



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

AGENDA

CONTENTS

AGENDA

REPORTS

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

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

CHIEF EXECUTIVE OFFICER'S REPORT

NOTICE OF MEETING AND AGENDA

CR _____

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

MONDAY, 27 NOVEMBER 2023

**JOANNE ABBISS
CHIEF EXECUTIVE OFFICER**

23 November 2023

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

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

Nil

4 PUBLIC QUESTION TIME

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

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

It is also available in the public gallery.

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

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PETITIONS

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 13 NOVEMBER 2023. (ATTACHED)

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

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

Nil

10 REPORTS

10.1 DEVELOPMENT SERVICES COMMITTEE MEETING
Report of the Development Services Committee held on 20
November 2023.....5

BUSINESS ARISING FROM REPORT

10.2 CORPORATE SERVICES COMMITTEE MEETING
Report of the Corporate Services Committee held on 21 November
2023.....66

BUSINESS ARISING FROM REPORT

10.3 CHIEF EXECUTIVE OFFICER'S REPORT
Report of the Chief Executive Officer.87

BUSINESS ARISING FROM REPORT

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

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

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

15 CLOSURE

CITY OF ARMADALE

MINUTES

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

PRESENT: Cr C M Wielinga (Chair)
Cr M Silver (Deputy Chair)
Mayor R Butterfield
Cr J Keogh
Cr S Peter JP
Cr L Sargeson
Cr G J Smith
Cr S Stoneham

APOLOGIES: Nil

OBSERVERS: Cr J Joy

IN ATTENDANCE: Ms J Abbiss Chief Executive Officer
Mr P Sanders Executive Director Development Services
Mr M Andrews Executive Director Technical Services (*via Teams*)
Ms N Cranfield Executive Assistant Development Services

PUBLIC: 4

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

DISCLAIMER

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

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

- **Minutes of the Development Services Committee Meeting of 18 September 2023, adjourned until 9 October 2023 (as there was no quorum present) be confirmed.**
- **Minutes of the Development Services Committee Meeting held on 9 October 2023 be confirmed.**
- **Minutes of the Special Development Services Committee Meeting held on 26 October 2023 be confirmed.**

Moved Mayor Butterfield
MOTION CARRIED

(8/0)

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 18 - NOV 2023

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

DEPUTATION

Structure Plan Recommendation to WAPC – West Piara Urban Precinct South Lot 9009 Warton Road Structure Plan

Ms Eleni Thorman, General Manager & Principal Planner - CLE Town Planning & Design (Applicant) and Mr Sandy Biagioni, Regional Manager, Satterley Property Group (Landowner) attended the meeting at 7.02 pm.

Ms Thorman provided the following brief comments -

- *Advised that on behalf of their client's supported the officer's recommendation for approval to the WAPC subject to modifications and with a view to consider and address any modifications as part of the Department of Planning's assessment of the Structure Plan.*
- *Over the past 12 months we have worked with the City's Teams, including the Planning Team and have resolved all matters, including of what will be the final layout of the Playing Fields which will support district level facilities as well as the co-location of the Primary School. In this regard, the Department of Education is also satisfied with the co-location of the site.*
- *In relation to the school site, ongoing and recent discussions with the Department of Education have indicated the desperate need for this school site and wanting to get access by early 2025. We are looking to assist the Department of Education with a future subdivision application.*
- *The land, the subject of the Structure Plan is identified in the overarching planning framework for residential development and is zoned Urban under the MRS Urban Development and the Town Planning Scheme.*
- *The Structure Plan supports the creation of over 400 lots that is satisfying State Government density targets and we have addressed all technical matters by supporting environmental, bush fire, noise, landscape, transport, hydrology and engineering reports.*
- *We will continue to work with the City collaboratively as part of the Department of Planning's assessment of the Structure Plan and Schedule of Modifications.*

*Chair thanked Ms Thorman and Mr Biagioni for their attendance.
Deputation retired at 7.04pm.*

CONTENTS

DEVELOPMENT SERVICES COMMITTEE

20 NOVEMBER 2023

1. DEVELOPMENT

- 1.1 DEVELOPMENT APPLICATION - PLACE OF WORSHIP - 7 WATERWHEEL
ROAD, BEDFORDALE25

2. STRATEGIC PLANNING

- 2.1 CONFIDENTIAL REPORT - PROPOSED PRINCIPAL SHARED PATH - LOT 301
ABBAY ROAD, ARMADALE38
- 2.2 TREE RETENTION ON PRIVATE PROPERTY40
- 2.3 STRUCTURE PLAN RECOMMENDATION TO WAPC - WEST PIARA URBAN
PRECINCT SOUTH LOT 9009 WARTON ROAD STRUCTURE PLAN9

3. MISCELLANEOUS

- 3.1 DRAFT PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES)
AMENDMENT REGULATIONS (NO.3) 2023 - SINGLE HOUSE DEVELOPMENT49
- 3.2 APPOINTMENT OF COUNCILLORS TO OCCASIONAL ADVISORY GROUPS,
REFERENCE / WORKING GROUPS AND EXTERNAL ORGANISATIONS58
- 3.3 APPOINTMENT OF COUNCILLOR TO SELECTION PANEL FOR PUBLIC ART
FOR RAILWAY STATION AND PUBLIC REALM UPGRADES IN ARMADALE
CITY CENTRE.....61

4. COUNCILLORS' ITEMS 64

5. EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTS 64

SUMMARY OF ATTACHMENTS65

***2.3 - STRUCTURE PLAN RECOMMENDATION TO WAPC - WEST PIARA URBAN
PRECINCT SOUTH LOT 9009 WARTON ROAD STRUCTURE PLAN***

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

WARD : LAKE

FILE No. : M/547/23

DATE : 16 November 2023

REF : AV

RESPONSIBLE : EDDS
MANAGER

Applicant : CLE Town Planning &
Design

Landowner : Satterley Property
Group

Subject Land : Lot 9009 Warton Road,
Piara Waters

ZONING

MRS : Urban

TPS No.4 : Urban Development

In Brief:

- CLE Town Planning and Design on behalf of Satterley Property Group has prepared and lodged a Structure Plan for Lot 9009 Warton Road, Piara Waters, generally bounded by Warton Road, Mason Road, Lockeville Boulevard and the Western Power 132KV power transmission line easement.
- The Structure Plan proposes Residential zoning (densities of R25 to R60), public open space (including land for a playing field/ community facility) and a Department of Education Primary School site.
- The Structure Plan was advertised for public and agency review for 42 days to 28/04/2023, receiving 10 agency responses and five landowner comments.
- Modifications are recommended to the Structure Plan, with the outstanding matters capable of being addressed via the Schedule of Modifications.
- Recommend that Council resolve to forward the Structure Plan to the WAPC, recommending final approval subject to the Schedule of Modifications.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

- 1.4.4 Facilitate the provision of facilities, services and programs to meet the needs of the City's current and future demographics.
- 2.2.1 Support and guide developers to achieve attractive, inclusive and functional public open spaces and a high level of streetscape amenity

- 2.5.1 Ensure the City's planning framework is modern, flexible, responsive and aligned to achieving the outcomes of the Strategic Community Plan and Corporate Business Plan.
- 2.5.2 Seek the retention of trees in new subdivisions and developments.

Legal Implications

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Environmental Protection Act 1986

Metropolitan Region Scheme

Town Planning Scheme No.4

District and Regional Land Use Policy Implications

Perth and Peel @ 3.5 Million (2018)

State Planning Policy 2.3 Jandakot Groundwater Protection

Southern River / Forrestdale / Brookdale / Wungong District Structure Plan (2001)

Southern River / Forrestdale / Brookdale / Wungong Memorandum of Understanding (2004)

Southern River Integrated Land and Water Management Plan (2009)

Arterial Drainage Scheme for Forrestdale Main Drain (2009)

Liveable Neighbourhoods (2009)

Council Policy/Local Law Implications

Local Planning Strategy 2016

PLN 2.4 Landscape Feature and Tree Preservation

Local Biodiversity Strategy

Local Planning Policies

Budget/Financial Implications

Nil direct financial implications. Subsequent land development generates additional rate base, service demand, and capital and operational costs for new/upgraded infrastructure/local facilities. Development Contribution Plan No.3 (extended over the West Piara Urban Precinct through TPS No.4 Amendment No.115) will equitably apportion the costs of common infrastructure works between developers.

Consultation

1. Development Control Unit and City Directorates.
2. State Government Agencies and service providers.
3. Affected/adjoining/nearby landowners and developers.

Refer to consultation summary later in this report.

It should be noted that the previous Town Planning Scheme No.4 Amendment No.118 process involved significant City Officer consultation prior to the decision of the Environmental Protection Authority (EPA) whether or not to assess the Amendment under S.48A of the *Environmental Protection Act 1986 (EP Act)*. Consultation included the EPA Chair, Department of Water and Environmental Regulation (EPA Services Branch) Environmental Officers, Department of Biodiversity, Conservation and Attractions Environmental Officers, Department of Planning, Lands and Heritage (Planning Schemes Team), developers, and landowners affected by environmental values in the West Piara Urban Precinct South identified by State Government agencies.

BACKGROUND

The West Piara Urban Precinct South forms part of the broader ‘West Piara Urban Precinct’. The West Piara Urban Precinct abuts the City’s North Forrestdale Structure Plan Area Stage Three (Development Area No.35) and Stage One (Development Area No.25) Structure Plans. Subdivisional activity in these structure plan areas is in the final stages and in that regard the West Piara Urban Precinct represents a logical continuation of the development of the area.

The MRS and TPS No.4 planning processes informing and facilitating the preparation of structure plans are described below.

MRS Amendment Stage

The overall precinct was initially the subject of two Metropolitan Region Scheme (MRS) Amendments 1369/57 and 1370/57, which were both gazetted in December 2020. These were followed by a later MRS Amendment 1394/57 which was gazetted in December 2021. The Amendments modified the MRS in the following manner:

- MRS Amendment 1369/57 - Entirety of the West Piara Urban Precinct except Lot 9010 Warton Road (approximately 115ha in area) was transferred from the Rural – Water Protection zone to the Urban zone, Urban Deferred zone, Primary Regional Road reservation (portions of lots abutting Armadale Road) and Water Catchment reservation (adjustment only) in response to a landowner group’s request. The City’s response to MRS Amendment 1369/57 was considered by Council in July 2020.
- MRS Amendment 1370/57 - Lot 9010 Warton Road (approximately 12.84ha in area) transferred to the Public Purposes - High School reservation, in response to the State Government’s decision to locate a Department of Education-operated High School on this lot. The City’s response to MRS Amendment 1369/57 was considered by Council in July 2020.
- MRS Amendment 1394/27 – A 7.3ha portion of Lot 9009 Warton Road transferred to the Urban Deferred zone through MRS Amendment 1369/57 was later transferred to the Urban zone. This ‘lifting’ of urban deferment followed confirmation that a nearby sand mining operation west of Warton Road would not proceed, thereby de-constraining a portion of Lot 9009 Warton Road previously identified within an operational buffer area.

TPS No.4 Amendment Stage

During the MRS Amendment stage, the proponent determined that subsequent rezoning under the City’s Town Planning Scheme No.4 would be more suitably addressed by two separate amendments known as ‘north’ and ‘south’. The West Piara Urban Precinct South, within which this Structure Plan is located, is generally bounded by Warton Road, Mason Road, Lockeville Boulevard, Interdominion View and Armadale Road in Piara Waters. Warton Road forms the shared Local Government boundary between the Cities of Armadale (eastern side) and Cockburn (western side).

The West Piara Urban Precinct South was rezoned to the TPS No.4 Urban Development zone by Amendment No.118. The Amendment also introduced specific Development (Structure Planning) Area Provisions in TPS No.4 Schedule 8. The Amendment was initiated by Council in April 2021, then adopted by Council in February 2022 (after public consultation) and following WAPC consideration and Ministerial approval, gazetted in December 2022.

The West Piara Urban Precinct South is generally characterised as cleared or parkland cleared land. However, areas of high value remnant native vegetation and wetlands are present. The area has a long history of rural land uses which primarily include rural residential, agistment, rural supplies and horticultural activities. Western Power's 132 KV power transmission line network traverses the area on an east-west alignment.

Land to the west of the Amendment area is reserved for Parks and Recreation under the MRS (Bush Forever Site 390) and includes remnant bushland, private recreation uses (pistol club) and evidence of previous sand extraction activities.

The West Piara Urban Precinct South was also included within the Major Review and extension of Development Contribution Plan No.3 (DCP No.3) effected through TPS No.4 Amendment No.115 (gazetted in December 2022). The proposals adopted through the Major Review involve contributions being provided from DCP No.3 towards the costs of the following notable items in the West Piara Urban Precinct South:

- Acquisition of conservation category wetlands including core and buffer areas;
- Rehabilitation works within wetland areas to improve the function of these wetlands and facilitate the retention of significant vegetation deemed worthy of protection; and
- Construction of a playing field/community facility and acquiring the public open space (POS) land area above Liveable Neighbourhoods' standard provision on Lot 9009 to facilitate the playing field.

The wetland area identified in the West Piara Urban Precinct South is considered to provide a community recreation benefit as part of the overall POS network in these areas and as such, the City determined that it was appropriate to introduce the abovementioned proposal into DCP No.3 as part of implementing the outcomes of the Major Review.

Confirmation of environmental values and consideration of appropriate protection mechanisms in the West Piara Urban Precinct South were significant considerations during TPS No.4 Amendment No.118 and the prior MRS Amendment 1369/57 process. Further details on environmental outcomes and mechanisms are described in reports to Council in July 2020, April 2021 and February 2022.

Structure Plan Stage

The West Piara Urban Precinct South is the subject of two separate Structure Plans. These are:

- Southern Landholdings Structure Plan: Prepared by Stockland, this Structure Plan applies to all lots south of and including the Western Power 132KV power transmission line easement. The Structure Plan is yet to be finally determined by the Western Australian Planning Commission (WAPC), although the WAPC has approved a number of subdivision applications in the Structure Plan area and works have commenced. The City understands that Stockland and the WAPC are still finalising the required modifications.

- Lot 9009 Warton Road Structure Plan: This is the Structure Plan the subject of this 'Recommendations Report'. Prepared by Satterley Property Group, it applies to the entirety of Lot 9009 Warton Road which is located north of the Western Power 132KV power transmission line easement.

The Lot 9009 Warton Road Structure Plan is considered in further detail below.

DETAILS OF PROPOSAL

The Structure Plan proposes residential development on the subject site, identifying the following zones and reserves:

- Residential zone with a R25-R60 density code range (i.e. future assignment of density codes between the R25 and R60 density codes at subdivision stage). The density codes are intended to facilitate residential (single dwelling) development;
- Parks and Recreation Reservation (Local) over POS for stormwater retention/treatment basins, local active POS and a senior-sized playing field and community facility; and
- Public Purpose (Primary School) Reservation (Local) over land for a future Department of Education operated primary school.

The proposed dwelling yield within the Structure Plan area is approximately 400-430 dwellings, with a population estimate of 1,248-1,342 persons (City's forecast of an average household of 3.12 persons, based on ABS data from outer metropolitan growth areas throughout Australia).

The Structure Plan application (as advertised) includes the following documents:

- Structure Plan Map;
- Part 1 Implementation Section;
- Part 2 Explanatory Report;
- Environmental Assessment Report;
- Bushfire Management Plan;
- Noise Assessment;
- Landscape Master Plan;
- Transport Impact Assessment;
- Local Water Management Strategy;
- Engineering Report;
- Wetland Management Plan;
- Flora and Vegetation Survey.

Refer to the Proposed Structure Plan Map and the Southern Landholdings Structure Plan Map attached to this report.

COMMENT

The Structure Plan was advertised for 42 days from 10/03/2023 to 28/04/2023. Advertising was carried out by way of signs on site, notifications to government/service agencies, advertisements in The Examiner Newspaper, information on the City's website and letters to affected and nearby landowners.

| Summary of Submissions | No. |
|---------------------------------------------------------------------------------|------------|
| Total No. of submissions received: | 15 |
| No. of landowner submissions of conditional support/no objection/comments only: | 1 |
| No. of landowner submissions of objection: | 4 |
| No. of agency submissions of conditional support/no objection/comments only: | 10 |
| No. of agency submissions of objection: | 0 |

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

Two main issues raised in submissions are discussed below.

Issue 1 – Traffic impact assessment findings, including vehicle trip generation, modelling and effects on the surrounding road network.

Referral responses from Main Roads WA and the City of Cockburn provided detailed comment on matters such as trip generation rates for residential dwellings, modelling assumptions, traffic projections to 2031, trip distribution, and the absence of reporting on the Warton Road/Mason Road/Jandakot Road roundabout-controlled intersection.

Landowner submissions identified the following concerns:

- Management of primary school traffic generation and flows;
- Opinions regarding the inability of the existing residential street network east of Lockeville Boulevard to accommodate vehicle volumes generated in the Structure Plan area;
- Intersection location and design, especially along Lockeville Boulevard where proposed residential development will interface with existing residential development; and
- The location of the proposed roundabout-controlled intersection at Lockeville Boulevard and Yelverton Street, adjoining the proposed primary school site.

Comment:

There are currently no gazetted roads within the Structure Plan area. The existing road reserves of Warton Road, Mason Road and Lockeville Boulevard bound the Structure Plan area, and the future road reserve network will intersect with the existing network at the locations proposed on the Structure Plan map. It should be noted that roads within the Structure Plan area will be constructed and ceded through the subdivision process. As Warton Road is a Strategic Freight Route, a noise wall will be required in order to address the policy measures of State Planning Policy 5.4 Road and Rail Noise.

Mason Road, which adjoins the Structure Plan area, is identified as a Common Infrastructure Item under the City's DCP No.3 (noting that DCP No.3 has already funded the construction and widening of Warton Road, and Mason Road to its current standard). The City is progressing the upgrading of Mason Road to Neighbourhood Connector standard, and anticipated traffic volumes and road design characteristics are such that Mason Road requires access control (i.e. no direct residential driveway access). The upgrade also includes additional turning lanes from Mason Road onto Warton Road. The City has previously advocated for the City of Cockburn to upgrade the Jandakot Road connection to the Warton Road roundabout, which is only constructed as a single lane entry and exit at this time.

The applicant has prepared a Traffic Impact Assessment (TIA) in support of its proposed road network. The Structure Plan proposes an internal road network of "Access Streets" and "Local Distributor" roads, as well as modifications (widening) to the adjoining road network (Lockeville Boulevard) to provide gazetted road frontage to all lots, accommodate traffic generation within the Structure Plan area and meet the specific trip generation characteristics of the future primary school.

The TIA proposes a trip generation rate of 8 vehicles per day for residential dwellings, and models primary school trip generation by applying the Department of Education's standard primary school population of 540 students. Both these numbers are considered low by the City's Technical Services, which recommends trip generation rates of 10.7 vehicles per day for residential dwellings in the City's outer growth areas (as supported by the WAPC in its decision on the West Piara Urban Precinct South – Southern Landholdings Structure Plan).

