for the construction and installation of apparatus for the treatment of sewerage and the disposal of effluent and liquid waste in accordance with *Regulations of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*; and
2. Prepare and provide a local government report in relation to an application for an approval made to the Chief Health Officer under *Regulation 4A* of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

These conditions will not affect their current powers and functions as an authorised officer as references to an authorised officer under the *Act* and associated *regulations* refer to those appointed as an authorised officer under the *Public Health Act 2016*.

CONCLUSION

Section 26 of the *Act* provides for the local government to appoint and authorise any person to be its Deputy and exercise any of the local government's powers or duties under that *Act*. It is recommended that a specific resolution of Council is passed to appoint the City's Deputies to fulfil the requirements of the *Act*.

ATTACHMENTS

1. [↓](#) Health (Miscellaneous Provisions) Act 1911 - Section 26 Extract

RECOMMEND

D19/7/23

That Council:

1. Pursuant to section 26 of the *Health (Miscellaneous Provisions) Act 1911*, appoint the persons listed below as the City's Deputies for the purposes of exercising and discharging any of the provisions of the *Health (Miscellaneous Provisions) Act 1911* and its relevant *Regulations*, including local laws and orders made under the aforementioned legislation, subject to the condition detailed below:

- a) Chief Executive Officer
- b) Executive Director Development Services
- c) Manager Health Services
- d) Coordinator Health Services
- e) Senior Environmental Health Officers
- f) Environmental Health Officers

Conditions:

The Coordinator Health Services, Senior Environmental Health Officers and Environmental Health Officers may only as Deputies:

- i. *Issue approvals for the construction and installation of apparatus for the treatment of sewage and the disposal of effluent and liquid waste in accordance with Regulation 4 of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*
- ii. *Prepare and provide a local government report in relation to an application for an approval made to the Chief Health Officer under Regulation 4A of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*

ABSOLUTE MAJORITY RESOLUTION REQUIRED

Moved Cr R Butterfield
MOTION CARRIED

(5/0)



LOCATION PLAN



SCALE 1 : 10000

DATE 19 June 2023 - REVISION 2301
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CITY OF  **Armadale**

***2.1 - DEVELOPMENTWA REFERRAL - PROPOSED ELEVENTH ROAD BRIDGE
AND ASSOCIATED WORKS - WUNGONG***

WARD : MINNAWARRA

FILE No. : - M/293/23

APPLN NO. : 37.2023.64.1

DATE : 13 July 2023

REF : JC/SW/PS

RESPONSIBLE MANAGER : EDDS

APPLICANT : MetConnx/Public Transport Authority

LANDOWNER : Various

SUBJECT LAND : Various

ZONING : Armadale

MRS / : Redevelopment

TPS No.4 : Scheme 2

In Brief:

- The Byford Rail Extension (BRE) project will replace a number of existing level crossings on the Armadale Railway Line with grade separated crossings.
- This third development application associated with the BRE project is for the replacement of the Eleventh Road level crossing with a road over rail bridge.
- The subject site straddles the boundary of the Armadale Redevelopment Area. Land west of the railway line is located within the Redevelopment Area and works within that area require development approval from DevelopmentWA (DWA). DWA have referred this application to the City for comment.
- The land east of the railway corridor is located within Planning Control Area (PCA) No.164 and works within that PCA are exempt from the requirement for planning approval. The Public Transport Authority's (PTA) contractors MetConnx have referred those works to the City for comment, as part of the Design Packages for the project.
- Recommend that Council advise DWA that it supports the development application subject to conditions.
- Recommend that Council advise the Public Transport Authority (PTA) of several matters and improvements that need to be addressed as part of the Design Packages.

Tabled Items

Nil.

Decision Type

☐ **Legislative**

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

☐ **Executive**

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

☒ **Quasi-judicial**

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



AERIAL PLAN
Eleventh Road Bridge DWA

75 0 75 150m



SCALE 1 : 7500

DATE 5 January 2021 - REVISION 2101
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Officer Interest Declaration

Nil.

Strategic Implications

- 1.2.1.6 Support projects that improve the perception and safety of patrons on the Armadale Line and increase train patronage.
- 3.1.2.1 Participate in the MetroNet working group for the Byford extension and advocate for outcomes that support the future growth of the Armadale City Centre.
- 2.2.2 Improve the amenity of streetscapes in established suburbs to provide an attractive, shaded network that connects residents to locations of interest.
- 4.1.1 Advocate for the delivery of key transformational projects.

Legal Implications

Public Works Act 1902

Metropolitan Redevelopment Authority Act 2011

Railway (MetroNet) Act 2018

Metropolitan Region Scheme

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

Town Planning Scheme (TPS) No.4

Council Policy/Local Law Implications

PLN 2.4 - Landscape Feature and Tree Preservation

PLN 3.12 - Percent for Public Art

Urban Forest Strategy

Local Biodiversity Strategy

Budget/Financial Implications

PTA are proposing to transfer management of landscaping and drainage areas to the City for management, which will be the subject of future reports for Council's consideration. The City understands that Main Roads WA will be managing the asset of the Eleventh Road Bridge and north/south Principal Shared Path (PSP), with the City being asked to consider management of other ground level assets outside of the Railway Corridor.

Whilst DWA are considering a Development Application at this time, it is important to note that the City's advice on the development application and the DWA's decision should not be construed as acceptance of management of assets by the City. The City's acceptance of management responsibilities will require further discussions and the contractors and PTA/MetroNet achieving the City's standards for assets.

Consultation

- 1. City of Armadale Staff participating in working groups and providing comment on 'Design Packages'. The City's staff have been required by MetroNet/PTA to sign a Confidentially Agreement in regard to the Project.
- 2. Advertising of the Development Application.
- 3. The City has advocated for MetConnx and PTA to engage with the local community and local environmental groups, in particular regarding any works that affect residents and environmental assets in the area. Limited consultation has occurred to date.
- 4. The Community Engagement document contains details from the main project rather than the actual engagement on the Eleventh Rd Bridge – eg. Briefing of COA Councillors on the project has not occurred and there are substantial changes from previous designs the City has provided advice on.

BACKGROUND

Subject Site

The subject site is located on the City's southern boundary with the Shire of Serpentine Jarrahdale. The proposed bridge over the railway is located approximately 600m west of the intersection of Eleventh Road and the South Western Highway. Eleventh Road connects the South Western Highway to Forrest Road and Wollaston Road.

Eleventh Road is currently constructed as a two lane rural standard road and with an active (flashing light controlled) level crossing at the railway line. The site is surrounded by predominately rural residential properties and adjacent to Fletcher Park to the north east. Properties to the south and north east of the proposed bridge are zoned Rural Residential and range between approximately 2000m² to 2ha in area. Surrounding properties west of the proposed bridge are also rural residential in nature and range between approximately 1 - 2ha in area, but are identified for future urban development by the Wungong Urban Water Master Plan.

Byford Rail Extension Project

This project will:

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

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

Planning Control Area No.164

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

Planning Exemption & Development Application

It should be noted that many of the temporary and permanent works associated with the BRE project are 'METRONET Works' on reservations/land subject to the Metropolitan Region Scheme and are therefore exempt from the requirement for planning approval, by virtue of the *Public Works Act 1902*, *Planning and Development Act 2005* and *Railway (MetroNet) Act 2018*.

Land west of the railway line is located within the Redevelopment Area where the Metropolitan Region Scheme is not operational and DWA has planning control. The exemptions and PCA mentioned above do not apply within the Redevelopment Area and development approval for the proposed works within the Redevelopment Area is required to be obtained from DWA. The City has been referred this development application by DWA and given an opportunity to provide comment for the western part of the Eleventh Road Bridge development only.

The City is being referred Design Packages for comment for sections of the bridge within the PCA. However it should be noted that the City's support should be obtained for infrastructure that is proposed to be transferred by the PTA to the City for management.

Wungong Urban Water Master Plan (Master Plan)

DWA's Master Plan broadly guides land use and development of the Redevelopment Area. The Master Plan assigns land surrounding the bridge as a predominately Suburban place code (Residential R35) and identifies a Passive Open Space place code to Conservation Category Wetlands and their buffers.

Eleventh Road Future Upgrade

The development of the Wungong Master Plan will generate additional traffic that necessitates the upgrade of existing rural standard roads in the area. Eleventh Road is identified as a District Entry Road standard (the highest road classification in the Wungong Movement Network Policy) and proposed to be widened to 33m. The ultimate road cross section will accommodate four lanes of traffic, bicycle lanes and dual use paths.

Draft Precinct 17 (Cell H) Structure Plan (SP)

A draft SP was prepared for the area of Wungong Urban Water surrounding the proposed bridge in 2022. The SP included:

- A network of residential streets either side of Eleventh Road;
- Upgrades to Eleventh Road;
- A Community Park for Lot 14 Eleventh Road; and
- Passive Open Space reservations over Conservation Category Wetlands and their buffers.

The applicant is not pursuing the draft SP any further at the moment, and the application has not been determined by DWA. It is expected that a new Structure Plan will be prepared in the future.

State Planning Policy 5.4 - Road and Rail Noise

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

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

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

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

The WAPC's State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7) applies to a variety of different stages of planning, including the assessment of development proposals. The Policy and the supporting Planning in Bushfire Prone Areas Guidelines (Bushfire Guidelines) require proposals to consider the impact of bushfire and provide appropriate measures to mitigate bushfire risk. The Bushfire Guidelines also specify requirements for road connectivity, design and construction specifications to ensure there are sufficient access and egress routes available in a bushfire emergency. Given the proposal includes alterations to the roads and access to surrounding properties these requirements are applicable to the development.

LPP PLN 2.4 - Landscape Feature and Tree Preservation

PLN 2.4 - Landscape Feature and Tree Preservation identifies mechanisms for protection of those significant trees through the planning and development process. While the applicant and DWA may have regard for this Local Planning Policy, neither are bound by the Policy.

MetroNet Sustainability Strategy

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

- *Native vegetation retention is prioritised. Where impacts are unavoidable, aim to minimise, rehabilitate or offset impacts to native vegetation.*
- *At least 20% vegetation canopy cover of the project footprint, or LGA target where higher.*
- *A landscape architect/designer involved early at project concept design to support realisation of good landscape design and opportunities for community amenity, lower maintenance costs, environmental values, green infrastructure and WSUD.*
- *Landscape design plans integrate and enhance biodiversity, tree canopy coverage, fire risk resilience and WSUD.*
- *The stakeholder and community engagement plan provides opportunity for the community in precinct planning and design.*
- *The community is consulted on their values and priorities for a precinct area, with values considered in precinct design and delivery.*

DWA's Development Policy 4 – Providing Public Art

The abovementioned DWA Policy applies to the proposed development within the Redevelopment Area. For developments between \$2 - 50 million in value the policy requires a contribution of 1% of the development construction cost to be made towards public art by either:

- i. make a monetary contribution to the DWA Public Art Fund for the area; or,
- ii. provide public art work to the value of one per cent (1%) of the total development cost.

MetroNet Public Art Strategy

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

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

DETAILS OF PROPOSAL

Development Application

The Development Application proposes replacement of the existing Eleventh Road level crossing with a two lane road over rail bridge, and includes the following:

- Construction of a two lane road over rail bridge (only the portion of the bridge west of the railway corridor);
- Construction of a PSP on the south side of Eleventh Road (only the portion of the PSP west of the railway corridor);
- Construction of a drainage basin within Lot 14 Eleventh Road, which will accommodate road reserve drainage;
- Extension of Keenan Street to provide access to Lot 16 Eleventh Road, as its existing road frontage to Eleventh Road will become inaccessible;
- Construction of an Emergency Accessway within the Keenan Street road reserve;
- Construction of a Western Power maintenance access track north of Eleventh Road;
- Realignment of existing Lot 12, 16 and 17 Eleventh Road driveways, to accommodate the new road layout; and
- Realignment of services to accommodate the proposed modifications.

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

- Landscaping Strategy;
- Construction and Staging Management Plan;
- Urban Design Treatment Strategy; and
- Operational Noise and Vibration.

Tree Retention and Replacement Landscaping (within Development Application)

The application proposes the removal of vegetation alongside Eleventh Road within the verges and front of properties acquired by PTA. The development also proposes:

- Clearing within Lots 14 and 110 Eleventh Road to accommodate bridge batters, drainage and powerline infrastructure;
- modification of vegetation within the Keenan Street road reserve to meet low threat requirements of the Bushfire Guidelines; and
- Replanting of areas proposed to be cleared surrounding the development with new plantings.

Public Art (within Development Application)

The City and the proponent have discussed improvements being made to the appearance of the structures constructed as part of the BRE. In response, the proponent is proposing the artistic treatment of the walls of the proposed bridge to improve its appearance to surrounding properties. At this stage, it isn't clear how the Public Art contribution/works will be progressed.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (within Development Application)

The application is accompanied by a Bushfire Vehicle Access Review that proposes to alter or restrict existing access points to surrounding properties from Eleventh Road and make a number of alterations or additional access ways to provide emergency access/egress from surrounding properties, including:

- Construction of a new access track across Lot 12 Eleventh Road to provide an alternative access route for the adjoining Lot 110 Eleventh Road;
- Construction of a new emergency accessway (partial using the proposed PSP) running alongside the railway between Wilson Street and the intersection of Eleventh Road and the Keenan Street road reserve to provide north-south connectivity under the Eleventh Road bridge; and
- Construction of a new emergency accessway (within the Keenan Street road reserve) from the end of Keenan Street to the existing emergency accessway connecting to Rivose Crescent.

Pedestrian/Cycle Access

The development also proposes the construction of a PSP that will run alongside the railway line under the Eleventh Road Bridge. A path is also proposed on top of the Eleventh Road Bridge, on the southern side of the road. A link is proposed between the path on Eleventh Road and the PSP close to the proposed cul-de-sac head at the end of Keenan Street.

Proposed Road Closure (within Development Application)

It is proposed that construction of the new bridge will require a period of 11 months where Eleventh Road is closed and vehicles are required to take alternative routes (Wungong Road or Rowley Road). Access to the surrounding properties would need to be maintained by the contractors during this period.

Design Packages

In addition to the development listed above, the following works which are exempt from planning approval have been referred to the City for comment, by MetConnx, as part of the Design Packages for the project:

- Construction of a two lane road over rail bridge (portion east of the railway corridor only);
- Construction of Principal Shared Paths on Eleventh Road (south side) and adjacent to the railway line under the bridge;
- Construction of a drainage basin within Lot 1 Eleventh Road;
- Construction of an access driveway within Lot 1 Eleventh Road to provide property access and access for utilities maintenance;
- Construction and reconfiguration of various Fire Service and Emergency Accessways;
- Alterations to the intersection of Eleventh Road and Burns Drive to create a cul-de-sac at the end of Burns Drive and provide a left-in access from Eleventh Road to Burns Drive;
- Realignment of existing driveways to properties south of Eleventh Road, to accommodate the new road layout; and
- Realignment of services to accommodate the proposed modifications.

These works are not included in this development application and are largely subject to separate assessment.

Environmental Approval

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

Environment (within Design Packages)

The proposal impacts vegetation north of Eleventh Road, including within Fletcher Park Reserve. Fletcher Park forms part of the Bush Forever Site 264 *Lambert Lane Bushland*. The park contains bushland mapped as a Threatened Ecological Community (TEC) Floristic Community Type 3a *Corymbia calophylla* – *Kingia australis* woodlands on heavy soils (Keighery 1994). This TEC is listed under the Federal *Environmental Protection and Biodiversity Conservation Act (EPBC Act)* as Endangered and Critically Endangered under the State *Biodiversity and Conservation Act (BC Act)*. The *Kingia australis* TEC within Fletcher Park is estimated to be several hundred years old and are critically endangered unique individuals (the only species within the Genus) that are confined to the southern region of WA. The site is known to contain 105 native flora species and 51 introduced species. Several species of Declared Rare Flora, *Eucalyptus balanites* and *Diuris purdiei* have also been recorded within the site and are also protected under the *EPBC Act* and *BC Act*.

Diuris purdiei (Purdie's Donkey orchid) grows on sand to sandy clay soils, in areas subject to winter inundation. The existing drainage pattern provides this winter wet habitat for the orchid. The proposed works could significantly alter the drainage around the orchid.

There is a high level of fauna activity within Fletcher Park, particularly quenda. Prioritising the preservation of habitat linkages and the inclusion of fauna crossings within the proposed bridge design is critical in maintaining biodiversity and supporting the health of ecosystems to facilitate gene flow, dispersal and movement of fauna for continued access to resources. Cutting off linkages may result in reduced biodiversity of the local fauna and flora populations. Two fauna crossings of the railway are proposed north of the subject area.

Land Acquisition & Future Dedication of Reserves

The PTA has acquired Lot 14 Eleventh Road and portions of some other adjoining properties to facilitate the construction of the bridge. At the time of writing these land transfers were in order for dealings. The City understands that PTA will finalise the transfer of land and dedication of land.

COMMENT

Public Advertising

This development application was advertised by DWA for a period of 21 days between 13 June 2023 and 4 July 2023. DevelopmentWA have advised that two submissions were received. One submission stating the submitter had no objection and one submission advising the submitter had the following concerns:

- Concern with the process undertaken in relation to the acquisition of the land required to undertake the project;
- Queries regarding the need for the infrastructure (drainage basins) the land acquired will accommodate; and
- Concerns regarding the impact to property value and amenity loss due to the loss of the land and highlighted a preference to investigate an alternative solution.

DWA's Design Review Panel

The applicant's presented to DWA's Design Review Panel (DRP) on 10 July 2023. Unlike like the WAPC's Design Review Panels for the Armadale Station, the City was not given the opportunity to present its views to the DWA's Design Review Panel and was only able to observe. This is an unusual approach, given that the Shire of Serpentine/Jarrahdale and the City of Armadale are key stakeholders in the outcome of this project and will be asked manage some of the assets. The DRP Notes are not yet available and are not likely to be provided to the City. The main matters raised in the Design Review Panel included:

- Significant loss of vegetation and lack of focus on protecting existing vegetation;
- The application contains limited environmental analysis. Matters such as Acid Sulphate Soils and Dieback management measures are not addressed in the proposal;
- Design needs to focus on future urban areas and interface;
- Bridges are very large structures and will dominate the landscape. Bridge should focus on design outcomes, rather than Main Roads WA transport requirements;
- Significant improvement to pedestrian/cyclist network;
- Proposed low threat revegetation and management responsibilities – has the management authority accepted this responsibility?;
- Bushfire risk management; and
- Turning movements and safety for Burns Dr intersections and movements.

