

**ORDINARY MEETING OF COUNCIL**  
**MONDAY, 24 MAY 2021**

**MINUTES**

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**CONTENTS**

<b>1</b>	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....</b>	<b>3</b>
<b>2</b>	<b>RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....</b>	<b>3</b>
<b>3</b>	<b>ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....</b>	<b>4</b>
<b>4</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>4</b>
	NIL .....	4
<b>5</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>4</b>
<b>6</b>	<b>PETITIONS .....</b>	<b>4</b>
	NIL .....	4
<b>7</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>4</b>
	MINUTES OF ORDINARY COUNCIL MEETING HELD ON 10 MAY 2021 .....	4
<b>8</b>	<b>ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.....</b>	<b>4</b>
	1. MAYOR'S ANNOUNCEMENTS .....	4
<b>9</b>	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN – WITHOUT DISCUSSION .....</b>	<b>5</b>
<b>10</b>	<b>REPORTS.....</b>	<b>5</b>
	10.1 DEVELOPMENT SERVICES COMMITTEE MEETING - 17 MAY 2021.....	5
	10.1.1 CHANGE OF USE TO RESTAURANT - LOT 25 (NO.1/508) BROOKTON HIGHWAY, ROLEYSTONE (1.1).....	6
	10.1.2 DEVELOPMENT APPLICATION - RESTAURANT, CHILD CARE PREMISES, RURAL PURSUIT AND GARDEN CENTRE - RETAIL - LOT 23 - 448 NICHOLSON ROAD, FORRESTDAL (1.2) .....	10
	10.1.3 PROPOSED CHANGE OF USE - RESTRICTED PREMISES - LOT 7 (NO.105) CHAMPION DRIVE, KELMSCOTT (1.3).....	17
	10.1.4 DEVELOPMENT CONTRIBUTION PLAN NO.4 REPORT AND INFRASTRUCTURE COST SCHEDULE 2021 - FINAL ADOPTION (2.1).....	19
	10.1.5 ARALUEN ESTATE - SUBDIVISION APPLICATIONS (REFERRAL ITEM) (3.1) .....	19
	10.1.6 LOTS 131 AND 135 PEET ROAD, ROLEYSTONE (REFERRAL ITEM) (3.2).....	19
	10.2 CORPORATE SERVICES COMMITTEE MEETING - 18 MAY 2021 .....	20
	10.2.1 LIST OF ACCOUNTS PAID - MARCH 2021 (1.1).....	20
	10.2.2 STATEMENT OF FINANCIAL ACTIVITY - MARCH 2021 (1.2).....	20

10.2.3	NOTICE OF INTENTION TO IMPOSE DIFFERENTIAL RATES (1.3)	20
10.2.4	FOUR YEAR BUDGET 2021/22 TO 2024/25 (1.4)	22
10.2.5	CORPORATE BUSINESS PLAN 2020 TO 2025 (2.1)	22
10.2.6	LEASING - ORCHARD HOUSE - PORTION OF LEVEL 2 (3.1)	23
10.3	CHIEF EXECUTIVE OFFICER'S REPORT - 24 MAY 2021	23
10.3.1	COUNCILLORS INFORMATION BULLETIN - ISSUE NO 8/2021 (1.1)	23
<b>11</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>23</b>
<b>12</b>	<b>URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION</b>	<b>23</b>
	NIL	23
<b>13</b>	<b>MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION</b>	<b>24</b>
	NIL	24
<b>14</b>	<b>MATTERS REQUIRING CONFIDENTIAL CONSIDERATION</b>	<b>24</b>
	NIL	24
<b>15</b>	<b>CLOSURE</b>	<b>24</b>

# CITY OF ARMADALE

## MINUTES

OF ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,  
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 24  
MAY 2021 AT 7.00PM.

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### 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

*The Mayor, Cr Butterfield, declared the meeting open at 7.00 pm and acknowledged the traditional custodians of this land, the Whadjuk people of the Noongar nation and Elders past, present and emerging.*

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

#### PRESENT:

Mayor, Cr R Butterfield presided over	River Ward
Deputy Mayor, Cr C Frost	Lake Ward
Cr J H Munn CMC	Ranford Ward
Cr S Peter JP	Ranford Ward
Cr M S Northcott	Palomino Ward
Cr C A Campbell JP	Palomino Ward
Cr D M Shaw	Heron Ward
Cr G J Smith	Minnawarra Ward
Cr K Busby	Minnawarra Ward
Cr G Nixon	Hills Ward
Cr C M Wielinga	Hills Ward

#### IN ATTENDANCE:

Ms J Abbiss	Chief Executive Officer
Mr J Lyon	Executive Director Corporate Services
Mr P Sanders	Executive Director Development Services
Mr T Naudè	A/Executive Director Technical Services
Mr N Kegie	A/Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant

Public: 7                      Press: Nil

#### LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr E J Flynn and Cr M Silver

#### APOLOGIES:

Nil

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

Nil

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**4 PUBLIC QUESTION TIME**

Nil

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**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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**6 PETITIONS**

Nil

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**7 CONFIRMATION OF MINUTES**

**7.1 PREVIOUS ORDINARY COUNCIL MEETING  
HELD ON 10 MAY 2021.**

MOVED Cr C A Campbell that the Minutes of the Ordinary Council Meeting held on 10 May 2021 be confirmed as a true and accurate record.

**MOTION not opposed, DECLARED CARRIED (11/0)**

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

**1. Mayor's Announcements**

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Tuesday 11 May 2021

Attended a regular meeting with the CEO to discuss advocacy items.

