



**ORDINARY MEETING OF COUNCIL
MONDAY, 22 AUGUST 2016**

MINUTES

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CITY OF ARMADALE

MINUTES

OF ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 22
AUGUST 2016 AT 7.00PM.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

PRESENT:

Mayor, Cr H A Zelones OAM JP presided over	River Ward
Deputy Mayor, Cr R Butterfield	River Ward
Cr D M Shaw	Heron Ward
Cr G Nixon	Jarrah Ward
Cr C M Wielinga	Jarrah Ward
Cr K Busby	Minnawarra Ward
Cr G A Best	Neerigen Ward
Cr M Geary	Neerigen Ward
Cr L Sargeson	Palomino Ward
Cr C A Campbell JP	Palomino Ward

IN ATTENDANCE:

Mr R S Tame	Chief Executive Officer
Mr A F Maxwell	Executive Director Corporate Services
Mr P Sanders	Executive Director Development Services
Mr K Ketterer	Executive Director Technical Services
Mrs S D'Souza	CEO's Executive Assistant

Public: 13 Press: 1

LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr C Frost and Cr M H Norman

APOLOGIES:

Apology received from Cr J A Stewart and Cr M Silver

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

Nil

4 PUBLIC QUESTION TIME

**1 The Hon Tony Simpson - Member for Darling Range - Patron for Roleystone
 Men's Shed**

Q1 This has been a long journey for the Roleystone Men's Shed who have been doing some fantastic work in the community. With the skate park located in the area the young kids come along to build their own skate deck and provides for a great relationship between the youth and the Men's Shed. The proposal before Council tonight is for a community garden as well as a Men's shed and it's a very hard working team that has put this together and is now looking for Council support. Will Council be giving the proposal its favourable support at the meeting tonight?

The Mayor advised that the matter is on the agenda for discussion later during the meeting but understands that a great deal of support has been expressed for the project and there are differing views as to how this project may roll out.

2 The Hon Dr Tony Buti - Member for Armadale

Q1 Are councillors aware that the Jull St Group, made up of business operators in Jull Street, have met over the last 3-4 years on a regular basis and that we have written to State Government numerous times seeking increased police presence in the CBD to no avail? There is no likelihood that there will be an increase in police numbers in the CBD for a number of months or years hence other alternatives need to be looked at.

The Mayor advised that the matter is on the agenda for discussion later during the meeting.

3 Michael Cowen - Business Owner in Jull Street Mall

Q1 I have been in Armadale since 1972 and have had hairdressing salons since then in Jull Street.
How much are you aware of the issues that are affecting the whole of the city of Armadale through the anti-social behaviour of some people in the City Centre? Armadale is suffering badly because of this anti-social behaviour. We have surveyed around 200 people who were asked to rate on a score of 1 to 10 the question "How concerned are you about the anti-social behaviour in Armadale" - the response drew an average score of 9.1. I will make the survey available to all Council and would ask that you give it your serious consideration.

The Mayor advised that Council is aware of the issues and discussion with the police indicates that last week was a particularly troublesome time. As to whether the issues can be resolved by taking this alternative step remains to be seen. The matter is on the agenda for a decision tonight.

4 Graeme Hill, Dome Cafe, Jull Street Mall

- Q1 Are you aware that in the last 18 months 5 restaurants have looked at investing in Armadale and all 5 have walked away? This is because of the lack of security around the precinct and poor or no police response.

The Mayor advised that Council is aware and he is also personally aware of potential business owners looking elsewhere. The matter of police numbers and response has been taken up with both the Minister and the District Superintendent of Police. We have been advised that more police are now assigned to Armadale than ever before.

- Q2 Are you aware the Armadale Police CBD Team only works 4 shifts a week for 10 hours each shift? That is their total availability to supervise the CBD areas. Sometimes even those officers are called out to other areas of the City of Armadale.

The Mayor advised that he was not aware of the shift times but has been made to understand that there are more police assigned out to Armadale station than ever before. The Council is aware of the issues in the CBD and on its own part making infrastructure improvements and in constant discussions with the Minister and Police.

Question time closed at 7.13pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PETITIONS

Change to Liquor Licensing Conditions - Avocadoes Restaurant & Function Centre (Cr Ruth Butterfield)

A petition signed by 52 signatories was tabled by Cr Butterfield, the prayer of which reads as follows:

We the undersigned respectfully request that the Council: Intervenes with the Directory of Liquor Licensing for and on behalf, using its powers under the Liquor Control Act 1988, in the event that Ozhaven Pty Ltd applies to change any of the conditions contained within the Hotel Licence granted for the premises Avocados Restaurant and Function Centre, 2 Mount Street, Kelmscott. Ozhaven Pty Ltd was granted the Hotel Licence on 3rd May 2016. In particular, we the undersigned request that the conditions governing trading hours, the maximum number (120) of persons permitted on the licensed premises at any time, the requirement to have food available during trading hours, the requirement for no sound amplification outside the reception centre building and the requirement that all entertainment at the premises be restricted to low level background ambient music, remain unchanged.