ANALYSIS

Bridge (within Development Application)

The development replaces the existing level crossing with a two lane road bridge over the railway corridor. The applicant's traffic analysis indicates that the proposed bridge is sufficient to meet projected 2036 traffic volumes. It is noted that the consultants have used Main Roads WA modeling and applied a small increase in the vehicle numbers. This modeling is not consistent with the Traffic modeling undertaken by the City for the area as part of the Wungong Redevelopment Area, traffic modelling that was received for DWA's Cell H draft Structure Plan and the Department of Planning, Housing and Lands traffic modelling of arterial roads. This has been raised with the consultants several times during the design review process.

Alterations to Local Road Network (within Development Application)

The proposal includes alterations to the existing local road network to ensure ongoing access to surrounding properties. Longer term, the proposed bridge will affect the proposed road network within the Cell H draft Structure Plan. This includes impacts on street blocks abutting Eleventh Road and restricting intersecting streets. Any subsequent revisions of the Cell H Structure Plan will be required to address the impacts of the proposed bridge and propose an alternative road network, which would be possible.

Tree Retention and Replacement Landscaping (within Development Application)

The City notes the following about the proposal and the Tree Canopy Plans included with the application:

- A greater focus on tree retention in the first instance and the project adopting a culture of aiming to minimise land clearing and maximising tree retention;
- The proposal focusses on the replanting of new vegetation, rather than the retention of existing mature vegetation;
- The plans are based on a desktop assessment: no feature survey has been undertaken;
- Vegetation within private property, outside of the development footprint, has been included in the assessment of future canopy; and
- Some areas shown as suitable for vegetation replanting are not suitable for large trees, such as under powerlines.

The City considers a number of alterations should be made to the proposal to improve environmental outcomes of the project, including:

- Undergrounding of powerlines proposed to be located north of Eleventh Road;
- Increasing the amount of vegetation planted on the batters;
- The substitution of the proposed 5 litre pot size trees with 45 litre pot sizes; and
- Redesigning drainage swales within Lot 14 Eleventh Road to avoid existing vegetation.

The Officer Recommendation includes conditions to prioritise tree retention.

Public Art and Urban Design Treatment Strategy (within Development Application)

An Urban Design Treatment Strategy has been prepared that seeks to outline considerations of the aesthetic impact of the bridge and associated infrastructure with efforts made to reduce the impact to both the immediate environment and local stakeholders. The City is supportive of the principle of preparing such a document, however the Urban Design Treatment Strategy has:

- Been prepared without any input by the City or Councillors;
- Establishes proposed treatment priorities to reflect Main Roads WA requirements based on current land uses and housing density, the Strategy does not recognise or propose treatments based on the future Residential development of the area west of the Railway as part of the DevelopmentWA's Wungong Urban Water.

It is recommended that a condition be applied to revised the Urban Design Treatment Strategy to reflect the future Residential development of area west of the Railway as part of the DevelopmentWA's Wungong Urban Water Redevelopment Area.

Operational Noise and Vibration (within Development Application)

An Operational Noise and Vibration Report has been provided with the application which predicts future noise and vibration emissions and compares them to the relevant targets in state noise policies and industry guidelines. The report does not include detailed noise contour maps for the development and it is recommended that this information and any required mitigation measures be provided at a later stage. This is an unusual approach. A condition is recommended that a revised report be provided that includes detailed modelling and outlines noise mitigation measures once detailed design is progressed.

Proposed Temporary Road Closure (within Development Application)

When the applicant first contacted the City regarding closure of Eleventh Road they were proposing an 18 month closure. Following discussions and the City's officers raising concerns, the proposed closure period has now been reduced to 11 months, however that period is still considered to be excessive in terms of its impact upon residents of the broader area and it should be noted that some of the alternative east-west routes would themselves be subject to some closure impacts. Other issues that need to be addressed are:

- Eleventh Road is a part of the Restricted Access Vehicle (RAV) road network for heavy vehicles, and a viable alternative route would need to be found, following consultation; and
- The impact of the road closure upon emergency access/egress from properties in this bushfire prone area.

It is recommended that Council seek an amendment of the Construction Management Plan to address the abovementioned conditions.

Pedestrian/Cycle Access (within Development Application)

An opportunity exists for a linking path to be provided between the proposed Eleventh Road PSP and Keenan Street to provide greater connectivity for pedestrians and cyclists and connect to the future urban area west of the railway line.

A condition is recommended to address this issue.

Bushfire Vehicle Access Review

The Bushfire Vehicle Access Review recommends a number of actions that will have ongoing management implications for PTA and the City. For example, it is proposed that the City will be required to maintain the Keenan Street verges and vegetation within Lot 14 Eleventh Road to low threat standards which will be an ongoing management obligation for the City. This will place additional expectations and costs on the City, which are inconsistent with its landscape and environmental objectives.

Conditions are recommended to ensure PTA's implementation of the review report and for the proposed low threat vegetation requirements that are proposed to be managed by the City to be reviewed in the context of the City's expected costs and landscape and environmental objectives in the area.

Environment (within Design Packages)

While Ministerial Approval No. 1183 grants the proponent approval to clear vegetation for the project, conditions of this approval require the approval of an Offset Management Plan (OMP) prior to the commencement of ground disturbing activities. At the time of writing, the OMP had not been finalised and the City has not been consulted during its preparation. The City is responsible for managing reserves that are impacted by the Ministerial Approval and has requested involvement in the finalisation of the OMP. However this has not occurred.

Flora

Diuris purdiei (Purdie's Donkey orchid) grows in areas subject to winter inundation. The existing drainage pattern provides this winter wet habitat for the orchid. Further information is required regarding the proposed drainage works to determine the impact on the orchid. The City also notes that different drawings within the application documents shows different drainage flow directions. The City recommends these errors need to be rectified to confirm the drainage impact on the orchid and measures are in place for its protection.

Drosera oreopodion (Pygmy Drosera) and *Johnsonia pubescens subsp. cygnorum* are also identified as priority species within the development area. These areas have not been marked on any of the design drawings. The City recommends this species be identified and protected on a detailed Tree Retention and Removal Plan and has included a condition to this effect.

The City has identified the following regarding the proposed vegetation removal within Fletcher Park:

- The application plans do not show the full extent of vegetation clearing within Fletcher Park. Inconsistencies have been identified in the amount of vegetation proposed to be cleared in different plans that accompany the application.
- The proposed swale on the north side of Eleventh Road could be piped to reduce the horizontal separation distance between the proposed bridge and the swale and therefore reduce the amount of clearing needed for the swale.
- The overhead powerlines appear to be located outside the land acquisition boundary on the proposed landscaping plan which will result in additional clearing outside the land acquisition boundary to achieve Western Power's vegetation clearance requirements.
- Undergrounding powerlines on the north side of Eleventh Road would greatly reduce the amount of clearing required to accommodate the powerlines and the Western Power maintenance access track.

Dieback Management should be carefully considered as part of the works to prevent spread within Fletcher Park, particularly where soil translocation is proposed. Fletcher Park has been marked as being dieback infected, however mapping the disease edge is unclear. The City recommends dieback management measures are included in the Tree Retention Strategy.

Fauna

A high level of fauna activity exists in Fletcher Park. The construction of the bridge will impact the north-south of movement pattern of fauna. The City recommends fauna tunnels be constructed as part of the development to enable to existing fauna movement patterns are maintained or alternatively, the fencing around the base of the bridge on the eastern side of the railway being modified to enable fauna to move north/south under the bridge between Fletcher Park and the land south of Eleventh Road in a corridor between the railway line and bridge structure. The City also recommends a Fauna Relocation and Management Plan is prepared.

Access

The following alterations are proposed to access to Fletcher Park:

- Current access from Eleventh Road and informal verge parking along the northern verge of Eleventh Road will be lost due to the elevation of Eleventh Road above ground level; and
- The development will remove an existing firebreak along the southern boundary of Fletcher Park and two fire access gates.

The City requires ongoing vehicle access (including during construction) to Fletcher Park from Eleventh Road for volunteers, visitors, fire and maintenance. Currently there are not sufficient access tracks into Fletcher Park from the north. The closure of access from Eleventh Road would result in the need to clear vegetation within the park for access and firebreaks.

The City identified a number of discrepancies between application plans and the Bushfire Vehicle Access Review report regarding fire access to Fletcher Park and the location of access tracks.

The City recommends:

- Arrangements be considered to provide access into Fletcher Park from the proposed cul-de-sac within the adjacent Lot 1 Eleventh Road;
- The design incorporate joint access tracks to service the bridge, drainage, power lines, Fletcher Park reserve and firebreak maintenance activities both between Eleventh Road, Reserve 14217 and extending to Mitchell Street;
- Plans be revised to show proposed firebreaks/maintenance tracks constructed with an appropriate treatment;
- The Bushfire Vehicle Access Review report be revised to acknowledge alterations proposed to access to Fletcher Park; and
- That the City advise PTA the proposed 1.8m chain-link fence with 3 rows of barbwire on the new southern reserve boundary shown “Accommodation Works Plan” supplied by PTA is not supported and should amended to meet the City’s fencing standards.

A recommendation is included to address the above issues.

Future City Assets & Design/Maintenance Issues

As the development progresses, the City and PTA will need to consider future tenure and management of Lot 14 Eleventh Road and infrastructure within the Eleventh Road road reserve. The City's acceptance of management responsibilities will require further discussions and the contractors and PTA/MetroNet achieving the City's standards for assets.

OPTIONS

Council has the following options:

1. Recommend to DWA that the development application for the Eleventh Road Bridge be approved subject to conditions.
2. Recommend to DWA that the development application for the Eleventh Road Bridge be refused and specify planning reasons.

CONCLUSION

The proposed bridge is consistent with the MetroNet's project, however this application gives rise to many important issues that will be required to be addressed during subsequent stages. It is therefore recommended that the development application be supported subject to conditions to address these matters.

ATTACHMENTS

1. Planning Framework - Eleventh Road Bridge
2. Separate Attachment - Development Application - Eleventh Road Bridge

RECOMMEND

D20/7/23

That Council:

A) Recommend that DevelopmentWA approve the development application for the proposed Eleventh Road Bridge and Associated Works pursuant to clause 5.20(1)b of the Armadale Redevelopment Scheme 2 subject to the following conditions and advice:

- 1. The proposed development is to be carried out in accordance with the attached plans approved by DevelopmentWA, subject to any modifications as required by the conditions of approval.**
- 2. A public art plan being submitted and approved to the satisfaction of DevelopmentWA, on the advice of the City of Armadale and MetroNet office. Once approved, the plan shall be implemented in its entirety.**
- 3. A revised Tree Retention Strategy shall be submitted to and approved by DevelopmentWA, on the advice of the City of Armadale, prior to the commencement of site works. Once approved, the Tree Retention Strategy is to be implemented in its entirety to the satisfaction of DevelopmentWA and the City.**

4. A detailed Landscape Plan shall be submitted and approved by DevelopmentWA, on the advice of the City of Armadale, prior to the commencement of operations. Once approved, the Landscape Plan is to be implemented in its entirety.
5. A revised Construction Management Plan shall be submitted and approved by DevelopmentWA, on the advice of the City of Armadale, prior to the commencement of site works. Once approved, the Construction Management Plan is to be implemented in its entirety to the satisfaction of DevelopmentWA.
6. A revised Traffic Management Plan shall be submitted to and approved by DevelopmentWA, on the advice of the City of Armadale prior to the commencement of site works. Once approved, the Traffic Management Plan is to be implemented in its entirety to the satisfaction of DevelopmentWA.
7. A revised Bushfire Vehicular Access Review shall be submitted to and approved by DevelopmentWA, on the advice of the City of Armadale prior to the commencement of site works. Once approved, the Bushfire Vehicular Access Review is to be implemented in its entirety to the satisfaction of DevelopmentWA.
8. An updated Operational Noise and Vibration Report shall be submitted and approved to the satisfaction of DevelopmentWA, on the advice of the City of Armadale prior to the commencement of site works. Once approved, the Operational Noise and Vibration Report is to be implemented in its entirety to the satisfaction of DevelopmentWA.
9. A Drainage Management Plan shall be prepared to the satisfaction of DevelopmentWA on the advice of the Department of Water and Environmental Regulation and the City of Armadale, prior to the commencement of relevant construction works. Once approved, the plan is to be implemented in its entirety.
10. A revised Urban Design Treatment Strategy shall be prepared, submitted and approved by DevelopmentWA, on the advice of the City of Armadale, to amend the proposed Treatments and related text/measures to be consistent with DWA's future Urban Redevelopment Area prior to the commencement of operations. Once approved, the Urban Design Treatment Strategy is to be implemented in its entirety.
11. All accessible structures within three metres of ground level which are the subject of this application are to be applied with an anti-graffiti coating or other agreed treatment to the satisfaction of DevelopmentWA on the advice of City of Armadale.
12. Any damage to trees that were not identified for removal in the Tree Retention Strategy or removal of vegetation located outside the development area and incurred during the construction process shall be replaced or repaired at the cost of the landowner/applicant, to the satisfaction of DevelopmentWA, on the advice of the City of Armadale.

13. A Dilapidation Survey of surrounding properties within an identified Zone of Influence being undertaken to the satisfaction of DevelopmentWA, on the advice of the PTA, prior to the commencement of any site works that may involve substantial earthworks, vibration and/or dewatering.
14. Lighting shall be provided for cyclists and pedestrians on the PSPs and the path on the bridge to the satisfaction of the City.
15. Modification of the proposed civil plans to include a shared path linking the proposed Keenan Street extension to the proposed shared path.
16. Prior to the commencement of any site works, a Dust Management Plan shall be prepared and submitted to DevelopmentWA for approval on advice from the City of Armadale Health Services. The approved plan shall be implemented and all work shall be carried out in accordance with the approved plan thereafter.
17. A Soil Management Strategy shall be submitted and approved by DevelopmentWA, on the advice of the City of Armadale, prior to the commencement of operations. Once approved, the Soil Management Strategy is to be implemented in its entirety.
18. A Dilapidation Survey of road infrastructure within an identified Zone of Influence being undertaken to the satisfaction of DevelopmentWA, on the advice of the PTA, prior to the commencement of any site works that may involve substantial earthworks, vibration and/or dewatering.

ADVICE NOTES

1. In relation to Conditions 3, 4 & 7:
 - a. The proposed vegetation maintenance requirements for Bushfire Protection, and their impact upon existing and proposed vegetation need to be agreed with the City and then consistently reflected across the 3 documents.
 - b. Drawings should clearly indicate the extent of works proposed to be handed over to the City of Armadale for its review and consideration for approval.
 - c. Drawings do not, but should, show the full extent of proposed tree clearing. For example, Page 5 – the area proposed to be cleared in Reserve 14217 is not shown. Page 9, also not shown.
 - d. Request a specific tree and vegetation removal plan that comprehensively considers drainage, hard treatments, access and setbacks from maintenance associated with the WP overhead power lines. The overhead power lines appear to fall outside of the land acquisition boundary on Landscaping Plan – page 21, which will result in additional clearing to achieve vegetation clearance requirements.
 - e. Consideration should be given to the relocation/alteration of the

- proposed drainage basin and swale within Lot 14 Eleventh Road to reduce the amount of existing vegetation required to be cleared for this infrastructure.
- f. Civil drawings do not show fencing around proposed drainage basins. Fencing specifications need to be confirmed and agreed to by the City.
 - g. Review scope for additional tree planting along the road embankments, in addition to those shown planted along the proposed footpath. New trees appear to be 5Lt installation size, where larger pot size such as 45Lt would be more suitable.
 - h. The Tree Canopy Calculations should not include tree replacement on privately owned land, where trees are cleared from public managed land.
 - i. Optimise areas for additional new tree planting.
 - j. Planting mix density and species mix to be reviewed by the City.
 - k. Pea gravel above the embankment footpath to be reconsidered as if the material is not contained it will become a slip hazard.
 - l. Modification of the Bushfire Vehicular Access Review and civil plans to identify all Emergency Accessways and Fire Service Access Routes being treated with a minimum standard of compacted road base.
 - m. The proposed low threat vegetation requirements that are proposed to be managed by the City shall be reviewed in the context of the City's expected costs and landscape and environmental objectives in the area.
2. In relation to Condition 5, the revised Construction Management Plan shall address:
 - a. A viable alternative route for heavy vehicles needs to be determined, following consultation with affected stakeholders.
 - b. The impact of the road closure upon emergency access/egress from properties in this bushfire prone area to ensure suitable access/egress routes are available throughout the construction period.
 3. In relation to Condition 8, the finalised version of the Operational Noise and Vibration Report should include:
 - a. Modelling and detailed discussion of LAeq Day and LAeq Night levels as per WAPC's SPP5.4.
 - b. A list and elaboration of any noise mitigation measures (including noise wall specifications, use of sound absorption materials etc.)
 4. In relation to Condition 9, the Drainage Management Plan should include:
 - a. Drainage Layout Plan sheet 3 shows water flow away from basin.

In other plans, it shows flow towards. Clarity over the intention for this swale is requested.

- 5. The developer is reminded of the requirement under the provisions of the Environmental Protection Act 1986 that all construction work (which includes earthworks and similar) be managed with due regard for noise control. Works generating noise, and rock breaking in particular, are not permitted:-**

- a. Outside the hours of 7.00am to 7.00pm; or**
- b. On a Sunday or Public Holiday.**

- 6. In relation to Condition 17 requiring a Soil Management Strategy, soil compaction is often responsible for poor performance or failure of plantings. The process of construction usually involves the removal of topsoil and grading of the subsoil. Greater axle loads lead to deeper compaction. Soil compaction has negative impacts on storm- water runoff, infiltration, and vegetative establishment and growth. Therefore, the Soil Management Strategy should address the following:**

- a. Controlling Traffic to restrict the amount of soil that is compacted, for example, using the same tracks across the site, restricting equipment within certain radius of specific areas and establishing a Tree Protection Zone for all trees.**
- b. Managing axle loads and tire pressure as heavy axle loads and wet soil conditions increase the depth of compaction, for example properly inflate tires as contact pressure between tire & soil affects subsoil compaction, requiring excavated soil to be tilled and renovated post-construction: all effects of compaction are to be reversed.**
- c. Aeration of soil with the aim of supplying oxygen to the soil and preparing the soil to support plants: methods include spike, core, liquid and Air (Soil is tilled with an air tool while adding soil amendments, beneficial bacteria/fungi, and organic granular fertilisation).**
- d. Ripping of the site prior to establishment to promote the best chance of survival for seeds and plantings in the first year.**
- e. Use of Additives and soil conditioners to aerate and provide drainage.**
- f. Vertical mulching which involves digging or drilling vertical holes in an area and then filling these holes with organic compost or mulch: this works via the same general principle that surface mulching does, except that it can improve the soil's condition more quickly, as the material is placed deep in the ground.**

- B) Advise PTA/MetConnx that the following matters in relation to the area outside the Redevelopment Area are required to be addressed:**

- 1. The City's advice on the development application and the DWA's decision**

should not be construed as acceptance of management of assets by the City. The City's acceptance of management responsibilities will require further discussions and the contractors and PTA/MetroNet achieving the City's standards for assets.