Wednesday 12 May 2021

Had a photo taken with the Acting Manager of Parks to promote the City winning two Waterwise Awards – ‘Gold Star’ status under the Waterwise building Program for management of water use within the Orchard House Building and endorsement status under the Waterwise Council Program.

Thursday 13 May 2021

Attended a meeting with the CEO and Executive Director, Development Services to discuss a potential development.

Friday 14 May 2021

Along with Cr Smith, I attended the Armadale Writers Group 2021 anthology book launch. The group is celebrating 21 years as a group. Dr Tony Buti MLA, Mr Matt Swinbourn MLC and Mr Hugh Jones MLA were also in attendance.

Attended the Armadale Arts Festival, Pub Choir event held at the Narrogin Inn.

Saturday 15 May 2021

Was interviewed on Heritage FM in their studio and discussed local topics of interest.

Monday 17 May 2021

Met for a regular meeting with the CEO to discuss local issues.

Tuesday 18 May 2021

Attended a joint South and East Metropolitan District Emergency Management Committee Meeting and participated in Exercise Navitas. The City's Manager of Ranger Services and the Emergency Services Coordinator were also in attendance.

Met with Developer to be updated on a project in Kelmscott. The CEO and Executive Director of Development Services were also in attendance.

Wednesday 19 May 2021

Held discussion with a local resident in relation to Ranger Services and wandering cats.

Friday 21 May 2021

Along with the CEO, met with Mr Andrew Hastie MP, Member for Darling Range at his electorate office in Mandurah to discuss the City's advocacy positions.

Saturday 22 May 2021

Attended the FOCUS Photo Competition at the Armadale Library to present the winners. Cr Busby thanked volunteers for their efforts in the community at the City's National Volunteer Week event at the Grand Cinemas, 'Afternoon at the Movies', on my behalf. Cr Smith also attended.

Monday 24 May 2021

Attended a regular meeting with the CEO and Deputy Mayor to discuss local issues.

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

Nil

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**10 REPORTS**

**10.1 DEVELOPMENT SERVICES COMMITTEE MEETING**

Report of the Development Services Committee held on 17 May 2021.

**CORRECTION:**

Page 83 Item 3.2 – The item heading should read:  
Lots 12 (131) and Lot 11 (135) Peet Road, Roleystone  
Recommendation D7/5/21 to also be corrected to reflect the above location details.

MOVED Cr D M Shaw that the report, subject to the above correction, be received.

**MOTION not opposed, DECLARED CARRIED**

**(11/0)**

## BUSINESS ARISING FROM REPORT

Recommendation D2/5/21 - Change of Use to Restaurant - Lot 25 (No.1/508) Brookton Highway, Roleystone

MOVED Cr D M Shaw

**That Council:**

**A) Approves the application for Development Approval for Change of Use to Restaurant on Lot 25, (Shop 1, No.508) Brookton Highway, Roleystone, subject to the following conditions and advice notes:**

**Conditions:**

- 1. Prior to the commencement of the use, a revised site plan shall be submitted to and approved by the City's Planning Services, in-accordance with Schedule 2, Part 9, Clause 74(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* that modifies the proposal by providing sufficient car parking spaces in accordance with the car parking strategy required by Condition 2.**
- 2. To ensure parking does not exceed the total number of parking bays available onsite at any one time and cause any significant adverse impacts on the amenity of the area, a car parking strategy shall be prepared by the applicant and/or landowner and approved by the Executive Director Development Services to manage the demand for parking upon commencement of operations by staff and customers/clients, via appropriate management practises. This may include a legal lease arrangement with Main Roads WA for use of parking areas within adjacent Brookton Highway road reserve or construction of additional parking spaces at the rear of the building.**
- 3. Prior to occupation, for the increase in the number of patrons, all vehicle manoeuvring and car parking spaces shall be constructed, sealed, kerbed and drained in accordance with the revised site plan required by Condition 1 to the satisfaction of the Executive Director Technical Services and continuously maintained thereafter. Relocation/removal of any services/infrastructure will be at the cost of the developer.**
- 4. Maximum number of patrons at any one time shall not exceed sixty (60) persons.**
- 5. A schedule of external colours and materials shall be submitted to the City's Planning Services 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.**
- 6. Hours of operation shall not exceed the following:**
  - Monday to Thursday - 7.00am to 9.30pm;**
  - Friday to Saturday - 7.00am to 10.00pm;**
  - Sunday and Public Holidays - 8.00am to 8.30pm;**

- Rear balcony use is restricted to the following hours:
  - Monday to Thursday - 7.00am to 8.30pm;
  - Friday to Saturday - 7.00am to 9.30pm;
  - Sunday and Public Holidays - 8.00am to 8.30pm.
- 7. The Bushfire Management Plan submitted by WA Fire and Safety (dated February 2020, attached), shall be implemented including site preparation and establishment of the Asset Protection Zone prior to commencement of the use.
- 8. Prior to commencement of the use, a notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). The notification is to state as follows:

*“The subject lot is subject to a bushfire management plan and is within a bushfire prone area. Dwellings and/or habitable buildings shall be designed/constructed in-accordance with Australian Standard 3959 – ‘Construction of Buildings in Bushfire-Prone Areas’ (or superseding standard) to minimise the risk of property damage”.*
- 9. Prior to commencement of the use, the Acoustic Assessment Report and noise management plan submitted by Herring Storer Acoustics (dated November 2020) shall be reviewed and resubmitted for the City’s approval to account for all significant noise sources generated by the use (i.e. not just the additional noise generated by the increase in patrons) and to include a comprehensive account of the methodology used.
- 10. The revised Acoustic Assessment Report and noise management plan required by Condition 9 shall be implemented to the satisfaction of the Executive Director Development Services.
- 11. A report (audit) on compliance with the revised Acoustic Assessment Report required by Condition 9 shall be submitted to the City on an annual basis by the 25 May each year, for a period of three years from the commencement of the use. The annual audit must include:
  - a) the Restaurant’s operations measured against the *Environment Protection (Noise) Regulations 1997* and this shall include but not be limited to a complete operational noise survey;
  - b) compares the results of the noise as part of the operational noise survey to the initial noise modelling assessment submitted with the application;
  - c) defines compliance with the *Environmental Protection (Noise) Regulations 1997*;
  - d) confirms timeframes for the implementation of appropriate mitigation measures, where compliance has not been met, to the satisfaction of the Executive Director Development Services;
  - e) A suitably qualified and experienced person must conduct the audit to the satisfaction of the City.

12. **Prior to commencement of development, the landowner shall enter into a Deed of Agreement with Main Roads WA. The agreement is to run in perpetuity and address the following:**
  - a. **Brookton Highway has been identified as a site for future road widening and road modifications, which will impact access to the property and the proposed car parking to be accommodated within the future Brookton Highway Primary Regional Road reservation identified within the Metropolitan Region Scheme.**
  - b. **The subject car parking is of temporary nature and will be removed as part of the road widening and road modification works.**
  - c. **The landowner will not make an application for compensation for the loss of car parking and access modifications as a result of the above works.**
  - d. **The land owner will be required to provide alternative car parking at suitable locations elsewhere on the property to satisfy the City of Armadale's planning requirements.**
  - e. **In the event the subject lot is redeveloped in the intermediate period, all car parking will be provided outside of the MRS area and any land area identified for road widening, with the proposed car parking and any other improvements within the MRS area to be removed.**
  
13. **All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.**

#### Advice Notes

1. **The applicant and/or landowner will be required to submit an Effluent Treatment System Application to the City's Health Services which is available on the City's website: <https://www.armadale.wa.gov.au/sewage-and-effluent-disposal>. The existing onsite effluent treatment system will require upgrading due to the increased output of waste generated by the increase in patron numbers.**
2. **Please note Condition 12 was set by Main Roads Western Australia (MRWA). All enquiries regarding those Conditions should be directed to MRWA's Metropolitan Region Asset Manager, at:**

**Main Roads WA  
PO Box 6202  
EAST PERTH WA 6892  
TEL: 138 138  
EMAIL: enquiries@mainroads.wa.gov.au**
3. **With regard to the Condition requiring a car parking strategy, the strategy should outline appropriate management practises including (but not limited to): location of all parking areas, legal agreement relating to any offsite parking areas, peak trading times for other tenancies in development; staff numbers/shift management, hours of operation, advice to patrons on specifics such as peak periods and events, and encouragement of shared parking arrangements, car-pooling and alternative forms of transport.**



4. With regard to the Condition on construction of vehicle manoeuvring spaces, the City's Technical Services Directorate should be contacted in order that the appropriate crossover application may be made.
5. With regard to Condition 13, the owner and/or applicant is encouraged to provide written evidence to the City to demonstrate compliance of the conditions noted above. For further information please refer to Planning Information Sheet "Development Application Condition Clearance" available at <https://www.armadale.wa.gov.au/information-sheets-forms-and-fees-building-planning>
6. The applicant and landowner are advised that it is a statutory requirement to comply with all conditions of this approval, and that not complying with any condition is therefore illegal. Failure to comply with any condition of this approval or the approved plans constitutes an offence under the Planning Development Act 2005. The City can issue a Planning Infringement Notice of \$500 (without notice) and/or commence legal action with higher penalties up to \$200,000 for each offence and a daily penalty of \$25,000 per day for the continuation of that offence. It is the responsibility of the applicant and/or landowner to inform the City in writing when they consider the development to be complete and all conditions of this approval have been satisfied.
7. Compliance with the Building Code of Australia is required. In this regard, a Building / Demolition Permit application is to be submitted to the City's Building Department and approved prior to the erection / demolition of any structure on the subject site.
8. The developer is reminded of the requirement under the provisions of the Environmental Protection Act that all construction work (which includes earthworks and similar) be managed with due regard for noise control. Works generating noise and rock breaking in particular, are not permitted:-
  - Outside the hours of 7:00am to 7:00pm; or
  - On a Sunday or Public Holiday
9. If the applicant is aggrieved by a Refusal to Approve his/her application, or, where Approved, is aggrieved by any Condition imposed in that Approval he/she may apply for a Review to the State Administrative Tribunal pursuant to the provisions of Part 14 of the Planning and Development Act 2005 against such refusal or imposition of such aggrieved Condition.

Such application for Review must be made not more than twenty eight (28) days after the date of Council's decision via the form available from the State Administrative Tribunal (copies available from the State Administrative Tribunal, Level 6, State Administrative Tribunal Building, 565 Hay Street, Perth, WA, 6000 or GPO Box U1991, Perth, WA, 6845, or [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) or from Council's offices), and should be accompanied by the relevant fee detailed in Schedule 18 of the State Administrative Tribunal Regulations 2004).