With regard to the primary school student population, current primary schools in the suburbs of Harrisdale and Piara Waters record 2023 Semester Two student populations ranging from 573 to 1,056 students (full time equivalent). Those campuses closest to the Department of Education's standard population number of 540 are still experiencing significant annual growth in student numbers, and it is reasonable to assume that all primary schools will likely cater for student populations of approximately 1,000 students at some point in their operational lifespan. Incorrect assumptions of student numbers is likely to place significant pressure on the road network at peak morning and afternoon periods.

The gap between the City's proposed assumptions and the applicant's TIA is reasonably likely to alter Liveable Neighbourhoods road classifications and final road reserve widths. Therefore the TIA needs to be revised in order to confirm the road widening, network impacts (including impacts to adjoining local roads east of the Lot 9009) and Liveable Neighbourhoods road classifications proposed/modelled by the applicant. In this regard the City also notes that the applicant's Structure Plan map applies both Main Roads WA Functional Road Hierarchy road classifications and Liveable Neighbourhoods (2009) road classifications. The latter should be applied for consistency of assessment under the operative state and local planning framework.

The above issues and other traffic matters are addressed through the attached Schedule of Structure Plan Modifications and Schedule of Part 2 Technical Report Modifications and will assist in resolving the issues identified in landowner submissions.

Recommendation:

Due to the need for the applicant to provide revised modelling, the issue is supported in part. Required design modifications will be confirmed between the City and the applicant on the basis of that modelling.

Issue 2 – Environmental impacts of the proposal, especially regarding the clearing of vegetation, the relocation of fauna and the visual impact of tree removal.

A number of submissions expressed concern with the proposal's impact on the local environment, especially tree clearing to facilitate future development and the resulting removal of habitat and displacement of fauna (e.g. quenda and black cockatoo species). Several submissions raised concerns on the appropriateness of development on Lot 9009 Warton Road for these reasons.

Comment:

The identification and protection of significant environmental features has been the predominant (although by no means the only) assessment consideration in the West Piara Urban Precinct South, primarily because those matters were deferred at the MRS Amendment 1369/57 stage to later stages of the planning process. The Precinct's environmental features requiring further investigation included:

- Confirmation of vegetation condition (possible Commonwealth-significant Threatened Ecological Community Banksia Woodland, and Melaleuca and Kunzea vegetation, rated at "very good" to "good" standard);
- Updated botanical surveys, confirming the presence of any priority and/or threatened flora species (particularly Jacksonia and Caladenia species); and
- Review of Wetland UFI 7176 and UFI 13342 boundaries which had potential to fall within Conservation Category or Resource Enhancement classifications rather than the lower order Multiple Use classification.

A brief synopsis of the issues, consultations, investigations and advocacy associated with the above features is included in the City's February 2022 report on the Final Adoption of TPS No.4 Amendment No.118.

The environmental features listed above are predominantly within the spatial extent of the adjoining West Piara Urban Precinct South - Southern Landholdings Structure Plan (proponent: Stockland). The environmental considerations arising from the Lot 9009 Warton Road Structure Plan should therefore not be assessed in isolation of the primary environmental considerations for the entire West Piara Urban Precinct South (TPS No.4 Amendment No.118 area). In that regard, the Southern Landholdings Structure Plan retains approximately 7ha of remnant native vegetation and conservation category wetland area, which was implemented through the decisions of the WAPC and the Minister for Planning on TPS No.4 Amendment No.118 and Amendment No.115 (Major Review of DCP No.3, including extension over the West Piara Urban Precinct).

With regard to this Structure Plan it is important to note the following:

- The proposed Structure Plan supports the protection of wetland buffers and significant vegetation consistent with the Concept Plan (CLE Ref 3278-43A-3; DWER ref DWERDT509144) referred to by the EPA in its 26 October 2021 Advice issued under Section 48A(1)(a) of the *Environmental Protection Act 1986*. A portion of the wetland buffer identified on the Concept Plan encroaches on Lot 9009 Warton Road; this buffer area is protected within the extent of the playing field POS.
- The applicant has prepared and submitted a Wetland and Buffer Management Plan (WBMP) accompanying the Structure Plan. The WBMP will be further reviewed at subsequent subdivision stages to ensure consistency with the WBMP endorsed by the City for the Southern Landholdings Structure Plan.

- An overview of future fauna management approaches is provided in the applicant's environmental reporting, with a detailed management and relocation plan to be prepared/implemented at the subdivision stage.
- The applicant has advised that the area of identified Banksia Woodland (Black Cockatoo habitat) does not meet minimum area and condition thresholds for Commonwealth referral under the *Environmental Protection and Biodiversity Conservation Act 1999*. The referral response of the Department of Biodiversity, Conservation and Attractions did not raise any objections to the proposal, noting the applicant's responsibility to determine its Commonwealth environmental approval obligations.

The majority of the Structure Plan area has been cleared for previous sand quarrying and livestock grazing, with non-endemic tree species planted for livestock shade. Four separate vegetation patches on the site were identified as 'Banksia Woodland', totaling approximately 3.1 hectares of vegetation. This vegetation is in 'Degraded' to 'Degraded to Good' condition and as a result does not meet the minimum size and condition thresholds to be considered as a Threatened Ecological Community. It is also noted that there are no 'Bush Forever' designations applicable to the Structure Plan area. While the Structure Plan does not identify these areas for retention, it does propose the retention (and ultimate rehabilitation) of vegetation within the conservation category wetland buffer.

Furthermore, the applicant has given detailed consideration to tree protection outcomes across the Structure Plan area. Lot 9009 Warton Road has been identified in the prior planning stages as the preferred location for a DCP No.3-funded playing field and community facility and the location of the playing field and other areas of POS can accommodate localised tree retention outcomes in the wetland buffer areas. Specifically, the local POS areas adjoining Warton Road and Lockeville Boulevard were specifically located (in consultation with City Officers) to retain trees and this is considered a positive feature for the future amenity of the ultimate residential area.

Recommendation:

The issue is supported in part as discussed above.

Residential Density

The Structure Plan proposes a Residential zone with a single R-Code range of R25-R60 applying over the development area. Criteria set out in the Part 1 Implementation Section of the Structure Plan allow a specific density code to be assigned to individual lots via an R-Code plan approved by the WAPC at subdivision stage. The applicant advises that the Structure Plan shows appropriate density codings for its context and that selected density codes within the proposed range provide the flexibility to deliver a wide variety of lots sizes, an ability to respond to changing market conditions and deliver affordable housing choices.

Prior to introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City's TPS No.4 contained 'minor amendment' provisions allowing Structure Plans to be promptly and efficiently varied to account for changing market project and density mix. The State Government's *Regulations* have since superseded such provisions (which were required to be removed) and for this reason the City requires density codes to reflect proposed lot sizes at this stage of the planning process to ensure appropriate consideration of the different impacts of each density code applied.

The City historically has not supported the use of R-Code ranges for various reasons, including:

- Streetscape Impacts: Assigning different density codes on a single street has created inconsistent built form and streetscape outcomes (e.g. setbacks);
- Drainage Management: Higher densities increase a development's impermeable surface area, which in turn increases stormwater runoff, decreases infiltration and leads to inaccurate drainage/stormwater modelling if densities are higher than assessed at Structure Plan stage. In addition, small lots require drainage connections to the suburb-level drainage system rather than onsite (soakwell) storage; suburb drainage systems must be appropriately sized during structure planning. Most drainage flows are managed in POS areas which may result in reduction to the useable area of POS at the later subdivision stages; and
- Site Coverage: Assigning different density codes at later subdivision stage is highly likely to lead to increased dwelling site coverage and corresponding decrease in vegetation and trees in private lots as density increases for single residential lots.

The minimum and average site areas of the relevant density codes are outlined in the table below:

| R-Code Minimum and Average Site Areas – West Piara Urban Precinct South – Southern Landholdings Structure Plan | | |
|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-------------------------------------------|
| <i>R-Code</i> | <i>Minimum Site Area (sqm)</i> | <i>Average Site Area (sqm)</i> |
| R25 (25 dwellings per hectare) | 300 | 350 |
| R30 | 260 | 300 |
| R40 | 180 | 220 |
| R60 | 120 | 150 |

Further comments in relation to the application of each density code are provided below.

R25 density code:

- The applicant proposes the R25 density code as the lowest and base residential density code, applying to any single residential lot greater than 350m².
- The R25 density code is consistent with the form of residential density across Harrisdale/Piara Waters and is the City's preferred base density code applying to the majority of residential lots in the Structure Plan area.
- The City support the predominant assignment of this density code in the Structure Plan area as suggested by the applicant.

R30 density code:

- The applicant proposes R30 density code to deliver traditional front loaded housing on lots measuring 300m² - 350m².
- In accordance with the comments above and the applicant's stated intention to apply R25 as a base residential density coding, the City recommends that the R30 density code only be applied when specifically identified on Structure Plan map for lots on street block end, or within complete, discrete street blocks in order to ensure consistent outcomes.

R40 density code:

- The applicant proposes R40 coded lots for street block ends, within a 200m walkable catchment of either an area of POS, within 200m of the planned primary school site and/or for lots with primary frontage to a Neighbourhood Connector Road.
- It should be noted that almost the entire Structure Plan area is potentially eligible for the R40 density code under the applicant's proposed criteria. The Structure Plan map, in its present form, does not clearly identify Neighbourhood Connector roads even though certain roads will satisfy this classification.
- The City should only support R40 density codes where a high level of local amenity is provided. For this reason, it is recommended that the R40 density code only be specifically applied to lots fronting POS as defined on a Structure Plan map. Proximity to a school site and frontage to a Neighbourhood Connector road are not, of themselves, considered to provide an amenity offset for reduced lot sizes.

R60 density code:

- The Structure Plan identifies the R60 density code as the upper density limit, for lots immediately abutting or directly opposite POS. The applicant proposes this density to provide double storey front loaded cottage or narrow frontage residential development on lots less than 200sqm in area.
- In the City's experience, densities above R40 (including the R60 code) that are used to create freehold lots are not delivering on the opportunity to diversify dwelling typologies (for example, increasing the proportion of one and two bedroom dwellings), which leads to similar three and four bedroom dwelling outcomes. Multiple dwellings (apartments) are not proposed for this density code in the Structure Plan area.
- The City has consistently and previously advised (in the case of the Anstey Keane Urban Development Precinct and the West Piara Urban Precinct South - Southern Landholdings Structure Plan) that R60 density is more appropriately located in town centres where there is a full range of retail, commercial, employment, recreational, high frequency public transport, local and social services/opportunities/amenities present.
- The R60 density code in the North Forrestdale Structure Plan Area is limited to the immediate locality of the Newhaven District Centre and emerging Neighbourhood Centres. It is important that medium and high density development is provided in appropriate locations and it is therefore recommended that the R60 density code is replaced with a maximum R40 density code which is more appropriate for the context of the Structure Plan area.
- It is noted that the WAPC removed the R60 density code from the adjoining West Piara Urban Precinct South Southern Landholdings Structure Plan, on the basis of similar reasons to those expressed above.

Drainage and Groundwater Management

Drainage and groundwater management is an important consideration for the Structure Plan area as it is located in the Priority 3* Public Drinking Water Resource Protection Areas Special Control Area gazetted through Amendment No.118. The Priority 3* management approach is intended to address the water quality risks and cumulative impacts resulting from the approved land use intensification, consistent with Draft State Planning Policy 2.9 Planning for Water (draft SPP 2.9), State Planning Policy 2.7 Public Drinking Water Source Policy and DWER's Water Quality Protection Note No.38 Priority 3* (P3*) Areas. The Structure Plan addresses this matter by proposing compatible land use zones, with further land use permissibility addressed in Amendment No.118 and approved by the State Government.

The applicant has submitted a Local Water Management Strategy (LWMS) prepared by hydrological consultancy JDA. The LWMS provides modelling and management solutions for attenuation and conveyance of drainage in and through the Structure Plan area. The LWMS has been reviewed by the City's Technical Services and State agencies (DWER and Water Corporation), with ongoing exchange of assessment comments between the City/agencies and the applicant.

At this point in time the City's Technical Services has not granted its final endorsement to the LWMS pending further discussion with the applicant on matters such as the conveyance of stormwater event flows for the 1% annual exceedance probability (previously referred to as the 1:100 year average recurrence interval). While the City is prepared to forward its Structure Plan recommendation to the WAPC, the City's Technical Services and the applicant will continue to resolve the outstanding technical LWMS matters prior to final Structure Plan approval by the WAPC. The LWMS is implemented through Urban Water Management Plans at subdivision stage and continued discussions on such documents is common.

Future Public Open Space and Landscape Outcomes

The Structure Plan map identifies POS for a playing field and community facility, other recreation functions and retention of trees where possible. The delivery of a playing field and community facility through this Structure Plan implements previous decisions of Council, the WAPC and the Minister for Planning. The location of the playing field POS adjoins the 132 KV power transmission line easement and the area of environmental/wetland protection (both located in the adjoining Structure Plan area). This will create a consolidated area of POS servicing a variety of community, recreation and environmental functions and facilitate linkages with the broader POS network in eastern areas of Piara Waters. Similar to Rossiter Reserve, the City intends to use a portion of the land in the Western Power easement for car parking in order to put this land to efficient use and meet the needs of the future facility.

Approximately 16% of land in the Structure Plan area is identified as future Parks and Recreation Reserves to be delivered as part of future subdivision/development and operation of DCP No.3. This land comprises land that is both uncreditable as a POS contribution or only receives partial credit due to drainage impacts. A summary of 'Parks and Recreation' land depicted on the Structure Plan map is as follows:

| 'Parks and Recreation' Areas – West Piara Urban Precinct South – Lot 9009 Warton Road Structure Plan | | |
|-----------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------|
| <i>Parcel/Description</i> | <i>Approximate Area (sqm)</i> | <i>Proportion of Total 'Parks and Recreation' Area</i> |
| Wetland buffer | 1,400 | 3% |
| Drainage Area (Small event – first 15mm) and/or constrained basin POS areas | 3,400 | 6% |
| Drainage Area (Minor event – 20% AEP) | 2,800 | 5% |
| Unrestricted Public Open Space (including playing field) | 45,200 | 86% |
| TOTAL | 52,800 (or 5.3ha) | 100% |

Having regard to the above information, POS provision in the Structure Plan area will exceed the POS area provision requirements of Liveable Neighbourhoods (approximately 18% proposed rather than 10%). This is because the Structure Plan delivers a playing field and community facility that necessitates a sufficient land area for playing surfaces, buildings and supporting infrastructure/facilities. However, it is important to note that this overprovision will address the under provision of POS in the West Piara Urban Precinct South – Southern Landholdings Structure Plan. This ensures the achievement of the full extent of POS provision across the West Piara Urban Precinct South (ie. Development Area No.70 introduced via Amendment No.118).

In respect of the equity issue that arises from the over provision of POS, it is important to note that the playing field/community facility and POS land area above the Liveable Neighbourhoods standard are identified as common infrastructure items in DCP No.3. Because the playing field will result in overprovision of POS for the playing field on Lot 9009 Warton Road, DCP No.3 provides an equitable mechanism to acquire the area of POS above the developer's standard 10% POS provision. The upcoming Infrastructure Costs Schedule review for DCP No.3 will further address the implementation of equitable cost apportionment, and final POS land area provision will be monitored through later subdivision clearance stages.

Prior to Structure Plan lodgement and during assessment processes, the applicant, its consultant team and the City undertook detailed concept designing of the proposed Playing Field land area. This collaborative process involved the applicant's consultant team and officers from the City's Planning Services, Community Planning and Technical Services (Parks and Engineering) Departments. As the playing field is proposed to be co-located with the Primary School, referrals were also made to the Department of Education (the Department does not object to the current concept design). Officers have confirmed that the proposed extents/areas are sufficient to progress the Structure Plan and to enable further detailed design led and funded by DCP No.3. A shared use agreement between the City and the Department of Education will be required in future to implement the proposed land sharing arrangements.

The applicant proposes four other areas of POS in addition to the playing field. These POS areas are all below the average 'Recreation Local Open Space' area (4,000sqm to 1ha) in the City's Parks Facilities Strategy 2019, ranging from approximately 1,650sqm to 3,500sqm. In one instance, local POS is sited at the intersection of a subdivisional road and the Warton Road freight route, which does not satisfy Liveable Neighbourhoods Element 4 Requirement 14 (potential safety and amenity issues).

Notwithstanding, City Officers are prepared to support three of the POS areas in this instance. The POS areas are essential for the detention and treatment of stormwater (particularly relocating drainage basins off the Senior Playing Field) or the retention of trees consistent with the objectives of Local Planning Policy PLN 2.4 Landscape Feature and Tree Preservation Policy. While the City does not recommend removal of the fourth POS area measuring 1,650sqm at the corner of Warton Road and Mason Road, it is acknowledged that this POS area is of a constrained design, accommodates a drainage basin, maintenance access and planting, and does not provide any real active or passive recreational benefit. The City considers that this POS area should not be credited toward the developer's 10% POS land area provision, but instead be considered as a land area deduction from the gross subdivisional area to which the 10% POS calculation/requirement is applied (as per Liveable Neighbourhoods methodology).

Assessment of the proposed LWMS, Engineering Report and Landscape Masterplan by the City's Technical Services has identified a number of servicing, drainage, bushfire management and POS matters that require modifications to these documents that would normally occur at the subdivision assessment and engineering stages (when these documents or their subsidiary documents are assessed in detail). These modifications include the need to ensure consistency of outcomes at later stages of development between the Bushfire Management Plan requirements and the final implementation of ultimate design/improvements to POS and wetland buffers. These matters are also addressed in the Schedule of Structure Plan Modifications and Schedule of Part 2 Technical Report Modifications.

ANALYSIS

TPS No.4 Amendment No.118 Schedule 8 Provisions

TPS No.4 Amendment No.118 introduced specific provisions in Schedule 8 Development (Structure Planning) Areas to guide structure planning in the West Piara Urban Precinct South. The provisions are intended to guide structure plans and later subdivision and to allow identified issues to be addressed as planning progresses.

| City of Armadale TPS No.4 Amendment No.118 Schedule 8 Development (Structure Planning) Area Provisions | | |
|-------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Development Area 70 Provision | Applicant Response | City Officer Comment |
| Provision 70.1: Structure Plan to be prepared prior to subdivision and development | Provision addressed. | Provision addressed. |
| Provision 70.2: Environmental Assessment Report prior to Structure Plan lodgement | Environmental Assessment Report (EAR) included with Structure Plan and advertised with Amendment No.118. | Predominantly relevant to environmental values in the spatial extent of the Southern Landholdings Structure Plan. Management measures will be implemented at subdivision and development stage |
| Provision 70.3: Management Plans/Assessments required to be lodged with Structure Plan | Included in Structure Plan appendices. | The plans listed have been prepared. Various plans and assessment documents require changes in accordance with modifications recommended through this report. State Government agencies were consulted where relevant during Structure Plan assessment. |
| Provision 70.4: Structure Plan design and management responses for implementation at later subdivision and development stages | Included in Structure Plan Report Part 1, Part 2 and appendices as applicable. | No further comment, subject to any changes recommended through this report. A playing field and a primary school are proposed in this Structure Plan area, as required by the provisions. |

Future Processes

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides the process for structure plan assessment and determination. In general terms, the proposed Structure Plan, Schedule of Submissions, Schedule of Structure Plan Modifications, Schedule of Part 2 Structure Plan Modifications and this report will be forwarded to the WAPC following Council's recommendation. The WAPC must then within 120 days make a determination to approve, modify or refuse the Structure Plan.