Generally speaking these conditions have since 3 May 2016, with some reported exceptions, succeeded in ensuring that there has not been undue

disturbance to persons who reside in the vicinity and that the amenity, quiet and good order of the locality is maintained. If the current conditions are diluted or mitigated in any way we believe that this would not be the case.

MOVED Cr R Butterfield

That Council receive and refer the petition to the Development Services Committee.

MOTION not opposed, DECLARED CARRIED (10/0)

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 8 AUGUST 2016.

MOVED Cr K Busby that the Minutes of the Ordinary Council Meeting held on 8 August 2016 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (10/0)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1 Consultation & Communication

- On Friday 12 August attended an assembly at the Piara Waters Primary School to help celebrate the publication of a children's book by local 10 year old author Yoshna Naidoo. The book is titled "Roary's Lost Book" featuring Ripper and Roary.
- On Tuesday 16 August met with a deputation from the Mundarra Child Care Centre to discuss issues arising out of the government's decision to withdraw accommodation support from approximately 60 Child Care and Family Centres in the metro area.

2 Marketing & Public Relations

- On Friday 12 August undertook a photo op to mark the occasion of the 100th anniversary of the dedication of the Armadale War Memorial Cenotaph.
- Later that evening attended the opening night of the 'Outside the Frame' Art Awards. Crs Butterfield, Stewart, Nixon and Sargeson also attended.
- On Thursday 18 August was interviewed by radio station 6PR in relation to residents of Piara Waters/Harrisdale request to secede from the City of Armadale.

- On Friday 19 August took part in a media promotion for the Highland Gathering to be conducted next month.
- Later in the afternoon attended the launch of the Araluen Tulip Festival, ‘Spring Time at Araluen’. The opening was attended by Premier Colin Barnett who officially launched the festival. Congratulations to the Araluen Foundation and to the General Manager Grant Nixon for a successful program launch.
- On Saturday 20 August attended the 75th Anniversary of St Christopher’s Anglican Church in Roleystone.

3 Governance & Economic Development

- On Tuesday 9 August attended a WAPC Workshop regarding SPP 7.0 State Design Policy followed by the Executive and Finance Committee monthly meeting. Both meetings were held at 140 William Street.
- Later that evening attended a Shire of SJ Citizenship function in Mundijong.
- On Wednesday 10 August, along with the CEO, attended a briefing session hosted by the Department of Transport on the Governments’ Transport plan for Perth @ 3.5 million. Copies of the plan are available from the DoT website. That afternoon attended a workshop at the WAPC in regard to the Sub Regional Frameworks.
- On Thursday 11 August, along with the Executive Director of Technical Services, met with Rivers Regional Council members to discuss matters arising from the recent retirement of their CEO.
- On Monday 15 August attended the 2nd of 4 workshops at the WAPC in regard to the Sub Regional Frameworks.
- On Thursday 18 August chaired the bi-monthly meeting of the Local Emergency Management Committee.

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

Nil

10 REPORTS

10.1 CITY STRATEGY COMMITTEE MEETING

Report of the City Strategy Committee held on 15 August 2016.

MOVED Cr M Geary that the report be received.

MOTION not opposed, DECLARED CARRIED

(10/0)

BUSINESS ARISING FROM REPORT

Recommendation CS57/8/16 - List of Accounts Paid - July 2016

MOVED Cr M Geary

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

Municipal Fund

Accounts paid totalling \$22,649,572.26 on Vouchers 27054–27169, Batch 1918-1930, 1932-1933, Direct Debits and PY01.01-PY01.02.

Trust Fund

Accounts paid totalling \$110,446.89 on Vouchers 5492-5562 and Batch 1931.

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation CS58/8/16 - Monthly Statement of Financial Activity - July 2016

MOVED Cr M Geary

That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accept the Statement of Financial Activity for the one (1) month period ended 31 July 2016.

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation CS59/8/16 - Ward Representation Review

MOVED Cr M Geary

That Council, pursuant to Schedule 2.2 of the *Local Government Act 1995*, undertakes a review of its current Ward Representation.

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation CS60/8/16 - Code of Conduct Review

MOVED Cr M Geary

That Council adopt the Draft Code of Conduct as attached to this Agenda without modification.