10. If the development the subject of this approval is not **substantially commenced** within a period of 24 months from the date of this letter, the approval shall lapse and be of no further effect.
11. Where the approval has so lapsed, no development shall be carried out without the further approval of the City having first been sought and obtained.

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

**MOTION not opposed, DECLARED CARRIED (11/0)**

Recommendation D3/5/21 - Development Application - Restaurant, Child Care Premises, Rural Pursuit and Garden Centre - Retail - Lot 23 - 448 Nicholson Road, Forrestdale

*Cr Shaw declared a non-financial interest in this item on the basis of her association with the Owner's daughter. As a consequence, there may be a perception that her impartiality on the following matter may be affected, but declared that she would set aside this association, consider the matter on its merits and vote accordingly.*

MOVED Cr D M Shaw

**That Council:**

- A) Approves the application for Planning Approval for a Restaurant, Child Care Premises, Rural Pursuit and Garden Centre-Retail at Lot 23 (448) Nicholson Road, Forrestdale subject to the following conditions:
1. Operating hours of the Child Care Premises shall be 7am to 7pm Monday to Saturday and not at all on Sundays and Public Holidays. All activities shall be conducted in a manner to avoid any noise impact upon adjoining neighbours, to the satisfaction of the Executive Director Development Services.
  2. The operating hours of the use shall be restricted to:
    - Garden Centre - Retail - 7am to 5pm - Monday to Sunday (including public holidays); and
    - Restaurant - 7am to 10pm - Monday to Sunday (including public holidays)to the satisfaction of the Executive Director Development Services.
  3. Prior to the commencement of works, a Construction Management Plan is to be prepared and submitted to the Executive Director Development Services for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall be implemented to the satisfaction of the Executive Director Development Services and detail how the construction of the development will be managed, including the following:
    - a) Public safety and site security;
    - b) Hours of operation;
    - c) Dust management;
    - d) Waste and material disposal;
    - e) Traffic management plans for the various phases of the construction;
    - f) Parking arrangements for contractors and sub-contractors;
    - g) Delivery and access arrangements;

- h) The storage of materials and equipment on site (no storage of materials within the public realm will be permitted);**
  - i) Bonding and remediation arrangements; and**
  - j) Any other matters likely to impact upon the surrounding properties or public realm.**
- 4. Prior to occupation of the Child Care use, an Operational Management Plan shall be submitted to and approved by the Executive Director Development Services. The plan must address Clause 4.6.8 of Local Planning Policy PLN 3.2 - Child Care Premises and Family Day Care. The Child Care Premises shall be operated in accordance with the approved Operational Management Plan thereafter.**
- 5. Submission and implementation of an Erosion and Sedimentation Control Management Plan detailing all soil being contained on site and kept out of water courses and appropriate measures implemented to prevent soil erosion by wind and rain during and after development to the satisfaction of the City.**
- 6. The management recommendations of the Water Management Plan prepared by Emerge Associates (dated August 2020) shall be implemented prior to occupation of the development and maintained thereafter to the satisfaction of the Executive Director Technical Services.**
- 7. Prior to commencing site works, a Nutrient and Irrigation Management Plan shall be submitted to and approved by the Executive Director Development Services, including the proposed design of the reticulation system; the anticipated watering regime and water use figures based on flow rate; and the fertilising regime and details as to how nutrients will be kept out of the watercourse during and after development.**

**All works on site shall be carried out in accordance with the approved plan, and all ongoing control measures shall be in place prior to occupation of the development and maintained thereafter.**
- 8. Prior to occupation, an Operational Environmental Management Plan that addresses all environmental risks/impacts and identifies mitigation actions shall be submitted and approved by the Executive Director Development Services. The development shall be operated in accordance with the approved Operational Environmental Management Plan thereafter.**
- 9. An Alcohol Risk Management Plan consistent with the City's Policy HLTH3 – Alcohol Risk Minimisation being submitted and approved by the City prior to the commencement of the Restaurant uses to the satisfaction of the City. The Alcohol Risk Management Plan shall be implemented thereafter to the satisfaction of Executive Director Development Services.**
- 10. A Waste Management Plan shall be submitted and approved by the City prior to commencement of site works. Waste collection shall be carried out in accordance with the approved plan thereafter.**
- 11. The Bushfire Management Plan submitted by Emerge Associates (August 2020), shall be implemented including site preparation and establishment of the Asset Protection Zone prior to occupation of the development.**