2. Revised civil plans are required to be submitted identifying the following:
 - a. The provision of a vehicle access gate into Fletcher Park from the proposed cul-de-sac within the adjacent Lot 1 Eleventh Road and parking bays within Lot 1 Eleventh Road to service visitors to Fletcher Park.
 - b. Civil plans do not show fencing of the new boundary of reserve 14217. An "Accommodation Works Plan" supplied by PTA as part of separate discussions shows a 1.8m chain-link fence with 3 rows of barbwire on the new reserve boundary. This is not supported. Fencing specifications need to be confirmed and agreed to by the City.
 - c. Drawings do not, but should, show the full extent of proposed tree clearing. For example, Page 5 – the area proposed to be cleared in Reserve 14217 is not shown. Page 9, also not shown.
 - d. Proposed firebreaks/maintenance tracks constructed with an appropriate treatment to the satisfaction of the City.
3. Information is to be provided to determine the extent of the proposed drainage infrastructure on the *Diuris purdiei* (Purdie's Donkey orchid) and its habitat.
4. A revised Tree Retention Strategy shall be prepared, prior to the commencement of site works addressing the following matters:
 - a. *Drosera oreopodion* (Pygmy Drosera) and *Johnsonia pubescens subsp. cygnorum* have also identified as priority species within the development area. These areas have not been marked on any of the design drawings. The City recommends this species be identified and protected.
 - b. Suitable Acid Sulphate Soils and Dieback mitigation measures and procedures.
 - c. The proposed overhead powerlines could be modified to underground power minimising the area of vegetation clearing required (for the infrastructure itself and the long term infrastructure maintenance) in the current Reserve 14217.
 - d. The consideration of incorporating joint access tracks to service the bridge, drainage, power lines, Fletcher Park reserve and firebreak maintenance activities both between Eleventh Road, Reserve 14217 and extending to Mitchell Street to reduce the amount of vegetation clearing required.
 - e. The proposed swale on the north side of Eleventh Road could be piped to reduce the horizontal separation distance between the proposed bridge and the swale and therefore reduce the amount of clearing

needed for the swale.

- 5. A Fauna Relocation and Management Plan is to be prepared addressing the following:**
 - a. Management methods during construction; and**
 - b. Provision of fauna tunnel to enable the continued north-south and east-west connectivity for bandicoots. Details and specifications are to be included to confirm tunnels are above winter groundwater level and provide suitable connectivity to habitat areas.**
 - c. The fencing around the base of the bridge on the eastern side of the railway being modified to enable fauna to move north/south under the bridge between Fletcher Park and the land south of Eleventh Road in a corridor between the railway line and bridge structure.**
 - 6. The Bushfire Vehicle Access Review report be revised to acknowledge alterations proposed to access to Fletcher Park.**
 - 7. Engagement with BEWG, Armadale Gosnell's Landcare Group and the Wallangarra Riding and Pony Club is required with a consolidated information package with regards to changes in the City of Armadale managed reserves is recommended.**
- C) Request a Deputation by the City officers to the Armadale LRC to present the City's Submission.**

**Moved Cr P A Hetherington
MOTION CARRIED**

(5/0)

4.1 - REVIEW OF THE CITY'S FREEHOLD LAND ASSETS

WARD : ALL
FILE No. : M/413/22
DATE : 13 July 2023
REF : DS
RESPONSIBLE MANAGER : EDDS

In Brief:

- The purpose of this report is to provide an update on the strategic opportunities linked to the City's freehold vacant land.
- Six (6) sites have been identified for inclusion into the future Freehold Land Strategy with corresponding actions.
- Four (4) sites are recommended for use as Public Open Space.

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

- 4.3.1 Undertake strategic financial planning to ensure that appropriate services are effectively delivered, assets are efficiently managed and renewed and funding strategies are equitable and responsible.
- 4.3.1.11 Develop a Freehold Land Strategy.

Legal Implications

Local Government Act 1995

Local Government (Functions and General) Regulations 1996 (Functions Regulations)

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

Nil.

Consultation

Council workshops were conducted on the 13 July 2021, 15 February 2022 and 29 May 2023. The workshops were dedicated to outlining the City's Strategic Land Assets and future actions for consideration. Outcomes and actions from the workshops have been incorporated into the report.

BACKGROUND

The City owns a total of 103 land parcels in freehold ownership, with a combined size of 178 hectares in total. The majority of these freehold parcels are zoned or used as Parks for community or park purposes or alternately don't have any development potential due to the zoning, constraints of the land or are retained for an intended purpose (i.e. drainage, environmental values, etc). However there are freehold lots owned by the City with potential for residential or commercial development and represent development opportunities for the City. These lots are considered to be "Strategic Freehold Land Assets" and present opportunities not only for monetary gain to the City through disposal to fund infrastructure, but also allow for Council to achieve specific development outcomes in key locations throughout the City.

Many of the Freehold Land Assets have involved extensive administration work including planning processes (e.g. scheme amendments, structure plans, consultant work, studies, State Government liaison and referrals), regular maintenance (landscaping, bushfire management, cleanup, legal agreements, monitoring) amongst other considerations including offers to purchase or proposals to use the sites for temporary purposes.

Freehold Land Strategy Preparation

Council Workshops

Council workshops were conducted in July 2021, February 2022 and May 2023. These workshops provided details of:

- key sites that the City had identified as Strategic Freehold Land;
- a brief overview of the background history of the properties;
- relevant past Council decisions;
- key issues;
- land matters; and
- planning and other considerations.

Legislation and Processes for Disposal of Freehold Land

The *Local Government Act 1995 (LGA 1995)* sets out the rules, responsibilities, powers and procedures relating Local Government bodies within Western Australia. There are sections of the *LGA 1995* (3.58 and 3.59) that relate to the acquisition and disposal of parcels of land. The *LGA 1995* is supported by the *Local Government (Functions and General) Regulations 1996 (Functions Regulations)* and the *Local Government (Financial Management) Regulations 1996*.

The purpose of the legislation is to ensure that Local Governments are disposing of parcels with transparency and provide public notice of the disposals. It's important to note the procedures required within the *LGA 1995* can prolong the disposal process and meeting Sections 3.58 and 3.59 of the *LGA 1995* requires additional time, planning and resources. A brief summary of the Sections 3.58 and 3.59 in the *LGA 1995* is described below.

Section 3.58 - *LGA 1995* – Public Notice of a Direct Disposition

Section 3.58 of *LGA 1995* defines advertising requirements for disposals. Three methods of disposal are listed:

1. Highest bidder at a public auction;
2. The best option through a public tender; or
3. A direct disposition.

For a direct disposition, the offer is required to be advertised for a period of two weeks. The disposition must include details of the parties, the offer price, the value of the site confirmed through a licensed valuer and a date for the closing of the advertising period. The City has an established Valuation Panel consisting of three valuation firms that can provide valuations for the purpose of consideration of disposals in accordance with the *LGA 1995*.

Section 3.59 - *LGA 1995* – Business Plan

Section 3.59 of *LGA 1995* details “major land transactions” and the processes related to business plans to permit a disposal. A business plan is required to have details of the proposed facilities on the site, expected financial effect on the Local Government and the ability of the Local Government to manage any land being acquired.

Business plans must be advertised by a Local Government for a period of 6 weeks and all submissions must be considered before adoption by Council. An absolute majority of Council is required to adopt a Business Plan.

Recreational Reserve Account relating to sale of City's Assets

A report endorsed by Council in November 2006 (CS109/11/06) identified a deficit in regional level recreational infrastructure and considered existing freehold assets as a potential source of funding for future regional level sporting facilities and other major facilities. The report proposed an initiative to create a trust account for a portion of the proceeds from the sale of freehold land assets (in addition to Public Open Space Strategy land sales and Public Open Space Cash-in-Lieu subdivision payments) towards funding large scale recreational facilities. This resolution provided an excellent initiative and resulted in a significant additional funding source for the Armadale Fitness and Aquatic Centre.

There are two key outcomes that resulted from this report in relation to freehold land assets:

1. A reinvestment reserve account was created where 70% of the proceeds from the sale of any freehold land asset is put towards future strategic land purchases.
2. The creation of a separate reserve account where 30% of the funds from the proceeds of the sale go towards a trust account dedicated to regional level recreational capital projects.

DETAILS OF PROPOSAL

Following a review of the City's freehold land parcels, a total of six (6) sites were identified by the City as being Strategic Freehold Land Assets. These sites were selected by the City due to a combination of variables relating to developable land size, current or future residential or commercial zoning, a high perceived land value and key location of the sites throughout the City. The following sites were identified:

1. Lot 1, 301 and 302 Abbey Road and Lot 100 Little John Road, Armadale;
2. Lot 17, 18 and 19 Forrest Road, Hilbert;
3. Lot 33 Connell Avenue, Kelmscott (former Pries Park);
4. Lot 20 and 21 Clifton Street, Kelmscott;
5. Lot 86 Church Avenue, Armadale; and
6. Lot 51 Armadale Road, Haynes.

Upon reviewing the City's freehold land, the following five (5) sites owned by the City in freehold are recommended to be used or treated as Public Open Space for reasons detailed within this report:

1. Lot 85 Church Avenue, Armadale;
2. Lot 39 Page Road, Kelmscott;
3. Lot 201 Carawatha Avenue, Mount Nasura;
4. Lot 298 Emerald Place, Mount Richon; and
5. Lot 163 Church Avenue, Armadale.

COMMENT

Strategic Freehold Land Assets and Actions

Lots 1, 301 and 302 Abbey Road and Lot 100 Little John Road, Armadale

Lots 1, 301 and 302 Abbey Road and Lot 100 Little John Road are a collection of land parcels that the City acquired through the road realignment of Abbey Road and Armadale Road. Originally Abbey Road was planned to intersect with Armadale Road approximately 130 metres to the west of the intersection of Railway Avenue with Armadale Road, resulting in two major intersections within close proximity. Council resolved in 2006 (D33/4/06) to correct this issue by realigning Abbey Road from the south, with Railway Avenue to the north to create a four way intersection.

Scheme Amendments (D52/5/07) and Business Plans (T74/8/09) were prepared and adopted to acquire the lots and allow the intersection realignment. The road realignment commenced in May 2011 and was completed in August 2013. The land assets that remain are the remnant parcels of the realignment project with a Business Plan being endorsed (CS76/9/16) to enable disposal of the remaining parcels of land.

Following the completion of the realignment, the City completed a number of processes relating to the Abbey Road sites including:

- A consultant feasibility study, expression of interest and tender process (CS46/6/16 and CS24/3/17) to investigate short stay accommodation on the site;
- Scheme Amendment No.92 (D51/10/17 and D6/1/18) to restrict the land uses to ‘short stay accommodation’ and ‘multiple dwellings’ on Lots 1, 301 and 302;
- A subdivision progressed by the City in late 2015 which amalgamated the remaining lots on the southern side of Abbey Road to create a single superlot;
- Scheme Amendment No.79 (D60/9/13) increased the density requirements and Council adopted a Local Development Plan (D61/11/15) to encourage multiple dwelling development on Lot 100 Little John Road;
- Scheme Amendment No.103 and the draft Armadale City Centre Structure Plan, which creates the “Abbey Road” Precinct and substantially increases the development potential of the lots south of Armadale Road.
- A land swap in October 2019 coordinated by the City with the Department of Planning Lands and Heritage to swap the existing and future road reserves of the Abbey Road intersection with the new Abbey Road reserve. This included negotiating an outcome with ATCO for an easement protecting infrastructure in the existing road reserve area and enlarging the City’s western landholdings.

The Armadale City Centre Structure Plan and MetroNet Viaduct project will both have implications on the future opportunities and outcomes linked to the site. The MetroNet Viaduct and principal shared path are still being designed and further details will be provided to the City and Council in the near future.

Actions - Lots 1, 301 and 302 Abbey Road and Lot 100 Little John Road, Armadale

1. Land bank the site until the completion of the viaduct project.
2. Advise Councillors if the site is to be used temporarily for the MetroNet’s viaduct project.
3. Consider progressing Additional Land uses on the site to expand the range of development options for the land as part of TPS No.5 or future scheme amendments.
4. Report to Council if any opportunities to dispose or develop any of the sites arise and if Council intends to propose a new Business Plan process at that time.
5. Investigate a possible reduction of Primary Regional Road Reservation (Lot 304) with Main Roads Western Australia and Western Australian Planning Commission. If not possible, engage with WAPC and MRWA on future acquisition of land at an appropriate time.

Lot 17, 18 and 19 Forrest Road, Hilbert

Lots 17, 18 and 19 Forrest Road in Hilbert combine to form a significant land holding which totals around 12 hectares in size. Council resolved (CR/10/89 and F314/90) to acquire these lots in August 1990 at a negotiated value of approximately \$375,000. The sites are mostly clear of vegetation, except for two trees within Lot 17, and three low hanging trees in Lot 18.

The lots fall between two different Structure Plans (Cell D and E) within DevelopmentWA's (DWA) Wungong Urban Water Redevelopment area. The City has had ongoing involvement in the planning processes for the site, including:

- Structure Plan negotiations with DWA regarding a proposed living stream through the northern portion of the Lots 17, 18 and 19 within Cell D Structure Plan as drainage function is temporarily in place to manage stormwater events from development north of Forrest Road;
- Preparation of an aboriginal heritage survey to relocate an area of proposed Public Open Space in Cell D and salvage the heritage artefacts on site;
- Bushfire management considerations with surrounding landowners; and
- Council (D74/11/20) supported a MRS Amendment 1376/57 which proposed MRS "Urban" zoning over Lots 17, 18 and 19 and "Other Regional Road" over a portion of Forrest Road and Eleventh Road required for a future road widening.

The Forrest Road land assets offer an opportunity to develop residential development with an adjoining future living stream. There is the possibility for development of the residential land through a joint venture arrangement, City managing the land subdivision project or through a direct disposal for another party to subdivide the land. Development of the living stream public open space and ceding the MRS road widening will also both provide Developer Contributions Plan (DCP) credits or funding to the City for providing the land as part of the DWA's Wungong Developer Contribution Scheme.

Actions - Lot 17, 18 and 19 Forrest Road, Hilbert

1. Land bank the site medium term as a high value asset.
2. Continue land administration practices on the site, including bushfire management, maintaining drainage through the living stream, and monitoring Developer Contributions.
3. Facilitate road widening required for Forrest Road and Eleventh Road through a future subdivision application.

Lot 33 Connell Avenue, Kelmscott

Lot 33 is a 13 hectare parcel in Kelmscott that was originally purchased by the City for recreation purposes in 1976 with an adjoining portion of land to the southeast purchased in 1982 and amalgamated to provide access. The site was originally used for a combination of sporting pursuits including football, rugby and equestrian based activities, which have all relocated.

A brief historical overview is provided below:

- In October 2008 Council considered the results of the *Active Sporting Reserve Needs Assessment and Feasibility Study* (CS/104/10/08). This study recommended a rationalisation of existing public open space and the disposal of Lot 33 Connell Avenue, with existing recreational based activities being relocated and using the proceeds of the sale to fund sporting projects and reserves.
- A successive report was considered by Council in November 2008 (CS115/11/08) for further investigation into its disposal, including endorsing a study to investigate urban residential development and calls for tenders to engage a consultant team to undertake the relevant studies.
- Council considered Tender No.3/09 in April 2009 (D41/4/09) for the provision of consultancy services for Lot 33 Connell Avenue and resolved to accept the tender from Burgess Designs.
- Burgess commenced the process of preparing a MRS amendment and multiple supporting studies proposing an “Urban” zoning and presented the Amendment to Council on 22 August 2011 (D60/8/11). An Urban zoning would allow higher density development over the site, but the Department of Planning, Lands and Heritage wasn’t supportive of the MRS Amendment at the time due to inconsistencies with state strategies and the City’s Local Planning Strategy.
- With the advertising of *South Metropolitan Peel Sub-Regional Planning Framework (Perth and Peel @ 3.5 million)*, the City was presented with an opportunity to make a submission regarding the land. Council endorsed (D39/7/15) a submission in July 2015 advocating for urban development throughout this northern growth corridor and protection of the River foreshore.
- The final *Perth and Peel Document @ 3.5 Million* (2021) identified Lot 33 as an “Urban Investigation Area”.

Lot 33 is the largest freehold vacant land parcel owned by the City and it is located in a northern growth corridor. The property represents a unique strategic opportunity for the City.

Actions - Lot 33 Connell Avenue, Kelmscott

1. Land bank the site in the medium term to observe all possible development opportunities.
2. The City could monitor the potential Lot 33 to be considered for alternative uses of strategic importance.

Lot 20 and 21 Clifton Street, Kelmscott

Lots 20, 21 and 22 Clifton Street were purchased from a land owner in years 1980, 1982 and 1976 respectively. Records from August 1982 (F488/82) indicates that Lot 21 was purchased with the intention “*to consolidate Council land in Clifton Street and for sale at some future date for use as Homes for Ages or similar purpose*”. Lot 22 to the south was disposed by Council in 1998 (CS18/98) to Christadelphian Welfare Association (now MercyCare) for an aged persons accommodation. The balance of the remaining Lots 20 and 21 under freehold ownership of the City is around 3.1 hectares.

Lots 20 and 21 have been subject to considerable studies and planning processes that resulted in the South Clifton Street Structure Plan in 2014. A brief summary of the planning processes and documents is detailed below:

- Kelmscott Enquiry by Design (2003) - Discussed preliminary design concepts for Metropolitan Redevelopment Authority zoning change and new foreshore reserve frontage.
- Canning River Precinct Community Consultation and Planning Study (2006) - Consultant facilitated workshops that elaborated on the Kelmscott Enquiry by Design.
- Environmental Review (Canning River Precinct) - Prepared for the EPA to consider the foreshore as part of the MRS amendment.
- Metropolitan Region Scheme Amendment 1202/41 (2012) - Rezoning of the lots from 'Rural' to 'Urban', allowing a future Structure Plan to be prepared.
- Amendment No.70 to Town Planning Scheme No.4 (2014) – Rezoning of the lots under the Scheme to 'Urban Development' in accordance with the MRS Amendment.