OPTIONS

The following options are available to Council:

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

CONCLUSION

The West Piara Urban Precinct South – Lot 9009 Warton Road Structure Plan will guide further subdivision and development in the West Piara Urban Precinct South, consistent with the WAPC's and Council's strategic planning underpinned by MRS Amendment 1369/57 and the Perth and Peel@3.5 Million planning framework. The Structure Plan has been assessed and advertised in accordance with the requirements of the *Regulations* and is considered to be satisfactorily progressed for the purposes of Council's recommendation to the WAPC.

The City will continue to liaise with the WAPC, other agencies and the applicant to ensure that supporting technical studies/management plans are prepared and completed to the City's satisfaction. The City will also continue to plan for the implementation/construction of DCP No.3 Common Infrastructure Items with the Structure Plan area, including the future playing field and community facility.

It is recommended that Council endorse the Schedules of Submissions and Modifications and recommend to the WAPC that it approve the Structure Plan subject to the Schedule of Structure Plan Modifications, with the City to address Part 2 Technical Report Modifications directly with the applicant. In accordance with the above report and attachments, Option 1 is recommended.

ATTACHMENTS

1. Location Plan - Lot 9009 Warton Road
2. Aerial Plan - Lot 9009 Warton Road
3. West Piara South - Lot 9009 Warton Road Structure Plan Map
4. West Piara South - Proposed Southern Landholdings Structure Plan Map
5. Schedule of Submissions - West Piara South Lot 9009 Warton Road Structure Plan
6. Schedule of Structure Plan Modifications - West Piara South Lot 9009 Warton Road Structure Plan
7. Schedule of Part 2 Technical Report Modifications - West Piara South Lot 9009 Warton Road Structure Plan

8. Confidential - Submitter Plan - West Piara South Lot 9009 Warton Road Structure Plan
Structure Plan - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*
9. Confidential - Schedule of Submissions Names and Address List - West Piara South Lot 9009 Warton Road Structure Plan - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*

RECOMMEND

D33/11/23

That Council:

1. **Endorse the comments made in this report, the Schedule of Submissions and the Schedule of Structure Plan Modifications, both attached to this report, in response to advertising, agency referral and assessment of the Structure Plan.**
2. **Pursuant to Schedule 2 Clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:**
 - a) **Forward this report and attachments (including Schedule of Submissions and Schedule of Structure Plan Modifications) to the Western Australian Planning Commission; and,**
 - b) **Recommend that the Western Australian Planning Commission approve the proposed West Piara Urban Precinct South – Lot 9009 Warton Road Structure Plan, subject to the modifications listed in the Schedule of Structure Plan Modifications attached to this report.**
3. **Endorse the comments made in the Schedule of Part 2 Technical Report Modifications attached to this report for the applicant to address to the City's satisfaction prior to subdivision and development stages.**
4. **Advise the submitters of Council's recommendation to the WAPC, and the final decision of the WAPC (when determined).**

Moved Cr S Stoneham
Seconded Cr C M Wielinga
Opposed Cr S Peter

MOTION CARRIED

(7/1)

1.1 - DEVELOPMENT APPLICATION - PLACE OF WORSHIP - 7 WATERWHEEL ROAD, BEDFORDALE

WARD : HILLS

FILE No. : - M/566/23

APPLN NO. : 10.2023.76.1

DATE : 16 November 2023

REF : CS

RESPONSIBLE MANAGER : EDDS

APPLICANT : Harley Dykstra

LANDOWNER : J Davies, J Fawkes,
J Dartnall

SUBJECT LAND : Property size 1.9957ha

ZONING
MRS / : Rural
TPS No.4 : Rural Living 2

In Brief:

- The City received an application for a Place of Worship on 17/04/2023.
- The proposal involves the conversion of an existing outbuilding (packing shed) to a Place of Worship accommodating a maximum of 40 worshippers, and 11 car bay car park. The existing single house onsite is proposed to be retained as a residence for a member of the congregation.
- Place of Worship is a discretionary 'A' use in the Rural Living zone. The application was advertised for a period of two weeks. No submissions were received.
- Recommend that the Council approve the application subject to appropriate conditions.

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

- 2.3 Diverse and attractive development that is integrated with the distinctive character of the City.
- 2.3.1 Provide supportive planning and development guidance and liaison on major land developments
- 2.4 Attractive and user-friendly streetscapes and open spaces
- 2.4.1 Implement townscape, streetscape and parkland improvements to enhance the distinctive character of the City.

Legal Implications

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

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

Local Planning Strategy 2016

Metropolitan Region Scheme

State Planning Policy 3.7 Planning in Bushfire Prone Areas

State Planning Policy 5.4 Road and Rail Noise

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

Nil.

Consultation

1. Development Control Unit (City of Armadale)
2. Neighbouring Landowner Consultation
3. Main Roads WA

BACKGROUND

The subject site is located on the corner of Albany Highway and Waterwheel Road, with vehicular access from Waterwheel Road. The site contains an existing single house which has been on site since prior to the early 1960's. The aerial photos indicate that the property has been used as an Orchard since at least this time.

The building subject to the proposed conversion to Place of Worship was constructed in late 2001, originally as a storage/fruit packing shed and garage associated with the orchard. In 2007 approval was granted for the sale of fruit on site directly from the packing shed. A vehicle turnaround area and informal parking was provided as part of this.

The application is referred to Council as per the Register of Delegated Authority which requires applications within Rural Living zones to be referred to Council for determination where approval is recommended for a Place of Worship.

DETAILS OF PROPOSAL

The subject application is for a Place of Worship use at Lot 48 (No.7) Waterwheel Road, Bedfordale. The proposal is to establish a Place of Worship, operating as below, by the Clifton Gospel Trust.

The proposal involves the following main elements:

- The change of use of the former fruit packing shed to a hall (Place of Worship) with seating for 40 persons.
- Weekly service held 6am Sunday morning, with secondary services held monthly at 5pm on Sunday and 7pm on Friday.
- Additional weekly prayer meetings at 7pm on Mondays.
- The addition of toilet facilities and storage area.

- The reconfiguration of the driveway and construction of an 11 parking bay car park to provide onsite parking for the congregation.
- The existing dwelling on the property and associated outbuildings are shown to be retained. The applicant has indicated that the dwelling will be inhabited by a member of the congregation.
- Minor modifications and upgrades of the building.
- The existing orchard(s) are intended to be retained on site.

In support of the application the following documentation has been provided:

- Environmental Acoustic Assessment prepared by Herring Storer Associates, dated September 2023 and a Noise Management Plan dated March 2023.
- Transport Impact Assessment prepared by KCTT, dated June 2023.
- Bushfire Management Plan prepared by Bushfire Smart, dated April 2023.
- Site and Soil Evaluation prepared by Bayley Environmental Services, dated April 2023, updated September 2023.
- Arborist Report prepared by Treeswest Australia, dated July 2023.

A Place of Worship is an ‘A’ use within the Rural Living zone. The use is defined as:

“place of worship” means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;

COMMENT

Development Control Unit (DCU)

The proposal was referred to the City’s Development Control Unit (DCU). Engineering, Building and Health have indicated support for the proposal subject to modifications and conditions.

Public Advertising

The application was advertised for two weeks, closing on 1 September 2023. Advertising was carried out by way of letters to affected and nearby landowners.

| | |
|----------------------------------------------------------|-----|
| Total No. of letters sent to residents/owners | : 8 |
| Total No. of submissions received | : 0 |
| No. of submissions of conditional support/no objection | : 0 |
| No. of submissions of objection | : 0 |
| No. of submissions of general advice by Service Agencies | : 1 |

No submissions were received during the period of advertising.

Main Roads WA (MRWA)

The proposal required comments from MRWA as the subject site abuts a Primary Regional Road Reserve, Albany Highway. MRWA advised the following on 23/08/2023:

- *No objections subject to conditions and advice notes:*

Conditions:

- *The noise sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise at all times. Prior to occupation, the Herring Storer Acoustics noise report, dated 23 May 2023 is to be revised with the following amendments, to the satisfaction of the City of Armadale:*
 - a. *Traffic and noise predictions and associated treatment recommendations need to be provided for 2043 in order to comply with the SPP 5.4 requirement for a 20-year planning horizon. The 2041 data provided by Main Roads must still be used but extrapolated to 2043 in accordance with advice from the Main Roads Transport Modelling Branch.*
 - b. *The location of MRWA traffic volume details are incorrectly stated in Section 3 of the noise report (Appendix B, not Appendix C). Please correct*

Justification for Condition

To ensure the acoustic requirements are implemented in accordance with State Planning Policy 5.4 – Road and Rail Noise. The current report is uncertain and the acoustic requirements are unknown, as it doesn't consider a 20-year planning horizon.

- *A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate(s) of Title of the proposed development. The notification is to state:*

“The lots are situated in the vicinity of a transport corridor and are currently affected, or may in the future be affected by transport noise.”

Justification for Condition

To ensure the acoustic requirements are implemented in accordance with State Planning Policy 5.4 – Road and Rail Noise

Advice Note:

- *The upgrading/widening of Albany Highway is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.*

ANALYSIS

Town Planning Scheme No 4, Part 4B – Rural Living Zone Requirements

Setbacks

All proposed structures are existing onsite. All setbacks are compliant with TPS No.4 (15m), with the exception of the setback being approx. 10m between the proposed Place of Worship (existing packing shed) and the front boundary.

Building Height

Part 4B of TPS No.4 provides the following limits for building heights in the Rural Living zone:

- (a) The height of the walls exceeds 6 metres; or
- (b) The overall height of roof exceeds 9 metres.

All buildings are existing and compliant with the above height limits. The applicant is proposing to make modifications to the existing building, however there would be no change to the maximum existing height of the structure.

Building Coverage

TPS No.4 states that building coverage (including outbuildings) is not to exceed 500sqm unless otherwise approved by the local government. The existing site coverage is approximately 550sqm and the proposed change of use involves conversion of existing buildings, with no additional building coverage.

Car Parking and Vehicular Access

Under Schedule 7A of TPS No.4, a Place of Worship requires onsite parking bays to be provided in accordance with the following formula:

*1 space for every 2.5 square metres seating area, plus
1 space for every staff member present during peak operation*

The existing building has a floor area of approx. 230sqm. The proposal seeks approval for a smaller portion of the building (area of approx. 100sqm) to provide seating for 40 persons, with the remainder of the building to be used for storage. Car parking calculations based on the number of seated persons results in a requirement for 11 onsite parking bays. The applicant proposes 11 onsite car parking bays and indicates that the existing single dwelling would remain to be occupied by a member of the congregation. The existing dwelling has provision for an additional two parking bays, which is in accordance with the minimum onsite requirements for a single dwelling. It is noted that there would be sufficient space on site to accommodate a number of informal car parking bays (in the existing driveway area to the west of the single dwelling and on the driveway up to the existing garage) in order to ensure that car parking does not spill over onto the road reserve.

Given the number of onsite car parking bays provided, it would be reasonable to restrict the number of vehicles on site via a condition of approval should Council decide to approve the development application.

The proposed car park utilises the existing crossover, which includes a turning circle within the property boundaries. The previous packing shed use used an anti-clockwise route, to utilise the undercover canopy area for customers. The proposal reverses this to a more standardized clockwise traffic movement allowing for vehicles to enter and exit the site in forward gear.

Transport Impact Assessment

The applicant has provided a Transport Impact Assessment (TIA) prepared by KCTT, dated June 2023. The key conclusions of the TIA are as follows:

- The proposed change of use will attract an average of an additional 20 vehicular trips per day, with 10 vehicular trips during peak hours.
- Waterwheel Road is a Local Distributor as per MRWA classifications, with a maximum desirable volume of 6000 vehicles per day. Current traffic volumes are approx. 2400 per weekday and around 2000 per day on weekends. The added traffic volume generated would remain within the maximum desirable traffic volume for this road type.
- The subject site provides adequate queuing area within the site (vehicle turnaround/parking area) to ensure that the operation of the proposed use will not impact surrounding roads.

The City's Engineering Services has reviewed the Transport Impact Assessment and has not raised any queries in relation to its conclusions.

Environmental Acoustic Assessment

The applicant has provided a revised Environmental Acoustic Assessment (EAA) prepared by Herring Storer Associates, dated September 2023 and a Noise Management Plan (NMP) dated March 2023. The key points and conclusions of the EEA and NMP are as follows:

- The primary noise sources considered are singing/non-amplified music within the building and car movements on site.
- The assessment has identified three residential properties that could be impacted (No.7 Waterwheel Road – within the subject site, the property to the east, No.13 Waterwheel Road, and the property to the south, No.8 Waterwheel Road)
- The assessment has found that for the two external dwellings (No.13 and No.8 Waterwheel Road), noise levels from the proposal comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times.
- The assessment has found that for the dwelling on site, in some instances, noise from vehicle movements and car doors may slightly exceed the *Environmental Protection (Noise) Regulations 1997* on occasion.

The City's Health Services has reviewed the Environmental Acoustic Assessment and advised that there are some outstanding queries in regard to the type and location of mechanical ventilation and noise levels, and the exact detail of what measures will bring noise levels down to the recommended design sound levels. These have not yet been resolved by the applicant, however these could be resolved via a condition of approval should Council decide to approve the development application.

Bushfire Management Plan

The subject site is identified as bushfire prone under *SPP3.7 – Planning in Bushfire Prone Areas*. The applicant has provided a Bushfire Management Plan (BMP) prepared by Bushfire Smart, dated April 2023. The BMP has been prepared by a Level 3 Bushfire Planning and Design accredited practitioner. The BMP indicates that the site is subject to a BAL-FZ rating unless an Asset Protection Zone (APZ) is implemented. The BMP indicates upon implementation of the APZ the single house and Place of Worship building can be reduced to BAL-29.

The key points and conclusions are as follows:

- The proposal is not considered to be a Vulnerable Land Use as per “Guidelines for planning in bushfire prone areas” (DPLH Version 1.4 December 2021)
- The proposed development can achieve BAL-29, subject to:
 - APZ(s) being established and maintained throughout the life of the proposal
 - Driveways to be constructed and maintained
 - Provision of a 50,000 litre dedicated water tank

These measures are considered reasonable and within the capability of the proponents to manage. It is noted that an APZ does not require wholesale clearing of vegetation (refer to comments regarding Arborist Report below).

There is adequate area outside of the APZ to allow for landscaping to be provided within or close to the car parking area.

SPP3.7 Guidelines refer to a place of worship being considered a vulnerable land use in instances where a ‘large’ place of worship is proposed. The BMP has taken the position that this Place of Worship is not a vulnerable land use because of the size of the building and expected number of patrons on site not constituting a ‘large’ place of worship.

In terms of emergency evacuation routes the applicant has advised that the proposal complies with SPP3.7 Guidelines as two access routes are available from the property, to the east via Waterwheel Road or via Albany Highway to the north and south. It is noted that most patrons would likely travel to the site via a private vehicle which would be available for use in the event of an emergency evacuation.

Site and Soil Evaluation

The applicant has provided a Site and Soil Evaluation prepared by Bayley Environmental Services, dated April 2023, and an updated version dated September 2023 demonstrating that the property is suitable for on-site effluent disposal. The Site and Soil Evaluation is supported by the City’s Health Services.

Arborist Report

The applicant has provided an Arborist Report prepared by Treeswest Australia, dated July 2023. Some non-native vegetation removal and management will be required to facilitate the construction of the car park and establishment of the APZ, however the bulk of onsite vegetation is expected to remain:

- One Queensland box tree is proposed to be removed;
- Pruning and removal of overhanging branch(s) of four trees (2x Queensland box tree, 1x Salmon white gum, 1x Cootamundra wattle);

The Arborist report has been reviewed by the City's Parks and Environment teams and is supported subject to the environmental conditions and measures in the report being achieved.

OPTIONS

Council has the following options:

1. Approve the application for a Place of Worship at Lot 48 (No.7) Waterwheel Road, Bedfordale subject to appropriate conditions.
2. Refuse the application for a Place of Worship at Lot 48 (No.7) Waterwheel Road, Bedfordale and state the reasons for doing so.

CONCLUSION

The proposed Place of Worship is considered to be a relatively modest proposal that retains the use of the existing single house as a residence for a member of the congregation and proposes to adapt the former packing shed building to act as the Place of Worship building. An 11 car bay car park is proposed to be provided, formalising the existing vehicle access and parking area. The proposal is intended to serve as a premises for the Clifton Gospel Trust, making use of existing structures without significantly impacting upon the amenity or character of the Rural Living zone.

The applicant has provided a Transport Impact Assessment which advises that the local road network can accommodate the amount of vehicle traffic produced by the proposal. An Environmental Acoustic Assessment indicates that the use is capable of complying with the *Environmental Protection (Noise) Regulations 1997* subject to appropriate construction and management conditions. A Bushfire Management Plan has been provided which indicates that there are available evacuation routes and that the BAL level can be reduced to BAL-29 by implementation of an APZ.

For the reasons above it is the officer's conclusion that the proposal is recommended for conditional approval, in accordance with Option 1.

ATTACHMENTS

1. [!\[\]\(896151ec231b70900e969d67696ca48d_img.jpg\)](#) Location Plan - Lot 48 Waterwheel Road, Bedfordale
2. Aerial Plan - Lot 48 Waterwheel Road, Bedfordale
3. Site Plan - Lot 48 Waterwheel Road, Bedfordale
4. Floor Plan - Lot 48 Waterwheel Road Bedfordale
5. Arborist Report - Lot 48 Waterwheel Road, Bedfordale
6. Transport Impact Statement - Lot 48 Waterwheel Road, Bedfordale
7. Bushfire Management Plan - Lot 48 Waterwheel Road, Bedfordale
8. Site and Soil Evaluation Plan - Lot 48 Waterwheel Road, Bedfordale
9. Herring Storer Acoustics Report - September 2023 - Lot 48 Waterwheel Road, Bedfordale
10. DSC 201123 - SPP5.4 Noise Management Plan - March 2023 - Lot 48 Waterwheel Road

RECOMMEND

D34/11/23

That Council:

A) Approves the application for Development Approval for Place of Worship on Lot 48 (No.7) Waterwheel Road, Bedfordale, subject to the following conditions:

- 1. Operating hours of the Place of Worship shall be limited to:**
 - a. 6am – 7.30am on Sunday (weekly);**
 - b. 5pm – 6.30pm on Sunday and 7pm – 8.30pm on Friday (monthly);**
 - c. 7pm – 8.30pm on Mondays (weekly).**
- 2. A maximum of forty (40) persons are allowed in the Place of Worship during services.**
- 3. Car parking demand shall be accommodated within the site at all times. The car parking demand shall not exceed the number of parking bays approved for the development, at any one time.**
- 4. To meet drainage requirements the developer/owner shall, to the specification and satisfaction of the Executive Director Technical Services:**
 - a. Submit a stormwater plan incorporating water sensitive design principles for approval and implement the approved plan thereafter;**
 - b. Show any drainage easements as may be required on the Certificate of Title in favour of the City; and**
 - c. Relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development.**
- 5. A landscape plan shall be submitted to and approved by the Executive Director Development Services. The landscape plan shall include:**
 - a. Plant species (predominantly West Australian species);**
 - b. Numbers, location, container size;**
 - c. Method of irrigation of the landscaped areas;**
 - d. Provision of shade trees within the car park at the rates of at least 1 tree per 10 metre interval along any line of car parking;**
 - e. Retention of existing trees as identified on the approved site plan.**

All landscaping shall be installed prior to occupancy of the development and maintained as per the approved plan thereafter.
- 6. All vehicle parking manoeuvring spaces shall be constructed, sealed, kerbed, marked and drained in accordance with the approved site plan to the satisfaction of the Executive Director Technical Services and continuously maintained thereafter. Relocation/removal of any services/infrastructure will be at the cost of the developer.**
- 7. The Bushfire Management Plan submitted by Bushfire Smart, dated April 2023 shall be implemented including site preparation and establishment of the Asset Protection Zone prior to commencement of the use.**
- 8. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to**

be placed on the Certificate(s) of Title of the proposed development. The notification is to state:

“The lots are situated in the vicinity of a transport corridor and are currently affected or may in the future be affected by transport noise.”