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation CS61/8/16 - Council Policy Review

MOVED Cr M Geary

That Council:

1. **pursuant to section 2.7(2)(b) of the *Local Government Act 1995* reaffirm the continued application and operation of each of the following current Council Policies without amendment as attached to this report for a further three (3) years or such earlier date as Council may determine from time to time.**
 - **ADM 6 – Recognition of Achievement in the Community**
 - **ADM 10 – Use of Council Crest and Logo**
 - **EM 5 – Conferring of Honours**
 - **EM 15 – Councillor Referrals to Standing Committees**
 - **FIN 1 – Officer Telephone Accounts**
 - **FIN 3 – Payments to Members of Committees Who Have a Disability**
2. **pursuant to section 2.7(2)(b) of the *Local Government Act 1995* reaffirm the continued application and operation of each of the following current Council Policies as amended in the report and attached to this report for a further three (3) years or such earlier date as Council may determine from time to time.**
 - **EM 1 – Reimbursement of Councillor’s Expenses**
 - **EM 2 – Councillor’s Use of Council Facilities**
 - **EM 8 – Communication Between Councillors and Staff**
 - **EM 9 – Councillor Communications**
3. **notes the attached associated Management Practices.**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation CS62/8/16 - Jull Street Mall Security Trial

Committee Recommendation

That Council endorse a proposed three (3) month security services trial in the Jull Street Mall area at an estimated cost of \$26,656 subject to:

- a) Funding of the \$26,656 being sourced as part of the Mid-Year Budget Review
- b) A management model being developed for the provision of the security service in conjunction with one or both of the two major shopping centres;
- c) Noting there is no commitment on Council to fund security services in the Mall beyond the three (3) month trial;

- d) Council being provided with a report on the outcomes/findings of the three (3) month trial in early 2017

MOVED Cr M Geary, SECONDED Cr D M Shaw
OPPOSED Cr K Busby

That Council not endorse the 3 month security service trial in the Jull Street Mall.

MOTION LOST (3/7)

In moving the following amendment Cr Busby explained that Council was required to authorise a necessary Budget source for the security trial before the expense could be incurred. The outcome of the Mid-year Budget Review could then determine whether this amount could be reinstated into the relevant account.

MOVED Cr K Busby , SECONDED Cr C A Campbell

OPPOSED Cr M Geary

That Recommendation CS62/8/16 be amended by:

- replacing the words “being sourced as part of the Mid-Year Budget Review” with the words “being expensed to the Jull Street Mall Revitalisation Account Budget” as follows
 - a) **Funding of the \$26,656 being expensed to the Jull Street Mall Revitalisation Account Budget;**
- adding a new part (b) as follows; and
 - b) **Council considering a commensurate increase to the Jull Street Mall Revitalisation Project Account Budget of \$26,656 (thereby reinstating the Jull Street Mall Revitalisation Account Budget to its adopted 2016/17 Annual Budget dollar value of \$281,200) as part of the Mid-Year Budget Review Report to Council in February 2017, on the presumption the Report identifies sufficient surplus funds.**
- accordingly renumber existing parts (b), (c) and (d)

AMENDMENT DECLARED CARRIED (8/2)

MOVED Cr K Busby that Recommendation CS62/8/16, as amended, be adopted. SECONDED Cr C A Campbell

OPPOSED Cr M Geary

That Council endorse a proposed three (3) month security services trial in the Jull Street Mall area at an estimated cost of \$26,656 subject to:

- c) **Funding of the \$26,656 being expensed to the Jull Street Mall Revitalisation Account Budget;**
- d) **Council considering a commensurate increase to the Jull Street Mall Revitalisation Project Account Budget of \$26,656 (thereby reinstating the Jull Street Mall Revitalisation Account Budget to its**

adopted 2016/17 Annual Budget dollar value of \$281,200) as part of the Mid-Year Budget Review Report to Council in February 2017, on the presumption the Report identifies sufficient surplus funds.

- e) **A management model will be developed for the provision of the security service in conjunction with one or both of the two major shopping centres;**
- f) **There is no commitment on Council to fund security services in the Mall beyond the three (3) month trial;**
- g) **Council being provided with a report on the outcomes/findings of the three (3) month trial in early 2017.**

MOTION DECLARED CARRIED (8/2)

Recommendation CS63/8/16 - City Calendar Review

Committee Recommendation

That Council not proceed with either a 2017 or 2018 calendar.

In moving the following motion Cr Nixon stated that Recommendation CS63/8/16 may have compromised some work already underway for an events calendar in 2017 and hence the deletion of 2017.

MOVED Cr G Nixon that Recommendation CS63/8/16 be as follows:

That Council not proceed with a larger run 2018 calendar.

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation CS64/8/16 - Conference Attendance - Waste and Recycle Conference 2016

MOVED Cr M Geary

That Council:

- 1 makes no nomination for a Councillor to attend the WA 2016 Waste and Recycling Conference title “Less is More” to be held in Fremantle from 14-16 September 2016, and**
- 2. notes the attendance by Officers from the City’s Waste Services Department at the WA 2016 Waste and Recycling Conference titled “Less is More” to be held in Fremantle from 14-16 September 2016.**

MOTION not opposed, DECLARED CARRIED (10/0)

10.2 DEVELOPMENT SERVICES COMMITTEE MEETING

Report of the Development Services Committee held on 16 August 2016.

MOVED Cr D M Shaw that the report be received.