Following from these planning processes, the *Canning River Clifton Street (South) Precinct Local Structure Plan* commenced preparation in 2014. This Structure Plan established the spatial framework and outlined the design criteria required for future subdivision development stages across seven lots south of Frye Park. This document was prepared by Harley Dykstra and was jointly funded by multiple landowners including the City as the owner of Lots 20 and 21. The Structure Plan includes:

- Bushfire Management Plan;
- Environmental Assessment Report;
- Foreshore Management Plan;
- Floodway and Fringe Mapping;
- Local Traffic Management Plan;
- Local Water Management Study; and
- Path Network Plan for pedestrian movements.

The Structure plan was advertised for an extended period of time and considered by Council, then endorsed by the WAPC in 2017. The endorsed Structure Plan permits a mixture of R60 and R80 development over Lots 20 and 21 Clifton Street. The Structure Plan also includes a road network, a future Foreshore Reserve which will need to be created, public open space and an indicative location of a Shared Path in the foreshore area.

Due to the close proximity to the Kelmscott City Centre and proximity to the Kelmscott Train Station, the lots have accessibility to commercial areas and transport which increases strategic prospects and opportunities. MercyCare on the adjoining southern lot have previously expressed interest in acquiring Lots 20 and 21 for expansion/redevelopment of the existing age care centre on lot 22. A residential development outcome in accordance with the approved Structure Plan can also be progressed.

Any design or development proposals will need to give due consideration to timeframes to resolve matters including:

- Excising an existing bore to include in a new public open space reserve within Lot 20 which is used for Frye Park;
- Ceding the foreshore reserve and additional public open space fronting the Canning River;
- Maintaining public access through the site to the foreshore; and
- Meeting all the necessary requirements of the Structure Plan.

Actions - Lot 20 and 21 Clifton Street, Kelmscott

1. Land bank the sites and report and/or advise Councillors of any substantial proposals or formal offers that are received.
2. In the event that Council considers progressing disposal or development of the lots, the City can consider advocating to the WAPC for acquisition of the foreshore reserve.

Lots 85 and 86 Church Avenue, Armadale

The City acquired Lots 85 and 86 through an intersection upgrade that occurred in the 1980's. A collection of lots were acquired by the City with negotiations commencing in 1981 and acquisition occurring in 1986 to accommodate the realignment/creation of Church Avenue to the south to connect with Whitehead Street. Following the ceding of the Church Avenue road reserve, Lots 85 and 86 were the remnant land parcels that the City owned in freehold.

A four story TAFE facility was approved by JDAP in June 2021 on Lot 500 Church Avenue to the southwest of Lot 85 and has commenced construction. Representatives from TAFE have informally discussed the possibility of the future expansion of the facility on the adjoining lot to the south into Lot 85, but indicated acquisition of undeveloped land could not occur until the completion of the current facility. The City has long advocated for a proposed land swap of the existing Armadale Magistrates Court site at Lot 500 Jull Street with Lot 85 Church Street, which would allow the TAFE to expand in the future and provide an opportunity for the City to progress its plans for the Civic Precinct.

Lots 85 and 86 are key parcels in the City Centre and are subject to high density increases as a result of the *Armadale City Centre Precinct Plan*. There are strategic opportunities including a land swap or disposal in the medium to long term to achieve an expanded TAFE facility on the site, whilst other options for development may also be presented with the finalisation of the City Centre Precinct Plan and the gradual intensification of land uses through the City Centre.

Lot 86 is constrained due to a Primary Regional Road Reservation in the Metropolitan Region Scheme (MRS) that includes an area of approximately 2000m² of Lot 86. Following a request by the City for review of this Primary Road Reservation in September 2022, Main Roads Western Australia have confirmed that the reserve will be rationalised at a later point as part of a future MRS Amendment. In many instances development has occurred on adjoining lots within the MRS Primary Regional Road Reserve which provides a significant precedent for the road reduction.

Lot 86 is discussed within the City's Public Realm Strategy Stage 1 which was adopted by Council in March 2023 (D6/3/23). Within this Strategy, there are multiple references to the potential for Lot 86 to be utilised as a future POS space noting its location along Church Avenue, the site topography being a constraint to possible development and that there are Tree Preservation Orders on trees within lots adjoining Lot 86.

Actions - Lot 85 Church Avenue, Armadale

1. Continue discussions and liaising with TAFE.

Actions - Lot 86 Church Avenue, Armadale

1. Manage Lot 86 Carawatha Avenue as a Park under freehold land tenure in accordance with the City of Armadale *Public Realm Strategy Stage 1*.
2. Consider landscaping improvements to Lot 86 in accordance with the City's *Armadale City Centre Public Realm Strategy Stage 1*.
3. Advocate to Main Roads WA and WAPC to reduce the MRS Primary Regional Road reservation on the lot.
4. Advocate for Main Roads WA and the WAPC to purchase the portion of land dedicated to the MRS Primary Regional Road reservation in the event that the land is still required.

Lot 51 Armadale Road, Haynes

Lot 51 was purchased by the City in fee simple from a deceased estate in February 1957. Titles for Lot 51 (formerly Lot 81) were transferred to the City in March 1962. Following a series of studies including "Active Sporting Reserves Feasibility Study" in 2007, Lot 51 was included as part of six lots to form the future Armadale Regional Recreation Reserve (ARRR), a 61.5 hectare area in Haynes to meet the recreational needs of the City's and the sub-region's rapidly growing population. The site is located within DWA's Wungong Urban Water Redevelopment Area.

Whilst Lot 51 has been linked to the ARRR, the City has considered the northern portion of Lot 51 fronting Armadale Road to be appropriate for industrial or commercial development that would simultaneously provide local employment for residents and provide an additional source of funding for the ARRR. The State Government's *Industrial Land Strategy Perth and Peel* identified a shortfall of industrial land in 2010 and indicated an additional 4,726 hectares would be required by 2031. Council considered the *South Metropolitan Peel Sub-Regional Planning Framework (Perth and Peel)* document and made a submission to the WAPC in 2015 that proposed to identify the northern portion of Lot 51 for industrial purposes to generate local employment and business opportunities to assist the City in addressing its employment self-sufficiency. It is also proposed to extend Alex Wood Drive through the lot to create another direct entry/exit to the Armadale Regional Recreation Reserve.

A draft MRS amendment 1376/57 was advertised for preliminary comment in July 2020 that did not incorporate the City's recommendation from *Perth and Peel @ 3.5 million* and instead identified the entirety of Lot 51 as a "Parks and Recreation" Reserve as it was not seeking to make any changes to the Wungong Master Plan at this stage. Council considered MRS Amendment 1376/57 in November 2020 (D75/11/20) and resolved to object to the "Parks and Recreation" MRS zoning over Lot 51 and endorsed the City's recommendation to propose an "Urban" zoning proposal over the north section of the site. It was considered that

an Urban MRS zoning might be considered by the DPLH to be a lower impact land use compared to an Industrial zoning that appropriately steps down the industrial uses in Forestdale Business Park to the north with the recreation uses to the south, whilst still achieving local job generation of show room type land uses.

After completing the submission, the City met with officers at the DPLH on 22 November 2020 to discuss the Urban zoning proposal. The DPLH were supportive of the proposal but indicated the Urban zone wasn't going to be included within Amendment 1376/57 as it was not seeking to make any changes to the Wungong Master Plan. DPLH indicated the proposal could be pursued by the City as a separate spot MRS amendment for Lot 51. Amendment 1376/57 has since been delayed due to issues relating to flood modelling/mitigation, definition of regional road reservations and environmental issues therefore DPLH have not progressed MRS Amendment 1376/57.

Actions - Lot 51 Armadale Road, Haynes

1. Monitor the progress of MRS Amendment 1376/57.
2. Upon finalisation of MRS Amendment 1376/57 advocate for the DPLH to progress a spot MRS amendment for inclusion in a future MRS Omnibus amendment to rezone the northern portion of Lot 51.
3. Continue to advocate for Waterworks Road to remain open to achieve at minimum a left-in/left-out intersection.

Freehold land recommend for use as Public Open Space

Lot 39 Page Road, Kelmscott

Lot 39 Page Road, Kelmscott was purchased in 1982 by the City with the intention of developing the site for a "future Civic use". No further references to other or more specific land uses have been identified in the City's records. The site is zoned Residential under Town Planning Scheme No.4 and measures a 2,191m² in area.

Whilst previous workshops discussed the possibilities of Lot 39 Page Road as a Strategic Land Asset given its residential zoning, preliminary consultation (including Councilor Workshops) for the Kelmscott District Centre Precinct Structure Plan led to Lot 39 being identified as Public Open Space. The Precinct Structure Plan identified Lot 39 in the "River-Edge" Precinct along with many of the properties adjoining Page Road, and designates the site as 'Parks and Recreation' land use zone.

In June 2022, Council resolved (D3/6/22) to commence public advertising of the Kelmscott District Centre Precinct Structure Plan. Following the conclusion of advertising in February 2023, Council resolved (D3/2/23) that the Western Australian Planning Commission approve the proposed Kelmscott District Centre Structure Plan and forwarded a Schedule of Submissions and a Schedule of Structure Plan Modifications to the WAPC. The City is currently progressing a Scheme Amendment to supplement the land uses defined within the Structure Plan. Council's recommendation to the WAPC on the Kelmscott Precinct Structure Plan and the WAPC's final determination will set a land use zoning direction for Lot 39.

Actions - Lot 39 Page Road, Kelmscott

1. Progress Kelmscott Scheme Amendments consistent with Precinct Structure Plan outcomes.
2. The City will continue to manage the informal Park under freehold tenure and list for future consideration the landscaping of Lot 39 as part of its Long Term Financial Plan.

Lot 201 Carawatha Avenue, Mount Nasura

Lot 201 was originally part of a 4 hectare lot (Lot 118) which was purchased by the Armadale Road Board in 1907 for the purposes of a gravel pit. The gravel pit was exhausted in the early 1970's and the City initiated a subdivision to dispose of a portion of Lot 118 to fund a portion of the City's Administration Building in the mid 1980's. The remaining freehold land following this subdivision created Lot 60.

In 1999, the City progressed Amendment No.163 to Town Planning Scheme No.2 which planned to rezone and dispose of Lot 60. However there was community opposition to the amount of public open space proposed as part of the rezoning, including a petition. The then Minister required that Amendment 163 be modified to increase the Parks and Recreation Reserve in TPS No.4 from 1,200m² to 2,105m². This lot was later subdivided to create Benson Court in 2014 to become Lot 201.

Lot 201 is currently reserved "Parks and Recreation Local" in TPS No.4, but there have been previous considerations by Council (D4/2/16) of rezoning the site to "Residential" to enable a disposal of the land. It is recommended that this site is retained as freehold land as a passive park and retain its current "Parks and Recreation Local" Reservation.

Actions - Lot 201 Carawatha Avenue, Mount Nasura

1. Manage Lot 201 Carawatha Avenue as passive Public Open Space.
2. Consider minor landscaping improvements as part of future POS upgrades in the Long Term Financial Plan.

Lot 298 Emerald Place, Mount Richon

Lot 298 Emerald Place was transferred free of cost to the City in 1975 as part of a residential subdivision. At this time the property was not designated as a Recreation Reserve and was transferred to the municipality in fee simple (freehold) for recreational purposes. The lot was rezoned to be consistent with the Residential zoning of surrounding properties upon gazettal of Town Planning Scheme No.4 in 2005.

Due to the nature in which the City acquired the lot through subdivision, Lot 298 was linked to Precinct E of the POS Strategy, which involved disposal of parcels and proceeds from the sale proceeding upgrading surrounding parks in the Precinct in a staged manner. In June 2009, Lot 298 Emerald Place was included within a Business Plan for disposal alongside five other lots linked to Precinct E (D58/6/09) which attracted objections and a petition from surrounding residents. The Business Plan was adopted in January 2010 (D8/1/10).

The City listed the property for sale but received little interest from prospective purchasers. The site is considered highly constrained due to expensive servicing requirements, a steep gradient requiring significant earthworks and heavy surrounding bushland causing bushfire management concerns. The City progressed a subdivision approval for Lot 298 in April 2017 to explore the possibility of increasing the value and interest in the land. Since the creation of the Business Plan in 2009 and listing on the open market, the site hasn't attracted any serious offers and remains the last property for disposal as part of the POS Strategy.

Due to difficulties in disposal of the site in addition to concerns from surrounding residents, it is recommended that the site is rezoned to "Parks and Recreation" in TPS No.5 and the land is retained as a bushland area.

Actions - Lot 298 Emerald Place, Mount Richon

1. Consider rezoning the site to "Parks and Recreation" as part of TPS No.5.
2. Manage Lot 298 Emerald Place as Bushland parklands.

Lot 163 Church Avenue, Armadale

The intersection of Commerce Avenue with Church Avenue has progressed through multiple intersection reconfigurations. Historically John Street intersected with Commerce Avenue. As a result of multiple road realignments that occurred in 1992 and 2005, Church Avenue now forms a 4-way roundabout with Commerce Avenue and a cul-de-sac was constructed on the northern part of John Street.

Lot 162 and Lot 163 are remnant parcels that the City owns in freehold following the road works. Lot 162 contains Martin Park with paving, landscaping and the installation of street infrastructure following the completion of the road works. A portion of Lot 163 (approximately 700m²) has development potential but is constrained by limited vehicle access to Church Avenue to the north and vehicle access on the east side of the lot that connects to Dale Cottages to the south.

Given the key location of Lot 163 Church Avenue in relation to the future MetroNet Viaduct project, Lot 163 could be retained as an undeveloped open space for the purposes of possible landscaping as an entry statement to the City Centre.

Actions - Lot 163 Church Avenue, Armadale

1. Retain the site as an undeveloped parcel for public open space purposes.
2. Consider improvements and landscaping to the area following completion of MetroNet works as part of the Long Term Financial Plan.
3. Authorise progressing a subdivision or amalgamation of Lot 163 to formalise the Church Avenue Road Reserve and the adjoining public open space.

OPTIONS

Council has the following options:

1. Adopt the actions for each site detailed within the report that require action to occur.
2. Modify the actions for each site detailed within the report or include other actions.
3. Defer or not progress any of the actions or land parcels.

CONCLUSION

The report outlines the background to each of the City's major Freehold Land Assets and identifies considerations or direction to enable future strategic opportunities for each of the sites.

ATTACHMENTS

1. Location Plan
2. Location Plan - Armadale CBD
3. Aerial - Lot 100 Little John Rd & Lots 1, 301, 302 & 304 Abbey Rd, Armadale
4. Location - Lots 17, 18 & 19 Forrest Road, Hilbert
5. Aerial - Lots 17, 18 & 19 Forrest Road, Hilbert
6. Location - Lot 33 Connell Avenue, Kelmscott
7. Aerial - Lot 33 Connell Avenue, Kelmscott
8. Location - Lot 39 Page Rd & Lots 20 & 21 Clifton St, Kelmscott
9. Aerial - Lot 39 Page Road & Lots 20 & 21 Clifton St, Kelmscott
10. Aerial - Lot 85 & 86 Church Avenue, Armadale
11. Location - Lot 51 Armadale Road, Haynes
12. Aerial - Lot 51 Armadale Road, Haynes
13. Location - Lot 201 Carawatha Avenue, Mount Nasura
14. Aerial - Lot 201 Carawatha Avenue, Mount Nasura
15. Aerial - Lot 298 Emerald Place, Mount Richon
16. Aerial - Lot 163 Church Avenue, Armadale

RECOMMEND

D21/7/23

That Council:

1. **Acknowledge that the following land parcels will be considered as Public Open Space under a freehold land tenure by the City:**
 - a) **Lot 86 Church Avenue, Armadale;**
 - b) **Lot 39 Page Road, Kelmscott;**
 - c) **Lot 201 Carawatha Avenue, Mount Nasura;**
 - d) **Lot 298 Emerald Place, Mount Richon; and**
 - e) **Lot 163 Church Avenue, Armadale.**
2. **List for consideration in the next review of the City's Long Term Financial Plan minor landscaping improvements on the following lots:**
 - a) **Lot 86 Church Avenue, Armadale;**
 - b) **Lot 39 Page Road, Kelmscott;**
 - c) **Lot 201 Carawatha Avenue, Mount Nasura; and**
 - d) **Lot 163 Church Avenue, Armadale.**
3. **Note future report on the preparation of Town Planning Scheme No.5 or a scheme amendment and will include for consideration:**
 - a) **Lot 298 Emerald Place, Mount Richon from "Residential" Zone to "Parks and Recreation" Reserve; and**
 - b) **Additional Land uses over Lots 1, 301 and 302 Abbey Road, Armadale to**

expand the range of development options for the land.

- 4. Authorise the City to commence subdivision of the following sites to allow excision of the Primary Regional Road Reserves and/or road widening and authorise the City to engage with Main Roads Western Australia, DevelopmentWA and the Western Australian Planning Commission regarding the acquisition of the road widening in the relevant areas:**
 - a) Lot 17, 18 and 19 Forrest Road, Hilbert;**
 - b) Lot 163 Church Avenue, Armadale; and**
 - c) Lot 86 Church Avenue, Armadale.**
- 5. Authorise the City to engage with Main Roads Western Australia and the Western Australian Planning Commission regarding the reduction and/or acquisition of the Metropolitan Region Scheme Primary Regional Road Reservation of Lot 304 Abbey Road, Armadale.**

Moved Cr K Kamdar
MOTION CARRIED

(5/0)

COUNCILLORS' ITEMS

Nil.

***6.1 – SAT DECISION - REFUSAL OF DEVELOPMENT APPLICATION -
DEMOLITION - FORMER MANSE RESTAURANT - LOT 709 CHURCH AVENUE,
ARMADALE***

The Executive Director Development Services advised Committee of the outcome of the decision by the State Administrative Tribunal (SAT) for the Development Application for the demolition of the former Manse restaurant at Lot 709 Church Avenue, Armadale.

In June 2021 the City received a development application for the demolition of the former Manse restaurant situated at Lot 709 (31) Church Avenue, Armadale (heritage place 006 in the City's Local Heritage Survey (LHS), listed as 'Category 2 - Considerable Significance'). Following a period of public advertising during which a number of objections were received, the application was refused under delegation on 3 November 2021.

