

CITY OF ARMADALE

MINUTES

OF CITY STRATEGY COMMITTEE HELD IN THE COMMITTEE ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 9
APRIL 2002, AT 7.00 PM.

PRESENT:

Cr G M Hodges	Chair
Cr V L Clowes-Hollins	
Cr L Reynolds JP	
Cr J A Stewart	
Cr J H Munn JP CMC	
Cr F R Green	Deputy for Cr Zelones

APOLOGIES:

Cr D L Hopper JP	Leave of absence – Attending Enviro 2002 Conference, VIC
Cr H A Zelones JP	Attending the Planning Congress, NZ
Cr R C Stubbs	(Deputy for Cr Hopper) Attending the Planning Congress, NZ

OBSERVERS:

Nil

IN ATTENDANCE:

Mr R S Tame	- Chief Executive Officer
Mr A F Maxwell	- Executive Director Community & Corporate Services
Mr JHA Adderley	- Executive Director Development Services
Mr A Bruce	- Executive Director Technical Services
Mr G Cann	- Project Manager
Mr R Van Delft	- Environmental Officer [7pm – 7.40pm]
Mrs S D'Souza	- CEO's Executive Assistant

Public - 1

DISCLAIMER

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

DECLARATION OF MEMBERS' INTERESTS

Nil

QUESTION TIME

Nil

DEPUTATION

Nil

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the City Strategy Committee Meeting held on 12 March 2002, be confirmed.

ITEMS REFERRED FROM INFORMATION BULLETIN

INFORMATION BULLETIN – ISSUE NO.7/2002.

The following items were included for information in the “City Strategy section”

- Progress Report on Contingency, Operational and Strategic Projects
- Report on Outstanding Matters

Committee noted the information and no items were raised for further report.

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CITY STRATEGY COMMITTEE

9 APRIL 2002

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TOWN PLANNING SCHEME REVIEW – PROGRESS REPORT ON PREPARATION OF NEW TOWN PLANNING SCHEME No 4.

WARD : ALL
FILE REF : PSY/34
DATE : 28th March 2002
REF : JR
RESPONSIBLE : PSM
MANAGER

In Brief:-

- The draft new TPS No 4 is being prepared as one of the top priority strategic planning projects with 90% of the work on the Scheme Text and Maps being completed.
- Recommendation for a Councillors workshop seminar and feedback session to provide input into the draft new Scheme.
- Recommendation for workshop outcomes to be taken into consideration in preparing the draft new Scheme prior to seeking WAPC and EPA approval for advertising and submissions from the wider community.

SUBJECT LAND: Entire Local Government Area

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

The Challenges Ahead

1. Increasing the funds available to Council to meet the needs of the community including:
 - diversifying the rate base;
 - encouraging investment and commercial development.

Long Term Strategic Planning

1. Promote employment and residential growth, encouraging the economic well-being of the community.

1.1 Complete the Town Planning Scheme Review, including the:

- Commercial Centres Strategy
- Housing Strategy
- Rural Strategy
- Vision and style of each precinct to give clarity and direction for investment.

Legislation Implications

Town Planning and Development Act 1928 and Town Planning Regulations including the Model Scheme Text.

Environment Protection Act 1986.

Armadale Redevelopment Act, 2001.

Council Policy / Local Law Implications

Council's Local Planning Strategy (adopted by CS 56/01) establishes the strategic directions to be implemented via the new Town Planning Scheme (TPS) No 4 and summarises the previous strategic planning reports including the Rural Strategy, Residential Neighbourhood Strategy, Commercial Strategy, Integrated Transport Strategy, Armadale Enquiry by Design Report, State of the Environment Report and Municipal Heritage Inventory Report.

Landuse and development is currently regulated and administered by Town Planning Schemes No 2 and No 3.

Budget / Financial Implications

A total of \$25 613 was spent on the District Scheme Review during 2000/2001 financial year with a further \$10 000 expected for the 2001/2002 financial year.

Consultation

Community consultation and comment took place on draft Residential Neighbourhood, Commercial and Rural Strategies during 1999 – 2000 and submissions on Strategies received by Council at its April 2000 meeting.

Council staff have been closely involved with the consultants employed in preparing the new Town Planning Scheme and Strategy. Officers participating include the Strategic Planner, Environmental Officer, Manager Planning Services and Executive Director of Development Services. Other Building, Health and Technical Services officers have provided advice on sections specifically relevant to their areas of responsibility.

External consultation occurred through liaison with a range of state government agencies and authorities on specific issues (Agriculture WA, Department for Planning and Infrastructure etc).

BACKGROUND

The Town Planning Scheme No 4 will be the Council's fundamental legal instrument of local land use regulation. It will also implement Council's strategic planning directions over the next 10 to 15 years. Upon Gazettal it will replace the existing TPS Nos. 2 and No. 3, which will become revoked.

TPS No 4 sets the aims, objectives and "ground rules" for the assessment and conditions applied to development proposals made primarily by private developers and landowners. In addition to reflecting the aspirations of the local community for future growth and development, the TPS also has to respond to the priorities of the broader State and regional levels of landuse policy, such as indicated in the Regional Planning Scheme, State Planning Strategy and Strategies for specific issues such as concerning water quality, biodiversity protection and ecologically sustainable development.

Model Scheme Text

The basic structure and contents of TPS No 4 is provided by the Model Scheme Text, which aims to:

- Better integrate planning policy and development control;
- Create a simpler, more logical and easier to use statutory planning framework;

- Focus on desired outcomes through facilitation rather than negative controls;
- Improve the coordination of planning between the State, regional and local levels;

COMMENT

In accordance with the goals of the Corporate Strategic Plan, strategic planning projects with greatest potential for increasing revenues to the City have been prioritised to enable the Council to meet the needs of the community by diversifying the rate base and encouraging investment and commercial development. Prioritised rezoning and infrastructure projects include Forrestdale Industrial Business Park, Brookdale and Forrestdale urban expansion areas and the South Armadale Industrial Area. The task of developing and implementing provisions for Infrastructure Cost Sharing and Structure Planning needed to manage the growing development pressures in Forrestdale and Brookdale has also been prioritised with Scheme Amendments for the current Town Planning Schemes No 2, however, these provisions will also be rolled over to form a major part of the new Scheme.

Mapping work for the new Scheme and Special Control Area Maps has been obstructed by other drafting priorities and recent staff departures.

Principles of the new Scheme

The overarching goal has been to develop a Scheme with a high degree of ease of use which, is determined by a logical structure and internal consistency between the various provisions and powers of the Scheme.

The Scheme is also being developed to respond to the key development issues of the City, including pressures for population growth that are already beginning to show in Brookdale, Forrestdale and parts of the Darling Ranges. The new Scheme also has to carry forward into the future the existing plans and provisions that have been incorporated into or approved under the current Schemes No 2 and No 3. Other key issues include consolidating development around existing services and infrastructure and promoting the economic development of the Armadale Strategic Centre and the Kelmscott District Centre.

Differences between the new Scheme and TPS No 2

The new TPS No 4 has aimed to strike a balance between providing continuity of the tried, true and familiar provisions of TPS No 2, while at the same time introducing new and better ways of achieving the desired outcomes for landuse and construction. The new Scheme provides evolutionary improvements to the existing Scheme, rather than radically departing from the framework and standards the community has become familiar with under the existing Scheme. This will assist in the important goal of obtaining community “ownership” of the TPS No 4, which will minimise conflict both in implementing and managing the Scheme following Gazettal. TPS No 4 provides the “heads of power” for a range of policy instruments made under the Scheme, which can be further refined to meet future planning issues and the challenges of developing new areas.

Structure of the New Scheme

TPS No 4 comprises of:

- A Scheme Text;
- Scheme Maps including a set of Zoning Maps;
- A set of Special Control Area Maps; and
- A Local Planning Strategy.

Other documents that comprise the whole TPS Review project include:

- A set of local Planning Policies, which are complementary to the new Scheme;
- An Environmental Review report, which will require approval from the EPA prior to the draft Scheme being advertised for public comment.

Current work associated with the new TPS, includes the Scheme itself and complementary documents. Work on the draft Scheme is approximately 90% completed including Maps and Text.

A draft of the Environmental Review has been prepared and will be refined through the officers working group prior to submitting to the EPA/DEP. The first stage of review and updating of existing Planning Policies has been completed. A second stage review of existing policies will be undertaken subsequent to finalising the draft new TPS 4 Text and Maps ensuring that policies mesh with and complement the new Scheme. Some initial work on proposed new policies such as for Commercial Centre Design Guidelines has been completed with a refinement process and consideration by Council to follow. It is likely that further policies will be developed as the Scheme proceeds through the statutory processes and ultimate Gazettal.

The new or revised major elements to be included in TPS No 4 include the following:

New or Modified Zones

- A new “Rural Living” zone (replaces the former Rural zones (A to X)). The designation of “Rural Living” conveys the intent that the zone is predominantly intended for a residential use compatible with protection of rural landscapes and other natural resources while allowing a range of rural type uses which are compatible with this purpose;
- A new “Special Residential” zone (identifies special residential estates as a separate category and replaces the need for them to be listed under the former generic category of Special Use zone). The designation of “Special Residential” similarly conveys the intent that the zone is predominantly intended for a residential use compatible with protection of rural landscapes, however, with a more limited range of discretionary landuses available than in the “Rural Living” zone. Special development requirements are further specified on an estate by estate basis in the Schedules specifying the requirements for Structure Plans (“Development Areas”) or the conditions under which “Additional Uses” may be available or where further restrictions on landuse (“Restricted Uses”) need to be applied;
- A new “Strategic Regional Centre” zone (identifies the Armadale Town Centre’s intended planning status and generally replaces the former Shopping Commercial Office and Mixed

Business/Residential zones under TPS No 3. The zone is subdivided into three separate sub-category districts of “City Centre Commercial District”, “Mixed Business/Residential District” and “City Centre Residential District”. The zone aims to provide for the statutory planning aspect in the task of implementing the recommendations of the Enquiry By Design Report.