MOTION not opposed, DECLARED CARRIED (10/0)

BUSINESS ARISING FROM REPORT

Recommendation D27/8/16 - Appointment of Authorised Officers - Building Act 2011

MOVED Cr D M Shaw

That Council:

1. **Approve the appointment of the following officer class as an “Authorised Officer” pursuant to section 96 (s100, s101, s102 and s103) of the *Building Act 2011* for the purpose of s100 Entry Powers, s101 Powers after entry for compliance purposes, s102 Obtaining information and documents, s103 Use of force and assistance, s104 Directions generally and s105 Obstruction of authorised persons:**
 - **Building/Health Compliance Officer, Rodney Gittos.**

2. **Appoint Building/Health Compliance Officer, Rodney Gittos as an Authorised Person to make, lay and swear Prosecution Notices under the *Criminal Procedures Act 2004* on behalf of the City of Armadale in relation to the following Acts, Regulations and Local Laws:**
 - **Health Act 1911**
 - **Health Services Act 2016**
 - **Strata Titles Act 1985**
 - **Health (Treatment of Sewage & Disposal of Effluent & Liquid Waste) Regulations 1974**
 - **Local Government Act 1995**
 - **Residential Design Codes 2013**
 - **Planning & Development Act 2005**
 - **Town Planning Scheme (TPS) No.4**
 - **Environment, Animals and Nuisance Local Laws 2002**
 - **Fencing Local Law 2011**

3. **Authorise Building/Health Compliance Officer, Rodney Gittos to appear in Court on Council’s behalf on matters relevant to the Acts, Regulations and Local Laws mentioned in Part (1) and Part (2) above.**

- 4. Note that the abovementioned authorisation will remain in effect whilst the appointed person is employed by the City of Armadale.**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation D28/8/16 - Proposed Community Purpose (Men's Shed) - Cross Park - Lot 1 (No.44) Jarrah Road, Roleystone

Cr Campbell disclosed a non-financial interest in Recommendation D28/8/16 on the basis that his employer has discussed the Men's Shed with the Roleystone Men's Shed Association approximately one year ago. As a consequence, he advised that there may be a perception on the basis of his disclosed non-financial interest that his impartiality may be affected but declared that he would set aside that association, consider the matter on its merits and vote accordingly.

MOVED Cr C M Wielinga, seconded Cr G Nixon
OPPOSED Cr M Geary

That Condition 14 of Recommendation D28/8/16 be amended to reflect modifications to both the northern half and southern half of the shed, as follows;

- 14. Prior to commencing site works, revised plans shall be submitted to and approved by the City's Planning Services Department, in-accordance with City's Town Planning Scheme No.4, that modify the proposal by:**
- a) Modifying the external wall height of the northern half of the shed to a maximum of 3 metres and the pitched roof height to a maximum of 4.5 metres;**
 - b) Modifying the external wall height of the southern half of the shed to a maximum of 5 metres on the eastern side and 5.9 metres on the western side and the pitched roof height to a maximum of 5.9 metres;**
 - c) Reduce the width of the shed by at least 2 metres along the eastern boundary to ensure the retention of the trees in stand 12 in the attached plan and comply with the Asset Protection Zone**

to the satisfaction of the Executive Director Development Services.

And, a new Condition 16 be added to address screening of eastern elevation as follows:

- 16. Within 12 months of occupation of the shed, appropriate artwork, windows, treatments and screening made of non-flammable materials shall be erected along the eastern elevation of the shed to break up the scale of the blank wall to**

the satisfaction of the Executive Director Development Services.

AMENDMENT DECLARED CARRIED (8/2)

MOVED Cr G Nixon that Recommendation D28/8/16, as amended, be adopted.

That Council:

- A) Approves the Application for Planning Approval for a Community Purpose (Men's Shed) on Lot 1 (No.44) Jarrah Road, Roleystone (Cross Park) in accordance with the attached plans and subject to the following conditions:**
- 1. Execution of a lease for the portion of land as shown on the approved site plan prior to commencement of works on site, to the satisfaction of the Executive Director Corporate Services.**
 - 2. The Men's Shed shall only be used for purposes incidental to its community use and shall not be used for residential, commercial or industrial purposes to the satisfaction of the Executive Director Development Services.**
 - 3. The development is to be constructed and maintained in accordance with the submitted Bushfire Management Plan to the satisfaction of the Executive Director Development Services.**
 - 4. Bushfire risk mitigation works (including salvaging of any vegetation) shall be undertaken in accordance with the approved Bushfire Risk Mitigation Plan (attached) at the applicant's cost to the satisfaction of the Executive Director Technical Services.**
 - 5. Arrangements being made with the City to provide a suitable offset for the loss of vegetation to the satisfaction of the Executive Director Technical Services. The offset is to be provided at the applicant's cost on a public reserve in the Roleystone locality at a ratio of five replacement tree species for every tree species removed.**
 - 6. Imported soil and/or fill shall be certified as being free of dieback to the satisfaction of the Executive Director Technical Services.**
 - 7. 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.**