12. A revised Emergency Evacuation Plan (EEP) shall be submitted to the City prior to occupation of the development (refer advice note P).
13. The development shall be connected to reticulated sewer and reticulated water prior to occupation, to the satisfaction of Executive Director Development Services on advice from Water Corporation.
14. Prior to occupation of the development, vehicle maneuvering space requirements being constructed by the developer/owner, to the specifications and satisfaction of the Executive Director Technical Services including:
  - a) Construct/seal all such areas, including drainage and kerbing/markings where necessary, in accordance with the approved site plan;
  - b) Relocate/remove any services/infrastructure as necessary;
  - c) Remove any existing crossover(s) and reinstate all kerbing/footpaths/verge areas; and
  - d) Arrange for continuous maintenance of all such areas thereafter.
15. Prior to commencement of works, the Transport Impact Statement prepared by KC Traffic and Transport PTY Ltd (Revision D, dated 21 December 2020) being updated to the satisfaction of the Executive Director Technical Services to include the following:
  - The proposed 120m long deceleration right turn shall be a channelized right turn (CHR) with appropriate widening of the pavement;
  - The proposed left turn auxiliary lane must be at least 70m long;
  - The Entry/Exit location must be adequately illuminated. Street lighting must be incorporated in accordance with relevant standards; and
  - Accurate review of Vehicles Per Day (VPD) on Nicholson Road and factoring in this information when determining design parameters for right/left turning lanes.
16. Engineering drawings and specifications shall be submitted and approved prior to commencement of site works and works shall be undertaken in accordance with the approved plan, engineering drawings and specifications prior to occupation of the development, to the satisfaction of the Executive Director Technical Services, for:
  - The proposed 120m long deceleration right turn shall be a channelized right turn (CHR) with appropriate widening of the pavement;
  - The proposed left turn auxiliary lane must be at least 70m long;
  - The Entry/Exit location must be adequately illuminated; and
  - Street lighting must be incorporated in accordance with relevant standards.
17. To meet drainage requirements prior to commencement of works, 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;
  - b) Incorporate relevant measures pertaining to environmental protection;
  - c) Show any drainage easements as may be required on the Certificate of Title in favour of the City; and
  - d) Relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development.

18. The Child Care Premises (inclusive of fencing) shall be constructed and implemented prior to occupation in accordance with the recommendations of the Acoustic Report dated 17 February 2021 prepared by Hewshott Acoustics International to the satisfaction of the Executive Director Development Services.
19. Prior to the occupation of the development, a final Acoustic Assessment must be prepared and provided to the City, which demonstrates to the City's satisfaction that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*. The Final Acoustic Assessment must include the following information:
- a) noise sources being measured at the nearest "noise sensitive premises" and the surrounding residential area, and those measurements compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*;
  - b) the tonality, modulation and impulsiveness of all the noise sources referred to in a); and
  - c) specific consideration of amplified noise and mechanisms to manage compliance.

Any further works required by the final Acoustic Assessment must be implemented upon approval to the satisfaction of the Executive Director Development Services, and maintained thereafter for the duration of the development.

20. The Child Care Premises is restricted to a maximum of 44 children at any given time.
21. The construction (retrofit works) of the proposed Child Care Premises must be to the 'quiet house design package B' construction standards outlined in the Acoustic Assessment provided by Hewshott Acoustics International (dated 17 February 2021).
22. A revised landscape plan shall be submitted to and approved by the Executive Director Development Services. The landscape plan shall include:
- a) Plant species (predominantly West Australian natives);
  - b) Numbers, location, container size;
  - c) Method of irrigation of the landscaped areas;
  - d) Landscaping and treatment of adjoining verge areas;
  - e) The provision of a boundary landscaping strip along the northern boundary to screen the driveway and car parking areas;
  - f) The provision of shade trees within the car park at the rates of at least 1 tree per 10 metre interval along any line of car parking; and
  - g) Retention of existing trees as identified on the approved site plan.

All landscaping shall be installed prior to occupancy of the development and maintained as per the approved plan thereafter.

23. Bin storage and outdoor storage areas shall be conveniently located and screened from view and adjoining properties, to the satisfaction of the Executive Director Development Services.

24. Prior to submission of a Building Permit, a schedule of external colours and materials shall be submitted 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.
25. Stocking rates shall not exceed those allowed by the Department of Agriculture and Food's 'Stocking Rate Guidelines for Rural Small Holdings' / the approved Land Management Plan.
26. External clothes drying areas shall be screened from view from public spaces and adjoining properties to the satisfaction of the Executive Director Development Services.
27. 'End of trip bicycle facilities' in accordance with Clause 4.11.1 and Schedule 7B of Town Planning Scheme No.4 shall be provided prior to occupation of the development in a location agreed to by the Executive Director Development Services and continuously maintained thereafter.
28. Car parking demand shall not exceed the number of parking bays approved for the development, being (94) vehicle bays for visitors/customers, at any one time.
29. All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.

**ADVICE TO APPLICANTS:**

- A. The applicant/owner is advised of the requirement to comply with the following:
  - *Education and Care Services National Law (WA) Act 2012 and Education and Care Services National Regulations 2012* (or superseding standards);
  - All noise emitted from the premises must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*;
  - Premises must comply with the *Food Act 2008* and the Food Standards Code;
  - *Health (Asbestos) Regulations 1992* associated with the handling of Asbestos Cement Products (ACP's);
  - *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* regarding the decommissioning of an apparatus for the treatment of sewage;
  - Lighting shall comply with Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting" or its equivalent and the City's *Environment, Animals and Nuisance Local Laws 2002*; and
  - City's *Environment, Animals and Nuisance Local Laws 2002* which include requirements in relation to the keeping of farm animals.
- B. A planning application will need to be submitted to the City indicating the comprehensive advertising sign format for the site. Subsequent applications for sign approvals shall conform to the planning consent as issued by the City.