An application for Review of that decision by SAT was received 30 November 2021 (DR 252 of 2021 - PC Infrastructure Pty Ltd v City of Armadale). The City appointed representation to defend the decision, being McLeods Lawyers, Element and Altus Planning. Witness Statements and appearances at SAT were provided by Community Heritage Advisory Group members Terry Holton and Jeff Green, for which the City is grateful. The City has written to them to thank these individuals for their positive contribution and support. CHAG has been advised of the decision.

In considering the review, the presiding SAT member sought additional information as to the progress of indirectly related matters, being the Armadale City Centre Structure Plan, the Town Planning Scheme Amendment related to the Structure Plan and the introduction of new Heritage Guidelines at state level. This is the reason for the very long timeframe of the Review. The final written submission on these additional matters was made 13 March 2023. The City's officers had been working on this application and SAT matter for over two years.

The SAT finally issued its decision 23 June 2023. The City's decision to refuse the demolition was upheld and the Review dismissed, which is an excellent outcome for the community and heritage protection. The decision supported the City's work on developing the Armadale City Centre Structure Plan and Local Heritage Survey.

***6.2 - DEVELOPMENT APPLICATION NO.3 - ARMADALE STATION & PUBLIC
REALM***

The Executive Director Development Services advised Committee that as per Councillor memo the Department of Planning, Lands and Heritage have now commenced public advertising of the Development Application No.3 for the Byford Rail Extension Project for the proposed Armadale Station structure, permanent bus interchange, public realm upgrades and associated car parking, pedestrian and vehicle access.

MEETING DECLARED CLOSED AT 7.29 PM

DEVELOPMENT SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
17 JULY 2023		
ATT NO.	SUBJECT	
1.1	HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911 - APPOINTMENT OF DEPUTIES OF THE LOCAL GOVERNMENT	
1.1.1	Health (Miscellaneous Provisions) Act 1911 - Section 26 Extract	
2.1	DEVELOPMENTWA REFERRAL - PROPOSED ELEVENTH ROAD BRIDGE AND ASSOCIATED WORKS - WUNGONG	
2.1.1	Planning Framework - Eleventh Road Bridge	
2.1.2	Separate Attachment - Development Application - Eleventh Road Bridge	
4.1	REVIEW OF THE CITY'S FREEHOLD LAND ASSETS	
4.1.1	Location Plan	
4.1.2	Location Plan - Armadale CBD	
4.1.3	Aerial - Lot 100 Little John Rd & Lots 1, 301, 302 & 304 Abbey Rd, Armadale	
4.1.4	Location - Lots 17, 18 & 19 Forrest Road, Hilbert	
4.1.5	Aerial - Lots 17, 18 & 19 Forrest Road, Hilbert	
4.1.6	Location - Lot 33 Connell Avenue, Kelmscott	
4.1.7	Aerial - Lot 33 Connell Avenue, Kelmscott	
4.1.8	Location - Lot 39 Page Rd & Lots 20 & 21 Clifton St, Kelmscott	
4.1.9	Aerial - Lot 39 Page Road & Lots 20 & 21 Clifton St, Kelmscott	
4.1.10	Aerial - Lot 85 & 86 Church Avenue, Armadale	
4.1.11	Location - Lot 51 Armadale Road, Haynes	
4.1.12	Aerial - Lot 51 Armadale Road, Haynes	
4.1.13	Location - Lot 201 Carawatha Avenue, Mount Nasura	
4.1.14	Aerial - Lot 201 Carawatha Avenue, Mount Nasura	
4.1.15	Aerial - Lot 298 Emerald Place, Mount Richon	
4.1.16	Aerial - Lot 163 Church Avenue, Armadale	
4.1	CONSIDERATION OF MINISTER'S MODIFICATIONS - TPS NO.4 AMENDMENT NO.121 - REZONING OF LOTS 601-603 BALANNUP ROAD & LOTS 200-202 SKEET ROAD, HARRISDALE	
4.1.1	TPS No.4 Map - Amendment No.121 - Initiation	
4.1.2	Special Control Area Map 3 - Amendment No.121 - Initiation	
4.1.3	Special Control Area Map 1 - Amendment No.121 - Initiation	
4.1.4	TPS No.4 Map - Amendment No.121 - Adoption	
4.1.5	Special Control Area Map 3 - Amendment No.121 - Amended	
4.1.6	Special Control Area Map 1 - Amendment No.121 - Adoption	
4.1.7	Schedule of Modifications - TPS No.4 - Amendment No.121	
4.1.8	TPS No.4 Map - Amendment No.121 - Ministers Modification for Adoption	
4.1.9	Special Control Area Map 3 - Amendment No.121 - Ministers Modification for Adoption	
4.1.10	Special Control Area Map 1 - Amendment No.121 - Adoption	

The above attachments can be accessed from the Minutes of the Development Services Committee meeting of 17 July 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,
18 JULY 2023 AT 7.00PM.

PRESENT:

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

APOLOGIES:

Cr G Nixon (Leave of Absence)
Cr P A Hetherington

OBSERVERS:

Cr R Butterfield
Cr G Smith
Cr E Flynn (*Teams*)

IN ATTENDANCE:

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

PUBLIC:

Nil.

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

DISCLAIMER

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

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

DEPUTATION

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Corporate Services Committee Meeting held on 20 June 2023 be confirmed.

Moved Cr J Keogh

MOTION CARRIED

(7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

Items in Issue No.14

Progress Report

Progress Report on Contingency, Operational & Strategic Projects

Outstanding Matters & Information Items

Report on Outstanding Matters – Corporate Services Committee

Economic Development

Tourism & Visitor Centre Report

Report of the Common Seal

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

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CORPORATE SERVICES COMMITTEE

18 JULY 2023

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1.1 - LIST OF ACCOUNTS PAID - MAY 2023

WARD : ALL

FILE No. : M/362/23

DATE : 26 June 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 May to 31 May 2023 as well as the credit card statements for May 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 May to 31 May 2023 is presented as an attachment to this report as well as the credit card statements for May 2023.

ATTACHMENTS

1. [↓](#) Monthly Cheque and Credit Card Report - May 23

RECOMMEND**CS29/7/23**

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 \$11,702,557.04 on cheque numbers 189 to 202, transactions 8213 to 9237 and Payrolls dated 14 May and 28 May 2023.

Credit Card

Accounts Paid totalling \$3,843.07 for the period ended May 2023.

**Moved Cr M S Northcott
MOTION CARRIED**

(7/0)

****1.2 - STATEMENT OF FINANCIAL ACTIVITY - MAY 2023**

WARD : ALL

FILE No. : M/363/23

DATE : 26 June 2023

REF : MH

RESPONSIBLE : Executive Director
MANAGER Corporate Services

In Brief:

- This report presents the City's Monthly Financial Report for the eleven (11) month period ended 31 May 2023.
- This report recommends accepting the Financial Report for the eleven (11) month period ended 31 May 2023, noting there are reportable actual to budget material variances for the period.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

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

Legal Implications

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

Local Government Act 1995 – s.6.11 Reserve accounts

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

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

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

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

Consultation

Nil.

BACKGROUND

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

COMMENT

Presented as an attachment this month, is the eleventh 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

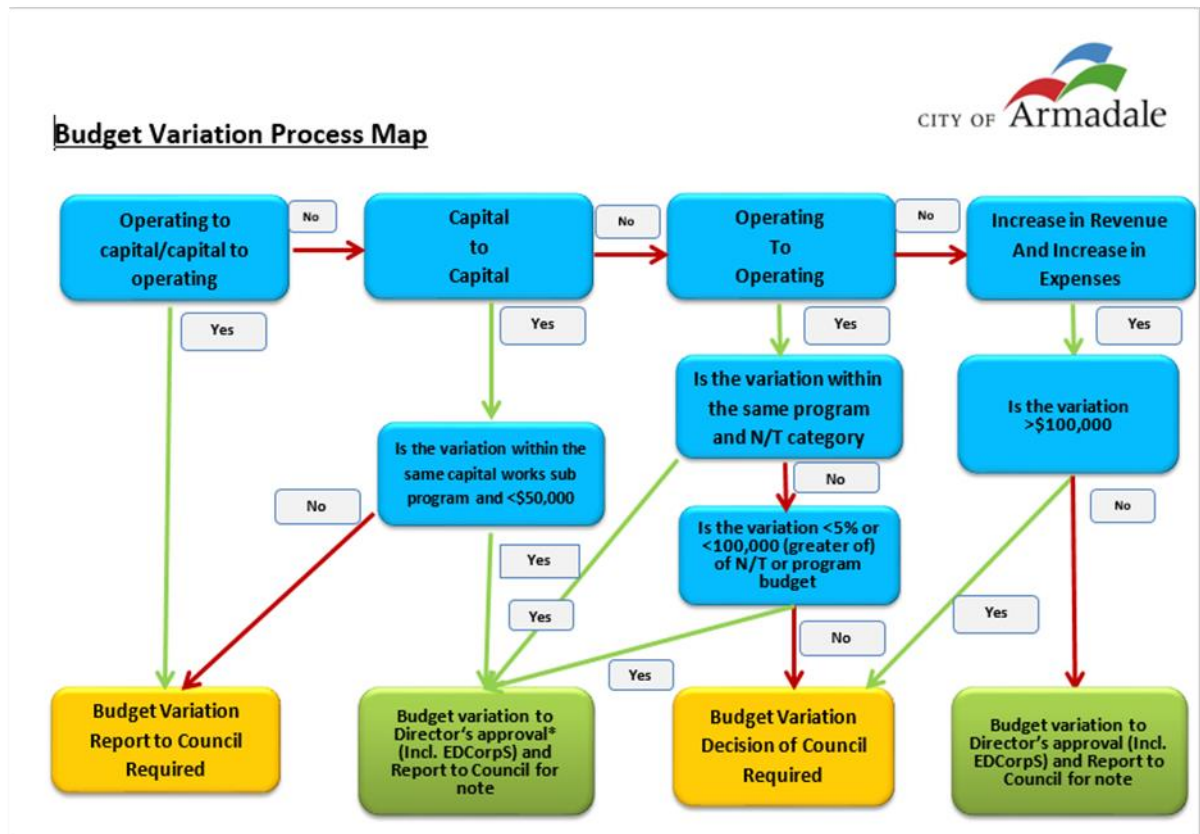
- Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$100,000 and in these instances an explanatory comment has been provided.

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 eleven (11) month period ended 31 May 2023.

Capital Carry Forward Program Update

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

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

Project Delivery Phases

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

The phases are:

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

FY21/22 CFWDS with Funding Source – 31 May 2023			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
	\$	\$	%		
Planning Phase					
Landfill Gas Capture	315,300	315,300	4%	Reserve	Project to commence in FY24
Railway Avenue	2,990,000	2,990,000	0%	Grant/Muni	Design remains on hold as we await advice to see if there is an opportunity to repeat the City of Gosnells' in principle agreement with PTA to work within the rail reserve. Awaiting meeting with DoT expected late July 23
Eighth Rd	5,657,300	1,500,000	0%	Grant	Design consultant has been appointed. Land acquisitions are in progress. Service relocation progressing with WP which commenced in Q4 FY23, others to follow. ATCO offer received and contract agreement being reviewed including discussions direct with ATCO– in progress.
Hawkestone Rd	58,900	56,674	0%	Muni	Project cancelled as the owner did not agree to land acquisition.
Street Lighting New	25,000	21,743	100%	Muni	Completed
Kelmscott Streetscape	75,000	75,000	0%	Muni	Project identified on hold until resolution of the Streetscape guidelines
Champion Lakes Resource Centre	291,000 (Revised Nov 22)	277,678 (Revised)	19%	Reserve	Development Application for Carport was approved in July 2023. Contractor will now submit Building Application. Architect has been awarded for the re-design

FY21/22 CFWDS with Funding Source – 31 May 2023			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
	\$	\$	%		
					of the proposed works. RFT for the works will be completed toward end of August 2023 for issuing to the market.
St Francis Xavier Church	100,000	97,000	11%	Muni	Roof structure and asbestos investigations complete. The Heritage Architect report and recommendations have been received. Fencing and retaining wall designs for the site are being finalised. Provision of services, graffiti removal and fencing are yet to be completed. The City has received the \$600k contribution from WAPOL.
Final Cover and Rehab – Landfill	7,280,000	2,000,000	1%	Reserve	DWER approvals in progress. The project program has been updated and the FY24 Budget recast. Tender documents being prepared for various works inc. leachate ponds and relocation of gas assets.
Stereo Armadale Hall	40,000	40,000	63%	Muni	Completed
Basketball Backboards	90,000	90,000	100%	Muni	Burtonia Park Basketball, Don Simmons Reserve Basketball, Frye Park Basketball, Matthew Stort Reserve Basketball, Rotary Park Basketball and Sheaf Park Basketball completed.
Public Art	100,000	100,000	43%	Muni	Completed with \$43,000 spent, with the balance to be transferred to Reserves as part of the Carry Forward report.
Total Planning Phase	17,022,500	7,563,395			
Detailed Design Phase					
Entry Statement – Forrestdale	33,760 Amended March	33,760	33%	Muni	The incorporation of lighting has led to a delay to the project as time has been taken to ensure the lighting designs are suitable. Equally obtaining relevant planning approvals from state agencies has taken significantly longer than anticipated, with Main Roads approvals still pending. It is anticipated the signs will be ready for installation by late 2023.
Entry Statement – Kelmscott	34,000 Amended March	34,000	0%	Muni	The incorporation of lighting has led to a delay to the project as time has been taken to ensure the lighting designs are suitable. Equally obtaining relevant planning approvals from state agencies has taken significantly longer than anticipated, with Main Roads approvals still pending. It is anticipated the signs will be ready for installation by late 2023.
Municipal Reserves	93,700 Amended March	93,700	0%	Muni	The incorporation of lighting has led to a delay to the project as time has been taken to ensure the lighting designs are suitable. 2 signs will be located in Armadale and 1 on Roleystone. It is anticipated the signs will be ready for installation by late 2023.

FY21/22 CFWDS with Funding Source – 31 May 2023			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
	\$	\$	%		
Rothery Park	320,000	317,250	0%	Reserve	In design. Identified as Carry Forward
Gwynne Park Pavilion	185,000	160,860	0%	Muni	Brief to be developed. Design proposed to be completed – second half of FY24.
Alfred Skeet Oval Pavilion	42,000	133,833	13%	Muni	Interim provision of kitchen equipment have been provided to support operation of the club. Target completion Q2 FY24.
Piara Waters Library	9,240,000 (Revised Mar 23)	2,534,600 (Revised)	15%	Reserve	Project commenced in May 2023. The project remains on time and within budget. Expected PC May 2024.
Morgan Park	3,756,500	386,000 (Revised)	99%	Grant	The revised Concept Plan supplied is under review by the Project Control Group and a meeting will be convened with the Lead Design Consultant with the aim of working through the design. The design work in FY24 will inform project scope decision making and project cost implications.
Forrestdale Hub	5,835,000	600,000 (Revised)	85%	DCP/Muni	A Cost Plan estimate has been produced from the current Concept Design which forecasts a significant cost escalation. The design work in FY24 will inform project scope decision-making and project implications, possibly including staging. Noise modelling is also being carried out.
Drop n Shop Parking and Entrance Road	100,000	100,000	0%	Reserve	Planned for FY24.
Detailed Design Total	19,640,300	4,394,003			
Procurement and Contracts Phase					
Gwynne Park	30,000	29,550	100%	Muni	Completed
Neilson Avenue	25,900	25,900	11%	Muni	Currently liaising with Western Power to seek approval on relocation of streetlight pole at the intersection. Redesigned the intersection to save the tree. Expected final design by Qtr 2 FY 24 and construction completion by Qtr 3 FY 24.
Reg Williams Reserve	120,000	117,806	92%	Muni	Completed
Shipwreck Park	170,000	170,000	100%	Muni	Works are progressing with expected PC in August 2023.
Procurement Total	345,900	343,256			
Construction Qtr 1 Completion					
Data Connection - landfill	35,500	16,206	0%	Reserve	Completion date pending external service provider
Lina Hart Reserve	45,000	45,000	99%	Muni	Completed
Rosette Park	58,100	58,100	92%	Muni	Completed

FY21/22 CFWDS with Funding Source – 31 May 2023			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
	\$	\$	%		
Champion Centre solar	100,000	42,702	0%	Muni	Completed
Construction Qtr 1 Completion Total	238,600	162,008			
Construction Qtr 2 Completion					
CCTV – Landfill	33,400	30,500	0%	Reserve	Upgrade CCTV when the new weighbridge has been installed.
Corondale Reserve	674,800	528,513	100%	POS/T	Completed
Gwynne Park	96,500	81,527	80%	Muni	Completed
Ticklie Park	760,300	87,648	13%	POS/T	Completed
Trailer Transfer Area	100,000	52,056	100%	Reserve	Completed
Weighbridge Replacement	380,000	351,146	100%	Reserve	Installed Q4 FY23 – fit out and software to be installed Q1 FY24.
San Jacinta Reserve	35,000	31,800	39%	Muni	Completed
Bedforddale Pavilion	683,000	429,694	100%	Muni	Project Completed
Robot Park	90,000	89,396	75%	Muni	Completed
Construction Qtr 2 Completion Total	2,853,000	1,682,280			
Construction Qtr 4 Completion					
RK Bush Fire Brigade	5,390,900 (Revised)	4,329,247 (Revised)	98%	Grant and Reserve	In progress with expected PC in Q2 FY24. Refer Item CEO/11/22
Completion Phase – Qtr 1					
Armada Road	179,300	116,416	3%	Grant/Muni	Completed. Acquittal in progress
John Dunn Pavilion	3,843,000 (Revised Apr 23)	1,112,342 (Revised)	100%	Muni and Reserve	Works progressing including additional maintenance works following community engagement. Entrance rectification works and waterproof membrane/ decking tiling works to be completed. Lower ground building was made available to clubs in May 2023. Working through a process to open up the whole building.
Palomino Reserve	84,000	65,072	100%	Muni	Construction Phase & 95% work complete. Expecting variations from Western Power. Waiting consultant inspection.
Rotary Park	24,000	7,582	31%	Muni	Completed
Rushton Park	11,900	10,613	100%	Muni	Completed
Trailer Transfer Area	49,400	38,094	82%	Reserve	Works in progress – nearing completion
Westfield Heron Reserve	1,500,100	322,470	80%	Grant	Completed
Warton Rd	904,300	173,300	100%	Muni	Completed
Alderson Park	75,000	51,724	100%	Muni	Completed

FY21/22 CFWDS with Funding Source – 31 May 2023			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
	\$	\$	%		
Chiltern Estate	100,000	6,862	48%	Muni	Completed
Bronzewing Reserve	75,000	31,492	18%	Muni	Completed
Creyk Park	20,000	16,078	37%	Muni	Project in consolidation
AFAC Solar	722,300	74,471	78%	Grant	Works in progress
Leachate Drainage	50,000	14,124	69%	Reserve	Project start date deferred – to be carried forward.
Site Fencing Landfill	50,000	37,784	59%	Reserve	Project start date deferred – to be carried forward.
Security Landfill	50,000	31,183	58%	Reserve	Project start date deferred – to be carried forward.
Optic Fibre to Depot	210,000	163,020	0%	Muni	Under review
Completion Phase – Qtr 1 Total	7,948,300	2,272,627			
Completion Phase – Qtr 4					
Skeet Rd Planting	345,100	7,529	100%	DCP	Completed
Skeet Rd Consolidated	307,600	41,796	76%	Reserve	Completed
Completion Phase – Qtr 4 Total	652,700	49,325			
Supplier Delay					
Heavy Plant Items	2,864,000	2,864,000	100%	Reserve	All items ordered
Light Fleet Items	1,125,158	1,125,158	93%	Reserve	Most items ordered
Supplier Delay Total	3,989,158	3,989,158			
CFWD PROJECT TOTAL (Revised)		24,785,299			Original carry forward \$18.84M

Rates Debtors

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

May-23		Non Pensioner							
		One Year		Two Years		Three + Years		TOTAL	
		#	\$	#	\$	#	\$	#	\$
ALL	Year One	291	372,855	156	329,131	151	322,359	598	1,024,345
ALL	Year Two				204,477		305,308		509,785
ALL	Year Three						472,579		472,579
TOTAL		291	372,855	156	533,608	151	1,100,246	598	2,006,709

Change from last month -23 -\$29,090 -4 -\$11,421 -5 -\$31,798 -32 **-\$72,309**

YTD Change -686 -\$884,106 -86 -\$273,589 -64 -\$347,724 -836 **-\$1,505,419**

Sundry Debtors

The total of Sundry Debtors 60 days and over has now been reduced to \$1.1m of which \$650k has been referred to Fines Enforcement Registry. \$150k is in the 60 to 90 day category and \$300k remains uncollected in the 120 day plus category. These debts are in the process of being reviewed for collectability.