8. **No materials shall be stored in car parking areas.**
9. **Air conditioning units, compressors and other equipment related to utilities shall be screened from public view and positioned so as to avoid any adverse effects, including noise, on the occupants of nearby residential properties to the satisfaction of the Executive Director Development Services.**
10. **Satisfactory arrangements being made with the Executive Director Technical Services for connection to existing utility services. On-site effluent disposal is not permitted.**
11. **Satisfactory arrangements being made with the Executive Director Technical Services for collection of waste.**
12. **To meet drainage requirements the developer/owner shall, to the specifications and satisfaction of the Executive Director Technical Services:**
 - a. **Submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan thereafter; and,**
 - b. **Relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development.**
13. **The number of vehicles (including staff vehicles) attending the Men's Shed shall not exceed the number of parking bays available at any one time.**
14. **Prior to commencing site works, revised plans shall be submitted to and approved by the City's Planning Services Department, in-accordance with City's Town Planning Scheme No.4, that modify the proposal by:**
 - a) **Modifying the external wall height of the northern half of the shed to a maximum of 3 metres and the pitched roof height to a maximum of 4.5 metres;**
 - b) **Modifying the external wall height of the southern half of the shed to a maximum of 5 metres on the eastern side and 5.9 metres on the western side and the pitched roof height to a maximum of 5.9 metres;**
 - c) **Reduce the width of the shed by at least 2 metres along the eastern boundary to ensure the retention of the trees in stand 12 in the attached plan and comply with the Asset Protection Zone**

to the satisfaction of the Executive Director Development Services.
15. **All conditions shall be complied with prior to exercising the right of this approval.**

16. Within 12 months of occupation of the shed, appropriate artwork, windows, treatments and screening made of non-flammable materials shall be erected along the eastern elevation of the shed to break up the scale of the blank wall to the satisfaction of the Executive Director Development Services.
- B) That in addition to standard advice notes, the applicant be advised:
- A. With regard to Condition 1, the applicant is advised that development approval does not constitute a lease agreement. The applicant is advised to contact the City's Governance and Administration Department to finalise the lease.
 - B. With regard to Condition 4, the applicant is to make suitable arrangements with the City's Parks and Reserves Department regarding the removal of vegetation and relocation of any landscaping features (including rocks).
 - C. With regard to Condition 5, the applicant is to make suitable arrangements with the City's Environment Services Department regarding provision of an offset.
 - D. Compliance with the Building Code of Australia is required.
 - E. With regard to Condition 7 requiring submission of a colour and material schedule that will visually reduce the bulk of the building and improve its appearance, it is expected that the colour and material schedule will be submitted and approved prior to the submission of a Building Permit Application.
 - F. A separate application is required for any signs associated with the development.
 - G. With regard to part b) of the Condition 12, the City advises that there are drainage pipes on this lot. Please liaise with the City's Technical Services before undertaking any works on site or lodging a Building Permit.
 - 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. The applicant is advised that under Clause 50 of the *Environment, Animals and Nuisance Local Laws 2002*, compliance with the *Environmental Code of Practice for Automotive Repair* published by the Western Australian Department of Environment is required.

Recommendation D29/8/16 - Local Planning Strategy - WAPC Endorsement
Subject to Modifications

MOVED Cr D M Shaw

That Council:

- 1. Support the WAPC's nine modifications to the City's Local Planning Strategy; and**
- 2. Amend the Local Planning Strategy to include the WAPC's nine modifications and forward the amended Local Planning Strategy to the WAPC for endorsement.**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation D30/8/16 - Proposed Amendment No.84 To Town Planning
Scheme No.4 - Omnibus Amendment No.5

MOVED Cr D M Shaw

That Council:

- 1. Pursuant to Section 75 of the Planning and Development Act 2005, adopt Amendment No.84 to Town Planning Scheme No.4 as a standard amendment in accordance with Part 5, Clause 34 – standard amendment, subsection (a), (b), (d), (f), (g) and (e) of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows:**

Proposal 1 – Modify Section 5.3.1 ‘Special Residential Zone’ in TPS No.4 to refer to Part (b) instead of Part (c).

Proposal 2 – Modify Table 1 (Zoning Table) for the Industrial Business zone from ‘X’ to an ‘A’ classification for the land use - ‘Convenience Store’.

Proposal 3 – Modify the definitions in Schedule 1 of ‘Restricted Premises’ and ‘Shop’ to accord with the Planning and Development (Local Planning Scheme) Regulations (2015) as follows:

““Restricted Premises” – means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of –

- (a) Publications that are classified as restricted under the Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth); or**
- (b) Materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or**
- (c) Smoking-related implements;”**

““Shop” - Means premises other than bulky goods showroom, a liquor store – large or a liquor store – small, used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdresser or beauty therapist services;”

Modify Table 1 (Zoning Table) to remove ‘A’ classification from ‘Local Centre’, ‘District Centre’, ‘General Industrial’ and ‘Strategic Regional Centre’ zones, for ‘Restricted Premises’ and replace with an ‘X’ classification.

