

ORDINARY MEETING OF COUNCIL
MONDAY, 26 JULY 2021

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, 26
JULY 2021 AT 7.00PM.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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 Keogh	River 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 E J Flynn	Heron Ward
Cr G J Smith	Minnawarra Ward
Cr K Busby	Minnawarra Ward
Cr M Silver	Lake 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 K Ketterer	Executive Director Technical Services
Mr N Kegie	A/Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant

Public: 2

LEAVE OF ABSENCE:

Nil

APOLOGIES:

Nil

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

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Request for Leave of Absence – Cr Kerry Busby

Request for leave of absence received from Cr Kerry Busby for the period Monday 23 August to Sunday 26 September 2021 inclusive.

MOVED Cr G Nixon

That Council grant leave of absence to Cr Kerry Busby for the period Monday 23 August to Sunday 26 September inclusive (includes 2 Ordinary Council Meetings – 23 August and 13 September 2021)

MOTION not opposed, DECLARED CARRIED (14/0)

6 PETITIONS

6.1 Request for footpath for Marian Avenue (Cr Kerry Busby)

A non-conforming petition signed by 59 residents was tabled by Cr Busby, the prayer of which reads:

We the undersigned respectfully request for a footpath for Marian Avenue between Abbey Road and Fifth Road.

MOVED Cr K Busby

That Council receive the petition and refer it to the Technical Services Committee.

MOTION not opposed, DECLARED CARRIED (14/0)

7 CONFIRMATION OF MINUTES

**7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 12 JULY 2021.**

MOVED Cr E J Flynn that the Minutes of the Ordinary Council Meeting held on 12 July 2021 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (14/0)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1 Mayor's Announcements

Tuesday 13 July 2021

Attended a meeting with the CEO and Acting Manager Communications to discuss the City's communications.

Was briefed by the CEO, Executive Director Corporate Services and Special Project Director -Technology regarding the OneCouncil Project.

Thursday 15 July 2021

Attended a meeting with the CEO and Deputy Mayor to discuss an urgent issue.

Friday 16 July 2021

Attended a meeting with local business operator to discuss planning matters.

Attended the Business Armadale, Meet the Minister Series, to hear Minister Tony Buti MLA speak to local businesses.

Saturday 17 July 2021

Attended the Heritage FM studio for the regular interview.

Sunday 18 July 2021

Attended a meeting with the President and Secretary of the Roleystone Volunteer Bushfire Brigade.

Monday 19 July 2021

Attended Creyk Park Pavilion building site, to see the progress on the new community facility.

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

Tuesday 20 July 2021

Attended a WALGA Environment Policy Team, Meeting via TEAMS.

Attended regular catch up with the CEO and Deputy Mayor via TEAMS.

Thursday 22 July 2021

Hosted 4 group Citizenship Ceremonies and one individual Ceremony which welcomed a total of 80 new citizens to the City of Armadale. Cr Smith, Cr Nixon and Cr Keogh were also in attendance.

Attended the Awards night at St Georges Cathedral in Perth, where year 12 students from several local schools had their art works on display. Oscar Heggars, who attends Dale Christian School won the 3D Category.

Monday 26 July 2021

Attended and addressed guests at a meet and greet for the new Industry Training Hub in the Armadale Central Shopping Centre. Various stakeholders were in attendance.

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

Nil

10 REPORTS

10.1 DEVELOPMENT SERVICES COMMITTEE MEETING

Report of the Development Services Committee held on 19 July 2021.

MOVED Cr D M Shaw that the report be received.

MOTION not opposed, DECLARED CARRIED (14/0)

BUSINESS ARISING FROM REPORT

Recommendation D20/7/21 - Development Application - Extension of Operating Hours & Change of Use - Micro Brewery and Cellar Door - Lot 18 Brookton Highway, Karragullen

Cr Munn declared a financial interest in Recommendation D20/7/21 on the basis that he has conducted a wedding ceremony at the property.

Cr Munn left the meeting at 7.06pm

MOVED Cr D M Shaw

That Council:

(A) Approves the application for Planning Approval for Restaurant extension of operation hours and a Microbrewery with incidental Cellar door on Lot 18 Brookton Highway, Karragullen, subject to the following Conditions and Advice Notes:

Conditions:

- 1. Prior to occupation of the microbrewery development, a notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate of title of the proposed lot. 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”.