- A new “District Centre” zone for the Kelmscott Town Centre to acknowledge it as a “District” level commercial centre (replaces the former generic “Shopping” zone in the central retail area and a host of Special Use zones providing the Kelmscott Town Centre with a range of support functions and services). The retail commercial heart of the centre has been augmented and extended by a range of ancillary non-retail businesses, offices, food premises and consulting rooms located along the Albany Highway frontage, particularly on the east side. These Special Use zone premises have been acknowledged as forming part of the District Commercial Centre and Kelmscott town centre by inclusion within the single “District Centre” zone, however, with landuses restricted to those currently approved through the application of the “Restricted Use” Schedule.
- A new “Local Centre” zone (identifies the role/status of the smaller Neighbourhood and Local centres and replaces the former generic “Shopping” zone which was applied irrespective of centre size).
- A new Industrial Business Zone to be applied to carryover the innovations implemented in the Forrestdale Business Park to the Kelmscott and South Armadale industrial areas and generally replacing the parts of Kelmscott under “Showroom” and “Light Industry” zones in TPS No 2.

Zones to be retained with the same title as under the former Scheme include:

- General Industry Zone;
- General Rural Zone;
- Residential Zone.

The Reservations within the Scheme remain unchanged.

New or Modified Provisions applying to Specified Areas or Issues

- A new Schedule of “Additional Uses” (provides for a variety of “additional” landuses, which are or may be permitted “over and above” the standard uses provided by the “base” zone. This allows for Council to consider unique proposals and requirements for a particular site, while also not preventing its development for the uses permitted under the standard (‘base’) zone of the adjacent properties and wider precinct);
- A similar new Schedule of “Restricted Uses” to constrain the uses permitted within a base zone where a unique proposal may be incompatible with another landuse permitted in the standard (‘base’) zone of the adjacent properties and wider precinct);
- A new Schedule of “Environmental Conditions” where proposals are subject to formal Environmental Assessment under the Environmental Protection Act 1986;

- Special Control Areas to identify areas and specify the special planning considerations or requirements which need to be applied, for reasons including specially sensitive environments, infrastructure needs or coordination (eg water supply catchment areas, primary landscape areas, Karragullen prime agricultural land protection area, installations requiring spatial buffers or Infrastructure/Development Contribution Areas);
- A new Schedule identifying and encouraging appropriate “End of Trip Facilities for Bicycle Uses” for various categories of land use (with the wider aim of encouraging greater use of bicycles for reasons of amenity, health and sustainability);
- A new Schedule identifying “Development Areas” where Structure Plans are required to be prepared prior to subdivision and specifying any special requirements or standards the structure plan, subdivision and development will have to achieve;
- Suitable “heads of power” and provisions for promoting the concept of “Public Art” in development proposals.

Environmental Management Provisions of the new Scheme

The intent of the new Scheme is to provide the basic provisions, which can be used to deal with environmental issues arising out of construction and changes in landuse in a way that protects the local and regional environment and promotes sustainability within the City. These will be more fully set out in the separate Environmental Review report, which will require approval from the EPA prior to the draft Scheme being advertised.

Key Environmental Management provisions of the new Scheme include the following:

- Schedule of “Environmental Conditions”;
- Special Control Areas;
- Remnant Vegetation Protection in rural zones;
- Setbacks from water resource areas;
- A hierarchy of planning instruments and “heads of power” that can be applied where required including, zones and reserves, planning policies, policy precincts and design guidelines, structure plans, infrastructure plans and development envelopes.

Other Considerations in the draft Scheme

Where current amendments to TPS No 2 have been initiated or significantly progressed through the Scheme Amendment procedures, the details have also been incorporated into the new Scheme, eg South Armadale Industrial Development Zone and the Hilbert Road Brookdale residential zone and Development Area.

In areas where special design guidelines need to be applied to development, new Planning Policies will be prepared under the Scheme provisions, to provide additional but complementary controls to the general Scheme zoning and development provisions.

Particular issues being addressed by the new Scheme include the following:

- ***Greater Flexibility and Development Options for Special Uses***

A practical and cost – effective mechanism to allow Council a greater range of discretion for approving unique or special landuses, is proposed by retaining a “base zone” with extra or “additional uses” outlined in a Schedule. These may be permitted in circumstances where they can meet the special criteria or conditions prescribed in the Schedule.

The use of Additional Use Schedule is proposed to minimise the number of rezonings, which are expensive in terms of public and private time and money resources and reduce the number of undeveloped sites, with some Special Use zone never becoming developed for the narrow specialised and exclusive purposes permitted by the zone and remaining idle and unproductive for many years and some requiring rezonings back to their former use when there is a change of owner or development plans fall through. The limitation of land uses to one or two uses act as a disincentive to development of those sites.

- ***Promoting Areas of Special Character and quality design through a Framework of Statutory Policies***

The scheme applies policy precincts at various levels and ranked according to the strategic importance of the site and policy intent, which are intended to guide the future character of the precinct.

- ***Special Design “Districts” for the Armadale Strategic Regional Centre***

The Zoning Table for the Strategic Regional Centre zone is subdivided into different sub-zone “Districts”. Design Guidelines will subsequently be developed and adopted as Planning Policies for the “City Centre Commercial District”, “Mixed Business / Residential Precinct” and the “City Centre Residential District”. The Design Guidelines will define the character of desired landuse in each District and prescribe the minimum standards of development.

- ***Special “Policy Precincts” for the Industrial Business Development zone***

Similarly, a Planning Policy will be adopted for the “Industrial Business Zone”, which has a very wide range of potential landuses requiring Council’s discretion to approve or refuse. The Planning Policy will define various “Policy Precincts” including a “Highway Commercial Policy Precinct”, a “Service Commercial Precinct”, a “Mixed Business Precinct” and an “Industrial Enterprise Precinct”. In addition to providing Design Guidelines, the policy will also provide a guide to the application of discretionary approvals by defining the landuses, which are “Preferred” or “Acceptable” landuses within each Precinct.

For example the IBZ and “Policy Precincts” will be applied to the Forrestdale, Kelmscott and proposed South Armadale light industrial areas.

- ***Design Guidelines for Special Estates***

Planning Policies incorporating Design Guidelines and any desirable additional requirements of development will also be adopted for various estates of special character, for both existing and new developments.

For example the Planning Policy and Design Guidelines will be adopted for existing Special Residential estates such as the Araluen Country Club estate, where the character of development has been shaped by private covenants implemented by the developer and there is an expectation that the special character will continue to be supported by public policy, even after the private covenants “sunset” expiry date.

Other examples where Planning Policies incorporating Design Guidelines will be used include Churchmans Brook and Brookwood estates.

▪ *Policy Precincts for the walkable catchments of Commercial Centres*

It is proposed to provide for increases in residential population density around Commercial Centres by retaining the discretion for Council to permit Group Housing developments up to R40 density (250m² of lot per dwelling) in the Residential Zone.

Group Housing Policy will be revised to promote such density increases within the walkable catchment of the Centres. The revised Policy will also apply appropriate urban design and social criteria ensuring that they are addressed in applications for Group Housing developments.

This discretion for special application of Density bonuses under Group Housing Policy is likely to be more acceptable to the subject community, than for example, by means such as a blanket up-zoning to a new R Code Density of R40. Council’s control over application of the policy and density bonus can ensure the local community is comfortable with the pace of infill development and existing special characters can be retained in balance with infill.

Conclusion

The next stage of progressing the new Town Planning Scheme will involve finalising the draft new TPS No 4 statutory Text and Maps for advertising together with the previously adopted Local Planning Strategy. This formal stage of public consultation requires approval from the WAPC to advertise. Following review and refinement by Council, the draft Scheme will be referred to both the DEP/EPA and WAPC for assessment together with the Local Planning Strategy.

In response to a query regarding the duration of the consultation phase with the WAPC and DEP, the Executive Director Development Services advised that this is a very lengthy process as resources required (both consulting and Government departments) to progress town planning schemes are significant and not readily available. The matter will require constant follow-up and coercion at both departmental and ministerial level to achieve the necessary approvals.

It was considered that Council needed to consider the Scheme both in a workshop format and formally, after which the views of the Armadale Redevelopment Authority and neighbouring local governments would be sought.

CS34/02 RECOMMEND

- 1. That a workshop session be arranged for Councillors as soon as practicable to provide input into draft new Town Planning Scheme No 4.**
- 2. That the outcomes of the review process under 1 above be taken into consideration in preparing the draft new Scheme prior to Council's formal consideration of Town Planning Scheme No 4 and subsequently seeking WAPC and EPA approval for advertising and submissions from the wider community.**

Moved Cr Clowes-Hollins
Motion Carried (6-0)

PUBLIC OPEN SPACE STRATEGY - STAGES 2 & 3

WARDS	: Armadale, Forrest, Roleystone & West Armadale.	In Brief:- <ul style="list-style-type: none">▪ Consultant's Public Open Space Assessment report has been reviewed for reserves in Stage 2 & 3 of POS strategy implementation plan, with particular reference to the Government Sewerage Policy. No reserves in Stage 2 are now proposed to be cancelled/ disposed, so public consultation is not needed.▪ Recommend that this report be received to enable preliminary discussion prior to recommittal for adoption in May..
FILE REF	: POS/1	
DATE	: 19 March 2002	
REF	: RVD	
RESPONSIBLE MANAGER	: EDDS	

Tabled Items

- Consultants Report Assessment of existing Public Open Space within the urban areas of the City of Armadale (A copy of this report was supplied to Councillors in February 2001).
- 1:2,000 cadastral plans of all reserves under consideration, organised by Reserve Number.
- Department of Land Administration *Guidelines for the administration of Section 20A "Public Recreation" Reserves.*

Officer Interest Declaration

Nil.

Strategic Implications

Social Infrastructure Item 2.3 *Develop a Strategic Plan for the provision of recreation services and facilities.*

Legislation Implications

Land Administration Act 1997
Town Planning and Development Act 1928
Town Planning Scheme No 2

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Advertising and associated costs will be met from the Town Planning Scheme Amendment Advertising budget.

Consultation

- ◆ Department of Land Administration
- ◆ Department of Planning and Infrastructure
- ◆ Public Open Space Strategy Working Group (Executive Director Development Services, Manager Parks, Manager Recreation Services, Planning Services Manager, Environmental Officer)
- ◆ Health Services Manager regarding application of Government Sewerage Policy.
- ◆ Senior Design Engineer regarding access and drainage.

BACKGROUND

At its meeting of September 2001 Council resolved (CS67/01):

- A) *That Council stage the implementation of the recommendations of the Public Open Space Assessment as identified in Table T-1, with a report to Council listing reserves to be vested, transferred or disposed of prior to commencement of each stage.*

Table T-1 listed the first three stages as follows:

Stage	Precincts (name and letter code)
1	Coastal Plain North (1) & (2) [A & B]
2	Coastal Plain South (1) & (2) [C & D]
3	Hills North (1) [I]

At the September 2001 meeting Council initiated Stage 1, and a progress report on the implementation of Stage 1 was considered by Council at its meeting on 18 February 2002.