Proposal 4 – Modify Table 1 (Zoning Table) to include a ‘D’ classification for the land uses ‘Childcare Premises’, and ‘Consultancy Rooms’ under the ‘Local Centre’ and ‘District Centre’ zones; and include a ‘D’ classification for the land uses ‘Motor Vehicle Repair’, ‘Motor Vehicle Wash’ and ‘Industry Rural’ in the ‘General Industrial’ zone.

Proposal 5 – Removal of the designation of ‘Development Envelopes Areas’ from the Special Control Area Map No.1 for the following properties:

- Lot 800 (57A) Mackie Road, Roleystone;
- Lot 106 (41A) Brookside Avenue, Kelmscott;
- Lot 107 (41B) Brookside Avenue, Kelmscott.

Proposal 6 – Modify the Scheme Map as follows for the following properties:

- Lots 200 and 201 (No.2 and 4) Columbia Parkway, Piara Waters from “R15/40” to “R40”;
- Reserve 50713 (Genomics Park), Piara Waters from “Residential R15/40” to “Parks and Recreation (Local)”;
- Reserve 49693 (Erade Park), Piara Waters from “Residential R15/40” and “Urban Development zone” to “Parks and Recreation (Local)”;
- Lots 129-131 Highland Rise, Piara Waters from “Urban Development zone” and “Residential R15/40” to “Residential R25”.

Proposal 7 – Rezone Lot 805 (20) Wright Road, Harrisdale from “Mixed Business and Residential” and “Local Centre” to “Local Centre”.

Proposal 8 - Rezone Lot 6 Easthope Link, Lots 3547, 3003 and 3004 Yellowwood Avenue and part Lot 9075 Lafayette Avenue, Harrisdale as identified in the Harrisdale Town Centre on the Newhaven District Shopping Centre Structure Plan from “Urban Development” zone to “District Centre” zone.

Proposal 9 - Remove Additional Use No.37 from Schedule 2 (Additional Use) and remove reference to Additional Use from the Scheme Map for now Lot 151 (879) Warton Road, Piara Waters (formerly Lot 51 – 879 Warton Road, Piara Waters).

Proposal 10 – Include Lots 1-2, 22, 25-26, 84, 86-87, 98-99, 102-103 Albany Highway, 1-5, 91-93 Turner Place, 201-202, 211, 9000 Mackinnon Street and 203-210 and 212 Asplin Loop, Kelmscott (Centre Road Canning River (West) Urban Structure Plan) within Special Control Map No.3 as ‘Development Area (Structure Plan) 46’ and Schedule 12 of the Scheme as defined below:

	Description of Land	Additional provisions applicable to subdivision and development
No.46	Lots 1-2, 22, 25-26, 84, 86-87, 98-99, 102-103 Albany Highway, 1-5, 91-93 Turner Place, 201-202, 211, 9000 Mackinnon Street, and 203-210 and 212 Asplin Loop, Kelmscott – Centre Road Canning River (West) Urban Structure Plan	46.1 Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.

2. **Refers the above Amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to Section 81 of the *Planning and Development Act 2005*. Should the EPA advise that the amendment does not require assessment, advertise the amendment for a period of 42 days.**
3. **Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.**
4. **Forward a copy of the Amendment to the Western Australian Planning Commission for information.**

MOTION not opposed, DECLARED CARRIED

(10/0)

Recommendation D31/8/16 - Proposed Amendment No.85 To Town Planning Scheme No.4 - Text Changes to Schedule 13B and Part 6B

MOVED Cr D M Shaw

That Council:

1. **Pursuant to Section 75 of the Planning and Development Act 2005, adopt Amendment No.85 to Town Planning Scheme No.4 as a complex amendment in accordance with Part 5, Clause 34 – complex amendment, subsection (e) of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows:**
 - 1.1 **Amend Development Contribution Plan No.3 in Schedule 13B by:**
 - a) **Amend the Description of Land in the second column by inserting “North Forrestdale (Piara Waters and Harrisdale) Urban Development Area” after “No.3”.**
 - b) **Change the heading of the third column from**

“Infrastructure to which cost sharing arrangements relate” to “Contribution Arrangements”.