- 2. The Bushfire Management Plan submitted by Bushfire West (20/01/2021 attached), shall be implemented including site preparation and establishment of the Asset Protection Zone prior to commencement of the Microbrewery.**
- 3. A Landscape Management Plan shall be submitted to and approved by the Executive Director Development Services. The Landscape Management Plan shall include location of any significant vegetation to be removed or retained to establish the Asset Protection Zone and driveway clearances as specified under the Bushfire Management Plan by Bushfire West (20/01/2021).**

All landscaping shall be managed in accordance with the Landscape Management Plan prior to commencement of the Microbrewery

development and maintained as per the approved plan thereafter.

4. No materials shall be stored in the car parking areas.
5. Prior to commencement of the Microbrewery development, all rubbish bin storage areas and servicing areas associated with the Microbrewery shall be appropriately screened from public vantage points to the satisfaction of the Executive Director Development Services.
6. Prior to commencement of the Microbrewery development, 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.
7. An Operational Management Plan is to be prepared, and lodged with the City for approval addressing matters such as (but not limited to) litter, servicing, truck deliveries, odour, and anti-social behaviour to the satisfaction of the Executive Director Development Services. The plan shall be implemented to the satisfaction of the Executive Director Development Services thereafter.
8. Prior to commencement of the Microbrewery, patron rubbish bin facilities shall be provided within the outdoor seating areas, to the restaurant and cellar door in accordance with Clause 4C.4.1 of Town Planning Scheme No.4, to the satisfaction of the Executive Director Development Services. Bins shall be continuously maintained in good condition and the surrounding area kept free of litter thereafter.
9. 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, including the identification of car parking bays onsite, 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 practices, and continuously implemented. This may include a location for temporary overflow parking area.
10. Prior to commencement of the Microbrewery, all new vehicle manoeuvring and car parking spaces shall be constructed 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.
11. Maximum number of patrons at any one time shall not exceed ninety (90) persons.
12. Hours of operation for the Restaurant and incidental Cellar Door shall not exceed the following:

Wednesday:	11:00am to 4:00pm;
Thursday:	11:00am to 9:00pm;
Friday & Saturday:	11:00am to 11:00pm;
Sunday:	8:30am to 5:00pm;
Public Holidays:	11:00am to 5:00pm.

13. **Hours of operation for the Microbrewery shall not exceed the following:
Monday & Tuesday: 8:00am to 6:00pm;**
14. **Prior to commencement of the Microbrewery use, a revised Noise Management Plan shall be resubmitted and approved to the satisfaction of the City's Health Services.**
15. **The Acoustic Assessment Report (by Herring Storer Acoustics dated 08/02/2021) and revised Noise Management Plan required by Condition 14 shall be implemented to the satisfaction of the Executive Director Development Services.**
16. **A report (audit) on compliance with the Acoustic Report (by Herring Storer Acoustics dated 08/02/2021) shall be submitted to the City on an annual basis by the 25 July each year, for a period of three years from the commencement of the use. The annual audit must include:**
 - a) **the Restaurant, Microbrewery and incidental Cellar Door 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 City's Health Services;**
 - e) **A suitably qualified and experienced person must conduct the audit to the satisfaction of the City.**
17. **The existing Effluent Treatment System is to be upgraded in accordance with the approved plans and to the satisfaction of the Executive Director Development Services.**
18. **A Lighting Plan showing lighting to pathways, car parking and buildings submitted to and approved by the Executive Director Development Services. All lighting shall be installed prior to the commencement of Microbrewery and operated as per approved plan.**
19. **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 proposal involves a change of classification or use therefore the building will need a new Occupancy Permit in accordance with the *Building Act 2011* Section 49. A change of classification requires compliance with the current Building Code of Australia in accordance with the *Building Regulations 2012* Section 31G. This may include but is not limited to energy efficiency, disabled access and fire safety. Any alteration works will require a Building Permit.**