DETAILS OF PROPOSAL

It is now proposed to commence Stages 2 & 3 concurrently following the process used for Stage 1.

Reserves recommended to be cancelled/ sold or to be accepted for vesting in the City of are listed in Tables 1 & 2 respectively, and reserves to be transferred and other reserves considered in States 2 & 3 are discussed under the heading "other reserves considered" below.

Approach taken to determine recommendations in Tables 1 & 2

The recommendations of the consultant's report were generally accepted with the following changes:

- (i) In the consultant's report, many reserves less than 2000m² were recommended to be accepted for vesting in the City for recreation because, although they did not meet the size criteria agreed by Council for acceptance of reserves, it was the consultants' view that the Government Sewerage Policy would preclude housing development on these sites. The consultant identified such sites as "undersize for on-site effluent disposal" in the comments part of his report. However, following discussions with the Manager Health Services, housing would be permitted on these sites so they are now generally recommended for disposal. Some reserves already vested in Council were in this category;
- (ii) Section 20A reserves created adjacent to the Contour Channel have generally been recommended as cancel/ sell. These reserves are very steep so have little or no recreational value; and

Consistent with the criteria developed for the public open space strategy, bushland areas of less than 4000m² are recommended for disposal. Small areas of bushland suffer from weed invasion at the edges, which adds to maintenance costs and leaves little good bushland intact. The types of bushland that occur in Roleystone are well reserved in the Western Australia's conservation estate.

Table 1: Reserves recommended for cancellation and disposal

POS Ref	Re-serve	Location	Area (m ²)	Scheme 2 Status	Assessment against POS Criteria	Other Notes
<i>Hills North (1)</i>						
3	30231	Off Right of Way that heads west off Peet Rd, just North of Hall Rd, Roleystone	4,573	Parks & Recreation (Local)	<ul style="list-style-type: none"> No road frontage Poor surveillance 	Only access is off a Right of Way. No recreation or amenity values. Vegetation in good condition but vegetation type well reserved elsewhere.
10	29992	18-20 Slab Gully Rd, Roleystone	2,646	Parks and Recreation (Local)	<ul style="list-style-type: none"> Uneconomic to maintain (<4,000m²). Within 100m of other POS. Moderate surveillance and access. 	Garden thugs (i.e. weeds) from neighbours invading the bushland.
13	30232	3 Urch Rd, Roleystone	1,667	Parks & Recreation (Local)	<ul style="list-style-type: none"> Uneconomic to maintain (<4,000m²). Moderate surveillance and access. Looks like vacant residential lot. 	No amenity value.
14	35492	Between 3 & 5 Knuckey Dr, Roleystone	242	Parks and Recreation (Local)	<ul style="list-style-type: none"> Cleared understorey Uneconomic to maintain (<4,000m²). 	Is like a Public Access Way to Contour Channel. Other access to Contour Channel available within 150m. Reserve not required for drainage.
15	34507	9 Gilcoe Pl, Roleystone	1,922	Parks and Recreation (Local)	<ul style="list-style-type: none"> Poor access and surveillance. Uneconomic to maintain (<4,000m²). Looks like vacant residential lot. 	Severe weed infestation at entry point to reserve. Reserve is vested in Council.
16	35543	West of battleaxe reserve at 47 Mackie Rd, Roleystone	2,881	Parks & Recreation (Local)	<ul style="list-style-type: none"> No road frontage Poor surveillance. Very steep - not useable for recreation. 	Access from Mackie Rd difficult - currently need to use steep private driveway to access reserve. Abuts Contour Channel or rear of lots.

POS Ref	Re-serve	Location	Area (m²)	Scheme 2 Status	Assessment against POS Criteria	Other Notes
17	29405	Battleaxe at 47 Mackie Rd, Roleystone- abuts Contour Channel	4,086	Parks & Recreation (Local)	<ul style="list-style-type: none"> • Poor surveillance. • Very steep - not useable for recreation. 	Abuts Contour Channel, which provides the only access to the reserve. Otherwise surrounded by rear of houses.
24	32286	North-east Corner Holden & Wygonda Rds, Roleystone	1,748	Residential	<ul style="list-style-type: none"> • Uneconomic to maintain (<4,000m²). • No locally significant vegetation - mostly covered with woody weeds. 	Advice from Technical Services Directorate is that a driveway midway between Wygonda Rd and Jacaranda Ct would be acceptable.
37	35959	14 Calliandra Pl, Roleystone	1,632	Parks & Recreation (Local)	<ul style="list-style-type: none"> • Uneconomic to maintain (<4,000m²). • Poor access and surveillance. • Very steep - not useable for recreation. • Vegetation not locally significant because of weeds. 	Abuts Contour Channel. Looks like residential lot.
39	28906	7 Calytrix Rd, Roleystone	2,021	Parks and Recreation (Local)	<ul style="list-style-type: none"> • Uneconomic to maintain (<4,000m²). • Poor access and surveillance. • Other POS within 200m. • Looks like a vacant residential lot. 	Vested in Council.
40	30058	4 Garland Rd, Roleystone	3,071	Parks & Recreation (Local)	<ul style="list-style-type: none"> • Uneconomic to maintain (<4,000m²). • Poor access and surveillance. • Looks like a vacant residential lot. 	

Table 2: Reserves recommended to be accepted.

POS Ref	Reserve	Location	Area (m ²)	Scheme 2 Status	Assessment against POS Criteria	Notes
<i>Coastal Plain South (1)</i>						
17	33648	Acacia Cl (North side of drain), Armadale	2,093	Public Purpose	<ul style="list-style-type: none"> Narrow reserve adjacent to drain. Economic to maintain if amalgamated. Good access and surveillance across adjoining reserves. 	Already managed by City as part of larger reserve.
27	43920	Harber Drive, Brookdale	18,048	Residential (Development Area)	<ul style="list-style-type: none"> Economic size to maintain. Includes drainage swale. Satisfies social/ recreational need. Good access for users. 	Already managed by the City and is part of City's drainage system.
<i>Coastal Plain South (2)</i>						
7	30954	Brickworks Drain, Armadale	4,586	Public Purpose	<ul style="list-style-type: none"> Reserve is 10m wide with open drain. Inappropriate as POS but serves drainage function. 	
8	34960	Corner Stone St & South West Highway, Armadale	312	Parks & Recreation (Local)	<ul style="list-style-type: none"> Prevents access to highway from adjoining lot. Not suitable for other purpose. 	Could be used for Industrial Park Entry Statement.
<i>Hills North (1)</i>						
8	31641	13 Glebe Rd, Roleystone	2,428	Parks & Recreation (Local)	<ul style="list-style-type: none"> Economic to maintain if adjacent lot subdivided to provide additional POS. 	Treated for dieback by Roleystone Dieback Action Group.
12	37637	8 Notting Hill Drive, Roleystone	1,583	Parks & Recreation (Local)	<ul style="list-style-type: none"> Uneconomic to maintain (<4,000m²). Good access and surveillance. Corner lot. 	Location of bushland adds significantly to amenity of locality.

POS Ref	Reserve	Location	Area (m²)	Scheme 2 Status	Assessment against POS Criteria	Notes
20	28434	Between Bettenay & Sefton Roads, Roleystone	7,020	Parks & Recreation (Local)	<ul style="list-style-type: none"> • Moderate access and surveillance. • Provides linkage between reserves from Bettenay St to Trestrail Ave. • Good condition bushland (but well reserved vegetation type). 	
42	38061	5m wide "Spite Strip" along Brookton Highway about 300m each side of Eugene Ave, Roleystone	2,934	Parks & Recreation (Local)	<ul style="list-style-type: none"> • Serves to deny access from adjoining lots to highway. 	

Other reserves considered

A reserve that abuts the Darling Range Regional Park (Hills North 1 No 2, Reserve 32707, located rear of lots western side of Pound Pl) and another that lies within the Regional Park (Hills North 1 No 1 Reserve 37697, located at the end of Coventry Rd) are recommended by the consultants report to be transferred to the Conservation Commission. The recommendation to transfer these areas is supported.

Reserve 31596 (Coastal Plain South (1) No 7), which has road frontages at 37 Dale Rd and 19 Bavich Rd Armadale, and area of 2,367m², was recommended by the consultants report for disposal because it is uneconomic to maintain and there is other public open space within 200m. Although zoned Residential the reserve has been vested in the City of Armadale since 1991 and the adjacent unit development has been constructed so houses overlook the reserve. Therefore, it was decided to recommend retention of the reserve.

Department of Land Administration Guidelines & expenditure of funds raised

For reserves listed as Cancel/ Dispose, Department of Land Administration Guidelines apply which require:

- For reserves to be cancelled, Council must signpost the affected reserve to indicate the intended change, advertise in the local newspaper and, in appropriate cases, canvas nearby landholders by mail in order to demonstrate to the Minister the level of ratepayers support;
- that funds generated from reserves that are disposed of must be used to either purchase replacement land of equal area and suitability, or be allocated to a specific project subject to a favourable community attitude and with the approval of the Department of Planning and Infrastructure. Funds generated must be used for parks or recreation facilities. Council resolved in February 2002 to establish an appropriate trust fund to meet this requirement; and
- fees are payable to the Department of Land Administration (\$500 or 5% of unimproved market value, whichever is the greater), as well as other statutory fees that may be associated with the action (e.g. rezoning or subdivision costs).

Should Council proceed with this Stage 2 proposal, consultation would occur the community to determine how best to use the funds that would be generated from the disposal of reserves. Some examples of how these funds might be used include:

- *Construction of barbeque facilities;*
- *Construction of capital items such as fences, walk trails, and information signs in bushland reserves to help manage threatening processes (e.g. vehicular use of reserves, trampling of vegetation);*
- *Upgrading sporting facilities and re-surfacing of courts; and*
- *Construction of a major playground facility.*

DOLA can administratively issue a Management Order for reserves for which the City of Armadale is prepared to accept vesting.