- C. With regard to the condition limiting the number of children in attendance at the Child Care Premises, please be advised that the Department for Local Government and Communities may further restrict the number of children under their licence.
- D. The applicant is advised to liaise with the City's Health Services to arrange for an inspection of the premises to ensure compliance with requirements of the *Health Act 1911* and the Department of Local Government and Communities (State Government) to apply for and obtain the necessary licence.
- E. With regard to the Condition 4 for the Operational Management Plan, please be advised that any changes made to the Management Plan shall be submitted to and approved by the City's Planning Services prior to any changes being actioned.
- F. 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 Services and approved prior to occupation of the proposed building.
- G. With regard to the Acoustic Assessment condition, this also includes:
- no amplified music shall be played between 10pm and 7am Monday to Saturday and 10pm to 9am Sundays and Public Holidays;
  - any additional uses of the site not included for assessment is not permitted without prior consent of the City of Armadale; and
  - 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.
- H. The operator may only sell/serve liquor within the restaurant areas as per this approval and during the operating hours prescribed in a licence approved by the Department of Racing, Gaming and Liquor.
- I. With regard to the condition regarding vehicle manoeuvring spaces, the City's Technical Services Directorate should be contacted in order that the appropriate crossover application may be made.
- J. With regard to the condition requiring a Stormwater Management Plan, Stormwater management should be in accordance with South Forrestdale Local Water Management Strategy.
- K. With regard to the condition requiring a Landscape Plan, please refer to the City's Landscaping Guidelines – Screening and Industrial and Commercial, Landscaping Guidelines – Plants to Avoid, the City's Urban Forestry Strategy and Landscape Factsheet - Trees for Confined Spaces to assist you to formulate a satisfactory landscaping proposal. Copies of these documents are available on the City's website at:  
<https://www.armadale.wa.gov.au/information-sheets-forms-and-fees-building-planning>

The Landscape plan shall include locally native species and avoid any invasive species that are not suitable within close proximity to James Drain. The fruit trees can be included in the landscape plan.

- L. With regard to Condition requiring compliance with the Stocking Rate Guidelines for Rural Small Holdings, stocking rates must not exceed those approved. Under Clause 4B.6 of *Town Planning Scheme No.4*, land must not be grazed or stocked in such a way as to cause topsoil to be exposed, trees to be ring-barked or otherwise damaged, watercourse margins to become degraded or natural resource values to be detrimentally affected. If these requirements are breached, the City may order a reduction in or the removal of stock from the property.
- M. The applicant and landowner are advised that it is a statutory requirement to comply with all conditions of this approval, and that not complying with any condition is therefore illegal. Failure to comply with any condition of this approval or the approved plans constitutes an offence under the *Planning and Development Act 2005*. The City can issue a Planning Infringement Notice of \$500 (without notice) and/or commence legal action with higher penalties up to \$200,000 for each offence and a daily penalty of \$25,000 per day for the continuation of that offence. It is the responsibility of the applicant and/or landowner to inform Council in writing when they consider the development to be complete and all conditions of this approval have been satisfied.
- N. Compliance with the Building Code of Australia is required. In this regard, a Building / Demolition Permit application is to be submitted to the City's Building Department and approved prior to the erection / demolition of any structure on the subject site.
- O. The developer is reminded of the requirement under the provisions of the *Environmental Protection Act* that all construction work (which includes earthworks and similar) be managed with due regard for noise control. Works generating noise and rock breaking in particular, are not permitted:-
- Outside the hours of 7:00am to 7:00pm; or
  - On a Sunday or Public Holiday.
- P. With regard to the condition for the implementation of the Emerge Associates Bushfire Management Plan the Department of Fire and Emergency Services has provided the following advice:
- *DFES encourage that the Animal Pens and Storage (straw) depicted on the site plan be relocated to an area with a bushfire attack level of BAL-29 or lower.*

In relation to the condition requiring finalisation of the Emergency Evacuation Plan, the Department of Fire and Emergency Services has provided the following advice:

- *The referral has included an 'Evacuation Plan' for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.2 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail in regard to what an EEP should include and will ensure the appropriate content is detailed when finalising the EEP to the satisfaction of the City of Armadale.*



- Q. The applicant is advised that fencing associated with the proposed development, other than that specified under the condition relating to the Acoustic Assessment, is to comply with the requirements of the City of Armadale *Fencing Local Law 2011*.**
- R. If the applicant is aggrieved by a Refusal to Approve his/her application, or, where Approved, is aggrieved by any Condition imposed in that Approval he/she may apply for a Review to the State Administrative Tribunal pursuant to the provisions of Part 14 of the *Planning and Development Act 2005* against such refusal or imposition of such aggrieved Condition.**
- Such application for Review must be made not more than twenty eight (28) days after the date of Council's decision via the form available from the State Administrative Tribunal (copies available from the State Administrative Tribunal, Level 6, State Administrative Tribunal Building, 565 Hay Street, Perth, WA, 6000 or GPO Box U1991, Perth, WA, 6845, or [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) or from Council's offices), and should be accompanied by the relevant fee detailed in Schedule 18 of the *State Administrative Tribunal Regulations 2004*.**
- S. If the development the subject of this approval is not substantially commenced within a period of 24 months from the date of this letter, the approval shall lapse and be of no further effect.**
- T. Where the approval has so lapsed, no development shall be carried out without the further approval of the City having first been sought and obtained.**

**B. Advise the submitters of the Council decision in this regard.**

**MOTION not opposed, DECLARED CARRIED (11/0)**

Recommendation D4/5/21 - Proposed Change of Use - Restricted Premises - Lot 7 (No.105)  
Champion Drive, Kelmscott

MOVED Cr D M Shaw

**That Council:**

- A) Approves the application for Planning Approval for a change of use to Shop and Restricted Premises on Lot 7, No.105 Champion Drive Kelmscott subject to the following conditions:**
- 1. The Restricted Premises facility is restricted to 8am to 8pm on weekdays, weekends and public holidays.**
  - 2. Car parking demand shall not exceed the number of parking bays required for the respective Restricted Premises and Shop uses.**
  - 3. All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.**