2. A separate application is required for all signs associated with the development.
3. With regard to the Condition requiring a Landscape Management Plan, please refer to the City's Landscaping Guidelines – (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/planning-information-sheets>.
4. 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.
5. It is recommended that security cameras and CCTV be installed in internal and external areas of the premises, including car parking areas to manage any potential anti-social behaviour.
6. In relation to the Effluent Disposal system condition, By-product dregs are not to be discharged into the septic tanks and leach drains. A separate system will be required.
7. 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/sewageand-effluent-disposal>.
8. Compliance with the *Environmental Protection (Noise) Regulations 1997* is required.
9. 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; staff numbers/shift management, hours of operation, advice to patrons on specifics such as peak periods and events, and encouragement of car-pooling and alternative forms of transport during events/functions.
10. With regard to Condition 19, 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>
11. 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
12. The owner is advised that compliance with the Firebreak Notice issued by the City's Ranger & Emergency Services under the *Bush Fires Act 1954* is required. An application to vary the requirements of the Fire Break Notice

may be required. Further information is available from the City's website: <https://www.armadale.wa.gov.au/fire-and-emergency-services>

13. 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 Council in writing when they consider the development to be complete and all conditions of this approval have been satisfied.

14. 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 or from Council's offices), and should be accompanied by the relevant fee detailed in Schedule 18 of the *State Administrative Tribunal Regulations 2004*.

15. 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.
16. 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.
17. The applicant consider the use of directional signage to better identify the vehicle entrance.

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

MOTION not opposed, DECLARED CARRIED

(13/0)

Cr Munn returned to the meeting at 7.07pm

Recommendation D21/7/21 - Minister for Planning's Decision - Amendment No.111 to TPS
4 - Heritage List

*Cr Smith declared a financial interest in Recommendation D21/7/21 on the basis that he owns property and business ownership within the proposed report area (Church Avenue, Armadale)
Cr Smith left the meeting at 7.07pm*

Cr Northcott declared a non-financial interest in this matter as she has an association through a family member with a landowner on the MHI Listing (presented in the Attachments to this report). As a consequence, there may be a perception that her impartiality on the following matter may be affected, but declared that she would disregard this association, consider the matter on its merits and vote accordingly

MOVED Cr D M Shaw

That Council:

- 1. Note the Hon. Minister for Planning's decision to refuse Amendment No.111 to TPS No.4.**
- 2. Pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Deemed Provisions Part 3 Heritage Provisions Clause 8(1)* adopt the attached Heritage List.**
- 3. Require an advertisement to be placed in The Examiner and The West Australian newspapers advising of the adoption of the Heritage List and the publishing of the Heritage List on the City's website.**
- 4. Advise all people and/or organisations who made a submission on Amendment No.111 and the owners of all places on the Heritage List of the Hon. Minister for Planning's decision with regard to Amendment No.111 and the adoption of the Heritage List.**

MOTION not opposed, DECLARED CARRIED (13/0)

Cr Smith returned to the meeting at 7.08pm

Recommendation D22/7/21 - Final Adoption - Amendment No.117 To TPS No.4 - West of
Rail Development Contribution Plan No.8 and Proposed Amendment No.120 To TPS No.4 -
West of Rail Development Contribution Plan No.8 (Extention to Special Control Area 3 area)

*Cr Busby declared a financial interest in Recommendation D22/7/21 on the basis that he owns property within the West of Rail area.
Cr Busby left the meeting at 7.09pm*

MOVED Cr D M Shaw

That Council:

- 1. Pursuant to Part 5 of the *Planning and Development Act 2005* adopt, without modification, Amendment No.117 to Town Planning Scheme No.4 to:
 - a) Amend Special Control Map 3 as shown on the attached Proposed Zoning – Special Control Area Map 3 Plan, include the area as Development****

Contribution Area 8 and insert Development Contribution Plan No.8 into Schedule 9B of Town Planning Scheme No.8 as follows:

No.	Description of Land	Contribution Arrangements
8	Development Contribution Area (DCA) 8 – West of Rail Redevelopment Area as identified on Scheme Special Control Area Map 3	<p>4.1 Relationship to other plans and other parts of the Scheme</p> <p>The development contribution plan generally conforms to the Approved Structure Plans for Development Contribution Area 8 and the Local Planning Strategy, Armadale Activity Centre Structure Plan, Corporate Business Plan and Strategic Community Plan.</p> <p>Where the provisions of Development Contribution Plan 8 are inconsistent with the provisions of Part 5A of the Scheme, then the provisions of Development Contribution Plan 8 in Schedule 9B prevail to the extent of any inconsistency.</p> <p>4.2 Definitions</p> <p>Assessed Value means a land value obtained in accordance with the procedures described in clauses 4.4.5 to 4.4.6 of Development Contribution Plan 8.</p> <p>Developable Area is defined as a total area of land minus land area deductions as detailed in the Development Contribution Plan 8 Infrastructure Cost Schedule.</p> <p>Development Contribution Plan Report means a report appurtenant to the Scheme and Development Contribution Plan 8, and containing information and instructions on the operation of Development Contribution Plan 8, as periodically reviewed in accordance with Development Contribution Plan 8.</p> <p>Infrastructure Cost Schedule means a schedule appurtenant to the Scheme and Development Contribution Plan 8, and containing the estimated cost of Infrastructure and Administration of Development Contribution Plan 8, contribution cost, land area deductions and land area summary, as periodically reviewed in accordance with Development Contribution Plan 8.</p> <p>4.3 Infrastructure and Administrative Items to be funded</p> <p>4.3.1 Infrastructure Item 1a – Movement Network and Urban Plaza</p> <p>Full cost to construct Cornish Street, including laneway connection to Fifth Avenue, urban plaza and land acquisition as detailed in the Development Contribution Plan Report and Infrastructure Cost Schedule.</p> <p>4.3.2 Infrastructure Item 2a - Public Utilities</p> <p>Contribution towards the Sewer Upgrade from Cornish Street to Fifth Avenue as detailed in the Development Contribution Plan Report and Infrastructure Cost Schedule.</p> <p>4.3.3 Administration Costs:</p> <p>Full costs associated with preparing and administering Development Contribution Plan 8.</p>