9. Prior to occupation of the development, a notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). The notification is to state as follows:

“The subject lot(s) is subject to a bushfire management plan and is within a bushfire prone area. Dwellings and/or habitable buildings shall comply with the approved plan to minimise the risk of property damage”.

10. The noise sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise at all times. Prior to occupation, the Herring Storer Acoustics noise report, dated 23 May 2023 is to be revised with the following amendments, to the satisfaction of the City of Armadale:

- a. Traffic and noise predictions and associated treatment recommendations need to be provided for 2043 in order to comply with the SPP 5.4 requirement for a 20-year planning horizon. The 2041 data provided by Main Roads must still be used but extrapolated to 2043 in accordance with advice from the Main Roads Transport Modelling Branch.
- b. The location of MRWA traffic volume details are incorrectly stated in Section 3 of the noise report (Appendix B, not Appendix C).

11. Prior to the occupation of the development, a Final Environmental Noise Assessment must be prepared and provided to the City which demonstrates, to the Executive Director Development Services satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*. The Final Environmental Noise Assessment must include the following information:

- a. Confirmed noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest “noise sensitive premises” and surrounding residential area;
- b. Tonality, modulation and impulsiveness of noise sources; and
- c. Confirmation of the implementation of noise attenuation measures.

All works must be carried out in accordance with the Final Environmental Noise Assessment upon approval to the satisfaction of the Executive Director Development Services and implemented thereafter for the duration of the development.

12. No materials shall be stored in car parking areas.
13. A schedule of external colours and materials shall be submitted to the City’s Planning Services Department and approved by the Executive Director Development Services. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.

14. External colours and materials shall be in keeping with the surrounding character/amenity of the locality and maintained to the satisfaction of the Executive Director Development Services.
15. Prior to the commencement of works or any development being undertaken on the site the applicant shall submit and have approved, the specification of the proposed on-site effluent disposal system to the satisfaction of the City of Armadale. The specifications shall include, unless otherwise agreed in writing:
 - a. Location and clearance from highest known groundwater;
 - b. Expected performance;
 - c. Nutrients removal capability; and
 - d. Monitoring and maintenance plan.
16. The use of the Place of Worship and Single House shall not commence unless the City is satisfied that there is a satisfactory water supply as required by Clause 4B.5.1 of Town Planning Scheme No.4, consisting of a roof water tank of not less than 90,000 litres, or a bore, well, spring soak or dam yielding water at a sufficient rate, or with sufficient storage capacity, to meet the reasonable needs of the occupiers of the dwelling. In this condition, satisfactory water supply means water which has been bacteriologically and chemically analysed to establish that water is fit for human consumption.
17. All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.

ADVICE NOTES

- a) A separate application is required for all signs associated with the development.
- b) With regard to the Condition requiring submission of a colour and material schedule, it is expected that the colour and material schedule will be submitted and approved prior to the submission of a Building Permit Application.
- c) With regard to the Condition requiring a Landscape Plan, please refer to the City's Landscaping Guidelines – (Screening) and the Landscaping Guidelines – Plants to Avoid, to assist you to formulate a satisfactory landscaping proposal. Copies of these documents are available on the City's website at: www.armadale.wa.gov.au/publications/
- d) With regard to the Condition regarding vehicle manoeuvring spaces, the City's Technical Services Directorate should be contacted in order that the appropriate crossover application may be made.
- e) Lighting shall comply with Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting" or its equivalent and the City's Environment, Animals and Nuisance Local Laws.

- f) The applicant is advised that the upgrading/widening of Albany Highway is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.
- g) Compliance with the *Environmental Protection (Noise) Regulations 1997* is required.
- h) Compliance with the *Health (Public Buildings) Regulations 1992* is required. In this regard, a Public Building application shall be submitted to the City's Health Department and approved prior to occupation of the proposed building.
- i) With regard to the Bushfire Management Plan, the City notes that the establishment of an APZ does not require wholesale clearing. Please refer to the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas – Schedule 1 Standards for Asset Protection Zones: <https://www.wa.gov.au/government/document-collections/state-planning-policy-37-planning-bushfire-prone-areas>.

Additionally, it is highly recommended that ember protection screens be installed to any evaporative air conditioning unit. Further information can be obtained at:

<http://www.dfes.wa.gov.au/safetyinformation/fire/bushfire/BushfireInfoNotesPublications/DFES-InfoNote-BushfireEmberProtectionScreens.pdf>

- j) The applicant and landowner are advised that it is a statutory requirement to comply with all conditions of this approval, and that not complying with any condition is therefore illegal. Failure to comply with any condition of this approval or the approved plans constitutes an offence under the *Planning and Development Act 2005*. The City can issue a Planning Infringement Notice of \$500 (without notice) and/or commence legal action with higher penalties up to \$200,000 for each offence and a daily penalty of \$25,000 per day for the continuation of that offence. It is the responsibility of the applicant and/or landowner to inform Council in writing when they consider the development to be complete and all conditions of this approval have been satisfied.
- k) A Building Permit application is required prior to the erection of any structures on the property.
- l) 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:-
 - i. Outside the hours of 7:00am to 7:00pm; or
 - ii. On a Sunday or Public Holiday.
- m) If the applicant is aggrieved by a Refusal to Approve his/her application, or,

where Approved, is aggrieved by any Condition imposed in that Approval he/she may apply for a Review to the State Administrative Tribunal pursuant to the provisions of Part 14 of the *Planning and Development Act 2005* against such refusal or imposition of such aggrieved Condition. Such application for Review must be made not more than twenty eight (28) days after the date of Council's decision via the form available from the State Administrative Tribunal (copies available from the State Administrative Tribunal, at Level 4, 12 St Georges Terrace, Perth, or GPO Box U1991, Perth, WA, 6845, or www.sat.justice.wa.gov.au or from Council's offices), and should be accompanied by the relevant fee detailed in Schedule 18 of the *State Administrative Tribunal Regulations 2004*.

- n) If the development the subject of this approval is not substantially commenced within a period of 24 months from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.

B) That the submitters be advised of the Council decision in this regard.

Moved Cr L Sargeson
MOTION CARRIED

(8/0)

**2.1 - CONFIDENTIAL REPORT - PROPOSED PRINCIPAL SHARED PATH - LOT 301
ABBEY ROAD, ARMADALE**

MEETING CLOSED TO PUBLIC

MOVED Mayor Butterfield

That the meeting be closed to members of the public as the matter is considered to be confidential under Section 5.23(2) (c) of the Local Government Act, as the matter relates to a contract entered into or which may be entered into by the City of Armadale.

Motion Carried (8/0)

Meeting declared closed at 7:32pm

WARD : MINNAWARRA
FILE No. : M/415/23
DATE : 16 November 2023
REF : SW/AR
RESPONSIBLE : EDDS
MANAGER

In Brief:

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

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

- 1.2.1.6 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.

Legal Implications

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Metropolitan Region Scheme

Town Planning Scheme No.4

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

The proposal involves the sale of freehold land that would otherwise have been developed as part of a larger freehold parcel by the City. The Background section of the report details Council's previous decisions about using the funds received from the sale of this land.

The City will seek its own valuation of the land to assist in its consideration of the proposal.

ATTACHMENTS

1. Confidential Report - Proposed Principal Shared Path - Lot 301 Abbey Road, Armadale - refer to separate Attachment - *This matter is considered to be confidential under Section 5.23(2) (c) of the Local Government Act, as the matter relates to a contract entered into or which may be entered into by the City of Armadale*

RECOMMEND

D35/11/23

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

**Moved Mayor Butterfield
MOTION CARRIED**

(8/0)

MEETING OPENED TO PUBLIC

MOVED Mayor Butterfield that that the meeting be opened.

Motion carried (8/0)

Meeting declared open at 7:47pm

2.2 - TREE RETENTION ON PRIVATE PROPERTY

WARD : ALL
FILE No. : M/328/23
DATE : 16 November 2023
REF : AG
RESPONSIBLE : EDDS
MANAGER

In Brief:

- In May 2023 Council requested a report regarding the requirement to obtain a Development Approval for removal of trees on Residential zoned lots.
- This report examines the options of such a proposal.
- Recommend that the Council advocate for a statewide approach.

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 Quality Development that enhances the amenity and liveability of the City
- 2.5.1 Ensure the City's planning framework is modern, flexible, responsive and aligned to achieving the outcomes of the Strategic Community Plan and Corporate Business Plan.
- 2.5.2 Actively seek the retention of trees in new subdivisions and developments.
- 2.5.3 Protect the amenity of infill areas and the City Centre by strengthening the planning frameworks for middle density development and addressing catchment management as well as transport and traffic planning.

Legal Implications

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No.4

Council Policy/Local Law Implications

Planning Policy PLN 2.4 - Landscape feature and tree preservation
Planning Policy PLN 3.1 - Residential density development

Budget/Financial Implications

Option One - Advocate to State bodies for a collective approach

This option would not create a significant cost to the City, aside from staff time in writing to State Government and the Western Australian Local Government Association (WALGA).

Option Two - Scheme Amendment

Implementing a scheme amendment would create an initial and ongoing financial commitment and administrative workload that needs to be considered. These would include initial and ongoing staff costs to prepare and administer the Scheme Amendment and Policy Framework. Furthermore, external costs may be incurred to engage consultants and/or other Government bodies to provide mapping data.

It is difficult to quantify these expenses at this point, but it is noted that Development Applications to remove trees would attract the minimum application fee of \$147, which would only offset some of these expenses.

Option Three - Inclusion of Scheme Provisions as part of the new Scheme

This option would have similar implications to option two above.

Option Four - Local Planning Policy

This option would have similar implications to option two above.

Consultation

1. Discussion with various Local Governments including City of Nedlands, City of South Perth, City of Kalamunda and Shire of Serpentine-Jarrahdale.
2. Discussion with the Land Use Planning team at the Department of Planning, Lands and Heritage.
3. Discussion with Policy team at WALGA.

DETAILS OF PROPOSAL

The purpose of this report is for Council to consider the options available to the City for requiring development approval for landowners to remove trees on private property where they meet certain criteria.

The analysis section of this report details the options available to the Council in pursuing these outcomes.

BACKGROUND

At the Council meeting held on 27 March 2023, the following matter was raised:

That the matter of the requirement to obtain development approval of large canopy trees on private land in low residential density areas be referred to the Development Services Committee.

The City's Officer's understand the intent of this recommendation was to introduce the requirement to obtain development approval from the City for the removal of large canopy trees on private land in low residential density areas. Trees that would meet this criteria would have a:

- Canopy diameter of 6m or greater
- Height of 8m or greater
- In the case of a tree with a single trunk, a trunk circumference of 1.5m or greater, measured 1.4m above the ground
- In the case of a tree with multiple trunks a total trunk circumference of 1.5 m with an average trunk circumference or 625mm or greater measured 1.4 m above the ground

It has been suggested that the pruning of either tree branches or roots for a tree that met these criteria would need to be undertaken in accordance with Australian Standards for Pruning Amenity Trees (AS4373). A qualified arborist would be able to assist with meeting these standards.

A report was presented to the Council meeting held on 22 May 2023 to consider the Councillor referral, where Council resolved:

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

WALGA Advocacy

The matter of tree removal is an issue throughout most Local Governments, and in March 2023, WALGA moved to endorse a new advocacy position on Urban Forest as follows:

That WALGA endorse a new Advocacy Position 4.6 Urban Forest as follows:

To promote the growth of Western Australia's urban forest the State Government should:

1. *Identify a lead agency with responsibility for setting the strategic direction and oversight of urban forest initiatives.*
2. *Provide recurrent funding for a comprehensive and accessible Urban Greening Grant program to support Local Government investment in public realm planting, focusing on high urban heat areas and enhancing biodiversity outcomes.*

3. *In consultation with Local Government:*

- a. *Develop a state-wide Urban Forest Strategy, based on the overarching principles of a resilient, connected, expanded and equitable urban forest including:*
 - i. *a minimum tree canopy target of 30% by 2040 for the Perth and Peel regions,*
 - ii. *robust and contemporary data to inform decision making,*
 - iii. *funding mechanisms to support growth in urban canopy.*
- b. *Develop contemporary legislative and policy mechanisms to enable the protection and growth of urban forest, including:*
 - i. *an effective and efficient regulatory mechanism that allows Local Government to consider the removal or alteration of a significant tree as a form of development,*
 - ii. *incentivising the provision and retention of trees on private property within the state planning framework,*
 - iii. *prioritisation of trees and vegetation as a key structural element in the design of new neighbourhoods to facilitate climate resilient and liveable communities,*
 - iv. *consideration of public realm design to maximise opportunities for tree retention and new planting consistent with any tree canopy targets.*

4. *Work with Local Government and other stakeholders to increase community awareness and promote behaviour change in relation to urban forest growth and retention to support State and Local Government targets and action.*

Local Government Proposals

Tree retention on private property has been a focus of a number of other Local Governments in recent years. There have been several Local Governments that have progressed amendments to the planning framework, in order to provide protection to trees on private property.

The method and status of other Local Government's proposals should be considered as part of the City's consideration of this matter, and a summary of the status of the other Local Government proposals is in the table below:

| Local Government | Method of Control/Purpose | Status/Comment |
|---------------------|------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Nedlands | Scheme Amendment to require Development Approval for removal of large trees on private property | Progressed to the Minister for final approval |
| City of South Perth | Controls added to Draft Local Planning Scheme to require Development Approval for removal of large trees on private property | Progressed to the Western Australian Planning Commission (WAPC) for consideration prior to referral to the Minister. |
| City of Kalamunda | Local Planning Policy to define a tree considered 'works' under the Act to require a Development Approval application | In effect. The Policy encourages retention of trees on private land and provides guidance in assessing Development Applications including the removal of vegetation. The |

| Local Government | Method of Control/Purpose | Status/Comment |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Policy does not replace the Development Approval exemption criteria of the <i>Act</i> but seeks to define removal of a significant private tree as ‘works’ which requires Development Approval to remove. |
| City of Cockburn | <ul style="list-style-type: none"> • Scheme Amendment for improved Tree Preservation Order provisions; and • Second resolution to prepare another Scheme Amendment to require Development Approval for removal of large trees on private property | <ul style="list-style-type: none"> • Scheme Amendment for improved Tree Preservation Order provisions to be referred to the WAPC for consideration prior to referral to the Minister. • Scheme Amendment to require Development Approval for removal of trees on private property yet to be prepared. |
| Town of Cambridge | Scheme Amendment to require Development Approval for removal of large trees on private property | Scheme Amendment being prepared for public consultation. |
| Town of East Fremantle | Advocate to State Government and WALGA for a more uniform, statewide approach and if no statewide approach, then a Scheme Amendment will be progressed. | N/A |
| Town of Bassendean | <ul style="list-style-type: none"> • Controls added to Draft Local Planning Scheme for improved Tree Preservation Order provisions; and • Second resolution to immediately initiate a Scheme Amendment upon gazettal of the Draft Local Planning Scheme, to require Development Approval for removal of large trees on private property | <ul style="list-style-type: none"> • Draft Local Planning Scheme to be referred to the WAPC for consideration prior to referral to the Minister. • Once gazetted, an amendment will be progressed to require Development Approval for removal of trees on private property |
| Shire of Serpentine-Jarrahdale | Existing Scheme provision requiring Development Approval for removal of large trees on private property | In effect since 2017. The provision states that unless approved, no person shall remove, destroy or damage any tree where the tree contains at least one defined stem or trunk of a height over 4m or a diameter over 150mm (measured at 1.2m above ground level). |

The four methods adopted by the various Local Governments include:

- a) Scheme provisions bolstering Tree Preservation Order requirements;
- b) Scheme amendment introducing the requirement for Development Approval;
- c) Local Planning Policy to encourage tree retention on private property and define when a tree requires development approval; and
- d) Advocate to State Government and WALGA for a more uniform, statewide approach.

From discussion with the Department of Planning, Lands and Heritage, a number of other Local Governments are considering one of the above methods but are waiting for the outcome of the City of Nedlands Scheme Amendment prior to progressing, as there is a risk the Minister won't approve the Scheme Amendment.

The risk that the Minister won't approve the Scheme Amendment is for two reasons:

- Firstly, the previous Scheme Amendment process (pre-August 2023) did not require the Minister's approval until the final stage of the process. This meant that a significant amount of work could be undertaken only to be refused by the Minister at the final stage.

The new Scheme Amendment process (post August 2023) now requires the Minister's approval at an early stage of the process.

- Secondly, requiring Development Approval for removal of a tree could be seen as a direct conflict with the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and key planning reforms to create more consistent, efficient and streamlined processes, and reduce unnecessary red tape to support the delivery of new housing.

The conflict would be created because compliant single houses, additions, outbuildings and ancillary dwellings are currently exempt from requiring Development Approval. If Development Approval was required to remove a tree to support these structures, then there would be a direct conflict with the original intent of exempting Development Approval.

Furthermore, State Government has recently proposed a Bill to require applications for single houses to be determined by Local Government Officers, and not the Council. The intent of this reform is to reduce unnecessary red tape, provide a consistent process for how single house developments are dealt with across the State and improve efficiencies in decision making to assist with the delivery of housing. The changes will also enable the Council to focus on strategic planning, ensuring that local planning frameworks are contemporary and fit for purpose. A separate report to Council detailing the implications of this Bill is included on this Agenda.

The City of Nedlands Scheme Amendment was commenced pre-August 2023, so there is the risk the Minister won't support the Scheme Amendment as it is in conflict with the planning reforms, as explained above.