COMMENT

Analysis

Based on Tables 1 & 2, and the transfer of reserves to CALM the following areas would be accepted, disposed of or transferred:

Precinct	Accept vesting (m ²)	Cancel/ dispose (m ²)	Transfer to CALM (m ²)
Coastal Plain South (1)	20,141	0	0
Coastal Plain South (2)	4,898	0	0
Hills North (1)	13,965	26,489	49,575
TOTAL	39,004	26,489	49,575

Given that there are now no reserves recommended for disposal in the Coastal Plain South (1) & (2) precincts, there is no need to conduct public consultation in these precincts. The current Scheme map does not appropriately reserve some of the sites for which Council will accept vesting. However, this matter can be addressed during preparation of Town Planning Scheme No 4.

Consultation is recommended for the Hills North (1) precinct consistent with DOLA Guidelines.

Options

Council can re-consider recommendations in regard to accepting and cancellation/ disposal of reserves.

CONCLUSION

Public consultation consistent with the Department of Land Administration guidelines for Stage 2 of the public open space strategy should ensure Council is aware of the community's views on a strategy that could bring benefits to the community. The process followed provides a clear explanation of the reasoning used to reach particular decisions.

It is suggested that this matter now be subject of consideration by Councillors over the next month until this report is brought back to the next City Strategy Committee for definitive recommendation.

It is anticipated that the following officer recommendation will be the key deliberation at the next Committee meeting.

Officer's Preliminary Recommendation

1. That Council commence public consultation for the Hills North Precinct (1) consistent with the Department of Land Administration Guidelines for administration of Section 20A Public Recreation Reserves for the reserves listed below, that includes:

- (i) explanations of the assessment process used to determine whether vesting should be accepted for reserves or whether the reserve should be cancelled and disposed of; and
- (ii) the intended use of funds generated from the sale of reserves that would be disposed of.

<i>Reserve</i>	<i>Location</i>	<i>Proposal</i>
30231	Off Right of Way that heads west off Peet Rd, just North of Hall Rd, Roleystone	Cancel/ Dispose
29992	18-20 Slab Gully Rd, Roleystone	Cancel/ Dispose
30232	3 Urch Rd, Roleystone	Cancel/ Dispose
35492	Between 3 & 5 Knuckey Dr, Roleystone	Cancel/ Dispose
34507	9 Gilcoe Pl, Roleystone	Cancel/ Dispose
35543	West of battleaxe reserve 29405 at 47 Mackie Rd, Roleystone	Cancel/ Dispose
29405	Battleaxe at 47 Mackie Rd, Roleystone- abuts Contour Channel	Cancel/ Dispose
32286	North-east Corner Holden & Wygonda Rds, Roleystone	Cancel/ Dispose
35959	14 Calliandera Pl, Roleystone	Cancel/ Dispose
28906	7 Calytrix Rd, Roleystone	Cancel/ Dispose
30058	4 Garland Rd, Roleystone	Cancel/ Dispose
31641	13 Glebe Rd, Roleystone	Accept vesting
37637	8 Notting Hill Drive, Roleystone	Accept vesting
28434	Between Bettenay & Sefton Roads, Roleystone	Accept vesting
38061	5m wide "Spite Strip" along Brookton Highway about 300m each side of Eugene Ave, Roleystone	Accept vesting

2. That Council write to the Department of Land Administration and Department of Conservation and Land Management recommending that the following reserves be transferred to the Conservation Commission.

<i>Reserve</i>	<i>Location</i>
32707	Rear of lots western side of Pound Pl
37697	End Coventry St

3. That Council accept vesting of the following reserves:

<i>Reserve</i>	<i>Location</i>
33648	Acacia Cl (North side of drain), Armadale
43920	Harber Drive, Brookdale
30954	Brickworks Drain, Armadale
34960	Corner Stone St & South West Highway, Armadale

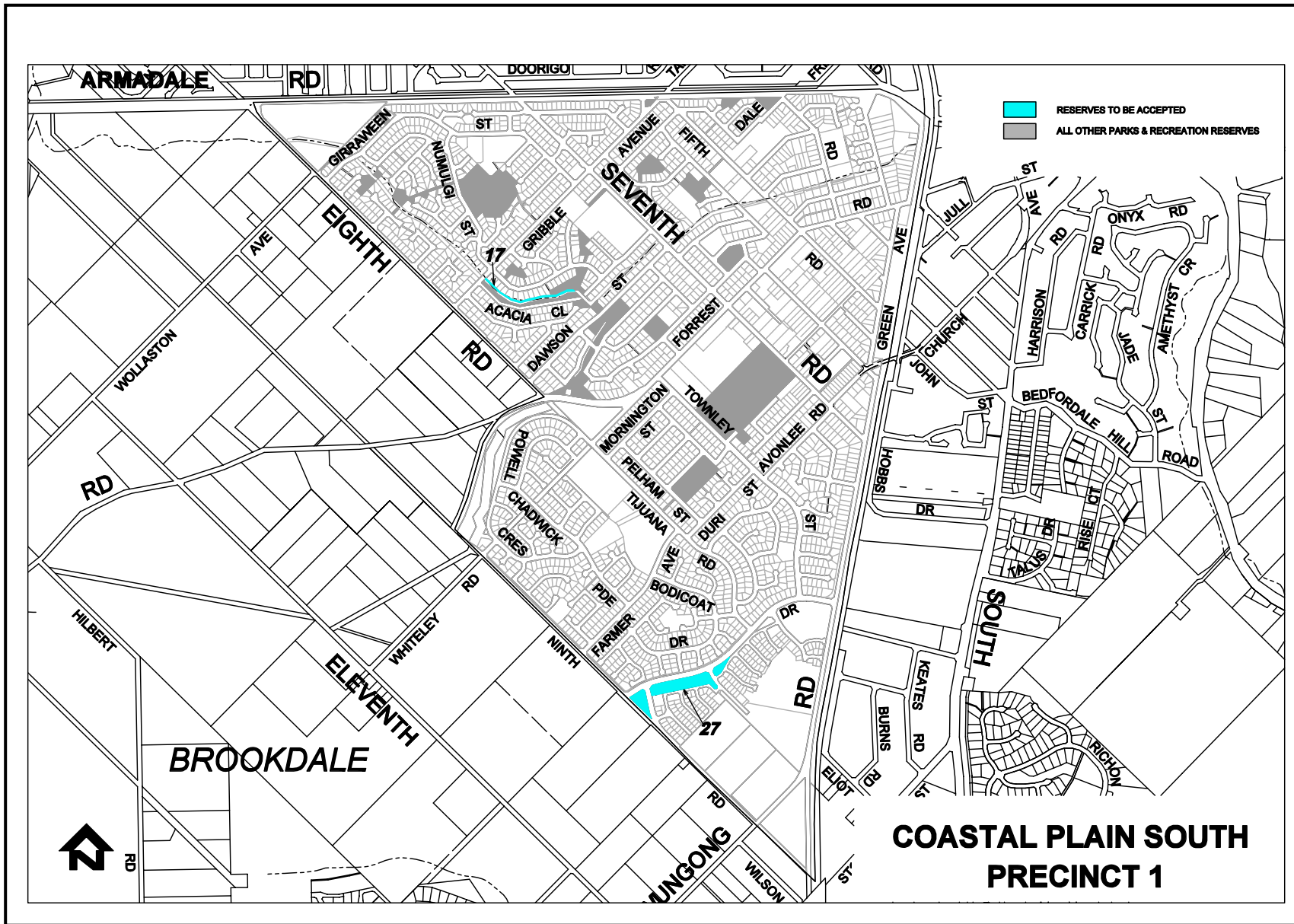
Clarification was sought as to why two particular sites in Coastal Plain South No.2 Precinct were not considered for disposal.

Executive Director Development Services advised that staff would investigate the sites and, if appropriate, modify the report for the Council consideration at its May round of meetings.