Reserve Transfers*Workers Compensation*

The City takes advantage of 'performance based' workers compensation premiums through its insurer LGIS WorkCare. A discount is offered of 0.29% on the normal premium, which is 1.45%, if the City has a 'low claims' year. This discount is transferred to the Workers Compensation reserve for future years where the payments required may be higher than normal.

For the FY23 year, the proposed transfer of **\$120,000** is calculated by the normal premium of \$610,000 (1.45%) less the actual premium paid of \$490,000 (1.16%). Accordingly a budget amendment to transfer the balance to the reserve is required.

The City has had a low claims year and this may be attributed to an improved safety culture and worker rehabilitation process.

ICT Reserve

The ICT costs for the FY23 year have finished \$1.38M under budget due to a number of projects that started later in the year and are still in progress.

ICT Costs – Budget versus Actuals FY23

Corporate Services Directorate	Actual 2023 (\$)	Current Budget 2023 (\$)
Information & Communications Technology		
Revenue		
Revenue Other	(2,885)	(12,000)
Revenue Total	(2,885)	(12,000)
Expenses		
Employment	1,448,261	1,897,500
Office	210,796	217,000
Professional Services	193,160	551,600
Other Expense		
Business Systems	1,519,682	2,180,000
ICT Infrastructure & Support	1,192,971	963,500
Information & Communications Technology	187,562	350,300
Other Expense Total	2,900,215	3,493,800
Vehicles	3,442	11,600
Interest Expense	46,375	57,600
Expenses Total	4,802,249	6,229,100
Non- Cash		
Depreciation Expense	689,981	785,100
Non- Cash Total	689,981	785,100
Information & Communications Technology Total	5,489,345	7,002,200

As noted in the draft FY24 Corporate Services budget, a transfer from the ICT reserve is proposed for the *CM9* (Document Management System); *Authority* (Property, Compliance and Revenue system) and *Microsoft Office Suite* upgrade, projects which are all presently in progress. To facilitate this, a transfer to the ICT reserve is required in FY23, from the balance funds available in the ICT budget. Further, the transfer of funds will also be utilised to fund system changes for moving into the State Industrial Relations system and the September 2023 *OneCouncil* upgrade.

OneCouncil Implementation

The revenue transactions are now automated and reconciliations are able to be performed on a timely basis going forward. This monthly statement is still based on the initial chart of account based on South Perth's configuration as will be the next one. The July statements in FY24 will be the first to be operational and fully automated under the new chart of accounts, which has been implemented at the end of June.

ATTACHMENTS

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

Committee Discussion

Committee sought clarification of the completion status for the following projects in the FY21/22 CFWDS table:

1. *Public Art*
2. *Entry Statement Forrestdale*
3. *Entry Statement Kelmscott*
4. *Municipal Reserves*
5. *AFAC Solar; and*
6. *Ticklie Park*

Advice was provided on items 1 to 4, and items 5 and 6 were taken on notice. The table will be updated (for the Council Agenda) prior to the Council meeting on 24 July 2023.

RECOMMEND

CS30/7/23

That Council:

- i. Pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996 (Financial Activity Statement Report) accept the Statement of Financial Activity for the eleven (11) month period ended 31 May 2023; and:**
 - a. Note that there are reportable actual to budget material variances for the period**
 - b. Note the \$161.24 small rates debts written off under Primary Delegation 1.0 and Secondary Delegation CORPS 1.1.**
- ii. Approve an amendment to the 2022/23 Annual Budget to transfer the following funds to reserves:**
 - a. \$120,000 to the Workers Compensation reserve; and**
 - b. \$1,380,000 to the ICT Reserve.**

ABSOLUTE MAJORITY RESOLUTION REQUIRED

Moved Cr S Mosey

MOTION CARRIED**(7/0)**

2.1 - 2023 WALGA LOCAL GOVERNMENT CONVENTION AND REGISTRATION OF VOTING DELEGATES FOR THE ANNUAL GENERAL MEETING - 18-19 SEPTEMBER 2023

WARD : ALL
FILE No. : M/348/23
DATE : 19 June 2023
REF : SD
RESPONSIBLE MANAGER : Chief Executive Officer

In Brief:

- The 2023 WA Local Government Convention will be held this year on Monday 18 and Tuesday 19 September at Crown Perth.
- The Convention brings together Elected Members and Local Government staff from across WA.
- As part of the Convention, the 2023 WALGA Annual General Meeting will be held on Monday 18 September 2023.
- Member Councils are entitled to be represented by (2) voting delegates, either elected members or serving officers.
- The City is usually represented by the Mayor and Zone delegates at the Convention.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

4.1 Strategic Leadership and effective management

Legal Implications

Nil.

Council Policy/Local Law Implications

Elected Member Professional Development.

Budget/Financial Implications

Registrations for the Local Government Convention will be accommodated from the Members Development Account.

Consultation

Nil.

COMMENT

WALGA Local Government Convention

WALGA's annual Local Government Convention brings together hundreds of Elected Members and Local Government staff from across Western Australia to discuss and examine important issues and trends facing the sector.

Themed Local Futures, this year's Convention will explore how Local Governments can enact and drive change for the benefit of their communities and the diversity of solutions that can emerge when you start local.

The program includes inspiring keynote speakers and plenary sessions delving into topical issues (refer program attached). The Convention will be held on 18 and 19 September 2023.

Councillors Butterfield, Northcott, Kamdar, Mosey, Silver, Peter, Virk, and Smith have registered their interest to attend either the full Convention or parts of it.

Crs Butterfield and Northcott are the delegates on the South East Metro Zone and is also a State Councillor and Deputy State Councillor respectively. As a State Councillor, Cr Butterfield has been offered complimentary registration for the Convention.

Due to the impending Council elections later in 2023, a decision of Council is required due to the following clause in the Elected Member Development Policy which states that:

“(c) Where an Elected Member at the date of the conference, seminar or training course has an electoral term of less than six (6) months to complete, such member shall be ineligible to attend unless it is specifically authorised by Council.”

The electoral terms for Crs Northcott, Silver and Peter expires in October 2023. However, it is recommended that Council authorise their attendance at this significant WALGA event.

WALGA Annual General Meeting

The 2023 Annual General Meeting for the WA Local Government Association will be held as part of the Local Government Convention on Monday 18 September 2023 from 2pm to 5pm at Crown Perth.

Pursuant to the WALGA Constitution, all Member Councils are entitled to be represented by two (2) voting delegates. Voting delegates may be either elected members or serving officers.

Council is usually represented by its two South East Zone delegates (Crs Butterfield and Northcott). As indicated above, both Crs Butterfield and Northcott have indicated their interest in being registered for the Convention.

In the event either Crs Butterfield or Northcott are unable to attend on the day it will be prudent to register deputy voting delegates. The two deputy South East Zone delegates are Crs Keogh and Hancock and neither of them will be attending.

Crs Mosey, Peter, Kamdar, Silver, Virk, and Smith have requested to be registered for the Convention and will be attending the AGM.

It is recommended that any two of the above Councillors be registered as deputy voting delegates.

ATTACHMENTS

1. 2023 WA Local Government Convention - September 2023 - Program

RECOMMEND

CS31/7/23

That Council:

1. **authorise the registration of those Councillors with an electoral terms of less than 6 months to be registered for the 2023 WALGA Convention;**
2. **register Cr Butterfield and Cr Northcott as its voting delegates for the 2023 WALGA Annual General Meeting to be held on Monday 18 September 2023.**
3. **register Cr Silver and Cr Mosey as its deputy voting delegates in the event that either Cr Butterfield or Cr Northcott are unable to attend the WALGA AGM on this day.**

Moved Cr S Peter
MOTION CARRIED

(7/0)

COUNCILLORS' ITEMS

1. Confidential Award Nomination (Cr Shanavas Peter)

Moved Cr Peter that the meeting be closed to members of the public as the matter to be discussed relates to the personal affairs of a person.

Motion Carried (7/0)

Meeting declared closed at 7.14pm. Two staff members left the meeting.

Cr Peter raised the matter of a confidential award nomination and in terms of Council's guidelines for such nominations, upon approval of the motion by Council, the supporting documentation will be forwarded to the CEO for circulation to all Councillor for their views.

RECOMMEND

CS32/7/23

That Council endorse the matter to be progressed for research.

**Moved Cr S Peter
MOTION CARRIED**

(7/0)

*Moved Cr Peter that the meeting be opened at 7.17pm
Motion Carried (7/0)*

CHIEF EXECUTIVE OFFICER'S REPORT

Nil.

EXECUTIVE DIRECTOR'S REPORT

Nil.

MEETING DECLARED CLOSED AT 7.17PM

CORPORATE SERVICES COMMITTEE SUMMARY OF ATTACHMENTS 18 JULY 2023		
ATT NO.	SUBJECT	
1.1 LIST OF ACCOUNTS PAID - MAY 2023		
1.1.1	Monthly Cheque and Credit Card Report - May 23	
1.2 STATEMENT OF FINANCIAL ACTIVITY - MAY 2023		
1.2.1	Small Balance Rates Interest Written Off - May 2023	
1.2.2	Statement of Financial Activity - May 2023	
2.1 2023 WALGA LOCAL GOVERNMENT CONVENTION AND REGISTRATION OF VOTING DELEGATES FOR THE ANNUAL GENERAL MEETING - 18-19 SEPTEMBER 2023		
2.1.1	2023 WA Local Government Convention - September 2023 - Program	

The above attachments can be accessed from the Minutes of the Corporate Services Committee meeting of 18 July available on the City's website

CHIEF EXECUTIVE OFFICER’S REPORT

24 JULY 2023

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- 2023 PERFORMANCE REVIEW - CHIEF EXECUTIVE OFFICER

WARD : ALL

FILE No. : M/394/23

DATE : 12 July 2023

REF : SD

RESPONSIBLE : Chief Executive Officer
MANAGER

In Brief:

- On 14 November 2022 Council received and endorsed the 2021/22 annual performance review report and on 28 November considered an ancillary report for endorsement of the 2022/23 Key Performance Indicators (KPIs) and independent Remuneration Review.
- Council at its meeting on 14 November resolved to commence the 2022/23 performance review by 1 August 2023.
- It is proposed that the CEO Evaluation panel be provided with independent facilitation and professional advisory services to facilitate the 2022/23 annual performance review, the setting of the 2023/24 CEO KPIs and negotiating and documenting the process for the setting of the annual CEO KPIs.

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

Strategic Implications

The CEO's Performance Criteria relate to all aspects of the Strategic Community Plan

Legal Implications

Sections 5.38 and 5.39, 5.39A and 5.39B of the *Local Government Act 1995*
Local Government (Administration) Regulations 2021

Council Policy/Local Law Implications

City of Armadale Standards for CEO Recruitment, Performance and Termination

Budget/Financial Implications

Council's Annual Budget includes costs associated with the CEO's performance management process.

Consultation

Mayor

BACKGROUND

In accordance with established practice the CEO Evaluation Panel has the following structure and function:

1. Membership of the CEO's Evaluation Panel to comprise five (5) Councillors being the Mayor, Deputy Mayor and three additional Councillors appointed by resolution of Council.
2. The Presiding Member of the Panel will be the Mayor and in the absence of the Mayor, the Deputy Mayor.
3. Primary functions of the Panel are to:
 - a. Oversee the performance review process
 - b. Endorse the independent consultant's performance appraisal report for consideration by Council
 - c. Discuss possible KPIs and measurements with the CEO for reporting to Council, as part of the performance agreement
 - d. Ensure involvement of all Elected Members – participation in the questionnaire process

On 22 November 2021 following the 2021 Local Government election, Council appointed a CEO Evaluation Panel comprising of the following seven (7) Councillors.

- Cr Butterfield (Mayor)
- Cr Busby(Deputy Mayor)
- Cr Flynn (Chair Audit Committee)
- Cr Nixon
- Cr Hancock
- Cr Hetherington
- Cr Northcott

The role of the Independent Consultant is to facilitate the Panel discussion, conduct interviews of all elected members, provide a summary report to the Panel and facilitate discussion/agreement between the CEO and Panel.

COMMENT

In accordance with the *Local Government Act 1995*, the *Local Government (Administration) Regulations* and the CEO's Contract, an annual performance review is required to be conducted for the CEO against the Key Performance Indicators set for 2022/23.

A report on the *Local Government (Administration) Regulations 2021* which took effect on 3 February 2021 was presented to Council at its special meeting on 3 May 2021 where it was resolved as follows:

That Council

- 1. Adopts the "City of Armadale Standards for CEO Recruitment, Performance and Termination" as attached*; and*
- 2. As part of the 2021 CEO Performance Review that the process for setting of the annual CEO Key Performance Indicators (KPIs) is agreed and documented.*

The purpose of this report is to appoint an independent consultant to facilitate the 2022/23 annual performance review, the setting of the 2023/24 CEO KPIs. The process of setting the CEOs KPIs based on the City's Corporate Business Plan actions has been established but there is still uncertainty regarding the recent reforms regarding CEO KPIs as part of the Local Government Reform Act. It is recommended that Council endorse the CEO Evaluation Panel to agree with the CEO and document the current process for the setting of the annual CEO KPIs for presentation to Council with the understanding that this may change when the Regulations regarding CEO KPIs are released.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

CEO3/7/23

That Council:

- 1. In accordance with the City's Procurement Policy and Procedures, appoint an independent consultant to facilitate the process and provide professional advisory services for the 2022/23 annual performance review for the CEO and the setting of the 2023/24 CEO KPIs.**
- 2. Endorses the CEO Evaluation Panel to have the additional function of agreeing with the CEO and documenting the process for the setting of the annual CEO KPIs for presentation to Council.**

****1.2 - ANNUAL BUDGET - FINANCIAL YEAR 2023/24**

WARD : ALL

FILE No. : M/303/22

DATE : 12 July 2023

REF : MH

RESPONSIBLE : Executive Director
MANAGER Corporate Services

In Brief:

- This report presents the 2023/24 Annual Budget, which has been developed through a series of Councillor workshops and informing decisions of Council.
- The Report Recommendation proposes that the Council imposes Differential Rates and adopts the 2023/24 Annual Budget as attached.

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

4.3 Financial Sustainability

4.3.1 Undertake strategic financial planning to ensure that appropriate services are effectively delivered, assets are efficiently managed and renewed, and funding strategies are equitable and responsible.

Legal ImplicationsSection 6.2 of the *Local Government Act 1995*.***Section 6.2 Local government to prepare annual budget***

(1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

(2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*

- (a) the expenditure by the local government; and*
- (b) the revenue and income, independent of general rates, of the local government; and*
- (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

The financial and budget implications are outlined in this report and detailed in the budget papers attached.

Consultation

- Councillors & Officers
- Local public notice of the proposed differential rates for 2023/24.

BACKGROUND

The following items refer:

- Adoption of the Four Year Budget (CS16/4/22) Adopted OCM 26/4/22
- Adoption of the Long Term Financial Plan (CS61/11/22) Adopted OCM 19/12/22
- Budget Scenarios & Assumptions Councillor Workshop 9/5/23
- Rates and Property Valuations Councillor Workshop 17/5/23
- Proposed Differential Rates for 2023/24 (CEO29/5/23) Endorsed for Submissions SCM 29/5/23
(CEO26/6/23) Submissions OCM 26/6/23
Councillor Workshop 11/7/23
- Annual Budget
 - Development Services Directorate
 - Corporate Services Directorate
 - CEOs Directorate
 - Technical Services Directorate
 - Community Services Directorate
- Capital Investment Budget Councillor Workshop 8/11/23
Councillor Workshop 11/7/23

The draft 2023/24 Annual Budget has been prepared following analysis of the City's operating and financial position through the Long Term Financial Plan and the four year budget. It is informed by the reviews of the Strategic Community Plan, Corporate Business Plan, Community Infrastructure Plan, the various Asset Management Plans and other City strategies.

At the Special Council meeting on May 29th 2023, Council resolved to give local public notice of its intention to impose differential rates in accordance with the Statement of Objects and Reasons. At the conclusion of the local notice period and after considering the 102 submissions received, Council at the Ordinary Council Meeting on 26 June 2023 agreed to:

“include in the draft 2023/24 Annual Budget without modification, the following differential rates and general rates”:

Gross Rental Value Properties

<i>Differential Rate Category</i>	<i>Rate in the \$</i>	<i>Minimum Rate \$</i>
<i>Vacant Land</i>	<i>14.5778</i>	<i>1,175</i>
<i>Residential Improved</i>	<i>9.4040</i>	<i>1,356</i>
<i>Business Improved</i>	<i>9.8134</i>	<i>1,577</i>
<i>Unimproved Value Properties</i>		
<i>General & Minimum Rate</i>	<i>0.4755</i>	<i>1,624</i>

More recently, Councillors considered the respective draft 2023/24 Directorate budgets and the updated Capital Investment budget at a workshop, before finalising the draft budget for Council consideration.