Current Controls - Town Planning Scheme No.4 and Local Planning Policy PLN 2.4 (LPP2.4) - Landscape Feature and Tree Preservation

The City has criteria within LPP2.4 regarding removal of trees as part of the development process and Town Planning Scheme No.4 (TPS No.4) includes a number of mechanisms that protect or that can be used to achieve preservation of trees or groups of trees or landscaping features including:

- a) The use of development envelopes (Clause 4.7). The development envelopes prescribe an area authorised for building and clearing. Any building or clearing outside of the envelope requires Development Approval. Development envelopes apply to certain Special Residential, Special Rural, General Rural, Rural Living and Residential lots.
- b) A requirement for permission to clear remnant native vegetation in the Special Rural and Rural Living zones (Clause 4B.7).
- c) A requirement for permission to remove, lop, top, chop, ringbark or otherwise trim or destroy a certain size of tree within any of the City's Strategic Regional Centre, District Centre, Local Centre and Mixed Business / Residential zones. (Clause 4C.9).
- d) Identification of areas as landscape and bushland protection areas on Special Control Area Map 1 which can serve to protect groups of trees (Clause 5.5). All development within the identified areas is required to obtain a Development Approval, and the City will have particular regard to:
 - the potential impact of the proposal on the value of the resource, including its ecological and landscape values and its value as a corridor for fauna movement;
 - the practicability and cost of any ameliorative measures proposed for the protection of the resource;
 - the existing level of protection of the resource provided, with reference to fencing and/or management of land and visibility of any buildings; and
 - the nature, location and performance of any existing or proposed effluent disposal system.
- e) Listing on the heritage list where those trees are of cultural heritage significance and worthy of conservation.
- f) Serving of a notice requiring landholders to preserve a tree or group of trees (Clause 80A of Schedule A – Tree Preservation Orders).
- g) Retention of trees and landscape features in public open space, drainage corridors and road reserves (eg. through the Structure Planning and subdivision process), which are determined by the WAPC in accordance with their Policies.
- h) Clause 4.2.4(c)(ii)(d) and 4.2.4(c)(iii)(c) were introduced into TPS No.4 via Scheme Amendment No.100 in June 2020. These clauses provide incentives and controls for split coded properties developing to the higher density code where trees with a trunk circumference greater than 0.6m are retained.

The City, like the majority of Local Governments in Western Australia, has no ‘catch-all’ planning criteria that controls the clearing of trees outside of the development process.

Current Controls - Local Planning Policy 3.1 (LPP3.1) – Residential Density Development

This policy provides guidance on Density Development within the City and provides clarity on the intent behind Clause 4.2.4 of TPS No.4 which an objective of LPP3.1 is to *provide opportunities for Density Development, whilst retaining street trees and trees on private land to protect the urban forest, streetscapes and provide shade*. LPP3.1 achieves this by requiring consideration of tree retention as part of development to a higher density on dual coded lots.

Current Controls - WAPC’s State Planning Policy 7.3 – Residential Design Codes (R-Codes)

The R-Codes apply to all residential development throughout the City. The 2021 R-Codes do not contain any controls regarding retention of trees outside of communal areas, nor do they provide any incentive to retain trees. However, the 2021 R-Codes require all new dwellings to be provided with one tree in a 2m x 2m planting area. This is required to be shown on the approved plans and is reinforced as a condition of approval.

In February 2023, the Department of Planning, Lands and Heritage released a draft 2023 R-Codes, which was intended to come into effect on 1 September 2023.

The 2023 R-Codes contained additional requirements for R30 coded areas and above including planting requirements (for example, two trees per dwelling), larger planting areas and some incentives to retain trees (such as reduced landscaping requirements and site area concessions for multiple dwellings).

In August 2023, the Minister for Planning announced deferral of the 2023 R-Codes for further review citing the continuing challenges in the housing construction market as an explanation. The review will most likely result in the additional requirements only applying to R50 coded areas and above.

ANALYSIS

Impact of requiring Development Approval to remove a tree on private property

As part of preparing this report, one dataset that was used to quantify the impact of implementing a requirement for Development Approval, was a dataset from Landgate captured between 2017 and 2022 using LiDAR (Light Detection and Ranging). LiDAR uses laser pulses to measure distances, and this data recorded the tree canopy at varying heights including 3m – 8m, 8m – 15m and 15m and above.

The 8m and above tree canopy data was isolated and overlaid onto the cadastral data to show which lots were impacted by a tree canopy of over 8m (attached). The data shows that the requirement for a Development Approval could potentially impact almost half of all residential lots within the City of Armadale.

There are some dataset limitations that impact on the accuracy of this, which include:

- a) The tree trunk is not identified on the LiDAR data, and the data is based on the canopy. Therefore, a tree of over 8m in height in close proximity to the boundary could be shown as affecting more than one property. This could include street trees over 8m being shown in the above figures where the canopy encroaches into a private residential lot;
- b) The canopy isn't specific to an individual tree, and multiple canopies adjacent to each other are represented as one large 2d polygon. This could complicate calculating canopy widths if this were to be used as one of the criteria for determining whether a Development Approval is required; and
- c) It is understood this is a 'one-off' capture by Landgate, and it is unknown whether it will be repeated in the future. If it isn't repeated, the City would need to explore other alternatives to ensure ongoing, accurate and usable data is available.

Given the broad impact of requiring Development Approval to remove a tree, it is expected there would be a significant increase to the volume of Development Applications received by the City and compliance matters. This could not be accommodated within current resources and additional staff resources would be required.

Community Engagement and Education

Given the widespread impact of any requirements regarding trees on private property, it is important to ensure that the community is aware of the importance and benefit of trees. Without community support, the outcomes and implementation of such requirements will be more difficult.

Most people would recognise that trees are an important part of the environment, however this does not necessarily mean people support tree retention on their land. Trees provide a number of economic, environmental, ecological and social benefits including, but not limited to:

- Improved air quality through photosynthesis, which absorbs a number of potentially harmful gases;
- Shelter and protection for wildlife;
- Sun shading, which can assist in cooling surrounding areas and reducing air conditioning costs;
- General health and wellbeing, with research indicating trees can improve physical and mental health.

If one of the proposals proceeds to implementation, then it is recommended that a community engagement and education campaign be undertaken to educate the community and promote the importance and benefit of trees on private property. This will require a budget.

Option One - Advocate to State bodies for a collective approach

An option available to Council is to write to the State Government and advocate for a more statewide approach to tree protection on private land. This approach has been identified as a priority for WALGA who are actively advocating for an effective and efficient regulatory mechanism that allows Local Government to consider the removal or alteration of a significant tree as a form of development.

A uniform statewide approach would provide the public with certainty and consistency throughout all Local Government and allow for a pooling of resources to reduce the additional administrative costs for functions such as tree canopy mapping.

Option Two - Scheme Amendment

The City could consider a Scheme Amendment to the existing TPS No.4. The Scheme Amendment could seek to include a requirement for Development Approval for removal of any large tree on private residential property that meets certain criteria. The criteria previously identified was trees meeting the following:

- Canopy diameter of 6m or greater
- Height of 8m or greater
- In the case of a tree with a single trunk, a trunk circumference of 1.5m or greater, measured 1.4m above the ground
- In the case of a tree with multiple trunks a total trunk circumference of 1.5 m with an average trunk circumference or 625mm or greater measured 1.4 m above the ground
- Any pruning of either tree branches or roots can only be done provided the pruning is undertaken in accordance with Australian Standards for Pruning Amenity Trees (AS4373). A qualified arborist would be able to assist with meeting these standards

The specific criteria should be considered to ensure that the public is easily able to identify impacted trees. Further, the City will need to be able to obtain accurate, usable and ongoing data in order to effectively process Development Approval applications and undertake any compliance actions.

The specific criteria and/or inability to obtain accurate, usable and ongoing data could significantly hinder the public's acceptance of these requirements, and ultimately diminish administration's capability and capacity to enforce the requirement for a Development Approval.

Any Scheme Amendment would also need to be supplemented by Policy (either new or amended existing Policy). The Policy would guide the public and administration on the processing Development Approval applications, and would provide:

- a) The framework, criteria and considerations for assessment of the Development Application;
- b) Clarity as to what a landowner can do to their tree before requiring a Development Approval;
- c) The definition of what constitutes removal, destruction and/or damage to a tree;
- d) Clarity when/if arborists reports are required;
- e) A list of desirable and undesirable tree species and whether certain undesirable species are exempt from requiring Development Approval for removal;

- f) Clarity surrounding compliance actions including replacement and/or valuation of existing trees.

Implementing a requirement for Development Approval for removal of a tree within specific criteria would create an initial and ongoing financial commitment and administrative workload that needs to be considered. These are explained in the Budget/Financial Implications section of this report.

Should the Council decide to proceed with this option, a further report will be referred to Council for the purpose of preparing an amendment to TPS No.4 and a supporting local planning policy.

A Scheme Amendment would take between two and three years to complete.

Option Three - Inclusion of Scheme Provisions as part of the new Scheme

The City is in the process of preparing a new Local Planning Strategy and Local Planning Scheme. An option available to the Council would be to request Development Approval requirements to be implemented as part of the new Local Planning Scheme.

This option would be subject to the same considerations as option two but would provide additional time to consider and plan for the financial and administrative impacts of introducing this requirement. It is acknowledged that preparing the new Local Planning Scheme requires substantial resources and effort, therefore, complicated proposals are usually progressed separately via Scheme Amendment to avoid delaying a new Local Planning Scheme. The outcome of the Scheme Amendment is then incorporated in the final version of the Local Planning Scheme with the Minister's consent.

Furthermore, it would provide additional time to advocate for a better statewide approach towards tree retention, and to monitor the outcome of other Local Government Authorities proceeding with Scheme Amendments, as it is unknown whether the Minister is supportive of these Scheme Amendments.

The new Scheme will not be gazetted for at least three years.

Option Four - Local Planning Policy

Schedule 2 - Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires Development Approval for all works and provides specific exemption criteria for when approval is not required. In effect, all works generally require development approval unless exempted.

However, this isn't always the case, and it has been established in planning law that there are a number of factors that determine whether the scale of works warrant approval. Accordingly, it may be possible to implement a Policy that specifies criteria for when a tree is considered significant, and when it constitutes 'works' under the Regulations. This would result in Development Approval being required to remove any tree that met the specific criteria defined by Policy.

This approach has not been subject to an appeal at the State Administrative Tribunal, so its enforceability is unclear. However, it is understood that the approach has been successfully implemented and enforced by the City of Kalamunda.

Notwithstanding the above, the City's Scheme (Schedule A - Supplemental Provisions to the Deemed Provisions) contains provisions which expand on the ordinary Development Approval exemption criteria of the Regulations. One of these criteria (Clause 61(1)(r)) specifically states that removal of vegetation does not require approval except where approval of such development is otherwise required by the provisions of the Scheme.

Therefore, any Policy requiring Development Approval for removal of vegetation would be inconsistent with the Scheme exemptions and would have no effect since the Scheme would prevail.

Accordingly, a Policy based approach would not be a viable option for the City without a Scheme Amendment to remove the criteria of Clause 61(1)(r) referenced above.

CONCLUSION

Given the above, the matter of requiring a Development Approval for removal of a private tree raises a number of complex technical, budgetary and administrative considerations.

At present, the City of Nedlands Scheme Amendment is with the Minister for final approval. It would be prudent to wait to see the outcome of this Scheme Amendment, before investing resources into developing a Scheme Amendment.

Meanwhile, it's hopeful that a more uniform statewide approach can be decided upon, in order to maintain consistency amongst Local Government.

Accordingly, the recommendation includes:

- Advocating to State bodies for a collective approach to this issue. This is important to ensure the State Government prioritises protection of trees on private property and to achieve a consistent approach throughout Local Government; and
- List for consideration funding the implementation of a community engagement and education program to highlight the importance of trees within the community.

ATTACHMENTS

1. Map showing tree canopies over 8m in the City of Armadale

Committee Discussion

In considering the item, Committee discussed Option 2 to request officers to draft a Scheme Amendment for Council's consideration, potential timing of the Minister's decision, funding, and the importance of the Urban Forrest Strategy and requested the inclusion of an additional new Part 4 to the Recommendation.

D36/11/23

RECOMMEND

That Council:

- 1. Writes to the State Government to advocate for the implementation of uniform statewide legislation for urban forest legislation on Residential zoned land to require Development Approval for removal of significant trees.**
- 2. Writes to the Western Australian Local Government Association in support of their advocacy position on urban forest priorities for legislative, regulatory and policy change with the State Government.**
- 3. List for consideration, as part of the budget processes, a community engagement and education program to highlight the importance of trees within the community.**
- 4. Select Option 2 to request officers to draft a Scheme Amendment for Council's consideration.**

**Moved Cr C M Wielinga
Seconded Cr Silver
Opposed Cr S Peter**

MOTION CARRIED

(7/1)

***3.1 - DRAFT PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES)
AMENDMENT REGULATIONS (NO.3) 2023 - SINGLE HOUSE DEVELOPMENT***

WARD : ALL

FILE No. : M/608/23

DATE : 16 November 2023

REF : GW

RESPONSIBLE : EDDS
MANAGER

In Brief

- Proposed amendments to the *Planning & Development Act 2005 (P&D Act)* and *Planning & Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)* will require development applications for single houses (and related ancillary/incidental development) to be determined by the Chief Executive Officer (CEO) or employees of the local government authorised by the CEO only.
- Under the proposal, Council or a Committee of Council will no longer be able to determine such applications once these changes take effect.
- *Draft Planning and Development (Local Planning Scheme) Amendment Regulations (No.3) 2023* have been prepared to support the amendment to the *P&D Act* as outlined in this report and the Department of Planning, Lands and Heritage (DPLH) is seeking comment on the proposed changes to the *LPS Regulations*.
- Recommend that the City of Armadale lodge a submission in accordance with the comments in this report to DPLH.

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.
- 4.1.3.1 Create a comprehensive policy framework that supports the maximisation of delegations to officers to facilitate timely customer service.

Legal Implications

Planning and Development (Local Planning Schemes) Regulations 2015

Council Policy/Local Law Implications

A new ‘CEO to Officer’ delegation will need to be endorsed by the CEO once the proposed legislative changes take effect.

Budget/Financial Implications

Nil.

Consultation

Nil.

BACKGROUND

Pursuant to the *Planning and Development Amendment Bill 2023* recently introduced into Parliament, the *P&D Act* is being amended to insert a new section 257C that will require most development applications for single houses (and related development) to be determined by local government officers authorised by the CEO only, instead of Council.

Draft Planning and Development (Local Planning Scheme) Amendment Regulations (No.3) 2023 have been prepared to support the amendment to the *P&D Act* as summarised in the ‘Details of Proposal’ section of this report.

According to the Department of Planning, Lands and Heritage (DPLH), *the intent of this reform is to reduce unnecessary red tape, provide a consistent process for how single house developments are dealt with across the State and improve efficiencies in decision making to assist with the delivery of housing. The changes will also enable Council to focus on strategic planning, ensuring that local planning frameworks are contemporary and fit for purpose*

Pursuant to section 256(2)(a) of the *P&D Act*, the Minister for Planning must consult with local government on any changes to the *Planning & Development (Local Planning Schemes) Regulations 2015* and DPLH is seeking comment on the proposed draft changes by **31 January 2024**.

The DPLH anticipates that the proposed draft changes will be finalised and take effect in the second quarter of 2024.

DETAILS OF PROPOSAL

The proposed draft changes will provide the CEO or officers authorised by the CEO the authority (function) to determine development applications involving '*prescribed single house development*'. Of significance, the proposal will prevent Council or a committee of Council from performing this function.

'prescribed single house development' is defined as:

- (a) the erection of, or alterations or additions to, a single house; or
- (b) the erection or installation of, or alterations or additions to, any of the following that is ancillary or incidental to a single house -
 - (i) an ancillary dwelling;
 - (ii) an outbuilding;
 - (iii) an external fixture;
 - (iv) a boundary wall or fence;
 - (v) a patio;
 - (vi) a pergola;
 - (vii) a verandah;
 - (viii) a deck;
 - (ix) a garage;
 - (x) a carport.

Development in a heritage-protected place (ie. included on the City's Heritage List or within the River Road Heritage Precinct) is not *prescribed single house development* and may continue to be determined under current delegated authority or by the Council as appropriate.

COMMENT

Delegations

Across all Local Authorities, Single Houses and related ancillary/incidental developments in Residential zoned areas are currently exempt from development approval under Clause 61(1) of the Regulations, provided they comply with the following criteria:

- (a) The R-Codes apply to the works.
- (b) The works comply with the deemed-to-comply provisions of the R-Codes.
- (c) The works are not located in a heritage-protected place.

In cases where development approval is required, City officers currently have full delegation to determine single houses and related ancillary/incidental developments. It is worth noting that such applications very rarely need to be referred to the Council for determination due to their minor nature.

It should be noted that at the City any development application that receives significant community objection based on relevant planning grounds would typically be referred to the Council for determination, although this is a rare occurrence. However, once these changes take effect, the Council will no longer have the ability to determine such applications.

Other ancillary/incidental development

The proposed changes encompass most ancillary/incidental development however officers recommend expanding the list to include the following common incidental works to avoid ambiguity and ensure consistency with the current *LPS Regulations*:

- (a) Swimming pool;
- (b) Shade sails;
- (c) Retaining walls.

Other development scenarios

It is unclear how an application for a single house that involves multiple development scenarios within the same application will be treated or considered to be *prescribed single house development*, including scenarios such as the following:

- 1. A development envelope modification to accommodate a Single House or outbuilding.
- 2. An application involving two land uses such as a Place of Worship and Single House)

Further clarification from DPLH should be sought in this regard.

Development Envelopes

City officers currently have delegation to determination applications for the establishment or variation of a development envelope, with the exception of development envelopes on lots larger than on (1ha) hectare that propose development envelope modifications that would be larger than the Maximum Development Envelope Size specified on Table 1 of Policy 2.1 – Establishment or Amendment of Development Envelopes.

City officers are of the opinion that development envelopes should not be classified as *prescribed single house development*, as they are a distinct planning mechanism under Town Planning Scheme No. 4 and involve additional considerations separate to a standalone single house, such as matters related to vegetation retention and preservation of amenity.

OPTION

Council has the following options –

- 1. Endorse a submission on the *Draft Planning and Development (Local Planning Scheme) Amendment Regulations (No.3) 2023* in accordance with the comments in this report or with modifications
- 2. Choose to not make a submission on the *Draft Planning and Development (Local Planning Scheme) Amendment Regulations (No.3) 2023*.

CONCLUSION

In light of the comments above and recognising that City officers currently possess full delegation to determine such applications, it is recommended that the City prepares a brief submission on the *Draft Planning and Development (Local Planning Scheme) Amendment Regulations (No. 3) 2023*. This submission should recommend that DPLH consider expanding the list of ancillary/incidental works and seek further clarification on how applications involving a development envelope modification or other land uses are to be treated.