- c) Amend Clause 3.1.1 by deleting the words “Schedule 13B, this”.**
- d) Amend Clause 3.1.3 by replacing the word “this” with “the” and replacing the word “prevails” with “prevail”.**
- e) Amend Clause 3.2 by and replacing the words “this schedule” with “Development Contribution Plan No.3”.**
- f) Amend Clauses 3.1.3, 3.2, 3.4.1, 3.4.2 (a)(i), 3.4.2 (a)(ii), 3.4.3 (first paragraph), 3.4.3 (b), 3.4.3 (d), 3.4.3 (e), 3.5.2, 3.6.2 (b), 3.6.2 (e), 3.6.2 (f), 3.10.1, 3.10.2, 3.10.5, 3.12.3 (d) (first paragraph), 3.12.3 (e), 3.12.4, 3.12.5, 3.12.6, 3.13.6 and 3.15.1 by replacing the words “Schedule 13B” with “Development Contribution Plan No.3”.**
- g) Amend Clauses 3.2 (excluding in the definition for Potential Lots), 3.4.3 (first paragraph), 3.4.3 (d), 3.4.3 (e), 3.6.2 (b), 3.6.2 (e), 3.6.2 (f), 3.10.5, 3.10.6, 3.12.4, 3.12.5, 3.13.9 and 3.13.10 by replacing the word “Clause” with “subclause”.**
- h) Amend Clauses 3.2, 3.4.3 (d), 3.10.5 and 3.12.6 by replacing the word “Clauses” with “subclauses”.**
- i) Amend Clause 3.6.2 (a) by replacing the word “this” with “the”.**
- j) Amend 3.6.2 (c) by replacing the words “this Schedule” and “Schedule 13B of the Scheme for this Development Contribution” with “Development Contribution Plan No.3”.**
- k) Amend Clause 3.6.3 (8)(a) by:
 - i) deleting “provision of sporting facilities for”**
 - ii) adding “and community” between the words “sporting” and “facilities”**
 - iii) adding “sporting / community buildings,” after “including”**
 - iv) adding “playground, multiple purpose courts,” after “toilets,”**
 - vi) deleting “a”**
 - vii) changing “oval” to “ovals”****
- l) Amend Clause 3.6.3 (8)(e) by:
 - i) adding “sporting and community facilities,” after the word “construct”**
 - ii) adding “including sporting / community buildings,” before the word “change”**
 - iii) deleting the words “and toilet block associated with active recreational uses on two sites of”**
 - iv) adding “, toilets and playgrounds on” after the word “parking”****
- m) Amend Clause 3.6.3 (8)(f) by:**

- i) deleting “50% of”
 - ii) adding “A contribution as defined in the Infrastructure Cost Schedule to” before “the total”
 - iii) adding “minus contributions from the Department of Education for ovals shared with public primary schools” after “schools”
 - iv) adding “a senior multiple purpose sporting oval” after “and”
- n) Amend Clause 3.10.1 by deleting the word “formal” and replacing the word “claim” with “prefunding application”.
 - o) Amend Clause 3.10.2 by replacing the word “claim” with “prefunding application” and adding the words “of the scheme” after “6B”.
 - p) Amend Clause 3.10.3 adding the words “or reimbursement” after the word “credit” where it occurs.
 - q) Amend Clause 3.12.1 by adding the words “of the scheme” after “6B.9.6”.
 - r) Amend Clause 3.12.3 (e) by adding the words “of the scheme” after “6B”.
 - s) Amend Clause 3.13.7 by deleting the word “this” and replacing the words “during this period” with “3.13.6” and replacing the words “Schedule 13B of the Scheme, Development Contribution Plan” with “Development Contribution Plan No.3”.
 - t) Amend Clause 3.15.1 by adding the words “of the scheme” after “6B.6”

1.2 Amend Part 6B by:

- a) Amend Clause 6B.3.1 and 6B.3.2 by replacing the word “and” that is between “13A” and “Schedule” with “or”.
- b) Amend Clause 6B.1, 6B.4.2 (a) and 6B.4.3 by replacing the number “13” with “13A or 13B”.
- c) Amend Clause 6B.9.1 (a) by adding the words “the provisions of Development Contribution Plan No.3 contained within” between the words “with” and “Schedule 13B”.

- 2. Refers the above Amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to section 81 of the *Planning and Development Act 2005*. Should the EPA advise that the Amendment does not require assessment, the City will forward the Amendment to the WAPC to obtain permission to advertise the Amendment as proposed.

Should the WAPC advise that the amendment does not require modification, advertise the Amendment for no less than 60 days.

3. Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation D32/8/16 - Proposed Amendment No.86 To Town Planning Scheme No.4 - Deemed Provisions

MOVED Cr D M Shaw

That Council:

- A) Pursuant to Section 75 of the Planning and Development Act 2005, adopt Amendment No.86 to Town Planning Scheme No.4 as a basic amendment in accordance with Part 5, Clause 34 – basic amendment, subsection (c) of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows:

1. Delete the following clauses (including associated sub clauses where applicable) from the Scheme Text, as they have been superseded by the deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2:

2.1-2.6;
6.1(f), 6.7;
6A.1-6A.8;
7-7.5;
8.1-8.4;
9.1-9.4;
10.1-10.10.

2. Insert the following deemed provisions into the Scheme Text as follows (renumber clauses and retitle Parts accordingly):

- (i) Provision 1 into Schedule 1- General Definitions;
- (ii) Provisions 2-6 into Part 2 – Local Planning Framework;
- (iii) Provisions 7-13 into Part 7 – Heritage protection;
- (iv) Provisions 14-29 into Part 6A –Development (Structure Plan) Areas;
- (v) Provisions 30 – 45 into a new Part 6C - Activity Centre Plans;
- (vi) Provisions 46 – 59 into a new Part 6D – Local Development Plans;
- (vii) Provisions 60 - 61 into Part 8- Requirement for Development Approval;
- (viii) Provisions 78A – 78G into a new Part 10A- Bushfire Risk Management;
- (ix) Provision 86 by replacing the corresponding forms in Schedule 6, 7, 8 & 9.