The statutory budget is attached, containing the main financial statements and notes. The format of the statutory statements has been updated as a result of the new *Model Financial Statements*, amendments to the *Local Government (Financial Management) Regulations 1996* and the *Australian Accounting Standards*.

The Main Statements comprise:

- Statement of Comprehensive Income (the operating budget)
- Statement of Cashflows
- Statement of Financial Activity (formally the rate setting statement, outlining all operating and capital incomes and expenditures, and financing activities)

Local Government's were advised by the Department of Local Government, Sports and Communities (DLGSC) on 13 July that the second tranche of amendments to implement the Model Financial Statements has been gazetted (30 June 2023). This means the amendments are effective for the FY24 Budget.

DETAILS OF PROPOSAL

Financial Strategies

The draft budget meets Council's financial objectives set out in the Long Term Financial Plan and balances the funding requirements between current and future generations of Armadale. Key strategies include:

- Reducing the operating deficit through careful management of services, costs and revenues;
- Ensuring sufficient funds are committed to asset renewal (including future provisions);

- Limiting the amount of Municipal funds (rates) allocated to new capital projects, whilst leveraging other sources of capital funds, including grants and contributions;
- Capping total borrowings to \$50M; and
- Ensuring growth funds are applied to growth in services to benefit new communities.

The Operating Budget

The Operating budget is set out in the *Statement of Comprehensive Income*.

The City's operating revenue is budgeted to be \$125M¹ exclusive of developer contributions and grants for capital projects. This revenue is set against budgeted operating expenditure (including depreciation) of \$136M². The statement below, extracted from the draft budget has been adjusted to illustrate the City's underlying operating position, which is a key measure of a local government's long term financial sustainability.

**CITY OF ARMADALE
STATEMENT OF COMPREHENSIVE INCOME BY NATURE
FOR THE YEAR ENDED 30 JUNE 2024**

	2023/24 Budget
	\$
Unadjusted Operating Deficit	(11,027,410)
Adjustments	
Add:	
General Financial Assistance Grant Paid in Advance	2,576,000
Local Roads Financial Assistance Grant in Advance	1,855,000
Non Recurrent Proposals: Previous year surplus applied	1,274,000
Non Recurrent ICT Projects: Reserve Funded	1,380,000
OneCouncil Project: Loan Funded	2,028,000
Less:	
Interest on Reserves restricted by legislation	(1,457,000)
	7,656,000
Adjusted Operating Deficit	(3,371,410)

Council has set a medium term target to reduce the current deficit to within +/- \$3M each year. The resulting operating deficit (adjusted)³ is \$3.4M, and is consistent with the Council's financial strategy to reduce the operating deficit, outlined in the Long Term Financial Plan and Four Year Budget and has reduced significantly from its projected \$9M deficit a few years ago.

Whilst this is a good result, the revaluation of the City's infrastructure assets, which is nearing completion will likely have a negative impact on the operating position (through the depreciation of assets). This is due to an increase in depreciation resulting from a higher replacement value of assets, driven by cost increases. It is why Council should remain

¹ The Financial Assistance Grant was paid in advance on 30 June, and is shown in the FY23 surplus carried forward. The operating revenue for FY24 is therefore \$4.43M more than stated in the *Statement of Comprehensive Income*.

² Operating expenditure includes a number of non-recurrent projects to the value of \$6.4M, funded by cash reserves, borrowings and the FY22 surplus.

³ Operating revenues, less operating expenditures including the depreciation of assets, adjusted for advance payments, interest earnings on reserves restricted by legislation and financing amounts of non-recurrent projects.

vigilant of the impacts of escalating costs on the City's operating position and financial health.

The comparative figures for the revenue and expenditure items are supported by the following notes:

CITY OF ARMADALE
STATEMENT OF COMPREHENSIVE INCOME BY NATURE
FOR THE YEAR ENDED 30 JUNE 2024

	2023/24 Budget	2022/23 Actual	2022/23 Budget	
Revenue	\$	\$	\$	
Rates	83,097,816	78,389,558	78,161,130	Council endorsed Indexing; 700 new rateable properties
Operating grants & contributions	3,083,400	11,006,500	10,070,900	\$4.43M Financial Assistance Grant paid in advance; higher DCP last year
Fees and charges	32,201,900	32,931,263	32,905,100	Council endorsed Indexing, however \$3M drop in Commercial Landfill Disposal fees (offset by expenditure reduction)
Interest revenue	6,437,100	5,996,446	1,337,400	Higher interest rates, largely generated by cash reserve holdings and transferred to cash reserves.
Other revenue	19,000	201,605	378,200	Last year, revenue brought across from trust account for specified works.
	124,839,216	128,525,372	122,852,730	
Expenses				
Employee costs	(48,679,700)	(44,822,300)	(44,922,300)	Council endorsed Indexing (including Superannuation Guarantee), additional employees approved through the growth budget and endorsed proposals, recategorising costs from material/contracts to employee costs
Materials and contracts	(50,736,600)	(50,945,809)	(51,747,600)	Council endorsed Indexing, lower Landfill site costs due to reduction in commercial tipping.
Utility charges	(4,470,700)	(3,267,040)	(3,742,100)	7% increase by Western Power for street lights
Depreciation	(27,698,000)	(26,864,614)	(26,425,100)	New assets acquired
Finance costs	(1,246,280)	(1,213,250)	(1,167,500)	Interest expense on loans and leases
Insurance	(1,258,500)	(1,286,687)	(774,100)	5% increase, Recategorising insurance budgets in FY23 from materials/contracts to insurance
Other expenditure	(1,776,846)	(1,738,555)	(1,282,800)	Council endorsed Indexing, Recategorising certain expenses from material and contracts to other.
	(135,866,626)	(130,138,255)	(130,061,500)	
	(11,027,410)	(1,612,883)	(7,208,770)	

The Overall Budget

The overall budget set out in the *Statement of Financial Activity* remains balanced. This comprises all:

- (i) operating revenues and expenditures;
- (ii) capital revenues and expenditures; plus
- (iii) financing commitments (borrowings and cash reserves).

An integral element of the Statement is the net current assets (opening funds) carried forward from the previous financial year and closing funds.

In the preparation of the FY24 budget, the following amounts have been carried forward:

- FY22 Surplus* \$2,800,000
- FY23 Financial Assistance Grant paid in advance \$2,575,900
- FY23 Financial Assistance Grant paid in advance \$1,855,600

*allocated to budget proposals, and reserve transfers for Kelmscott Public Realm and Trails Network.

The Capital Investment Program

The FY24 capital investment program provisions a \$30.5M budget, delivering \$18M in new and upgraded assets, and \$12.5M for the renewal of existing assets. Consistent with the Council's financial strategy, a further (net) \$4M is also transferred to the asset renewal reserve, to ensure there are sufficient funds to replace assets in the future.

Details of the Capital Investment Program are set out in the budget schedules.

Cash Reserves

The City has established various reserves accounts to set aside funds for future projects, asset renewal and financial obligations. Cash reserves are committed for a purpose, and in the case of Development Contribution Schemes, in accordance with legislation.

Of note is the following:

(i) Asset Renewal	A net transfer to the reserve of \$4.5M is provisioned
(ii) Development Contribution Schemes	Transfers of a further \$7.8M are budgeted from Developers for future infrastructure construction.
(iii) Future Projects	\$500,000 is transferred for the Armadale Civic Precinct; \$500,000 ⁴ is transferred for the Kelmscott Public Realm Strategy (future works); \$500,000 ⁵ is transferred for the Trails Network Plan (future works);
(iv) Future Projects – Waste	A net \$2M transfer from reserve is made to fund the \$4M Waste (Landfill Site) Capital program.

Borrowings

New loans totalling \$7.6M are provisioned, increasing the City's total borrowings to \$41M. The loan borrowings are consistent with the Long Term Financial Plan financial strategies, enabling Council to fund projects and works, whilst managing debt servicing capacity. The two main loans are for the Piara Waters Library construction and the *OneCouncil* ERP system implementation.

Proposals to the budget

The City's financial planning and budgeting process includes formalised submissions to the budget, workshopped with Council and responding to the Corporate Business Plan priorities and operation needs.

⁴ Funds remaining from the FY22 Surplus

⁵ Funds remaining from the FY22 Surplus

This year, the Council was able to fund \$1.8M of proposals, mainly using the surplus funds from FY22, and include:

- Kelmscott Public Realm
- Mosquito Program (incl. Crown reserves)
- Dual Naming
- Light Industry Audit program
- Regional Multi Purpose Facility Analysis
- Emergency Management – Education officer
- Champion Centre programs
- Strategic Planning & Performance
- Risk & Assurance
- Strengthening Governance and Compliance
- Trails Network Plan
- Urban Forrest Strategy
- Depot Facility (including Animal Compound upgrade)
- Waterways Management

A number of proposals are recurrent, and the City's financial plan has established that the recurrent funding needs can be met within the budget.

The Economy

Economic factors have continued to place a strain on the supply of labour, materials, goods and services. In a high inflation environment, this has made the formulation of the draft budget quite challenging. To inform decisions regarding the impact of cost escalations, the *Local Government Cost Index* (LGCI)⁶ is used by most local governments to guide budget decisions.

The Local Government Cost Index increased 0.9% in the March quarter and 4.5% in the last year, down from its peak of 5.8% in June 2022. It is likely to finish the year around 4.5%, and this has formed the basis for the budget preparation.

Rates Charges

This report proposes the imposition of differential rates pursuant to section 6.33(1)(a) and (c) of the *Local Government Act 1995* (the 'Act'), i.e. according to whether land is vacant and according to the purpose for which land is zoned under the three (3) planning schemes in use within the district.

The differential rates are levied on all non-rural rateable land within the City according to:

1. Whether or not the land is vacant land (section 6.33(1)(c) of the Act refers), and
2. The purpose for which land is zoned under the planning schemes in use within the district (section 6.33(1)(a) of the Act refers).

⁶ Provided by the West Australian Local Government Association, the LGCI is calculated using the weighted annual change (increase) in the various cost elements that are used to provide Local Government services and projects.

The City is again proposing three (3) differential rate categories for non-rural land valued on its gross rental value, namely:

- | | |
|------------|---|
| Category 1 | all vacant land |
| Category 2 | all improved land that is primarily residential in nature and is NOT zoned for business purposes;
and |
| Category 3 | all improved land that is zoned (pursuant to the City's Town Planning Scheme No.4, the Armadale Redevelopment Scheme 2004 and the Wungong Urban Water Redevelopment Scheme 2007) for business purposes. |

The City's rating strategy was incorporated into the Statement of Rating Objects and Reasons, which was recently advertised to the public. The document sets out information on the differential rating approach.

Ministerial Approval for imposition of differential rates

For Council to adopt the report recommendation regarding the imposition of the differential rates in the dollar relating to the rating category *GRV Residential – Minimum Rates*, Ministerial approval is required in accordance with Section 6.35(5) of the Act.

The Department for Local Government, Sports and Communities has indicated that the City can expect the Minister's approval to be received on 21st July, in time for this meeting.

Importantly, the Minister's approval must be received before the Council can impose the proposed differential rates, and the differential rates must be imposed before Council can adopt the annual budget. Therefore, the order of the report recommendation is deliberate.

Specified Area Rates

The Council's Rating Strategy also imposes Specified Area Rates (SARs) on certain locations in the district. SARs enable the enhancement of the general amenity of an area by way of increased service levels for the benefit of ratepayers/residents who live or work in the area. This may include services and activities such as litter control, verge and streetscape maintenance, verge mowing etc.

The authority to impose specified area rates is set out in section 6.37 of the *Local Government Act 1995*. This section requires that the money raised from a SAR be used for the purpose for which the rate was imposed, with any residual amount remaining being placed in a reserve for that same purpose. If an amount is not used, a refund or credit must be made.

The City has two categories of SARs – Townscape and Residential.

The Townscape Amenity Service has 4 business/commercial areas:

- Specified Area A – Armadale Town Centre
- Specified Area B – Kelmscott Town Centre
- Specified Area C – Kelmscott Industrial Area
- Specified Area D - South Armadale Industrial Area.

The Residential Amenity Service has two areas:

- Specified Area E – North Forrestdale
- Specified Area F – Champion Lakes.

Swimming Pool Inspection Charges

The City provides a low cost inspection service for owners and for the 2023/24 financial year this fee has remained the same at \$35.

All Local Governments are required to inspect private swimming pools, spas and the associated barrier fencing with-in a four yearly cycle, as per the *Building Act 2011*. Property owners who own a private swimming pool and/or spa are charged a swimming pool inspection levy, via their Rate Notice, to fund the expense associated with providing mandatory 4 yearly inspections.

Waste Charges

The City's waste collection and disposal charges have been increased this year from \$399 to \$417 for the residential service and from \$398 to \$416 for the commercial service.

The Waste charge for a full service provides the following services each year to rateable and non-rateable properties:

- Weekly general waste bin collection
- Fortnightly recycling bin collection
- One bulk verge collection
- Two green waste verge collections
- One booked mattress collection
- Four (4) tip passes (incl. Domestic Waste charge only).

The waste service charge includes the cost of the State Government's landfill levy of \$70 per tonne of waste. Of note, the Waste Authority recently advised that the levy will increase from 1st July 2024 to \$85, and then \$88, \$90, and \$93 for the following three years.

State Government Imposed Emergency Services Levy

The Emergency Services Levy (ESL) is a State Government charge levied on all properties in Western Australia and is calculated based on the GRV subject to both a minimum and a maximum levy. There are several ESL categories, properties in the City of Armadale fall within Category 1, Category 3, Category 5 and Mining Tenement. The City is required to collect the levy on behalf of, and remit it to, the State Government. The ESL appears as a separate line item on the City of Armadale Rate Notice but it is included in the total due for payment. The State Government increase applied is around 5% following on from a 4.4% increase for FY23.

Carried forward municipal funds for projects and works in progress

Each year the City will need to carry forward funds for capital projects and works that are in progress.

Councillors were provided with an estimate of the projects in progress, valued at around \$28M with a Municipal funding component of around \$4.5M. This latter amount will need to be carried forward and a report to confirm those projects and amend the budget will be forthcoming in August, once the funds available at 30 June have been confirmed.

In the interim period, Council will need to adopt a recommendation pursuant to section 6.8 (1) (b) of the *Local Government Act 1995* as follows:

That Council:

“...pursuant to Section 6.8(1)(b) authorises in advance:

- (i) all capital expenditure incurred from [*the budget adoption date*] to [*the August Council Meeting date*], which was provided for in the previous financial year's budget and commenced in the previous financial year; and;
- (ii) non-recurrent operational projects, which were provided for in the previous financial year's budget and commenced in the previous financial year, under contract.

Department of Local Government Update

On 17 June 2022, the Department of Local Government, Sport and Cultural Industries issued an update on regulatory changes made to the *Local Government (Financial Management) Regulations 1996* and the *Local Government (Audit) Regulations 1996* with the changes now in effect.

These regulatory amendments require local governments to present operating expenses and revenue in 'nature or type' format in their annual budget, monthly statement of financial activity and annual financial report from 1 July 2022. The FY24 Budget complies.

The amendments mean that local governments must adopt a Rate Setting Statement in 'nature or type' format as part of their 2022-23 annual budget. The FY24 Budget complies.

The amendments also remove the requirement for local governments to include financial ratios in their annual financial report, and reduce the scope of audit reports, from 1 July 2022. The City has already prepared the financial ratios and they have been included in the FY24 Budget.

SUMMARY

The preparation of the FY24 budget has been informed by the LTFP, Four Year Budget and Rating Strategy, consideration of scenarios and assumptions, and a further analysis of economic and social indicators.

The draft budget is premised on a general increase in operating revenues and expenses of 4.5%. The operating deficit is \$3.4M, which has reduced with increases in interest rates, grants and a managed approach to service costs.

The asset renewal commitment is nearly \$17M, and the asset renewal cash reserve is aligned with the 50-year asset renewal funding strategy.

The Council has limited the application of Municipal funds to new assets to \$2.4M, in accordance with its financial strategy.

Whilst borrowings increase by \$7M, the total amount falls within the Council's targeted range.

Increased Community value has been driven through endorsed proposals to the budget including public realm enhancement, walks trails, the urban forest and Mosquito management.

Given the pace of the economy over the last two years, the constraints in supply and the escalations of costs, the proposed FY24 budget, if adopted by Council, will ensure the City continues to plan and operate in a financially sustainable manner to provide valued services to the community.