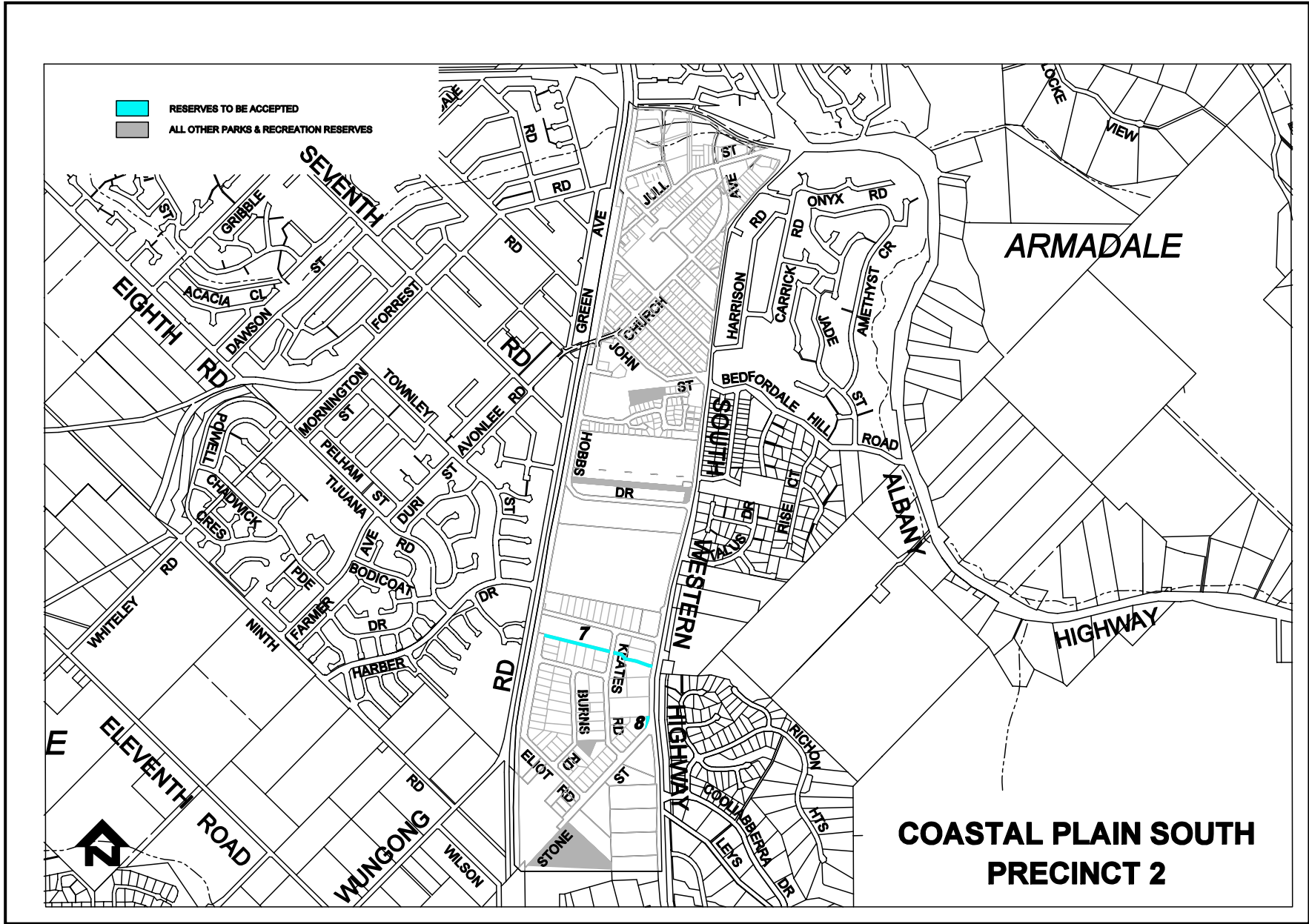
CS35/02 RECOMMEND

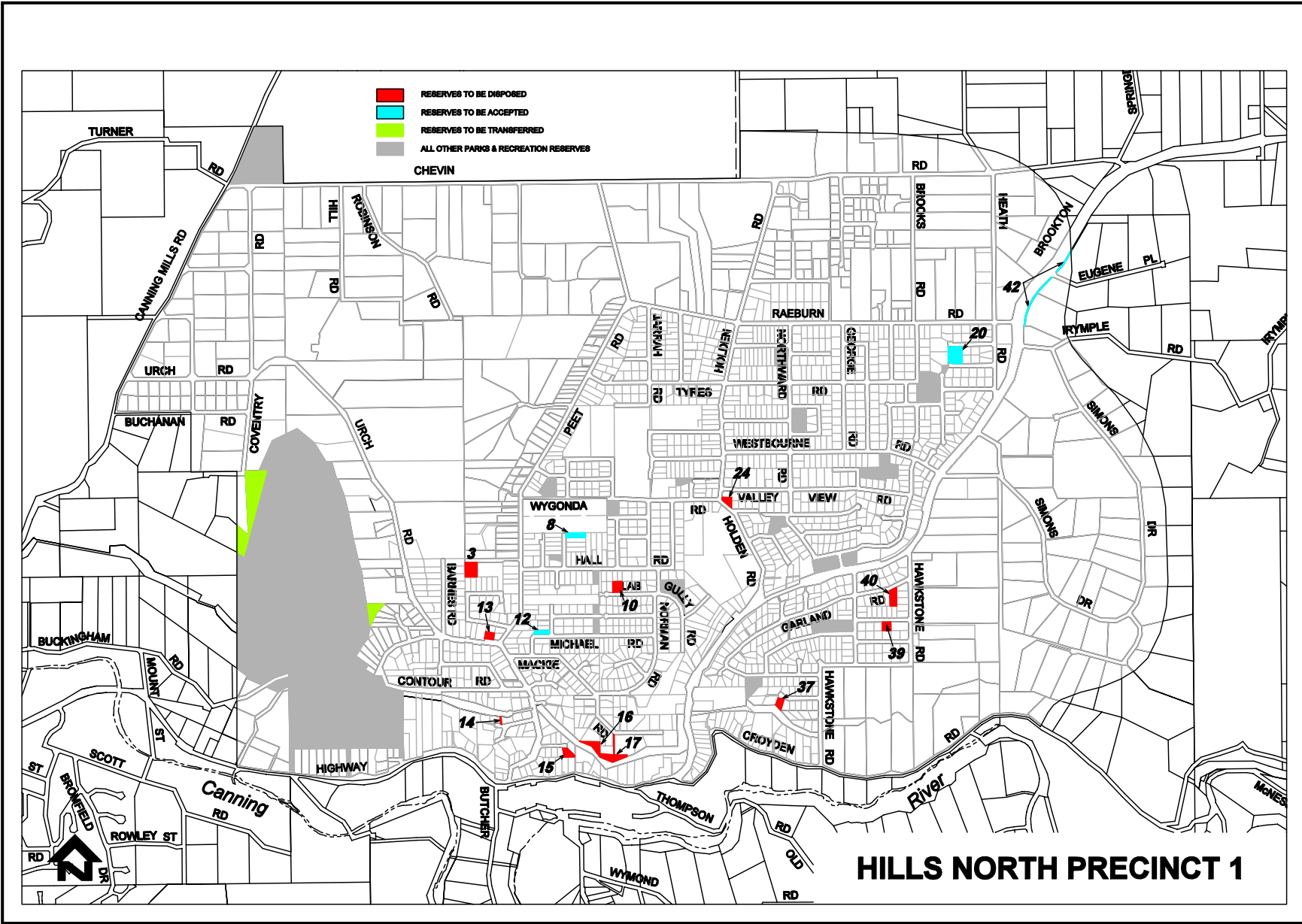
That the POS Strategy stages 2 and 3 report be received by Council for information and assessment with a view to further deliberation at the May City Strategy Committee meeting.

Moved Cr Reynolds
Motion Carried (6-0)



**COASTAL PLAIN SOUTH
PRECINCT 1**





BUSINESS ENTERPRISE CENTRE

WARD : ALL
FILE REF : PSC / 40
DATE : 2.4.02
REF : GC
RESPONSIBLE : Executive Director
MANAGER : Development
Services

In Brief:-

- Request by Small Business Development Corporation for Council to contribute \$10,000 pa to establish a new Armadale / Gosnells Business Enterprise Centre
- It is recommended that Council make provision for a \$10,000 commitment to the BEC in the 2002/3 budget.

Tabled Items

Letter from SBDC.

Officer Interest Declaration

Nil

Strategic Implications

Economic development and employment

Legislative Implications

Nil

Council Policy / Local Law Implications

N/A

Budget / Financial Implications

The request from the Small Business Development Corporation is for \$10,000 pa. This could be a separate budget item and be considered as an investment in developing business, employment and economic activity in Armadale.

Consultation

- Small Business Development Corporation
- Local Chambers Executive and Armadale Vice President
- Armadale / Kelmscott Joblink Manager
- City of Gosnells Economic Development Manager

The proposal for an Armadale / Gosnells Business Enterprise Centre is supported by Local Chambers and the Manager of Armadale Kelmscott Joblink.

Background

The Small Business Development Corporation (SBDC) is a State Government agency established to assist and promote small business. One of its roles is to support community based and managed Business Enterprise Centres (BECs). Each BEC is community owned and run by a management committee comprising of representatives from local business, private and public sector groups and local government. BEC managers assist people to explore new business ideas or expand an existing business. They provide free guidance and referrals on a

range of issues relating to the future growth and development of local business including finance, marketing, business planning, market research, trade information and regulations and licensing.

The SBDC has recognised the lack of such a facility in the Armadale / Gosnells area and has closed the Maddington Centre to redirect its financial contribution to one better suited to serve Armadale / Gosnells. The proposal is for the Centre Manager to allocate half of his or her time to each of the Armadale and Gosnells local government areas.

The City of Gosnells has supported the idea and committed \$14,000 pa in financial support. The SBDC will contribute \$60,000 pa. The City of Armadale has requested to contribute \$10,000 per annum.

In preliminary discussions held with the CEO in 2001, it had been proposed that the centre operate initially from Gosnells for 3 days a week and Armadale 2 days a week.

The CEO indicated this would be a condition of further negotiation.

Options which may be considered to enable a "presence" in Armadale for 2 days a week include shared facilities with the Chamber of Commerce or possibly the Armadale Redevelopment Authority.

Council Strategy and Objectives

The draft Economic Development and Employment Strategy and Action Plan envisages the establishment and encouragement of facilities to foster small business development.

Whilst eventually there will be a demand for such a facility to be located wholly in Armadale, sharing one on a part-time basis may be seen as an appropriate step in developing this service within the community.

Local Government Contributions

Of the 10 metropolitan BECs, 9 receive financial support from local government ranging from \$10,000 per annum at Subiaco to \$40,000 per annum at Belmont.

Steering and Management Committees

A steering committee will be established to guide the set-up of the new BEC, following which a management committee will be established to manage the ongoing operations of the Centre. Should Council choose to participate in the Scheme, it would be appropriate to be represented, perhaps at officer level, on these Committees.

Options

The options open to Council are to:

- a) Support the Centre and allocate \$10,000 from Council's Economic Development allocation in Schedule M2 of the Budget. This is an appropriate use of these funds and there is sufficient retained following the recent Budget Review.
- b) Support the proposition in principle but defer any contribution until the 2003/04 Budget.
- c) Support the proposition in principle but seek a further partnership arrangement with the Armadale Redevelopment Authority.

CONCLUSIONS

It is considered appropriate for Council to contribute \$10,000 pa to support the establishment and operation of an Armadale / Gosnells Business Enterprise Centre as part of the City's contribution to economic and employment development in the region.

The Chief Executive Officer advised that in discussions with SBDC it was indicated that any commitment from the City would be conditional on the Business Centre operating from Armadale 2 days a week, with the proposition that this office be located within the ARA office to be set up in the City Centre. In regard to the funding, \$40,000 has been allocated on the current budget for Economic Development and it would be appropriate to utilise \$10,000 from this allocation for such a proposal. The appointment of the BEC Manager will be made by the SBDC but the process will be overseen by a Committee on which the City will have representation.

Committee indicated its "in principle" support for the proposal subject to further information being received as outlined in the recommendation.

CS36/02 RECOMMEND

Amendment
Full Council
15-4-02

That in response to the request by the Small Business Development Corporation Council agree "in principle" to contribute \$10,000 pa in financial support for the establishment and operation of an Armadale / Gosnells Business Enterprise Centre subject to the following conditions being fulfilled to the satisfaction of the Chief Executive Officer:-

- a. the Centre operate on a proportional basis within the respective City's suburbs, i.e. 3 days in Gosnells and 2 days in Armadale;**
- b. the operation of the Centre for 2 days in Armadale be from an office located within the City;**
- c. submission of a Business Plan; and**
- d. submission of details on the management committee and selection criteria and appointment process for the BEC Officer.**

Moved Cr Green
Motion Carried (6-0)

LOCAL GOVERNMENT HOUSE – AMENDMENTS TO TRUST DEED

WARDS ALL
FILE REF: GOV/51
DATE 22 March 2002
REF AWD
RESPONSIBLE MANAGER Manager Administration & Governance

In Brief:

- Council holds units of ownership in Local Government House, Altona Street, West Perth.
- With the dissolution of CSA, CUCA and LGA, there is a need to amend the Trust Deed in line with the new arrangements.
- Council is asked to consent to the proposed amendments to the Trust Deed.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Nil

Legislation Implications

Nil

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Nil

Consultation

WALGA has consulted with Minter Ellison (lawyers) in the preparation of the amended Trust Deed.