3. Reinstate clauses 8.2 (b) (relating to the General Rural zone),

(f), (g), (j), (k), (l) & (m) from the Scheme Text and inserting them into a new *Schedule A – Supplemental Provisions to the Deemed Provisions* to read as follows:

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the Planning and Development (Local Planning Schemes) Regulations 2015.

Clause 61(1) – Works not requiring development approval:

(Note: Refer to Cl.8.2(1) of scheme text)

- (k) Sub clauses 61(1) (c), (d) and (e) also apply to the General Rural zone;**
- (l) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List, in a heritage area or included in the Municipal Inventory adopted by the City;**
- (m) any domestic recreation or social activity ancillary to the residential use of a site, including incidental development relating to such activity unless the development involves the exercise of discretion under the Scheme or R-Codes, but excluding the construction of a tennis court involving the use of lighting for night games;**
- (n) the erection, construction, maintenance, improvement or alteration of a boundary fence or wall, except where the proposal requires the exercise of a discretion by the City under the Scheme or the R-Codes;**
- (o) minor filling, excavation or re-contouring of land, provided there is no more than 0.5 metre change to the natural ground level, which change is to include any sand pad or site works associated with building development;**
- (p) removal of vegetation except where approval of such development is otherwise required by the provisions of the scheme.**

Clause 61(2) – Uses not requiring development approval:

(Note: Refer to Cl.8.2(2) of scheme text)

- (g) agriculture where permitted in the particular zone, including the keeping of stock in accordance with the Agriculture WA ‘Stocking Rate Guidelines for Rural Small Holdings’ for the applicable pasture type.**
- 4. Reinstate Clause 11.8 (including sub clause) and insert under Part 5 - General Development Requirements in appropriate numerical order.**
 - 5. Delete the following definitions from Schedule 1 - General Definitions, as they have been amended or superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:**

“advertisement”;
“City”;
“heritage area”;
“Heritage List”;
“local government”;
“Local Planning Strategy”;
“owner”;
“place”;
“proponent”;
“proposed structure plan”;
“Region Scheme- Metropolitan”;
“Residential Design Codes”;
“Reserve”;
“structure plan”;
“substantially commenced”;
“Town Planning Act”;
“zone”.

6. Amend the following clauses by updating the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2 (as renumbered in the Scheme Text):

4.3.2, 4.8(c), 4.9.2, 5.5.2(a);
5.7.2, 5.7.3;
5B.7.3.

7. Delete reference to the following terms and replace them with the corresponding term throughout the scheme (including General Definitions where applicable) as follows:

‘City’ with ‘local government’;
‘planning approval’ with ‘development approval’;
‘Residential Design Codes’ with ‘R-Codes’
‘Town Planning Act’ with ‘Act’;
“Region Scheme- Metropolitan” with ‘region planning scheme’.

8. Amend the definition of Municipal Inventory to read as follows:

“means the municipal inventory prepared by the City under section 45 of the Heritage of Western Australia Act 1990”.

9. Delete ‘Electoral Signage’ from Schedule 5- Exempted Advertisements.
10. Delete ‘Prime Bushfire Hazard Protection Areas’ from Special Control Area Map No.1.
11. Renumber the remaining scheme provisions, schedules and contents sequentially and update any remaining cross referencing to the new clause numbers as required.

- B) Refers the above Amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to section 81 of the Planning and Development Act 2005. Should the EPA advise that the amendment does not require assessment, forward the amendment documentation to the Western Australian Planning Commission for its consideration and request the Hon Minister for Planning grant final approval to the amendment.
- C) Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.
- D) Amend the City's Local Planning Policies to reflect changes proposed by Amendment No.86 (as required) as minor amendments in accordance with Clause 5(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.

MOTION not opposed, DECLARED CARRIED (10/0)

10.3 CHIEF EXECUTIVE OFFICER'S REPORT

Report of the Chief Executive Officer .

MOVED Cr G A Best that the report be received.

MOTION not opposed, DECLARED CARRIED (10/0)

BUSINESS ARISING FROM REPORT

Recommendation - Councillors' Information Bulletin - Issue No. 15/2016

MOVED Cr K Busby

That Council acknowledge receipt of Issue No 15/2016 of the Information Bulletin.

MOTION not opposed, DECLARED CARRIED (10/0)

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**

**Inclusion of Men's Sheds and Community Gardens in Parks Facilities
Strategy (Cr Caroline Wielinga)**

That the matter of consideration of Mens' Shed and Community Gardens for inclusion in the Parks Facilities Strategy be referred to the Technical Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Zelones, declared the meeting closed at 8.35pm

MINUTES CONFIRMED THIS 12th DAY OF SEPTEMBER 2016

MAYOR