**ADVICE TO APPLICANTS:**

- A. All noise emitted from the premises must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.**
- B. Applicant to comply with the *Tobacco Products Control Act 2006* with respect to the Restricted Premises.**
- C. Applicant to comply with the *Food Act 2008* and Food Safety Standards in the event of food products or liquor sold from the Shop.**
- D. The applicant is advised to liaise with the City's Planning Services if signage is associated with the proposal.**
- E. The applicant and landowner are advised that it is a statutory requirement to comply with all conditions of this approval, and that not complying with any condition is therefore illegal. Failure to comply with any condition of this approval or the approved plans constitutes an offence under the *Planning and Development Act 2005*. The City can issue a Planning Infringement Notice of \$500 (without notice) and/or commence legal action with higher penalties up to \$200,000 for each offence and a daily penalty of \$25,000 per day for the continuation of that offence.**

**It is the responsibility of the applicant and/or landowner to inform Council in writing when they consider the development to be complete and all conditions of this approval have been satisfied.**

- F. Compliance with the Building Code of Australia is required. In this regard, a Building / Demolition Permit application is to be submitted to the City's Building Department and approved prior to the erection / demolition of any structure on the subject site.**
- G. The developer is reminded of the requirement under the provisions of the *Environmental Protection Act* that all construction work (which includes earthworks and similar) be managed with due regard for noise control. Works generating noise and rock breaking in particular, are not permitted:-**
  - a. Outside the hours of 7:00am to 7:00pm; or**
  - b. On a Sunday or Public Holiday**
- H. If the applicant is aggrieved by a Refusal to Approve his/her application, or, where Approved, is aggrieved by any Condition imposed in that Approval he/she may apply for a Review to the State Administrative Tribunal pursuant to the provisions of Part 14 of the *Planning and Development Act 2005* against such refusal or imposition of such aggrieved Condition.**

**Such application for Review must be made not more than twenty eight (28) days after the date of Council's decision via the form available from the State Administrative Tribunal (copies available from the State Administrative Tribunal, Level 6, State Administrative Tribunal Building, 565 Hay Street, Perth, WA, 6000 or GPO Box U1991, Perth, WA, 6845, or [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) or from Council's offices), and should be accompanied by the relevant fee detailed in Schedule 18 of the *State Administrative Tribunal Regulations 2004*).**

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

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

**MOTION not opposed, DECLARED CARRIED (11/0)**

Recommendation D5/5/21 - Development Contribution Plan No.4 Report and Infrastructure Cost Schedule 2021 - Final Adoption

MOVED Cr D M Shaw

**That Council:**

1. In accordance with Development Contribution Plan 4 in Schedule 9b of Town Planning Scheme No.4 approve the attached Development Contribution Plan 4 Report and Infrastructure Cost Schedule 2021, including the Assessed Values, which includes a Cost Contribution per hectare Base Rate and Additional Rate of \$379,345.72 and \$72,559.13 respectively.

**MOTION not opposed, DECLARED CARRIED (11/0)**

Recommendation D6/5/21 - Araluen Estate - Subdivision Applications (Referral Item)

MOVED Cr D M Shaw

**That Council note if any significant changes to the Structure Plan (Subdivision Guide Plan) for the Araluen Estate or a new Structure Plan is lodged with the City for consideration, then a report will be prepared to Council for its consideration of the proposal.**

**MOTION not opposed, DECLARED CARRIED (11/0)**

Recommendation D7/5/21 - Lots 12 (131) and Lot 11 (135) Peet Road, Roleystone (Referral Item)

MOVED Cr D M Shaw

**That Council notes that should any subdivision applications be referred to the City for comment by the Western Australian Planning Commission for Lots 12 (131) and 11 (135) Peet Road, Roleystone that the City requests that the public open space contribution should be ceded as land (rather than as a public open space cash-in-lieu contribution) to protect some of the bushland and preferably adjoining an existing Crown Reserve for Recreation if possible.**

**MOTION not opposed, DECLARED CARRIED (11/0)**

**10.2 CORPORATE SERVICES COMMITTEE MEETING**

Report of the Corporate Services Committee held on 18 May 2021.

**CORRECTION:**

Page 127 Recommendation CS31/5/21 - the timeframe for the Corporate Business Plan to be corrected to read “~~2020-2025~~”

MOVED Cr J H Munn that the report, subject to the above correction, be received.

**MOTION not opposed, DECLARED CARRIED (11/0)**

**BUSINESS ARISING FROM REPORT**

Recommendation CS27/5/21 - List of Accounts Paid - March 2021

MOVED Cr J H Munn

**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 \$11,891,558.84 on Batch 2595-2603, Cheques 033194-033202, 033204, 033209-033220, Direct Debits & PY01.19-PY01.20**

**Credit Card**

**Accounts Paid totalling \$7,969.81 for the period ended March 2021.**

**MOTION not opposed, DECLARED CARRIED (11/0)**

Recommendation CS28/5/21 - Statement of Financial Activity - March 2021

MOVED Cr J H Munn

**That Council:**

- 1. pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accepts the Statement of Financial Activity for the nine (9) month period ended 31 March 2021;**
- 2. notes that there are reportable actual to budget material variances for the period.**

**MOTION not opposed, DECLARED CARRIED (11/0)**

Recommendation CS29/5/21 - Notice of Intention to Impose Differential Rates

MOVED Cr S Peter that Recommendation CS29/5/21 with a change to part (2) be adopted.