ATTACHMENTS

1. [2023-24 Draft Annual Budget-Separate Attachment](#)

RECOMMEND

CEO4/7/23

That Council:

1. **NOTES** the approval of the Minister for Local Government provided on 21st July 2023 under s.6.35(5) of the *Local Government Act 1995*, to impose a minimum payment on vacant land of \$1,175, that does not comply with subsections (2), (3) or (4) of Section 6.35 of the *Local Government Act 1995*.
2. **Pursuant** to sections 6.32, 6.33 and 6.35 of the *Local Government Act 1995*, **IMPOSE** differential rates for the 23/24 financial year, based on whether the land is vacant land; the zoning of the land; or the purpose for which the land is held, in accordance with the following table:

Gross Rental Value Properties

<i>Differential Rate Category</i>	<i>Rate in the \$</i>	<i>Minimum Rate</i>
<i>Vacant Land</i>	14.5778c	\$1,175
<i>Residential Improved</i>	9.4040c	\$1,356
<i>Business Improved</i>	9.8134c	\$1,577

Unimproved Value Properties

<i>General & Minimum Rate</i>	0.4755c	\$1,624
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3. Pursuant to sections 6.32 and 6.37 of the *Local Government Act 1995*, IMPOSE specified area rates for the 2023/24 financial year in accordance with the following table and as set out in Note 1 of the annual budget:

Specified Area	Rate in \$/ (Cents)	No. of Properties	Rateable Value (\$GRV)	SAR to be Levied
A- Armadale Town Centre	0.4356	88	29,292,669	\$127,600
B- Kelmscott Town Centre	0.8800	79	8,232,869	\$72,400
C- Kelmscott Industrial Area	0.1697	342	12,549,884	\$21,300
D- South Armadale Industrial Area	0.3496	140	6,950,798	\$24,300
E- Harrisdale/Piara Waters	0.2712	4,997	117,806,734	\$319,745
F- Champion Lakes	0.2313	332	6,138,900	\$14,200

4. In accordance with the provisions of 36B and 36L of the *Fire and Emergency Services Authority of Western Australia Act 1998*, IMPOSE the 2023/24 State Government Emergency Services Levy Rates and Minimum and Maximum Payments on Residential, Vacant Land, Commercial, Industrial and Miscellaneous Lots as follows:

ESL Category	Rate per \$ GRV	Minimum ESL Charge	Maximum ESL Charges		
	All Property Uses	All Property Uses	Single-unit Residential, Vacant Land and Non-Commercial Farming	Multi-unit Residential (residential with more than 1 sub)	Commercial, Industrial and Miscellaneous
Category 1	0.013953	\$98	\$491	\$491 x relevant no. of units (subs)	\$280,000
Category 2	0.010465	\$98	\$368	\$368 x relevant no. of units (subs)	\$210,000
Category 3	0.006976	\$98	\$246	\$246 x relevant no. of units (subs)	\$140,000
Category 4	0.004883	\$98	\$172	\$172 x relevant no. of units (subs)	\$98,000
Category 5	Fixed Charge \$98				
Mining Tenements	Fixed Charge \$98				

5. In accordance with the provisions of section 67, Division 3, Part 6 of the *Waste Avoidance and Recovery Act 2007*, IMPOSE the following domestic and commercial waste charges for the 2023/24 financial year:

Residential Waste Charge (weekly rubbish and fortnightly recycling)	Per Annum	\$417
Commercial Waste Charge (weekly rubbish and fortnightly recycling)	Per Annum	\$416
Additional Waste Refuse Service	Per Annum	\$297.50
Additional Recycling Service	Per Annum	\$95.50

6. In accordance with the provisions of section 6.45 of the *Local Government Act 1995*, OFFERS the following payment options for the payment of rates, specified

area rates (where applicable), emergency services levy, domestic refuse charge and private swimming pool inspection fees:

One instalment:

Payment in full (including all arrears) within 35 days of the issue date of the annual rate notice.

Two Instalments:

The first instalment of 50% of the total current rates, specified area rates (where applicable), emergency services levy, domestic refuse charge, private swimming pool inspection fees and instalment charge, plus the total outstanding arrears payable within 35 days of the issue date of the annual rate notice.

The second instalment of 50% of the total current rates, specified area rates (where applicable), emergency services levy, domestic refuse charge, private swimming pool inspection fees and instalment charge, payable 63 days after the due date of the first instalment.

Four Instalments:

The first instalment of 25% of the total current rates, specified area rates (where applicable), emergency services levy, domestic refuse charge, private swimming pool inspection fees and instalment charge, plus the total outstanding arrears payable within 35 days of the issue date of the annual rate notice;

The second, third and fourth instalments, each of 25% of the total current rates, specified area rates (where applicable), emergency services levy, domestic refuse charge, private swimming pool inspection fees and instalment charge, payable as follows:

- the second instalment 63 days after due date of the first instalment
- the third instalment 75 days after due date of the second instalment
- the fourth instalment 62 days after the due date of the third instalment.

7. In accordance with *section 6.45(b) of the Local Government Act 1995*, OFFERS A Smarter Way To Pay in accordance with the City's Policy and as a further alternative option for the payment of rates.
8. In accordance with the provisions of *section 36S of the Fire and Emergency Services Authority of Western Australia Act 1998*, IMPOSES the State Government's interest on all current and arrears amounts of Emergency Services Levy at the rate of 7% per annum, calculated on a simple interest basis on amounts which remain unpaid after 35 days from the issue date of the original rate notice, or the due date of an instalment and continues until the arrears is fully paid. Excluded are instalment current amounts not yet due under the two or four payment instalment option, registered pensioner portions and current government pensioner rebate amounts. Interest is calculated daily on the outstanding balance.

9. In accordance with the provisions of section 6.45 of the *Local Government Act 1995*, for the 2023-24 financial year, IMPOSES the following administration fees and interest charges for payment of rates (including specified area rates), refuse charge and private swimming pool inspection fees:

Two Instalment Option:

Interest on instalments of 5.5% *

An administration fee of \$nil;

Four Instalment Option:

Interest on instalments of 5.5%*

An administration fee of \$nil;

Special Payment Arrangements:

An administration fee of \$55.50 for non-direct debit is charged on each special payment arrangement. Interest of 7% may be charged on overdue amounts.

*calculated in accordance with Regulation 69 of the *Local Government (Financial Management) Regulations 1996*

10. In accordance with the provisions of section 6.13 and 6.51 of the *Local Government Act 1995*, IMPOSE interest on all current and arrears of rates, specified area rates (where applicable), current and arrears of refuse charges, current and arrears of private swimming pool inspection fees at a rate of 7% per annum, calculated on a simple interest basis on arrears amounts which remain unpaid and current amounts which remain unpaid after 35 days from the issue date of the original rate notice, or the due date of the instalment as the case may be and continues until the instalment is paid in full. Excluded are deferred rates and approved City payment arrangements. Interest is calculated daily on the outstanding balance.
11. In accordance with the provisions of section 6.49 of the *Local Government Act 1995*, AUTHORISE the Chief Executive Officer to enter into special payment arrangements with ratepayers for the payment of general rates, specified area rates (where applicable), emergency services levy, refuse charges and private swimming pool inspection fees during the 2023/24 financial year.
12. Pursuant to section 245A (8) of the *Local Government (Miscellaneous Provisions) Act 1960*, and regulation 53 of the *Building Regulations 2012*, IMPOSE a fee of \$35 per annum, to cover the actual costs of mandatory swimming pool inspections, which occur every four years.
13. Following a review by the Western Australian Salaries and Allowances Tribunal, and ADOPT the following:
- a) Set the annual attendance fee at \$32,957 for 2023/24, to be paid quarterly in advance to Councillors, or at such intervals as determined by individual Councillors, pursuant to section 5.99 of the *Local Government Act 1995* and regulation 30 of the *Local Government (Administration) Regulations 1996*;

- b) Set the annual attendance fee at \$49,400 for 2023/24, to be paid quarterly in advance to the Mayor, pursuant to section 5.99 of the *Local Government Act 1995* and regulation 30 of the *Local Government (Administration) Regulations 1996*;
 - c) Set the annual Mayoral Allowance at \$93,400 for 2023/24, to be paid quarterly in advance, pursuant to section 5.98(5) of the *Local Government Act 1995* and the Western Australia Salaries and Allowances Tribunal Determination pursuant to *Western Australia Salaries and Allowances Act 1975* section 7A and 7B;
 - d) Set the annual Deputy Mayoral Allowance at \$23,400 for 2023/24, to be paid quarterly in advance, pursuant to section 5.98A of the *Local Government Act 1995* and the Western Australia Salaries and Allowances Tribunal Determination pursuant to *Western Australia Salaries and Allowances Act 1975* section 7A and 7B; and
 - e) Set an annual Information and Communications Technology Allowance of \$3,647 for 2023/24, to be paid quarterly in advance, pursuant to section 5.99A of the *Local Government Act 1995* and the Western Australia Salaries and Allowances Tribunal Determination pursuant to *Western Australia Salaries and Allowances Act 1975* section 7A and 7B.
14. Pursuant to section 6.16 of the *Local Government Act 1995*, ADOPT the fees and charges set out in the Attachment.
15. ADOPT the Annual Budget for the year ended 30 June 2024 as detailed in the Attachment, comprising the Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Statement of Cash Flows, Rate Setting Statement and supporting notes to and forming part of the Statutory Budget.
16. Pursuant to section 6.8 (1)(b) of the *Local Government Act 1995*, AUTHORISE in advance;
- (i) all capital expenditure incurred from 1 July 2023 to 27 August 2023, which were provided for in the previous financial year's budget and commenced in the previous financial year;
- and;
- (ii) non-recurrent operational projects, which were provided for in the previous financial year's budget and commenced in the previous financial year, under contract.

ABSOLUTE MAJORITY RESOLUTION REQUIRED

1.3 - COUNCILLORS INFORMATION BULLETIN - ISSUE NO 11/2023

WARD : ALL

FILE No. : M/393/23

DATE : 12 July 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. 11/2023 to be received by Council

The following general information and memorandums were circulated in Issue No 11/2023 on 20 July 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

Nil

Information from Development Services

Nil

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

CEO5/7/23

That Council acknowledge receipt of Issue 11/2023 of the Information

Bulletin

CHIEF EXECUTIVE OFFICER'S REPORT ATTACHMENTS 24 JULY 2023		
ATT NO.	SUBJECT	PAGE
1.2 ANNUAL BUDGET - FINANCIAL YEAR 2023/24		
1.2.1	2023-24 Draft Annual Budget-Separate Attachment	105

2023/24 DRAFT ANNUAL BUDGET

**Refer Separate
attachment**



ORDINARY MEETING OF COUNCIL
MONDAY, 10 JULY 2023

MINUTES

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CITY OF ARMADALE

MINUTES

OF ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 10
JULY 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

Deputy Mayor, Cr K Busby
Cr J Keogh
Cr K Kamdar
Cr S Peter JP
Cr M S Northcott
Cr P A Hetherington
Cr E J Flynn
Cr G J Smith
Cr M Silver
Cr S J Mosey

Minnawarra Ward
River Ward
Ranford Ward
Ranford Ward
Palomino Ward
Palomino Ward
Heron Ward
Minnawarra Ward
Lake Ward
Hills Ward

IN ATTENDANCE:

Ms J Abbiss

Chief Executive Officer

Mr J Lyon

Executive Director Corporate Services

Mr P Sanders

Executive Director Development Services

Mr M Andrews

Executive Director Technical Services

Mrs S Van Aswegen

Executive Director Community Services

Mrs S D'Souza

CEO's Executive Assistant

Public: 1

LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr G Nixon and Cr S S Virk

APOLOGIES:

Apology received from Cr M Hancock.

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

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

1 Request for Leave of Absence (Cr Michael Hancock and Cr E Flynn)

Request for leave of absence has been received from

- Cr E Flynn for the period Tuesday 1 August to Friday 4 August 2023, inclusive
- Cr M Hancock for Monday 17 July and Monday 24 July 2023.

MOVED Cr K Busby

That Council approve leave of absence for

- **Cr E Flynn for the period Tuesday 1 August to Friday 4 August 2023 (does not include an Ordinary Council Meeting)**
- **Cr M Hancock for Monday 17 July and Monday 24 July 2023 (includes 1 Ordinary Council meeting – 24 July).**

MOTION not opposed, DECLARED CARRIED

(11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn,
Cr Smith, Cr Silver, Cr Mosey

6 PETITIONS

1 Review of Proposal to Increase Rates by 4.5% (Cr Michelle Silver)

Cr Silver tabled a petition signed by 110 residents, the prayer of which reads as follows:

“We the undersigned respectfully request that the Council review the current proposal to increase the Council rate by 4.5%. Most of the City of Armadale residents, especially in the newly developed areas like Harrisdale, Hilbert, Haynes and Piara Waters cannot afford further sharp rate increases because we are already paying around twice the City’s average council rates. Therefore, we would like to request the Council to consider a likely increase of about 2.5%, which is affordable in the current economic condition,. Please show some compassion to the residents of Armadale during the unpresidential (sic) living cost crisis.”

MOVED Cr Silver

That Council receive the petition and consider it as part of the discussion on the 2023/24 Annual Budget.

MOTION not opposed, DECLARED CARRIED

(11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn,
Cr Smith, Cr Silver, Cr Mosey

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING HELD ON 26 JUNE 2023.

MOVED Cr E J Flynn that the Minutes of the Ordinary Council Meeting held on 26 June 2023 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith, Cr Silver, Cr Mosey

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1. Mayor's Announcements

Thursday 29 June 2023

Hosted 5 x small citizenship ceremonies that welcomed 100 new citizens to the City of Armadale. Crs Smith, Peter, Silver and Mosey were also in attendance.

Friday 30 June 2023

Presented the Switched on Business Award to Core Cider for their considerable efforts to be a more sustainable business, in my role as Chair of the South East Regional Energy Group.

Saturday 1 July 2023

Attended and spoke at the opening of the Malayalee Association Arts Festival held at the Kelmscott Hall. The format for the day consisted of competitions for students and others who competed in different categories, to show their talents in performing traditional Malayalee dance, singing, poetry etc. The performances were judged and there were two special guest artists (a well-known singer and a famous actress) who had come from India, to assist with the judging. Councillor Peter also attended.

Tuesday 4 July 2023

Spoke at the 2023 NAIDOC event held at Bob Blackburn Oval. Mr Yaz Mubarakai MLA, Member for Jandakot, Mr Hugh Jones MLA, Member for Darling Range, Hon Matt Swinbourn MLC, Member for South East Metropolitan, Cr's Keogh, Smith, Mosey, Peter and Silver attended. There was a large turnout of children and community members throughout the day. The coincidence of NAIDOC and the school holidays allowed many local kids to attend and enjoy the climbing tower, animal petting zoo, bouncy castle and other free activities.

Wednesday 5 July 2023

Attended the WALGA Environment and Waste Policy Team Meeting held in Perth, followed by the State Council meeting and Strategic Forum.

Friday 7 July 2023

Attended the Waterwheel Community Shed to see the demonstration of ideas for sustainable housing options, by Switch Your Thinking/South East Region Energy Group (SEREG). The Waterwheel Community Shed were able to build these for SYT so that workshops can be held for partner councils and the community. The items include a bank of different light globes with meter to show how much electricity each was using. Another model showed how

solar passive orientation on a block could use the sun to heat a house in winter and where the light could be covered in summer, to keep the house cool. Crs Mosey, Keogh and Peter also attended.

Attended a meeting with the CEO and Mr Yaz Mubarakai MLA, Member for Jandakot to discuss local matters.

Monday 10 July 2023

Attended a briefing prior to a meeting with Minister Rita Saffioti MLA scheduled for 12 July 2023.

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

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

Nil

10 REPORTS

10.1 TECHNICAL SERVICES COMMITTEE MEETING

Report of the Technical Services Committee held on 3 July 2023.

MOVED Cr E J Flynn that the report be received.

MOTION not opposed, DECLARED CARRIED

(11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn,
Cr Smith, Cr Silver, Cr Mosey

BUSINESS ARISING FROM REPORT

Recommendation T1/7/23 - Boundary Road Management Agreement - City of Armadale and Shire of Serpentine Jarrahdale

MOVED Cr E J Flynn

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

MOTION not opposed, DECLARED CARRIED

(11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn,
Cr Smith, Cr Silver, Cr Mosey

Recommendation T3/7/23 - Tender 7/23 - Rothery Park, Bate Park and Kellogg Park Living Stream Improvement Works

MOVED Cr E J Flynn

That Council, in regard to Tender 7/23 for Rothery Park Bate Park and Kellogg Park Living Stream Improvement Works:

1. Accept the tender from Natural Area Consulting Management in accordance with:
 - The Tenderer's Reduced Scope Price Schedule as presented as Confidential Attachment 1, for \$960,898.00 (excl. GST)
 - Council's contract documentation, Budget and Long Term Financial Plan estimates.
2. That the Projects Carried Forward budget for the forthcoming FY24 Annual Budget include the following projects and funds transfer (as amended)

	<u>Original Project</u>	<u>Proposed Project</u>	<u>Amendment</u>
	<u>Budget</u>	<u>Budget</u>	
Rothery Park (POS D)	\$317,250	\$329,000	\$11,750
Bate Park (POS G)	\$200,000	\$277,000	\$77,000
Kellog Park (POS 8)	\$214,700	\$484,000	\$269,300
TOTAL	\$731,950	\$1,090,000	\$358,050
Transfer from			
Infrastructure			
Projects Reserve	\$731,950	\$1,090,000	\$358,050

MOTION not opposed, DECLARED CARRIED (11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn,
Cr Smith, Cr Silver, Cr Mosey

10.2 COMMUNITY SERVICES COMMITTEE MEETING

Report of the Community Services Committee held on 4 July 2023.

MOVED Cr Silver that the report be received.

MOTION not opposed, DECLARED CARRIED (11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn,
Cr Smith, Cr Silver, Cr Mosey

BUSINESS ARISING FROM REPORT

Recommendation C16/7/23 - Fireworks Event Notice Applications - Cardile International Fireworks Pty Ltd

MOVED Cr Silver

That Council:

1. Approve the Department of Mines, Industry Regulation and Safety 'Fireworks Event Notice' applications as per the confidential attachments, and;
2. Authorise the CEO to sign and issue the Notices as attached.

MOTION not opposed, DECLARED CARRIED (11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn,
Cr Smith, Cr Silver, Cr Mosey

Recommendation C17/7/23 - Review of Fees - All-Abilities Football (Referral Matter)

MOVED Cr Silver

That Council request City Officers to work with the Kelmscott Bulldogs Football Club, and other all-abilities Clubs within the City to investigate ways the City can support all abilities sport and provide the outcome via memo to Councillors.

MOTION not opposed, DECLARED CARRIED (11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn,
Cr Smith, Cr Silver, Cr Mosey

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

MOVED Cr M S Northcott that the report be received.

MOTION not opposed, DECLARED CARRIED (11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn,
Cr Smith, Cr Silver, Cr Mosey

BUSINESS ARISING FROM REPORT

Recommendation CEO1/7/23 - National Economic Development Conference 2023

MOVED Cr Silver

That Council nominates Crs Peter and Mosey to attend the National Economic Development Conference to be held in Karratha on 22-24 August 2023.

MOTION not opposed, DECLARED CARRIED (11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn,
Cr Smith, Cr Silver, Cr Mosey

Recommendation CEO2/7/23 - Councillors Information Bulletin - Issue No 10/2023

MOVED Cr E J Flynn

That Council acknowledge receipt of Issue 10/2023 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED (11/0)

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn,
Cr Smith, Cr Silver, Cr Mosey

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 Superannuation for Elected Members (Cr Scott Mosey)

That the matter of payment of superannuation to Elected Members be referred to the Corporate Services Committee.

2 Apparel Options for Events such as NAIDOC Week (Cr John Keogh)

That the matter of working together with local aboriginal groups to investigate options for apparel for use at events such as NAIDOC Week be referred to the Community Services Committee.

3 Rebate for residents with CCTV Cameras (Cr Ruth Butterfield)

That the matter of a rebate for residents who purchase CCTV cameras and allow police to access the vision when there is a crime be referred to the Corporate Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 7.22pm

MINUTES CONFIRMED THIS 24 JULY 2023

MAYOR