BACKGROUND & PROPOSAL

The current Trust Deed for Local Government House was registered in 1980. With the dissolution of CSCA, CUCA and LGA there is a need to amend that Trust Deed and WALGA has written to Council requesting consent to the proposed amendments. The main body of the letter from WALGA follows:-

The Local Government House Trust currently holds in trust equity units in proportion to the amount of capital contributed by certain Local Governments (beneficiaries) for the purchase of Local Government House in Altona Street, West Perth.

*Your Council is one of the beneficiaries to the Trust Deed, and holds units of ownership in Local Government House (refer to **Schedule 1**).*

The Trust Deed for Local Government House currently recognises:

- (i) *the CSCA and LGA as Trustees; and*
- (ii) *the President and Deputy President of the LGA and CSCA as well as the President of the CUCA as members of the Board of Management.*

With the pending dissolution of CSCA, CUCA and LGA, it is therefore essential that the Local Government House Trust Deed be amended to nominate alternate Trustees from bodies or persons that will exist after CSCA, LGA and CUCA dissolve.

If either CSCA or LGA were to be dissolved before amendments to the Trust Deed are made, it would place the administration of the Trust Deed for Local Government House into great uncertainty.

Since the WA Local Government Association is the single association for Local Government, it is logical that it should be appointed as the replacement Trustee for both CSCA and LGA.

Enclosed is a series of proposed amendments to the Trust Deed which have been prepared by the Board of Management in conjunction with lawyers Minter Ellison.

*The Board of Management invites you as a beneficiary to consider the proposed amendments and, if you are agreeable to them, to sign and return the attached form to the Association before **30 April 2002**.*

*To assist in familiarising you with the proposed amendments, I enclose Explanatory Notes which outline the nature of the amendments and include an explanation on the recommended change (refer to **Schedule 2**).*

Broadly, the proposed amendments to the Trust Deed seek to achieve the following objectives:

- *To allow the appointment of one replacement Trustee for the CSCA and LGA*
- *With the decision of the three Associations at the 2001 Annual Conference to form the WA Local Government Association, the CSCA, LGA and CUCA entered into a state of dormancy. A motion to dissolve each Association will be considered before or at the 2003 Annual Conference.*
- *As the CSCA and LGA are the current Trustees of the Deed, it is necessary to appoint a replacement Trustee.*
- *The Trustees Act requires a minimum of two trustees to be appointed where more than one trustee was originally appointed. This would prevent appointing only the WA Local Government Association as the new Trustee.*

- *It is therefore proposed that a Deed of Variation be executed to vary the terms of the Trust Deed to allow the appointment of one Trustee (ie the WA Local Government Association) as replacement for the CSCA and LGA.*
- *To replace the current Board of Management with a new Board*
- *The Board of Management currently includes representatives from CSCA, LGA and CUCA.*
- *With the pending dissolution of the three Associations, a new Board of Management must be appointed to manage the day-to-day administration of the Trust Deed.*
- *It is proposed that a new Board of Management be appointed which includes the following members:*

<u><i>Current Board of Management</i></u>	<u><i>New Board of Management</i></u>
<i>LGA President</i>	<i>President of the WA Local Government Association</i>
<i>LGA Deputy President</i>	<i>Deputy President of the WA Local Government Association</i>
<i>CSCA President</i>	<i>State Councillor (Country Constituency)</i>
<i>CSCA Deputy President</i>	<i>State Councillor (Metropolitan Constituency)</i>
<i>CUCA President</i>	<i>Representative from the country beneficiaries</i>
	<i>Representative from the metropolitan beneficiaries</i>
	<i>CEO of the WA Local Government Association</i>

- *To update the Trust Deed and to improve the operation of the Board of Management*
- *Various amendments need to be made to recognise the Local Government Act 1995 and related State legislation.*
- *It is proposed that an amendment be made in relation to constituting a quorum at meetings of the Board of Management. Currently, the number of members required to form a quorum is 100%. This has been a source of ongoing problems, and as such it is proposed that the number of members necessary to form a quorum be amended from 100% to greater than 50%.*
- *It is recommended that an amendment be made to the Trust Deed relating to the majority needed to carry a resolution of the Board of Management. Presently, a resolution can only be carried by the unanimous agreement of all members. This is contrary to the practices in most other boards and committees. As such, it is proposed that this requirement should be amended to allow an absolute majority to carry a resolution of the Board of Management.*

*A detailed explanation of the proposed amendments is included in **Schedule 2**.*

*Councils are asked to complete the enclosed **Confirmation Form** and return it to the Association before 30 April 2002.*

Schedules 1 and 2 referred to in the letter are located at Attachments “A-1” and “A-2” – as circulated with the Agenda. A copy of the ‘Confirmation Form’ is at **Attachment “A-1” to this Report.**

COMMENT

Perusal of the documents provided by WALGA in respect of the proposed amendments to the Trust Deed indicates that the proposals are well founded and necessary to accommodate the new arrangements caused by the creation of WALGA and imminent dissolution of CSCA, CUCA and LGA. In consideration of the detail of the proposals and the fact that the amendments have been determined in conjunction with Minter Ellison, Council’s consent to the proposed amendments is supported.

COMMITTEE enquired as to why the CEO of WALGA, which was the main tenant of Local Government House was now on the Board as this could be perceived as a conflict of interest. Clarification was sought on the reasoning behind this, before Council’s final decision on this matter.

CS37/02 RECOMMEND

Amendment
Full Council
15-4-02

- (i) That WALGA be advised that the City of Armadale is concerned that the proposed Board of Management of the Local Government House Trust includes the CEO of the WA Local Government Association and that this may place this officer in a position of conflict of interest as WALGA is the primary tenant of Local Government House.**

- (ii) That Council would be pleased to give its consent to the proposed amendments to the Trust Deed for the Local Government House following deletion of reference to the CEO as a Board member, or further explanation to Council as to how this would work in practice.**

Moved Cr Reynolds
Motion Carried (6-0)

LATE ITEM

CODE OF CONDUCT – CITY OF ARMADALE

WARD All
FILE REF: COA/14
DATE 8 April 2002
REF SDS
RESPONSIBLE CEO
MANAGER

In Brief:

- Council's current Code of Conduct was adopted in April 2001.
- In accordance with the Local Government Act a review of the Code needs to be undertaken by May 2002.
- The matter was referred to the Standing Order Review Working Group for consideration.
- Some Councils have included enforcement and penalties of the Code within Standing Orders.
- Recommended that no change be made to the Code at this time but the matter of penalties under Standing Orders be examined.
- The Act requires next review not later than 12 months after the next election.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Corporate Services

1. Promote an environment across the organization which facilitates shared vision and ownership of corporate objectives.

To achieve this we will:

- 2.1 Identify and implement mechanisms to improve communication and achieve common understanding of corporate issues and objectives.

Legislation Implications

Section 5.103 of the Local Government Act 1995

“(2) A local government is to review its code of conduct within 12 months after each ordinary election day and make such changes to the code as it considers appropriate.”

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Nil

Consultation

Standing Order Review Working Group

BACKGROUND

Council's current Code of Conduct was adopted in April 2001 after a series of workshops and meetings (CS26/01 of 10 April 2001 refers). In accordance with the Act a review now needs to be undertaken in May 2002.

COMMENT

The Code is still relatively new, but appears to have met the role demanded to date. A review of the clauses does not bring forward any anomalies experienced over the past 12 months.

The only matter raised for consideration in discussion has been the matter of enforcement of the Code through Standing Orders, a course not chosen during the last review of Standing Orders. However, the Code of Conduct itself would not change as a result of such a decision.

The Standing Order Review Working Party in its discussions on the matter did not raise any concerns and recommended that the current Code be adopted without change. In the meantime however, it recommended that further consideration be given to making the Code of Conduct a local law or incorporating it into the Standing Orders.

The Working Party will undertake further work in this regard.

Council can review or amend its Code at any time. Notwithstanding, the Act requires that the Code be reviewed within 12 months after the next election (i.e. after May 2003) which enables new councillors to have input into the review process.

In the absence of any review prior to May 2003 it is proposed that the next review be held soon after the election date.

CS38/02 RECOMMEND

- 1. That in accordance with Section 5.103 of the Local Government Act, Council having reviewed the City of Armadale Code of Conduct resolve to adopt the current Code of Conduct, without modification.**
- 2. That prior to the next review of the Code of Conduct, further consideration be given to making the Code of Conduct a local law or incorporating it into the Standing Orders.**

Moved Cr Munn
Motion Carried (6-0)

LATE ITEM- COMMITTEE AGENDAS – RELEASE OF INFORMATION

WARD ALL
FILE REF: PCY/1
DATE 5/4/02
REF NP
RESPONSIBLE Executive Manager
MANAGER Business Services

In Brief:

- The timing of public release of Committee Agendas was referred to the Standing Order Review Working Party (SORWP).
- It is recommended that Council amend an existing policy on the public release of Committee Agendas to include a time frame.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Communication

To ensure dialogue with the community in order to have a clear understanding of the community's needs and expectations and to ensure all communication is readily understood.

Legislation Implications

Section 5.94 – Local Government Act 1995

“Any person can attend the office of a local government during office hours and free of charge inspect, subject to section 5.95, any of the following in relation to the local government, whether or not current at the time of inspection –

.....(n) confirmed minutes of council or committee meetings;

(p) notice papers and agenda relating to any council or committee meeting and reports and other documents that have been -

(i) tabled at a council or committee meeting; or

(ii) produced by the local government or a committee for presentation at a council or committee meeting and which have been presented at the meeting;”

Council Policy/Local Law Implications

Council policy 5.1.37 – Committee Agendas – Release of Information

“Council officers are not permitted to provide any information to persons seeking advice on contents of Committee Agenda, other than the recommendation. If information other than the recommendation is requested, then the enquirer to be directed to a Councillor.”

Budget/Financial Implications

Nil

Consultation

Standing Order Review Working Party

BACKGROUND

At its meeting of 5 March 2002 Council resolved (T29/02):

“That the matter of public release of Agendas and Officer’s reports be referred to the Standing Order Review Working Party for consideration as part of review of Council Policy Manual.”