ATTACHMENTS

1. Draft Planning & Development (Local Planning Schemes) Amendment Regulations No.3 - Single House Development

RECOMMEND

D37/11/23

That Council:

1. **Note that officers will prepare and lodge a brief submission on the *Draft Planning and Development (Local Planning Scheme) Amendment Regulations (No.3) 2023* as follows:**
 - a) **Recommend DPLH expand the list of ancillary/incidental development to include the following common works to avoid ambiguity and ensure consistency with the LPS Regulations:**
 - (i) **Swimming pool;**
 - (ii) **Shade sails;**
 - (iii) **Retaining walls.**
 - b) **Seek further clarification on how an application for a single house that involves multiple development scenarios within the same application will be treated, including scenarios such as the following:**
 1. **A development envelope modification to accommodate a Single House or outbuilding.**
 2. **An application involving two land uses such as a Place of Worship and Single House.**
 - c) **Advise DPLH that the City would not support the classification of applications involving development envelope modifications as prescribed single house developments.**

Moved Butterfield
MOTION CARRIED

(8/0)

***3.2 - APPOINTMENT OF COUNCILLORS TO OCCASIONAL ADVISORY GROUPS,
REFERENCE / WORKING GROUPS AND EXTERNAL ORGANISATIONS***

WARD : ALL
FILE No. : M/617/23
DATE : 16 November 2023
REF : SS/NC
RESPONSIBLE : EDDS
MANAGER

In Brief:

- Following the Local Government elections on the 21 October 2023 consideration is required to be given to the appointment of Councillors to:
 - Occasional Advisory Group, Reference/ Working Groups; and
 - External/Local Organisations.
- Recommend that Council appoint nominated Councillors to Occasional Advisory Groups and External/Local Organisations, for the period November 2023 to October 2025.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

- 4.1 Strategic Leadership and effective management.
- 4.1.1 Advocate for the delivery of key transformational projects.
- 4.1.2 Develop and maintain a comprehensive suite of strategies and plans to guide the City's delivery of infrastructure and services to the community.

Legal Implications

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

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

Nil.

BACKGROUND

In addition to the formation of Council established Committees, Council also nominates representatives to occasional advisory groups, reference/working groups and external local organisations. Council may nominate representatives to such committees/organisations by a simple majority.

At its Special Meeting of 26 October 2023, Council resolved that the matter of Councillor representation on a number of advisory, reference and working groups established by Council, as well as representation on committees, reference and working groups established by external entities as referenced in this report be referred to the Development Services Committee.

Unless otherwise determined by Council, the tenure of a Councillor's membership on a Committee or as a delegate continues until:

- the Councillor no longer holds the office by virtue of which the Councillor became a member;
- the Councillor resigns from membership of the Committee;
- the Committee is disbanded; or
- the next ordinary election day;

which ever happens first.

DETAILS OF PROPOSAL

Committee is requested to consider and recommend appointments from its membership to various Committees and Groups. All appointments are for a two (2) year period, i.e. November 2023 to October 2025.

This report details a brief explanation of each committee/group to assist Committee with nominations. It should be noted that attendance or appointment of officers to any outside group will be at the discretion of the Chief Executive Officer.

It is preferable that delegates to these various groups are members of the Council Committee overseeing their operation. In this instance, that is the Development Services Committee.

OCCASIONAL ADVISORY GROUPS AND REFERENCE / WORKING GROUPS

Community Heritage Advisory Group

The Community Heritage Advisory Group (CHAG) currently provides advice in regard to the Local Heritage Survey (LHS), documentation for the State Register of Heritage Places and making suggestions to the City via the Executive Director Development Services on heritage conservation matters.

The CHAG is a group and operates without the formalities that are required of being a formal Committee that requires declarations of interest etc.

| Council / Representation Required | Prior Appointments | Meeting Details |
|-----------------------------------|----------------------------|-----------------|
| 1 Delegate 1 Deputy | Cr S J Mosey Cr J Keogh | As required. |

ATTACHMENTS

There are no attachments for this report.

Committee Discussion

Committee discussed the Councillor appointments for the Deputy Members for CHAG and requested that the matter be referred to full Council in the event that any member wishes to be nominated.

RECOMMEND

D38/11/23

That Council:

1. Approve the following appointments to Council's established Groups for the period November 2023 to October 2025.

| Occasional Advisory Group and Reference / Working Groups | Member | Deputy Member |
|----------------------------------------------------------|------------|---------------|
| Community Heritage Advisory Group | Cr J Keogh | Cr _____ |

Moved Cr S Peter
MOTION CARRIED

(8/0)

3.3 - APPOINTMENT OF COUNCILLOR TO SELECTION PANEL FOR PUBLIC ART FOR RAILWAY STATION AND PUBLIC REALM UPGRADES IN ARMADALE CITY CENTRE

WARD : ALL
FILE No. : M/625/23
DATE : 6 November 2023
REF : SS
RESPONSIBLE : EDDS
MANAGER

In Brief:

- The Byford Rail Extension (BRE) project will elevate the railway line through the Armadale City Centre and the Armadale Train Station.
- The City has advocated that PTA/MetConnx should engage with the City and Council on the proposed public art for the Precinct.
- A request has been received from MetConnx's consultants for Councillor representation on the Selection Panel for the Public Art process.
- Recommend that Council appoint a nominated Councillor(s) to the Byford Rail Extension (BRE) Public Art Selection Panel.

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

- 1.2.1.6 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.
- 2.2.4 Develop, improve and maintain quality parks, playgrounds and public open spaces throughout the City.
- 3.1.2 Advocate for the Armadale Strategic Metropolitan City Centre Structure Plan and cultivate the strategic partnerships necessary for its successful implementation.
- 4.1.1 Advocate for the delivery of key transformational projects.

Legal Implications

Public Works Act 1902

Planning and Development Act 2005

Railway (METRONET) Act 2018

Environmental Protection (Noise) Regulations 1997

Metropolitan Region Scheme

Town Planning Scheme No.4

Council Policy/Local Law Implications

PLN 2.4 - Landscape Feature and Tree Preservation

PLN 3.12 - Percent for Public Art

PLN 3.14 - Designing Out Crime

Arts and Culture Strategy (2022-26) Public Art Policy

Budget/Financial Implications

Nil.

Consultation

1. City of Armadale Staff will also be participating in working groups and providing comment on ‘design packages’.
2. MetroNet online survey regarding public spaces created by viaduct/train station.
3. Development Applications were advertised for public comment.

BACKGROUND

The Byford Rail Extension (BRE) project will elevate the railway line through the Armadale City Centre and the Armadale Train Station.

The public realm upgrades, public art and landscaping works south of Armadale Road and just south of Church Avenue formed part of the third development application, which was considered by Council at its meeting in August 2023. Council’s recommendation has been provided to the Western Australian Planning Commission (WAPC) for its determination.

DETAILS OF PROPOSAL

The City’s officers have advocated for PTA and MetConnx to engage with the City and Councillors on the proposed Public Art.

A request has been received from MetConnx’s Consultants for a Councillor representative on the Selection Panel for the Public Art process.

ANALYSIS

The BRE project is one of the most significant projects to influence the Armadale City Centre and region. Public art can play a key role in influencing activation, improving streetscapes and public realm. The City has successfully advocated for an increase in the budget allocated for public art in the Armadale Precinct.

The City has advocated for more involvement and engagement with City staff and Councillors on the proposed Public Art in the Armadale Precinct to improve the outcomes, when compared to the Public Art process in Kelmscott.

The City has received varying advice from PTA and MetConnx regarding the future of the City in managing the proposed Public Art that will be delivered as part of the BRE Project. In Kelmscott, the City advocated for PTA to remain the owner of the Public Art assets and the City would only undertake minor aesthetic maintenance (see report to Council in October 2023). Further engagement and discussion is required to determine PTA's proposal for management of Public Art and what role the City will have with maintenance of Public Art.

At the time of writing this report, the structure of the panels for Public Art are still being progressed, however the involvement of Councillors in the selection process is a positive step and should be supported.

MetConnx's consultants have advised that the meetings will be held during the business day and on predetermined dates. Therefore a Deputy Member is recommended to assist with Councillor representation.

CONCLUSION

Committee is requested to consider and recommend appointments from its membership to the BRE Public Art Selection Panel.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

D39/11/23

That Council:

- 1. Approve the following appointments to the Byford Rail Extension Public Art Selection Panel:**

| | Member | Deputy Member |
|-------------------------------------------------------------|--------------------------|-------------------------------------|
| Byford Rail Extension Public Art Selection Panel | Mayor Butterfield | Cr J Keogh Cr S Stoneham |

**Moved Cr S Peter
MOTION CARRIED**

(8/0)

COUNCILLORS' ITEMS

Nil

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT

Central Park Regional Youth Area and Nature Play

The Executive Director Development Services provided a PowerPoint presentation on the Central Park advocacy in the Public Realm in front of the new Armadale Station.

MEETING DECLARED CLOSED AT 8:15 PM

| DEVELOPMENT SERVICES COMMITTEE SUMMARY OF ATTACHMENTS 20 NOVEMBER 2023 | | |
|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|--|
| ATT NO. | SUBJECT | |
| 1.1 DEVELOPMENT APPLICATION - PLACE OF WORSHIP - 7 WATERWHEEL ROAD, BEDFORDALE | | |
| 1.1.1 | Location Plan - Lot 48 Waterwheel Road, Bedfordale | |
| 1.1.2 | Aerial Plan - Lot 48 Waterwheel Road, Bedfordale | |
| 1.1.3 | Site Plan - Lot 48 Waterwheel Road, Bedfordale | |
| 1.1.4 | Floor Plan - Lot 48 Waterwheel Road Bedfordale | |
| 1.1.5 | Arborist Report - Lot 48 Waterwheel Road, Bedfordale | |
| 1.1.6 | Transport Impact Statement - Lot 48 Waterwheel Road, Bedfordale | |
| 1.1.7 | Bushfire Management Plan - Lot 48 Waterwheel Road, Bedfordale | |
| 1.1.8 | Site and Soil Evaluation Plan - Lot 48 Waterwheel Road, Bedfordale | |
| 1.1.9 | Herring Storer Acoustics Report - September 2023 - Lot 48 Waterwheel Road, Bedfordale | |
| 1.1.10 | DSC 201123 - SPP5.4 Noise Management Plan - March 2023 - Lot 48 Waterwheel Road | |
| 2.2 TREE RETENTION ON PRIVATE PROPERTY | | |
| 2.2.1 | Map showing tree canopies over 8m in the City of Armadale | |
| 2.3 STRUCTURE PLAN RECOMMENDATION TO WAPC - WEST PIARA URBAN PRECINCT SOUTH LOT 9009 WARTON ROAD STRUCTURE PLAN | | |
| 2.3.1 | Location Plan - Lot 9009 Warton Road | |
| 2.3.2 | Aerial Plan - Lot 9009 Warton Road | |
| 2.3.3 | West Piara South - Lot 9009 Warton Road Structure Plan Map | |
| 2.3.4 | West Piara South - Proposed Southern Landholdings Structure Plan Map | |
| 2.3.5 | Schedule of Submissions - West Piara South Lot 9009 Warton Road Structure Plan | |
| 2.3.6 | Schedule of Structure Plan Modifications - West Piara South Lot 9009 Warton Road Structure Plan | |
| 2.3.7 | Schedule of Part 2 Technical Report Modifications - West Piara South Lot 9009 Warton Road Structure Plan | |
| 3.1 DRAFT PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) AMENDMENT REGULATIONS (NO.3) 2023 - SINGLE HOUSE DEVELOPMENT | | |
| 3.1.1 | Draft Planning & Development (Local Planning Schemes) Amendment Regulations No.3 - Single House Development | |

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

CITY OF ARMADALE

MINUTES

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

PRESENT:

Cr S J Mosey (Chair)
Cr S Peter JP (Deputy Chair)
Cr M J Hancock
Cr J Joy
Cr L Sargeson
Cr G J Smith
Cr S S Virk

APOLOGIES:

Nil.

OBSERVERS:

Cr. S Stoneham

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 |
| Mr M Hnatojko | Executive Manager Corporate Services |
| Ms M Bell | Manager City Legal (<i>via Teams</i>) |
| Mrs A Owen-Brown | Executive Assistant Corporate Services |

PUBLIC:

Nil.

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

DISCLAIMER

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

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

DEPUTATION

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Corporate Services Committee Meeting held on 10 October 2023 be confirmed.

Minutes of the Special Corporate Services Committee Meeting held on 26 October 2023 be confirmed.

Moved Cr M J Hancock

MOTION CARRIED

(7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

Items in Issue No.16

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

Accounting Reports

Nil.

Report of the Common Seal

Nil.

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

CONTENTS

CORPORATE SERVICES COMMITTEE

21 NOVEMBER 2023

| | | |
|-----------|--------------------------------------------------------------------------------------------------------------------------|-----------|
| 1. | FINANCIAL MANAGEMENT & PLANNING | |
| 1.1 | **STATEMENT OF FINANCIAL ACTIVITY - SEPTEMBER 2023..... | 69 |
| 1.2 | LIST OF ACCOUNTS PAID - SEPTEMBER 2023 | 74 |
| 2. | GOVERNANCE & ADMINISTRATION | |
| 2.1 | CALENDAR OF COUNCIL AND COMMITTEE MEETINGS FOR 2024 | 77 |
| 3. | MISCELLANEOUS | |
| 3.1 | APPOINTMENT OF COUNCILLORS TO OCCASIONAL ADVISORY GROUPS, REFERENCE / WORKING GROUPS AND EXTERNAL ORGANISATIONS | 81 |
| 3.2 | SERVICE LEVEL AGREEMENT'S FOR COUNCILLORS (REFERRAL ITEM) | 84 |
| 4. | COUNCILLORS' ITEMS | |
| | NIL. | 85 |
| 6. | EXECUTIVE DIRECTOR'S REPORT | |
| | NIL. | 85 |
| | SUMMARY OF ATTACHMENTS | 86 |

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

WARD : ALL
FILE No. : M/601/23

DATE : 4 October 2023
REF : MH
RESPONSIBLE : Executive Director
MANAGER : Corporate Services

In Brief:

- This report presents the City's Monthly Financial Report for the third (3) month period ended 30 September 2023.
- This report recommends accepting the Financial Report for the third (3) month period ended 30 September 2023, noting there are reportable actual to budget material variances for the period and that the opening balances for this report are preliminary with the final end of year position in the process of being audited by KPMG/OAG.

Tabled Items

Nil.

Decision Type

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

Officer Interest Declaration

Nil.

Strategic Implications

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

Legal Implications

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

Local Government Act 1995 – s.6.11 Reserve accounts

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

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

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

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

Consultation

Nil.

BACKGROUND

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

COMMENTS

Presented as an attachment this month, is the third 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:

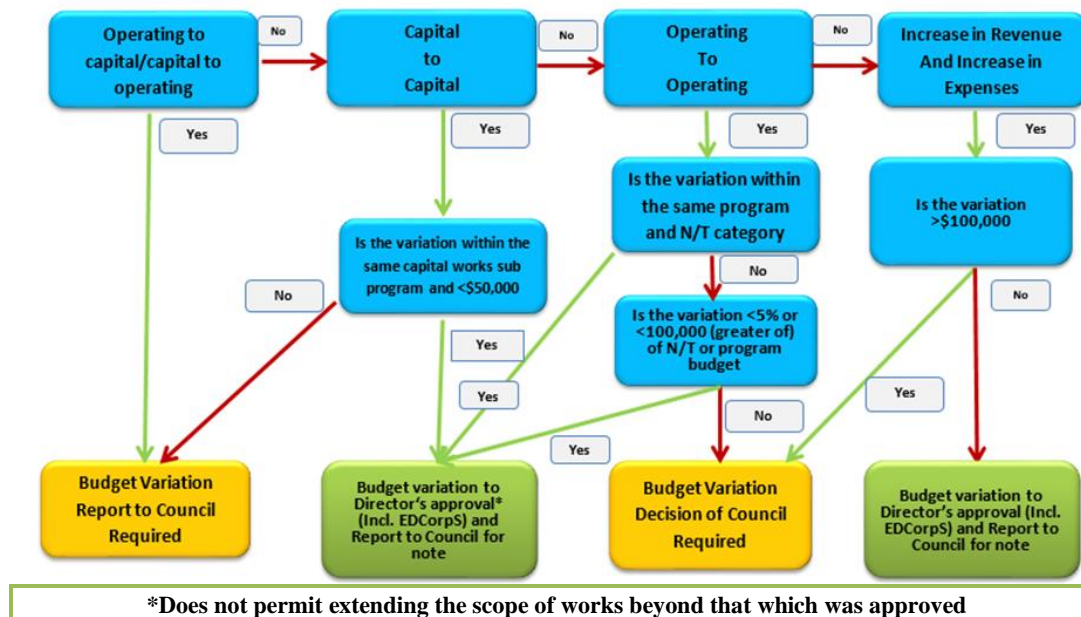
1. **Period Variation**
Relates specifically to the value of the Variance between the Budget and Actual figures for the period of the report.
2. **Primary Reason**
Explains the primary reasons for the period Variance. As the report is aimed at a higher level analysis, minor contributing factors are not 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).



Budget Variation Process Map



DETAILS

Presented as an attachment is the Monthly Statement of Financial Activity for the third (3) month period ended 30 September 2023. The Monthly Statements are based on the model statements provided to the sector, which have been developed by Moore Australia, in conjunction with the Department of Local Government, Sport and Cultural Industries.

The opening balances presented for July are preliminary as the end of year accounts are in the process of being audited by KPMG/OAG. The accounts are yet to reflect the end of year reserve transfers for FY23 and do not include the infrastructure asset revaluation conducted externally and received during October.

Capital Carry Forward Program Update

Included in the monthly report as an attachment is the status of the capital carry forward program as at the end of September 2023.

Rates Debtors

Included below is the summary table which signifies the number of properties that currently do not have a payment arrangement in place.

In September, it was reported that there were 1670 properties that owed rates from FY23 totaling \$2.3M. City Officers commenced the follow up with these properties and by early October, this had reduced to 1534 properties totaling \$2.1M. In the ensuing period to November (this report) a further 512 ratepayers have now entered into payment arrangements with the City, reducing the total number of properties to 1,022 with \$1.4M outstanding.

Officers continue to pursue the longer-term rates debts two years and three years plus, of which there are 586 properties.

Following the completion of the Authority upgrade at the end of October, the Rates team will have two staff dedicated solely to the properties included in the table below in order to confirm a payment arrangement or to recommend further action is required in order for the City to collect the amounts due.

| Sep-23 | | Non Pensioner | | | | | | | |
|--------|------------|---------------|-----------|-----------|---------|---------------|-----------|-------|-----------|
| | | One Year | | Two Years | | Three + Years | | TOTAL | |
| | | # | \$ | # | \$ | # | \$ | # | \$ |
| ALL | Year One | 1,022 | 1,470,926 | 240 | 541,189 | 346 | 757,135 | 1,608 | 2,769,250 |
| ALL | Year Two | | | | 303,416 | | 714,590 | | 1,018,006 |
| ALL | Year Three | | | | | | 1,187,675 | | 1,187,675 |
| TOTAL | | 1,022 | 1,470,926 | 240 | 844,605 | 346 | 2,659,400 | 1,608 | 4,974,931 |

Sundry Debtors

The total of Sundry Debtors 120+days is \$0.95M of which:

- \$675k is with Fines Enforcement Registry for collection;
- \$145k relate to Waste commercial customers which is likely to be collected;
- A further \$73k relate to Planning and Building debtors; and
- A number of community organisations make up the balance. The 60 day total has reduced from \$1.16M to \$668k during September.