SECONDED Cr J H Munn

OPPOSED Cr D M Shaw

- 1. ENDORSE the rating strategy, objects and reasons for each differential rating category and each minimum payment contained in the attachment to this report, as amended.**

2. Pursuant to section 6.36 of the Local Government Act 1995, AGREES to provide local public notice of its intention to impose differential rates and minimum payments for the 2021/22 financial year (FY22) Rating Objects and Reasons, **with no change from the current year (FY21) rates**, as outlined below:

Differential Rate Category	Rate in the \$	Minimum Rate
1. Vacant Land	14.9970c	\$1,022
2. Residential Improved	10.3323c	\$1,179
3. Business Improved	9.3570c	\$1,371

3. Notes that a further report will be submitted on the Kelmscott Specified Area Rate for the 2021/22 financial year, providing further details on the actual expenditure for the current financial year, the proposed expenditure for the forthcoming financial year, and options for the Specified Area Rate charge.

**MOTION LOST**

**(2-9)**

MOVED Cr D M Shaw, SECONDED Cr K Busby  
OPPOSED Cr S Peter

**That Council:**

- ENDORSE the rating strategy, objects and reasons for each differential rating category and each minimum payment contained in the attachment to this report, as amended.**
- Pursuant to section 6.36 of the *Local Government Act 1995*, AGREES to provide local public notice of its intention to impose differential rates and minimum payments for the 2021/22 financial year (FY22) in accordance with the attached *Statement of Rating Objects and Reasons*, and as outlined below:**

Differential Rate Category	Rate in the \$	Minimum Rate
1. Vacant Land	15.18446c	\$1,035
2. Residential Improved	10.4614c	\$1,194
3. Business Improved	9.47396c	\$1,388

- Notes that a further report will be submitted on the Kelmscott Specified Area Rate for the 2021/22 financial year, providing further details on the actual expenditure for the current financial year, the proposed expenditure for the forthcoming financial year, and options for the Specified Area Rate charge.**

**MOTION DECLARED CARRIED**

**(10/1)**

*At the request of Cr Peter the outcome of voting is recorded for this resolution.*

*For: Crs Munn, Northcott, Campbell, Shaw, Busby, Smith, Frost, Wielinga, Nixon & Butterfield*

*Against: Cr Peter*

Recommendation CS30/5/21 - Four Year Budget 2021/22 to 2024/25

MOVED Cr C M Wielinga that Recommendation CS30/5/21 with the addition of a part (5) be adopted

SECONDED Cr C A Campbell, OPPOSED Cr C Frost

**That Council:**

1. **ENDORSE the Four Year Budget for the period 2021/22 to 2024/25;**
2. **INCLUDES the four year budget financial statements (Statement of Comprehensive Income, Statement of Financial Position, Rate Setting Statement and Rates Funding Statement) in the Corporate Business Plan for the years 2021/22 to 2024/25;**
3. **NOTES that the projections for the financial year ending 30 June 2022 contained in the four year budget will be used as:**
  - a. **the basis for the initial draft of the 2021/22 Annual Budget; and**
  - b. **the foundations of the Long Term Financial Plan;**
4. **NOTES that the next review of the Four Year Budget will be undertaken between September and December 2021, to establish the four year budget for the period 2022/23 to 2025/26.**
5. **In the preparation of the draft FY22 annual budget, the Chief Executive Officer is to review options for Council to consider the funding of an expansion of the current Events Strategy, without an increase in rates, and outlining the impacts on the four year budget key financial measures.**

**MOTION DECLARED CARRIED**

**(8/3)**

Recommendation CS31/5/21 - Corporate Business Plan 2020 to 2025

MOVED Cr D M Shaw

**That Council, in accordance with Regulation 19DA(6) of the *Local Government (Administration) Regulations 1996*, adopts the 2020-2025 Corporate Business Plan as presented in the Attachment to this Report as amended.**

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

**(11/0)**

Recommendation CS32/5/21 - Leasing - Orchard House - Portion of Level 2

*Cr Frost declared an indirect financial interest in the following item due to the proposed lessee providing a service to a family member of Cr Frost. As such, Cr Frost left the meeting at 8.12pm.*

*Cr Northcott disclosed that she had an association with the proposed lessee and is a participant in the NDIS. As a consequence, she advised that there may be a perception on the basis of her non-financial interests that her impartiality on the matter may be affected. Cr Northcott left the meeting at 8.12pm.*

MOVED Cr J H Munn

**That Council endorse the recommendations as contained within the Confidential report.**

**MOTION not opposed, DECLARED CARRIED (9/0)**

*Crs Frost and Northcott returned to the meeting at 8.13pm*

**10.3 CHIEF EXECUTIVE OFFICER'S REPORT**

Report of the Chief Executive Officer.

MOVED Cr M S Northcott that the report be received.

**MOTION not opposed, DECLARED CARRIED (11/0)**

**BUSINESS ARISING FROM REPORT**

Recommendation CEO6/5/21 - Councillors Information Bulletin - Issue No 8/2021

MOVED Cr M S Northcott

**That Council acknowledge receipt of Issue 8/2021 of the Information Bulletin**

**MOTION not opposed, DECLARED CARRIED (11/0)**

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**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

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

Nil

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**14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION**

Nil

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**15 CLOSURE**

*The Mayor, Cr Butterfield, declared the meeting closed at 8.15pm*

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MINUTES CONFIRMED THIS 14 JUNE 2021

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MAYOR