DETAILS OF PROPOSAL

It is proposed to replace policy 5.1.37 – Committee Agendas Release of Information, with the following:

“All agendas for Committee and Council meetings shall remain a confidential document until such time as it is made available to the public in the foyer at the City’s Administration Centre and Libraries, or 12 Noon the day following delivery to elected members, whichever is the sooner.”

COMMENT

Analysis

The Standing Order Working Party shared previous concerns regarding the possibility that an officer or councillor may inadvertently distribute information in the period following printing of reports and recommendations, before Councillors and, in particular, Committee members had an opportunity to read their agenda.

Current practice with regard to making Agendas available to the public is in accordance with Council resolution CR 105/93(4):

“Committee Agendas be available for public inspection in the Foyer of the Council Administration Centre and Libraries in the same way as Council Agendas are currently displayed, viz after they have been delivered to Councillors”

Current Policy 5.1.37 states:-

“Council officers are not permitted to provide information to persons seeking advice on contents of Committee Agenda, other than the recommendation. If information other than the recommendation is requested, then the enquirer to be directed to a Councillor.”

This policy predates current requirements of customer service, pre-release of Agendas and open meetings. Recent interpretation has been that when discussing a forthcoming report and recommendation with stakeholders, officers may speak on the “generality” of subject matter and Council policy, but always in the context that no recommendation is formed until a Committee has considered the report.

It is considered that the implied “no information” component of the current policy is inappropriate.

However, it is also considered necessary to protect the business decision-making process of the Council in that critical period between finalisation of officers' reports and their consideration by Committees (and Council).

Accordingly, it is considered that a report to Committee (or Council) should remain a confidential document until such time as it is made available to the public in the foyer at the City's Administration Centre and Libraries, or 12 Noon the day following delivery to elected members, whichever is the sooner.

This does not preclude exchange of draft material between stakeholders during formulation of a report, but is an appropriate protection once a report and recommendation is compiled.

By resolving that this information is deemed **confidential** Council members and employees are bound to abide by the resolution as well as observing Clauses 2.1 and 3.6 (B) (iv) and (v) of the Code of Conduct.

Provisions of the Act relating to misuse of information also apply.

Options

The following options are available:

1. Leave the current practice as is.
This option does not resolve the risk in the current situation and therefore is not recommended.
2. Agendas to remain confidential up until 12.00 noon on the day following delivery to councillors – or the time at which made available at the Libraries and front counter, whichever is sooner.

Officers to use discretion on information provided to stakeholders while reports are being compiled but to observe confidentiality once report and recommendations are finalised for distribution.

CONCLUSION

Due to the concern regarding the timing of the release of Council and Committee agendas it is considered that policy 5.1.37 be replaced with that stated in the recommendation below.

COMMITTEE agreed that a policy was essential to guide councillors and staff as to when Committee Agendas should be made available to the public. The timing of 12 Noon the day following delivery was considered a reasonable "default" timeframe as it provided Councillors with some opportunity to view these documents prior to its release to the public.

CS39/02 RECOMMEND

That Council replace policy 5.1.37 – Committee Agendas – Release of Information with the following:

“All agendas for Committee and Council meetings shall remain a confidential document until such time as it is made available to the public in the foyer at the City’s Administration Centre and Libraries, or 12 Noon the day following delivery to elected members, whichever is the sooner.”

Moved Cr Munn
Motion Carried (6-0)

MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

MOVED Cr Hodges that the meeting be closed to members of the public at this juncture as the matters to be discussed included information of a commercial value.

Motion Carried (6-0)

*7.40pm Members of the public in attendance left the meeting.
Mr Ron Van Delft retired from the meeting at this juncture.*

CINEMAS - TENDER No 19/01 - CITY SUPPORT FOR A CINEMA COMPLEX

WARD : ARMADALE
FILE REF : PSC / 37
TEN/19/01
DATE : 27.3.02
REF : GC
RESPONSIBLE : Executive Director
MANAGER : Development
Services

In Brief:-

- Tenders received from ING, Grand Theatre Company and Westzone Enterprises / Reading Entertainment.
- Sinclair Knight Merz report on the tenders together with research work by Officers considered by the Cinema Working Party.
- Meeting to be closed to review commercially sensitive information.

Recommendations that

- Council select Westzone Enterprises / Readings Entertainment as the preferred conditional tenderer to enter into negotiations and agreement on terms and conditions of a contract.
- The ARA be briefed on the cinema project and invited to consider the prospect as part of the CBD redevelopment.

Tabled Items

Sinclair Knight Merz report, rates analysis, notes of Cinema Working Party meeting.

Officer Interest Declaration

Nil

Strategic Implications

Regional Centre and provision of recreational services

Legislative Implications

Local Government Act 1995 ... s3.1, s3.18(2), s3.18(3), s3.57

Council Policy / Local Law Implications

N/A

Budget / Financial Implications

The potential cost to Council is commercially confidential information. Advice on possible costs resultant from the tender is included in the consultant's report recorded, at Attachment "B1" of the agenda. Funding has been identified in Council's 5-year financial plan to pursue outcomes City Centre Enquiry by Design recommendations and economic development of the Strategic Region Centre. A cinema complex is one of a number of key objectives identified in the City Centre Project and Economic Strategy.

The estimated potential cost to Council of providing assistance was noted in Council's 18th June 2000 minutes.

A positive impact on CBD property values and Council rates is anticipated. See **Attachment B-3** for an estimate of rates.

Consultation

- Community advice as shown in surveys for cultural facilities, May 2000,
- Youth Recreation Needs survey, March 2001 and
- Community consultation for Neighbourhood Improvement Project, Feb 2001.
- The Enquiry by Design Report public consultation submissions, Aug – Sept 2000.
- D Kemp, Economic & Employment Strategy and Action Plan,
- Department of Local Government,
- Prospective cinema operators, and developers,
- The Cinema Project Working Party, comprised of the Mayor L Reynolds, Cr T Hodges, Cr R Stubbs, CEO, EDDS, EDTS, EDCCS, & Project Manager

Background

At the Council meeting of 18th June 2001 Council resolved, CS42/01

That Council proceed to call for registrations of interest to determine the interest in the market and likely assistance required for the provision of a cinema in Armadale CBD. In this regard Council acknowledged that the upper limit of financial support, if required, should be limited to the sum identified in **Attachment B-1** and for a maximum outlay period of 5 years. (Note this support level is within Council's City Centre Enquiry by Design allocation included in the City's 5-year financial plan).

Following consequent advertisements for registration of interest, 7 submissions were received. These were analysed and considered by Council at its meeting on 17 September 01.

The expressions of interest received were:

1. AustAsia Group Limited on behalf of the owners of the Kelmscott Central Shopping Centre
2. Westzone Enterprises Pty Ltd
3. Global Enterprises (WA) Pty Ltd
4. Hoyts Cinemas Limited
5. ING Real Estate
6. Grand Theatre Company Pty Ltd
7. APP Projects Pty Ltd

Submissions from AustAsia and Hoyts did not meet the specified selection criteria, and APP subsequently withdrew their interest.

At the Council meeting of 17 September 2001 Council resolved, CS69/01

That the Consultant and Council officers interview selected registrants to clarify their submissions.

At the Council meeting of the 19 of November 2001 Council resolved, CS 87/01

1. That the City determines that active encouragement and prudent financial support for a cinema complex with associated commercial and recreational activity is a key aspect of developing the Armadale City Centre and represents good governance for the persons of the district.
2. That the Cinema Project Working Party oversee preparation of the terms and conditions of a tender for the provision of a cinema complex in the Armadale City Centre, including a review of the tender documents by the Department of Local Government and Council's legal advisors.
3. That delegated authority be granted to the CEO to finalise terms and conditions of the tender, having regard to (2) above.
4. That following preparation of the tender documents as per (2.) above, the following interest accepted registrants be invited to tender for potential City assistance in the development of a cinema complex in the Armadale City Centre:
 - Westzone Enterprises Pty Ltd and Reading Entertainment as operator,
 - Global Enterprises (WA) Pty Ltd,
 - ING Real Estate,
 - Grand Theatre Company Pty Ltd as operator and Westzone Enterprises Pty Ltd,and note that the potential City assistance will be limited in quantum to that shown in Attachment "B-2".

Composition of Tender Document - Council Objectives

For the November 19th Council Meeting the Cinema Project Working Party suggested that in order to satisfy the Council's minimum objectives, the cinema development should include the following features. (Additional features may be included by the Developer to enhance the commercial viability of the complex provided that these objectives are not compromised):-

- Minimum 5 screen complex with the potential for future expansion;
- High design standard, scope and quality;
- Quality operating standards;
- A location within the Armadale CBD, with a strong preference to be situated on and fronting Jull St,
- Convenient access to public transport, particularly rail and bus services;
- Simple and direct vehicular access and adequate parking facilities, either on site or on a reciprocal basis with adjoining owners;
- Inclusion or encouragement of complementary commercial, recreational and leisure enterprises/activities within and around the cinema complex;
- Compliance with all statutory requirements and processes, including the Council's town planning scheme, building and health regulations;
- Value for money, measured as a cost-benefit assessment of the economic and social benefits to be delivered through the Developer's proposed plans in return for the level of assistance to be provided by the Council.

Commercial features of the Developer's consortium which are important to the Council and which will form part of the assessment criteria include:-

- A contractually binding relationship between the land owner, developer, operator and all other members of the Developer's consortium;
- Demonstrated previous experience in cinema operations;
- Financial capability of the Developer's consortium members;
- Relationships with cinema movie distributors, with guaranteed access to movies when first released into the Perth market;
- Security provided by the Developer as a guarantee of performance.

Tender Process and Analysis

In order to translate Council's objectives into appropriate documentation, consultant Sinclair Knight Merz was engaged and instructed to organise the registration of interest and tender procedures, and analyse and report on the tenders received.

Cinema Project Working Party Consideration

The Working Party examined the Sinclair Knight Merz Report and Tenderers' plans and discussed them in detail with the consultant. The consultant's recommendations were accepted. It was considered that there was more than a reasonable expectation that a contract could be entered into within the range of Council's previous provisions. (See SKM Report Table 5.3)

The Working Party agreed to recommend to Council that the Westzone / Reading consortium be selected as the Preferred Conditional Tenderer.