ATTACHMENTS

1. [Small Balance Write Off - Rates Interest - 29.09.2023](#)
2. Monthly Financial Report - September 2023
3. Carry Forward Balances for the Monthly Financial Statements - September 2023

RECOMMEND

CS48/11/23

That Council:

1. Pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* accept the Statement of Financial Activity for the third (3) month period ended 30 September 2023; and:
2. Note that there are reportable actual to budget material variances for the period and this report is preliminary only for the end of September; and
3. Note the \$229.01 small rates debts written off under Primary Delegation 1.0 and Secondary Delegation CORPS 1.1.

ABSOLUTE MAJORITY RESOLUTION REQUIRED

Moved Cr S Peter

MOTION CARRIED

(7/0)

1.2 - LIST OF ACCOUNTS PAID SEPTEMBER 2023

WARD : ALL
FILE No. : M/602/23

DATE : 4 October 2023
REF : MH
RESPONSIBLE : Executive Director
MANAGER : Corporate Services

In Brief:

- The report presents, pursuant to Regulation 13(1), (3) and (4) of the *Local Government (Financial Management) Regulations 1996*, the List of Accounts paid for the period 1 September to 30 September 2023 as well as the credit card statements for September 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 September to 30 September 2023 is presented as an attachment to this report as well as the credit card statements for September 2023.

ATTACHMENTS

1. Monthly Cheque and Credit Card Report - September 2023

RECOMMEND

CS49/11/23

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 \$11,370,180.95 on cheque numbers 241 to 253, transactions 12542 to 13428 and Payrolls dated 3 September and 17 September 2023.

Credit Card

Accounts Paid totalling \$6,266.89 for the period ended September 2023.

Moved Cr L Sargeson

MOTION CARRIED

(7/0)

2.1 - CALENDAR OF COUNCIL AND COMMITTEE MEETINGS FOR 2024

WARD : ALL
FILE No. : M/638/23
DATE : 7 November 2023
REF : DB
RESPONSIBLE : Manager City
MANAGER Governance

In Brief:

- The proposed calendar for Council and Committee meetings for 2024 is presented.
- Recommend that Council adopt the proposed meeting calendar.

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 and Innovation

4.1 Strategic Leadership and effective management

4.1.3 The City will develop organisational frameworks to achieve consistency, transparency and clarity of decision making processes

Legal Implications

Regulation 12 of the *Local Government (Administration) Regulations 1996*:

12. Publication of meeting details (Acts. 5.25(1)(g))

- (1) *In this regulation —*
meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.
- (2) *The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —*
- (a) *ordinary council meetings.*
 - (b) *committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.*
- (3) *Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made.*
- (4) *If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government's official website as soon as practicable after the decision is made.*

[Regulation 12 inserted: SL 2020/213 r. 18.]

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

Nil.

Consultation

1. Executive Leadership Team.
2. Department of Commerce (for public holiday dates in 2024)

BACKGROUND

In 2020, the approved Council and Committee meetings calendar incorporated a change to Development Services moving back to Monday (changed from Tuesday) and Corporate Services moving back to Tuesday (changed from Monday) – D23/3/20 refers.

DETAILS OF PROPOSAL

The 2024 Council and Committee meeting calendar is based on the example used for 2023 and has been prepared having regard for: -

1. The incidence of public holidays.
2. Retaining the current pattern of meetings, i.e. –

Ordinary Council Meetings – two meetings each month both on a Monday in the second and fourth weeks of the month, the exceptions being: -

- In December due to Christmas there is just the one meeting in each month;
- In April due to Easter, there is just one meeting; and
- It is proposed that in January there is no meeting.

Committee Meetings – in the first full week of each month the Technical Services Committee and the Community Services Committee will meet on the Monday and Tuesday respectively. In the third week of each month, the Development Services Committee and the Corporate Services Committee will meet on the Monday and Tuesday respectively. The exceptions to this being:

- In January there will be no committee meetings held;
- In March, April and June when the Technical Services Committee will meet on a Wednesday due to the Labour Day, Easter Monday and WA Day public holidays on the Monday; and
- In December when the committee meetings will be held in the first two weeks on a Monday and Tuesday each week due to the Christmas and New Year break.

Note that the *Local Government Regulations Amendment Regulations (No. 2) 2020* amended r. 12 of the *Local Government (Administration) Regulations 1996*, to no longer require public notice of proposed meetings of Council and committees. The CEO is required, however, to publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held.

Nevertheless, it is recommended that public notice is given, and the information contained in the proposed resolution is given in the notice as well as the dates.

CONCLUSION

The proposed meeting dates for 2024 are structured in the same manner as that previously adopted by Council with the exception of the proposal that there is no meeting in January. Council is requested to consider the dates proposed and adopt the meeting calendar as presented.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

CS50/11/23

1. That Council note and adopt the below calendar of proposed Council and Committee meetings for the 2024 calendar year.

MEETING DATES

| Month | Council | Technical Services Committee | Community Services Committee | Development Services Committee | Corporate Services Committee |
|-----------|--------------------------|------------------------------|------------------------------|--------------------------------|------------------------------|
| January | N/A | N/A | N/A | N/A | N/A |
| February | 12/2/2024 26/2/2024 | 5/2/2024 | 6/2/2024 | 19/2/2024 | 20/2/2024 |
| March | 11/3/2024 25/3/2024 | 6/3/2024 | 5/3/2024 | 18/3/2024 | 19/3/2024 |
| April | 22/4/2024 | 8/4/2024 | 9/4/2024 | 15/4/2024 | 16/4/2024 |
| May | 13/5/2024 27/5/2024 | 6/5/2024 | 7/5/2024 | 20/5/2024 | 21/5/2024 |
| June | 10/6/2024 24/6/2024 | 5/6/2024 | 4/6/2024 | 17/6/2024 | 18/6/2024 |
| July | 8/7/2024 22/7/2024 | 1/7/2024 | 2/7/2024 | 15/7/2024 | 16/7/2024 |
| August | 12/8/2024 26/8/2024 | 5/8/2024 | 6/8/2024 | 19/8/2024 | 20/8/2024 |
| September | 9/9/2024 24/9/2024 | 2/9/2024 | 3/9/2024 | 16/9/2024 | 17/9/2024 |
| October | 14/10/2024 28/10/2024 | 7/10/2024 | 8/10/2024 | 21/10/2024 | 22/10/2024 |
| November | 11/11/2024 25/11/2024 | 4/11/2024 | 5/11/2024 | 18/11/2024 | 19/11/2024 |
| December | 16/12/2024 | 2/12/2024 | 3/12/2024 | 9/12/2024 | 10/12/2024 |

2. **MEETING TIMES AND PLACES**

- (a) All Ordinary and Special Council meetings to be held in the Council Chambers, Administration Centre, 7 Orchard Ave, Armadale, and commence at 7.00pm, unless otherwise specified.
- (b) All Committee meetings to be held in the Committee Room, Administration Centre, 7 Orchard Ave, Armadale, and commence at 7.00pm unless otherwise specified.
- (c) All Council and Committee meetings unless otherwise specifically resolved, are open to the public.

3. Any variation to this 2024 calendar of meetings will be advised by notice on the City's website.

Moved Cr J Joy

MOTION CARRIED

(7/0)

***3.1 - APPOINTMENT OF COUNCILLORS TO OCCASIONAL ADVISORY GROUPS,
REFERENCE / WORKING GROUPS AND EXTERNAL ORGANISATIONS***

WARD : ALL

FILE No. : M/631/23

DATE : 6 November 2023

REF : JL

RESPONSIBLE : Executive Director
MANAGER Corporate Services

In Brief:

- Following the local government elections on 21 October 2023 consideration is required to be given to the appointment of Councillors to:
 - Occasional Advisory Groups, Reference/Working Groups
 - External/Local Committees, Reference and Working Groups.
- This report recommends that Council appoint nominated Councillors to Occasional Advisory Groups, Reference/Working Groups and External/Local organisations, for the period November 2023 – October 2025.

Tabled Items

Nil

Decision Type

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

Officer Interest Declaration

Nil

Strategic Implications

- 1.1 Foster and strengthen community spirit.
- 1.1.3 Support the development and sustainability of a diverse range of community groups.

Legal Implications

General Assessment of relevant legislation (eg. *Local Government Act 1995*) has not revealed any restrictions.

Council Policy/Local Law Implications

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

Budget/Financial Implications

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

Consultation

Intra-Directorate and relevant groups

BACKGROUND

In addition to the formation of Council established Committees, Council also nominates representatives to occasional advisory groups, reference / working groups, and external local organisations. Council may nominate representatives to such committees / organisations by a simple majority resolution of Council and unless otherwise explained, the appointments are optional.

At its Special Meeting of Thursday, 26 October 2023, Council resolved that the matter of Council representation on a number of advisory, reference and working groups established by Council, be referred to the Corporate Services Committee.

For reference, those groups include:

- CEO Performance Review Panel

Unless otherwise determined by Council, the tenure of a Councillor's membership on a Council established Committee or as a delegate to such a Committee continues until the:

- Councillor no longer holds the office by virtue of which the Councillor became a member.
- Councillor resigns from membership of the Committee.
- Committee is disbanded.
- Next ordinary election day - whichever happens first.

DETAILS OF PROPOSAL

Committee is requested to consider and recommend appointments from its membership to the various committees and groups for the period November 2023 – October 2025.

The following gives a brief explanation of each to assist Committee with nominations. In this instance that is the Corporate Services Committee.

CEO Performance Review Panel

Section 5.38 of the *Local Government Act* 1995 provides that the performance of a CEO is to be reviewed formally at least once in every year of their employment.

Council at its special meeting on 3 May 2021 adopted the “City of Armadale Standards for CEO Recruitment, Performance and Termination”. The Local government and the CEO must document and agree on the process by which the CEO’s performance will be reviewed and the performance criteria.

Historically, membership to the Panel included Mayor, Deputy Mayor, Chair Corporate Services Committee + 2/3 Councillors

| Council/Representation Required | Prior Appointments | Meeting Details |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 6 Member | Cr R Butterfield (Mayor) Cr K Busby (Dy. Mayor) Cr E Flynn (Chair Audit Committee) Cr M Hancock Cr P Hetherington Cr G Nixon Cr M Northcott | As and when required |

ATTACHMENTS

There are no attachments for this report.

Committee Discussion

Committee nominated the following members to be appointed to the CEO Performance Review Panel.

RECOMMEND

CS51/11/23

That Council appoint nominated Councillors to Occasional Advisory Groups, Reference/Working Groups and External/Local organisations, for the period November 2023 to October 2025 as follows:

| | Member | Deputy |
|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Occasional Advisory Groups & Reference/Working Groups Established by Council | | |
| CEO Performance Review Panel | Cr R Butterfield (Mayor) Cr J Keogh (Deputy Mayor) Cr S Mosey Cr S Stoneham Cr S Peter | |

Moved Cr M J Hancock
MOTION CARRIED

(7/0)

3.2 - SERVICE LEVEL AGREEMENT'S FOR COUNCILLORS (REFERRAL ITEM)

At the Council meeting held on 11 September 2023, Cr S J Mosey referred the following matter to Corporate Services Committee.

That the matter of Service Level Agreements (SLAs) for Councillors' Items be referred to the Standing Order & House Advisory Group be referred to the Corporate Services Committee.

Comment from Cr S J Mosey

That the matter of SLAs for Councillor Referral Items be referred to the SOHAG Committee.

Officer Comment

The mechanism for Councillors to refer matters to the Standing Committees is established in the *City of Armadale Standing Orders Local Law 2016* under clause 3.2(m), and guided by Policy *EM 15 - Councillor Referrals to Standing Committees* and the associated Management Practice. The Policy and Management Practice does not stipulate a time period (Service Level Agreement) for responding to referrals.

ATTACHMENTS

There are no attachments for this report.

Committee Discussion

Committee briefly discussed the item and agreed the matter be referred to the SOHAG Committee.

RECOMMEND

CS52/11/23

That the matter of SLAs for Councillor Referral Items be referred to the SOHAG Committee.

Moved Cr M J Hancock

MOTION CARRIED

(7/0)

COUNCILLORS' ITEMS

Councillor Sargeson enquired about the WALGA training for Councillors related to financial reports.

The CEO advised that councillor training is available and is supported by the City; and all Councillors are encouraged to attend any required training.

Councillors were further advised to reach out to the CEO or the CEO's Executive Assistant for further information.

CHIEF EXECUTIVE OFFICER'S REPORT

Nil.

EXECUTIVE DIRECTOR'S REPORT

Nil.

MEETING DECLARED CLOSED AT 7.21PM

| CORPORATE SERVICES COMMITTEE | | |
|-------------------------------------------------------------|------------------------------------------------------------------------------|--|
| SUMMARY OF ATTACHMENTS | | |
| 21 NOVEMBER 2023 | | |
| ATT NO. | SUBJECT | |
| 1.1 STATEMENT OF FINANCIAL ACTIVITY - SEPTEMBER 2023 | | |
| 1.1.1 | Small Balance Write Off - Rates Interest - 29.09.2023 | |
| 1.1.2 | Monthly Financial Report - September 2023 | |
| 1.1.3 | Carry Forward Balances for the Monthly Financial Statements - September 2023 | |
| 1.2 LIST OF ACCOUNTS PAID - SEPTEMBER 2023 | | |
| 1.2.1 | Monthly Cheque and Credit Card Report - September 2023 | |

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

CHIEF EXECUTIVE OFFICER’S REPORT

27 NOVEMBER 2023

INDEX

1. REPORTS

1.1 COUNCILLORS INFORMATION BULLETIN - ISSUE NO 18/2023

Page 88

1.1 - COUNCILLORS INFORMATION BULLETIN - ISSUE NO 18/2023

WARD : ALL
FILE No. : M/677/23
DATE : 20 November 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. 18/2023 to be received by Council

The following general information and memorandums were circulated in Issue No 18/2023 on 23 November 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

CEO3/11/23

That Council acknowledge receipt of Issue 18/2023 of the Information Bulletin



ORDINARY MEETING OF COUNCIL
MONDAY, 13 NOVEMBER 2023

MINUTES

CONTENTS

| | | |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1 | DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS..... | 3 |
| 2 | RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE..... | 3 |
| 3 | ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE..... | 4 |
| 4 | PUBLIC QUESTION TIME | 4 |
| | NIL | 4 |
| 5 | APPLICATIONS FOR LEAVE OF ABSENCE | 4 |
| | 5.1 REQUEST FOR LEAVE OF ABSENCE – CR JIBY JOY | 4 |
| 6 | PETITIONS | 4 |
| | NIL | 4 |
| 7 | CONFIRMATION OF MINUTES | 4 |
| | MINUTES OF SPECIAL COUNCIL MEETING HELD ON 26 OCTOBER 2023 | 4 |
| | MINUTES OF ORDINARY COUNCIL MEETING HELD ON 16 OCTOBER 2023 | 5 |
| 8 | ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION..... | 5 |
| 9 | QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN – WITHOUT DISCUSSION | 6 |
| 10 | REPORTS..... | 7 |
| | 10.1 SPECIAL CORPORATE SERVICES COMMITTEE MEETING - 26 OCTOBER 2023 | 7 |
| | 10.2 SPECIAL COMMUNITY SERVICES COMMITTEE MEETING - 26 OCTOBER 2023..... | 7 |
| | 10.3 SPECIAL DEVELOPMENT SERVICES COMMITTEE MEETING - 26 OCTOBER 2023..... | 7 |
| | 10.4 SPECIAL TECHNICAL SERVICES COMMITTEE MEETING - 26 OCTOBER 2023 | 7 |
| | 10.5 SPECIAL CITY AUDIT COMMITTEE MEETING - 26 OCTOBER 2023..... | 7 |
| | 10.6 TECHNICAL SERVICES COMMITTEE MEETING - 6 NOVEMBER 2023 | 8 |
| | 10.6.1 MAIN ROADS LOW COST URBAN ROAD SAFETY - PROGRAM - PROPOSED ROAD SAFETY TREATMENTS - CHALLIS ROAD, LOWANNA WAY AND TAIT STREET (1.1) | 8 |
| | 10.6.2 LANDFILL LEACHATE PONDS - BUDGET VARIATION (2.1)..... | 8 |
| | 10.6.3 ASPIRI OVAL, PIARA WATERS - FENCE (REFERRAL ITEM) (3.1) | 9 |
| | 10.6.4 COMMENCEMENT OF IMPROVEMENTS/TREATMENTS TO THE PUBLIC REALM OF KELMSCOTT (REFERRAL ITEM) (3.2) | 9 |

| | | |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 10.6.5 | PARKING ON SKEET ROAD (REFERRAL ITEM) (3.3) | 9 |
| 10.6.6 | HERITAGE DRIVE, ROLEYSTONE - DRAINAGE (REFERRAL ITEM) (3.4) | 10 |
| 10.6.7 | APPOINTMENT OF COUNCILLORS TO OCCASIONAL ADVISORY GROUPS, REFERENCE/WORKING GROUPS AND EXTERNAL ORGANISATIONS) (3.4) | 10 |
| 10.7 | COMMUNITY SERVICES COMMITTEE MEETING - 7 NOVEMBER 2023 | 11 |
| 10.7.1 | APPOINTMENT OF COUNCILLORS TO OCCASIONAL ADVISORY GROUPS, REFERENCE/WORKING GROUPS AND EXTERNAL ORGANISATIONS (1.1) | 11 |
| 10.7.2 | DOG PROHIBITED AREAS - CAROLS BY CANDLELIGHT/CHRISTMAS PARADE AND AUSTRALIA DAY EVENTS (2.1)..... | 12 |
| 10.7.3 | BUSINESS DEVELOPMENT MENTORSHIP AND COMPETITION FOR THE PRODUCTION OF ABORIGINAL ART MERCHANDISE FOR NAIDOC WEEK 2024 (3.1)..... | 12 |
| 10.8 | CHIEF EXECUTIVE OFFICER'S REPORT - 13 NOVEMBER 2023 | 13 |
| 10.8.1 | ARMADALE CHRISTMAS LIGHTS TRAIL 2023 (1.1)..... | 13 |
| 10.8.2 | COUNCILLORS INFORMATION BULLETIN - ISSUE NO 17/2023 (1.2)..... | 13 |
| 11 | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | 14 |
| 12 | URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION | 14 |
| | NIL | 14 |
| 13 | MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION | 14 |
| 1 | ROLEYBUSHCARE AND ROLEYSTONE COMMUNITY GARDEN | 14 |
| 2 | COMMITTEE MEETINGS VENUE | 14 |
| 3 | DIPLOMA TRAINING FOR COUNCILLORS..... | 14 |
| 4 | PRAYER BEFORE MEETINGS..... | 14 |
| 14 | MATTERS REQUIRING CONFIDENTIAL CONSIDERATION | 14 |
| | NIL | 14 |
| 15 | CLOSURE..... | 14 |

CITY OF ARMADALE

MINUTES

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

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Mayor Butterfield, declared the meeting open at 7.00 pm.