The Working Party noted that Westzone is financially sound and has the capacity to undertake the development; and that officers had made enquiries that indicated Reading Entertainment is financially sound and has a long term commitment to cinema operations in Australia. It is satisfied that, subject to satisfactory resolution of terms and conditions of an appropriate contract, the Council Objectives specified in the November 2001 Council Minutes are able to be met by the Westzone / Reading consortium.

The notes of the Cinema Working Party meeting of 14.3.02 are at **Attachment B-4**.

Tender Rankings

Resultant from the analysis of the SKM report and considerations of the Cinema Working Party, tender rankings are concluded as follows:

Westzone Enterprises / Readings Entertainment	1
Grand Theatre Company	2
ING Real Estate	3

ANCILLARY MATTERS FOR COUNCIL INFORMATION

1. Program

The anticipated staging and timeframe for the process by which the Council proposes to enter into an agreement for the establishment of a cinema in Armadale was previously as follows:

Expressions of Interest (completed)	31st August 2001
Assessment and Consideration of EoIs and decision by full Council to request Tenders	19 November 2001
Advise Acceptable EoI Registrants and Request Tenders	26 November 2001
Tender Close	24 January 2002
Tender Assessment and Council consideration	February/Mar 2002
Contract Award	March/April 2002

It is envisaged that the Contract can be drawn up by Council's solicitors and negotiated with the Preferred Conditional Tenderer over a 4 –6 week period.

2. Probity

Previous advice from the Department of Local Government was in summary ... "Council has the authority to pay for the service as long as it has satisfied itself, and can support that satisfaction with facts, that it is doing what is good government for the persons in the district". Providing Council uses the tender process in accordance with the Local Government Act and appropriate regulations it may proceed properly to facilitate the establishment of cinemas in the Armadale CBD.

Council' solicitors have audited the registration of interest and tender process and advise that Council has conducted the process in an appropriate manner, and it is in order for Council to select one of the tenderers as the Preferred Conditional Tenderer.

3. Regent Cinema in Pioneer Village

Regent Cinemas have re-established in Pioneer Village as a single screen boutique operator. For the record Regent had previously proposed to operate from the Plaza site and were invited to register their interest in the Cinema Registration of Interest process.

CONCLUSIONS

The tender process has been successful in demonstrating that the Westzone / Reading consortium is keen and able to pursue the development of cinemas in the Armadale City Centre meeting Council objectives at a cost anticipated within the parameters expected by Council. Council may now move to the next stage of nominating Westzone / Readings as the Preferred Conditional Tenderer.

The Chief Executive Officer and Executive Director Development Services briefed Committee on SKM's Report, i.e the key components of the tender evaluation process leading to their recommendation on the preferred tenderer.

Key elements of the Confidential Report provided by SKM and other specialist consultants and leading to the recommendation were:-

- *The tenders of Westzone/Readings and Grant were substantially ahead of the ING proposal based on the total Tender Evaluation Criteria.*
- *Westzone/Readings tender was on par with the Grand tender on the basic technical evaluation criteria, but substantially ahead from a cost point of view.*
- *Both "leading" tenders are for the same site (Plaza Shopping Centre) and substantially meet the City's "location, value of economic and social benefits criteria".*

The general components of these two proposals are:-

- *A \$6.0 million building program*
- *A high quality, modern, six screen cinema complex with between 1,240 and 1300 total seats and a foyer which includes general amenities and a candy bar*
- *Around 1,250m² of commercial area, comprising shops, cafes, take-away food outlets and restaurants fronting Jull Street and backing onto the cinema foyer*
- *Shop front development facing Jull Street and Third Road. The Westzone/Reading development will be a higher overall elevation.*
- *Potential for a further 2 screens in both cases, although the Grand proposal would be at the expense of commercial floor area*
- *Reciprocal parking with the adjacent Woolworths supermarket*
- *Mainstream, first release, broad based film product targeted at family and general audiences*

- ❑ *Seven days per week operations, with typically 5 sessions per day commencing at 10.00am and finishing at 12.00am*
- ❑ *Neat, casual dress standards monitored by internal security to prevent unsociable behaviours and additional security from time to time as required*

The Committee noted that the Westzone/Readings proposal provides substantial additional under-croft parking.

The CEO advised that Cr Stubbs had raised the issue of parking and the importance of not compromising the totally separate process of considering town planning issues such as parking in the course of determining development planning approval.

The CEO confirmed that all tenderers had been advised that it will be a requirement of contract that any proposal must still comply with all relevant planning and building requirements.

Committee were also advised that tonight's decisions relates to a tender appointment based strictly on the tender evaluation criteria, and bears no relation to consideration of planning or building approval.

Committee were pleased to note that the financial implications for the City were within early expectations and that if attendances reach 3.75 visits per annum by the catchment population (Australian average is 4.1) there will be no investment required other than foregone rate income. The additional rate provided by associated development will compensate for 90% of rates foregone. It is possible that the proposition will be cost neutral to the City in 5 years, even before considering other economic and social benefits to the City Centre and community.

Conservative attendance estimates still provide a negotiably beneficial proposition.

Appointment of the preferred tenderer will enable more rigorous financial auditing and independent analysis of forecast data to complete the risk analysis.

After discussing the various elements of the three proposals received, Committee agreed that the Westzone/Reading proposal presented the most advantageous tender option for the City.

It was agreed that the information circulated with this report remain confidential as the appointment of a preferred tenderer now enables negotiation of a contract to commence. However, the information contained in the Tender Report remains commercially and legally sensitive and would prejudice the City's negotiating position if made public. Should negotiation of a contract break down Council may choose an alternative (or no) tender.

CS40/02 RECOMMEND

Amendment
Full Council
15-4-02

- 1. That in response to Tender No 19/01 for Council support for the provision of Cinemas in the Armadale CBD, Council accepts the tender from Westzone Enterprises Pty Ltd / Reading Entertainment as the preferred conditional tenderer and enter into negotiations with the tenderer on terms and conditions of a contract.**
- 2. That Westzone Enterprises Pty Ltd/Reading Entertainment be advised that acceptance of the tender in no way implies a planning consent and that any proposal must be the subject of a planning application which conforms with all relevant planning and building requirements.**
- 3. That Westzone Enterprises Pty Ltd/Reading Entertainment be advised that central to Council's consideration of any contract will be the certainty with which they can demonstrate that the development of complementary commercial, recreational and leisure enterprises will proceed with the opening of the cinema.**
- 4. That the Armadale Redevelopment Authority be briefed on the progress of the cinema project and be approached to consider the prospects of assisting the City in the delivery of a cinema complex as part of the Armadale CBD redevelopment.**
- 5. Concept plans of the proposal being made available to Councillors shall remain confidential for the time being.**

Moved Cr Clowes-Hollins
Motion Carried (6-0)

ARMADALE REDEVELOPMENT AUTHORITY – Community Reference Groups

At Council's meeting on 2nd April, Cr Hodges referred the following to the City Strategy Committee for consideration:-

The matter of possible Council participation in Community Reference Groups relating to the Armadale Redevelopment Authority.

A brief outline on the matter has been provided by Cr Hodges for discussion and consideration by this Committee:-

Two issues for consideration:

1. **The status of the Community Reference Groups** – we have been given to understand that a number of community reference groups will be appointed by the Minister to assist the Armadale Redevelopment Authority in its deliberations and decision-making. The Minister has made it very clear that the ARA is to have a strong community link. Given the amount of emphasis placed on this aspect of the Authority there is an expectation that these groups will have valuable and valued input/influence on the deliberations of the Authority. I believe Council should have some input or at least be asked for comment on the process of recruitment/selection of the groups. I believe this community input is a very powerful tool and, as existing community representatives, Councillors input could enhance the recruitment process.
2. **Councillor Participation** – If the Community reference groups are to be a current and relevant contributor to the ARA it is important that such groups are truly representative of a wide range of community groups/individuals/representative bodies. While Council has two elected members on the Board, individual Councillors have a wide range of skills, knowledge and experience as active community representatives and I believe that there should be an opportunity for other elected members to be part of the reference groups.

In this way, Councillors can add their knowledge and experience of their particular area and communities and will further enhance the overall inclusive model I believe the Minister is seeking.

I would suggest that Council consider

- ◆ Asking the Minister for a brief outline of how and when she will be recruiting the community reference groups.
- ◆ Seek some input into the process of recruitment.
- ◆ Request that the process includes a Councillor as part of each group. Councillors could be free to express their particular interests ie youth, indigenous groups, heritage – whatever is the format/profile of the individual reference groups.

Cr Reynolds advised that he has since been advised by the Minister for Planning & Infrastructure that appointments have already been selected to the initial Community Reference Group and an announcement is imminent.

It was anticipated that the ARA will also be establishing communication mechanisms with established community groups, including those already formed to advise Council.

Committee noted the appointment of the first Reference Group and looked forward to working with the selected representatives.

However, Council would welcome the opportunity to nominate or volunteer representation on any further reference groups.

CS41/02 RECOMMEND

Amendment
Full Council
15-4-02

- 1. That though Council would have preferred the opportunity for input into the selection process, it acknowledges that the Community Reference Group to the Armadale Redevelopment Authority is to be announced shortly and looks forward to working with the community representatives as the Authority prepares its redevelopment Master plan in partnership with the City.**
- 2. That the Mayor and CEO be further requested to address the matter of establishing an effective communications protocol between the Member for Armadale and the Council particularly with the view of promoting a shared understanding of the Council's vision and circumstances.**

Moved Cr Clowes-Hollins
Motion Carried (6-0)

MEETING DECLARED CLOSED AT 8.55 PM

CITY STRATEGY COMMITTEE

SUMMARY OF "A" ATTACHMENTS

9 APRIL 2002

Attachment No.	Subject	Page
A-1	Local Government House – Trust Deed – Confirmation Form	45

CONFIRMATION FORM

AMENDMENTS TO THE TRUST DEED FOR LOCAL GOVERNMENT HOUSE

To: **Western Australian Local Government Association**
15 Altona Street
WEST PERTH WA 6005
Fax: 9322 2611

The Shire/Town/City of _____ being a
beneficiary to the Trust Deed for Local Government House, notes and consents to the
proposed amendments to the Trust Deed as outlined in the Explanatory Notes of the
document titled *"Amendments to the Trust Deed – Local Government House"*.

.....
Authorized Officer

.....
Date

*Please return to the
Western Australian Local Government Association
as soon as practicable (before 30 April 2002)*