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

PRESENT:

Her Worship, Mayor R Butterfield presided over

| | |
|--------------------------|-----------------|
| Deputy Mayor, Cr J Keogh | River Ward |
| Cr J Joy | River Ward |
| Cr K Kamdar | Ranford Ward |
| Cr S Peter JP | Ranford Ward |
| Cr L Sargeson | Palomino Ward |
| Cr P A Hetherington | Palomino Ward |
| Cr M J Hancock | Heron Ward |
| Cr C M Wielinga | Heron Ward |
| Cr K Busby | Minnawarra Ward |
| Cr G J Smith | Minnawarra Ward |
| Cr M Silver | Lake Ward |
| Cr S S Virk | Lake Ward |
| Cr S J Mosey | Hills Ward |
| Cr S Stoneham | 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 D'Souza | CEO's Executive Assistant |

Public: 3

LEAVE OF ABSENCE:

Nil

APOLOGIES:

Nil

3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Request for Leave of Absence – Cr Jiby Joy

Request for leave of absence received from:-

- Cr Jiby Joy for the period Saturday 16 December 2023 until Sunday 28 January 2024 inclusive; and
- Mayor Ruth Butterfield for the period Friday 1 December to Tuesday 5 December 2023 inclusive.

MOVED Cr P A Hetherington

That Council grant leave of absence to:

- **Cr Jiby Joy for the period Saturday 16 December 2023 until Sunday 28 January 2024 inclusive. (includes 1 Ordinary Council Meeting – 18 December 2023); and**
- **Mayor Ruth Butterfield for the period Friday 1 December to Tuesday 5 December 2023 inclusive (does not include an Ordinary Council meeting).**

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington,
Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS SPECIAL COUNCIL MEETING
HELD ON 26 OCTOBER 2023.

MOVED Cr M J Hancock that the Minutes of the Special Council Meeting held on 26 October 2023 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington,
Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

7.2 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 16 OCTOBER 2023.

MOVED Cr M J Hancock that the Minutes of the Ordinary Council Meeting held on 16 October 2023 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington, Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Wednesday 18 October 2023

- Attended the SECCA meeting at the City of Canning with the CEO to discuss joint advocacy positions.

Friday 20 October 2023

- Attended a meeting with Minister Paul Papalia MLA at Dumas House with the CEO regarding the future of the Old Courthouse site.
- Attended a meeting with Minister Dr Tony Buti MLA with the CEO regarding the Armadale Regional Recreational Reserve.
- Officially opened the Kelmscott Show Ceremony. The City of Armadale sponsored the fireworks and the support given to the Kelmscott Agricultural Society was very well received.

Saturday 21 October 2023

- Gave an interview to the Garden Gurus team at the Kelmscott Show regarding the benefits of tree canopy in an urban environment.
- Attended the count for Local Government Elections along with many other councillors, candidates and City of Armadale and Australian Electoral Commission Staff.

Wednesday 25 October 2023

- Attended Cecil Andrews Clontarf Boys Academy and presented some awards at the graduation ceremony. Minister Dr Tony Buti MLA also attended.

Friday 27 October 2023

- Judged the Local Artist Award which was sponsored by the City of Armadale at the Armadale Society of Artists Annual Exhibition.
- Attended the 20 Years of Landcare – SERCUL in Kenwick along with the Minister Reece Whitby MLA, Minister Matt Keogh MP, Minister Sam Lim MP, Mr Chris Tallentire MLA, Terry Healy MLA.
- Gave a speech at the Armadale Society Artists Annual Art Awards Exhibition. Deputy Mayor Cr Keogh, Cr's Mosey, Smith, Busby, Silver also attended.

Saturday 28 October 2023

- Gave an opening address at the Switch Your Thinking: Energy Efficient Home Expo at the City of Gosnells Administration Centre.

Wednesday 1 November 2023

- Attended the Armadale Courthouse Opening. Other attendees included Minister Paul Papalia MLA, Hon John Quigley MLA, Minister Dr Tony Buti MLA, Minister Matt Keogh MP, Minister Matthew Swinbourn MLC, Mayor Ruth Butterfield, CEO Joanne Abbiss, Deputy Mayor John Keogh, Cr Kerry Busby, Cr Paul Hetherington, Cr Shanavas Peter, Cr Gary Smith, Cr Michelle Silver, Cr Scott Mosey, Cr Laurie Sargeson, Cr Jiby Joy.

Friday 3 November 2023

- Cr Mosey attended the opening of the Kindy Playground at Armadale Primary School on my behalf.

Wednesday 8 November 2023

- Hosted a Home School Visit in the Council Chambers.
- Attended the Perth Hills Parliamentary Event at Parliament House. Minister Jackie Jarvis MLC spoke and was very supportive of the Perth Hills Alliance efforts to bring agri-tourism to the Perth Hills. Representatives from the Hills Orchards Improvement Group also attended.

Thursday 9 November 2023

- Met with Minister Dr Tony Buti, Mr Chris Tallentire MLA, Mr Yaz Mubarakia MLA, Mr Hugh Jones MLA and the CEO attended the meeting regarding the Armadale Regional Recreation Reserve held at Parliament House
- Gave an opening speech at the SECCA Combined Induction Session held at the City of Gosnells which was organised by SECCA for new Councillors from Vic Park, Canning, Gosnells and Armadale. Our CEO also attended. The session was well attended by new Councillors and the information was very useful. Cr's Mosey, Sargeson, Stoneham, Joy, Peter, Smith attended the induction sessions.

Friday 11 November 2023

- Laid a wreath on behalf of the City of Armadale at the Armadale RSL Remembrance Day service at Memorial Park. Deputy Mayor Cr Keogh, Cr Smith, Joy also attended.
- Cr Mosey laid a wreath at the Remembrance Day Service at Araluen Botanical Park on my behalf.

Sunday 13 November 2023

- Attended the Malayalee Association of WA Badminton Tournament awards ceremony and presented prizes to the winners.

At this part of the meeting, Mayor Butterfield presented Cr Busby with WALGA's Local Government Merit Award acknowledging the 12 years of service he has served the City of Armadale as a Councillor.

9

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

Nil

10 REPORTS

10.1 SPECIAL CORPORATE SERVICES COMMITTEE MEETING

Report of the Corporate Services Committee held on 26 October 2023.

MOVED Cr S Peter that the report be received.

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington,
Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

10.2 SPECIAL COMMUNITY SERVICES COMMITTEE MEETING

Report of the Community Services Committee held on 26 October 2023.

MOVED Cr S Peter that the report be received.

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington,
Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

10.3 SPECIAL DEVELOPMENT SERVICES COMMITTEE MEETING

Report of the Development Services Committee held on 26 October 2023.

MOVED Cr S Peter that the report be received.

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington,
Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

10.4 SPECIAL TECHNICAL SERVICES COMMITTEE MEETING

Report of the Technical Services Committee held on 26 October 2023.

MOVED Cr S Peter that the report be received.

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington,
Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

10.5 SPECIAL CITY AUDIT COMMITTEE MEETING

Report of the City Audit Committee held on 26 October 2023.

MOVED Cr S Peter that the report be received.

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington,
Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

10.6 TECHNICAL SERVICES COMMITTEE MEETING

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

MOVED Cr K Busby that the report be received.

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington,
Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

BUSINESS ARISING FROM REPORT

Recommendation T1/11/23 - Main Roads Low Cost Urban Road Safety - Program - Proposed Road Safety Treatments - Challis Road, Lowanna Way and Tait Street

MOVED Cr K Busby

That Council note the design plans and approve progressing the project for detailed design and construction.

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington,
Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

Recommendation T2/11/23 - Landfill Leachate Ponds - Budget Variation

Cr Virk declared a proximity interest on the basis that he owns a share of a property located near the landfill. Cr Virk left the meeting at 7.09pm

MOVED Cr K Busby

That Council:

- 1. APPROVE an amendment to the Capital Project Budget for the Construction of Leachate Ponds as follows:**
 - a) Increasing the available budget available in FY23/24 from \$825,000 to \$1,180,000 by transfer from the Waste Reserve.**
 - b) Reduce the Waste Reserve by \$355,000 from \$30,967,950 (as of 30th September 2023) to \$30,612,950**
- 2. NOTE, dependent upon the outcome of Council's decision on approval of the budget increase, City Officers intend to recommend that the CEO approves award of TEN 18 of 23 to the preferred respondent.**

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington,
Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Mosey, Cr Stoneham

Cr Virk returned to the meeting at 7.10pm

Recommendation T3/11/23 - Aspiro Oval, Piara Waters - Fence (Referral Item)

Committee Recommendation

That Council leave the status quo and not make any changes.

MOVED Cr S Virk, SECONDED Cr M Silver that an alternate recommendation be adopted.
OPPOSED Cr K Busby

That Council:

Given the immediate proximity of the exercise equipment to the road, Council requests that officers obtain costings for consideration as part of the mid-year budget review for the installation of pedestrian access gates to both pathways and extension of the fencing as required.

MOTION DECLARED CARRIED

(9/6)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Virk, Cr Silver,
Cr Mosey, Cr Stoneham
AGAINST: Cr Busby, Cr Smith, Cr Hancock, Cr Hetherington, Cr Wielinga, Cr Stoneham,

Recommendation T4/11/23 - Commencement of Improvements/Treatments to the Public Realm of Kelmscott (Referral Item)

MOVED Cr S Peter, SECONDED Cr K Busby
OPPOSED Cr J Keogh

That Council retain funds within Reserve and undertake concept design for the installation of improvements in FY25, as per the Corporate Business Plan actions.

MOTION LOST

(6/9)

FOR: Cr Peter, Cr Kamdar, Cr Busby, Cr Smith, Cr Sargeson, Cr Silver
AGAINST: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Hetherington, Cr Hancock, Cr Wielinga, Cr Virk,
Cr Mosey, Cr Stoneham

MOVED Cr J Keogh

That Council adopt “Option Three – Quick Wins and long term planning” which is a two phased approach as outlined in the report.

MOTION not opposed, DECLARED CARRIED

(15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington,
Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

Recommendation T5/11/23 - Parking on Skeet Road (Referral Item)

MOVED Cr S Peter, SECONDED Cr K Kamdar
OPPOSED Cr P Hetherington

That Council proceed with the installation of 4 x Car Parking Bays at an estimated cost of \$50,000, noting Officers comments on Parking Bay safety concerns mentioned above.

MOTION LOST

(3/12)

FOR: Cr Peter, Cr Kamdar, Cr Virk
AGAINST: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Sargeson, Cr Hetherington, Cr Hancock, Cr Wielinga,
Cr Busby, Cr Smith, Cr Silver, Cr Mosey, Cr Stoneham

MOVED Cr P Hetherington, SECONDED Cr S J Mosey
OPPOSED Cr S Peter

That Council note the Officers comments and do nothing.

MOTION DECLARED CARRIED

(12/3)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Sargeson, Cr Hetherington, Cr Hancock, Cr Wielinga,
Cr Busby, Cr Smith, Cr Silver, Cr Mosey, Cr Stoneham
AGAINST: Cr Peter, Cr Kamdar, Cr Virk

Recommendation T6/11/23 - Heritage Drive, Roleystone - Drainage (Referral Item)

MOVED Cr S J Mosey that the recommendation, as amended, be adopted:

That Council note the officer's comments on the matter of the maintenance schedule of the drainage system and *acknowledge that officers will, within budget and resources, consider signage and other mitigation measures as part of the continued management of the City's infrastructure assets.*

MOTION not opposed, DECLARED CARRIED

(15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington,
Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

Recommendation T7/11/23 – Appointment of Councillors to Occasional Advisory Groups, Reference Working Groups and External Organisations

Cr Wielinga nominated herself as an additional delegate on the Armadale Settlers Common Working Group

Cr Hancock withdrew his nomination from the Metropolitan Regional Road Sub-Group and nominated Cr Peter as the Delegate.

Cr Virk requested for further information on the meeting schedule for the Jandakot Regional Park Community Advisory Committee prior to confirming appointment of delegates.

MOVED Cr S Stoneham

That Council

- 1. Add an additional delegate to the Armadale Settlers Common Working Group and confirm the appointment of Crs Mosey and Wielinga as delegates to this group from November 2023 to October 2025.**
- 2. Change the delegate appointment to the Metropolitan Regional Road Sub Group from Cr M Hancock to Cr S Peter with the deputy delegate being Cr J Keogh. Appointments confirmed from November 2023 to October 2025.**
- 3. Recommit the appointment of delegates to the Jandakot Regional Park Community Advisory Committee to the next Technical Services Committee meeting with additional information being provided on the meeting schedule (date and time) for these meetings to enable confirmation of interested delegates.**
- 4. appoint nominated Councillors to the following Occasional Advisory Groups, Reference/Working Groups and External/Local organisations, for the period November 2023 to October 2025 as follows:**

| Group Name | Member / Delegate | Deputy |
|--------------------------------------------------|---------------------------------|------------------------------|
| Armadaale Gosnells Landcare Group | Cr G Smith | Cr S Stoneham |
| Bushcare & Environmental Working Group | Cr S Stoneham | Cr J Joy |
| Parks Darling Range Community Advisory Committee | Cr S Stoneham | Cr S J Mosey |
| Rivers Regional Council | Cr K Busby Cr M Silver | Cr M Hancock Cr S J Mosey |
| South East Regional Energy Group | Mayor R Butterfield | Cr J Keogh |
| South East Regional Centre for Urban Landcare | Cr G Smith | Cr S J Mosey |
| Wirra Willa Working Group | Mayor Butterfield Cr K Busby | Cr M Silver |

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington, Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

10.7 COMMUNITY SERVICES COMMITTEE MEETING

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

MOVED Cr M Silver that the report be received.

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington, Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

BUSINESS ARISING FROM REPORT

Recommendation C31/11/23 - Appointment of Councillors to Occasional Advisory Groups, Reference/working groups and external organisations

MOVED Cr M Silver

That Council appoint nominated Councillors to Occasional Advisory Groups, Reference/Working Groups and External/Local organisations, for the period November 2023 to October 2025 as follows:

| Group Name | Member / Delegate | Deputy |
|-----------------------------------------------------|--------------------------------------------------------------------|---------------------|
| City of Armadale Highland Gathering Reference Group | Cr G J Smith | Cr P A Hetherington |
| Access & Inclusion Reference Group | Cr G J Smith | |
| History Reference Group | Cr J Keogh | Mayor R Butterfield |
| Neighbourhood Watch Committee (CoA) | Cr J Joy Cr G J Smith | Cr K Kamdar |
| Reconciliation Action Plan Working Group | Cr S Stoneham Cr S J Mosey Cr P A Hetherington Cr J Keogh | |

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington, Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

Recommendation C32/11/23 - Dog Prohibited Areas - Carols by Candlelight/Christmas Parade and Australia Day Events

MOVED Cr M Silver, SECONDED Cr S Virk

That Council:

1. Pursuant to Section 31(2B)(b) of the *Dog Act 1976*, subject to any other written law and any law of the Commonwealth about assistance animals as defined under section 9(2) of the *Disability Discrimination Act 1992* (Cth), endorse the;
 - a. ‘*Dog Prohibited Area – Christmas Carols Land Description*’ map, as being a place where dogs are prohibited during the Carols by Candlelight/Christmas Parade event, and the;
 - b. ‘*Dog Prohibited Area – Australia Day Land Description*’ map, inclusive of the relevant MRWA land (portion of Armadale Road), as being a place where dogs are prohibited during the Australia Day Celebration event.
2. Authorise the Chief Executive Officer to give at least 28 days public notice on the proposed change set out in this recommendation pursuant to Section 31(3C) of the *Dog Act 1976* and in accordance with Section 1.7 of the *Local Government Act 1995*, after which time the recommendation will come into effect.
3. Delegate authority to the Chief Executive Officer to determine the specific commencement and cessation times for the operation of the ‘dog prohibited areas’, consistent with the road closure times identified within the relevant Traffic Management Plans.

**MOTION DECLARED CARRIED BY AN ABSOLUTE
MAJORITY RESOLUTION OF COUNCIL**

(15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington, Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

Recommendation C33/11/23 - Business Development Mentorship and Competition for the Production of Aboriginal Art Merchandise for NAIDOC Week 2024

MOVED Cr M Silver

That Council:

1. Endorse Stage 1 of the proposed *Business Development Mentorship & Competition for Aboriginal Art Merchandise for NAIDOC Week 2024*.
2. After completion of Stage 1, receive a report on the program for Stage 2 of the *Business Development Mentorship and Competition for Aboriginal Art Merchandise for NAIDOC Week 2024*.

MOTION not opposed, DECLARED CARRIED

(15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington, Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

10.8 CHIEF EXECUTIVE OFFICER'S REPORT

Report of the Chief Executive Officer.

MOVED Cr G J Smith that the report be received.

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington, Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

BUSINESS ARISING FROM REPORT

Recommendation CEO1/11/23 - Armadale Christmas Lights Trail 2023

MOVED Cr K Busby

That Council:

- 1. Endorses the roll out of the 2023 Christmas Lights Competition.**
- 2. Notes the allocation of \$6,000 from the Communications & Public Relations Consultancy Budget, to support operational delivery of the 2023 Christmas Lights Competition and campaign and \$2,500 for prizes.**
- 3. Considers the Christmas Lights Trail and competition as part of the City's annual events suite and includes an ongoing allocation in the City's Long Term Financial Plan.**

Note:

Council understands that all Local Parliamentarians will be offered the opportunity to be involved in the campaign process.

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington, Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

Recommendation CEO2/11/23 - Councillors Information Bulletin - Issue No 17/2023

MOVED Cr G J Smith

That Council acknowledge receipt of Issue 17/2023 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED (15/0)

FOR: Mayor Butterfield, Cr Joy, Cr Keogh, Cr Kamdar, Cr Peter, Cr Sargeson, Cr Hetherington, Cr Wielinga, Cr Hancock, Cr Smith, Cr Busby, Cr Silver, Cr Virk, Cr Mosey, Cr Stoneham

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 Roleybushcare and Roleystone Community Garden (Cr Sarah Stoneham)

That the matter of Roleybushcare sharing the Roleystone Community Garden shed at Cross Park be referred to the Community Services Committee.

2 Committee Meetings venue (Cr Laurie Sargeson)

That the matter of Committee meetings being held in the Function Room rather than the Committee Room be referred to the Corporate Services Committee.

3 Diploma Training for Councillors (Cr Laurie Sargeson)

That the matter of Diploma Training for Councillors be referred to the Corporate Services Committee.

4 Prayer before Meetings (Cr Jiby Joy)

That the matter of all meetings beginning with a 1 minute silent prayer be referred to the Corporate Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

Mayor R Butterfield, declared the meeting closed at 8.00pm

MINUTES CONFIRMED THIS 27 NOVEMBER 2023

MAYOR