		<p>4.4 Method for Calculating Contributions and Assessed Values</p> <p>4.4.1 Approach</p> <p>Contributions for infrastructure items will be calculated on a Developable Area basis.</p> <p>4.4.2 Cost Contribution Calculation</p> <p>The contribution to be made by each Owner to the implementation of the Infrastructure and Administration Costs shall be a Cost Contribution, based on a per square metre basis calculated by the Local Government as follows:</p> <p>4.4.2.1 Infrastructure Items per Square Metre Rate calculation</p> <p>a) Calculation for entire Development Contribution Area</p> <p>Infrastructure Items per Square Metre Rate (E) calculated as follows at each review of the Infrastructure Cost Schedule and to remain applicable from the approval of one review to approval of the next:</p> <p>Cost of infrastructure items where the costs are to be shared across the entire Development Contribution Area 8 as detailed in the Infrastructure Cost Schedule (A) + (plus) Administrative Costs (B) minus contributions collected (C) / (divide) total Developable Area remaining (m2) for Development Contribution Area 8 (D).</p> $A + B - C / D = E$ <p>4.4.2.2 Cost Contribution Due</p> <p>The Cost Contribution due by owners shall be based on the Developable Area of an owners land parcel and calculated as follows:</p> <p>i. Cost Contribution due by owners that is applicable to all Developable Area within Development Contribution Area 8:</p> <p>Developable Area (m2) of an owners land parcel x (multiply) Infrastructure items per Square Metre Rate.</p> <p>4.4.3 Valuations</p> <p>The provisions of Clauses 5A.9.2 to 5A.9.6 of the scheme do not apply to Development Contribution Plan 8. The following variations apply to the acquisition of land for Infrastructure Works, calculation of costs and valuation of land within Development Contribution Area 8.</p>
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		<p>4.4.4 Compulsory Acquisition</p> <p>Where land has been compulsorily acquired and a lawful claim for compensation has been served on the Council, the Council may claim compensation for betterment under Section 184 of the <i>Planning and Development Act 2005</i> and the value attributed to the betterment of the land the subject of the claim shall be set off against any compensation otherwise payable to the claimant under the <i>Land Administration Act 1997</i> or any re-enactment of its provisions related to compulsory acquisition and compensation.</p> <p>4.4.5 Assessed Value</p> <p>a) The Council may at any time ascertain the value of any land in Development Contribution Plan 8 for the purpose of estimating Infrastructure costs, payments and cost contributions.</p> <p>b) If it is necessary, for any purpose to ascertain the value of any land, such value should be determined by two licensed valuers appointed from time to time by the local government herein referred to as “the Valuation Panel”. The members of the Valuation Panel may confer as to value, and if they are unable to arrive at a consensus value, they shall confer with the Chief Executive Officer of the local government (“CEO”) or the officer to whom the CEO delegates that function from time to time.</p> <p>If the valuers with the officer cannot arrive at a consensus value then the officer shall select a value which represents the median value between the two values nominated by the valuers on the Valuation Panel and will be advertised under the next following paragraph (c) (“the Assessed Value”).</p> <p>The Valuation Panel may determine more than one Assessed Value in the Development Contribution Plan area, where the local government or the Panel identifies that there are significant differences in land values within Development Contribution Area 8.</p> <p>c) As soon as possible after the Assessed Value or Assessed Values have been ascertained it should be advertised for a period of not less than 28 days to allow for submissions to be made in regard to the proposed Assessed Value or Assessed Values. Assessed Values may be advertised concurrently as part of a Development Contribution Plan 8 review carried out in accordance with Clause 4.8.1 of Development Contribution Plan 8.</p> <p>An owner who lodges an objection under this clause shall submit with the objection supporting evidence from a suitably qualified person in the specific field being objected to.</p> <p>d) The local government shall as soon as possible</p>
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		<p>consider all submissions made on an Assessed Value and may refer any submission to the Valuation Panel for comment, but where a submission is accompanied by expert valuation advice based on the valuation principles contained in Development Contribution Plan 8, it should be referred by the local government to the Valuation Panel for comment.</p> <p>Having considered the submissions and any comment from the Valuation Panel, the local government shall fix upon the Assessed Value or Assessed Values to be applied under Development Contribution Plan 8 and Infrastructure Cost Schedule until the next Assessed Value or Assessed Values has been determined.</p> <p>e) It is intended that any Assessed Value or Assessed Values should apply for no more than 13 months but while an Assessed Value remains current it shall stand as the value of land within Development Contribution Plan 8 and Infrastructure Cost Schedule for all purposes under Development Contribution Plan 8 and Part 5A of the scheme and the Infrastructure Cost Schedule.</p> <p>f) Where land is ceded or acquired for a Infrastructure Work, otherwise than by compulsory taking, for the purpose of determining the amount to be paid to the owner from whom the land is acquired, the value of the land shall be calculated according to the same Assessed Value as was applied to the Cost Contribution paid or payable by that owner on the clearance by the local government of the subdivision of land in the same deposited plan as contains the land acquired.</p> <p>4.4.6 Valuation Principles</p> <p>In ascertaining the Assessed Value or Assessed Values under Development Contribution Plan 8, all land shall be valued in its broad acre form as depicted on 1 January 2020 or other date selected by the Local Government, ignoring any services or infrastructure provided in-accordance with the provisions of the relevant Local Structure Plan and applying the following principles:</p> <p>i. regard is to be had to the land classifications and zonings existing at the date of valuation;</p> <p>ii. the date of valuation is to be the date on which the local government nominates;</p> <p>iii. ignoring any improvements or works on the land;</p> <p>iv. the land should be valued without regard to the Infrastructure work and the purpose for which the land is acquired shall not be taken into consideration;</p> <p>v. in selecting relevant sales evidence, regard should</p>
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		<p>be had first to values derived from land in the same area, and if there is not adequate evidence, from nearby or similar land in the area, in priority to any other sales evidence; and</p> <p>vi. the method of valuation shall otherwise be in accordance with normal fair market valuation principles.</p> <p>4.4.7 Variance and Solatium</p> <p>a) When calculating or reviewing Contribution Costs and the Infrastructure Cost Schedule, the local government will have regard to the value of the land required for Infrastructure and include an amount of 10% over and above the Assessed Value of such land, to ensure that the local government has or will receive sufficient funds in Development Contribution Plan 8 account to acquire land for Infrastructure to meet its obligations for appropriate payment to such owners, and ensure the Infrastructure can be completed in a manner that minimises the need for external borrowing.</p> <p>The local government may also apply a further amount above the Assessed Value to recognize any compulsory taking of land, compensations and/or acquisition of structures.</p> <p>b) Where land is acquired in the circumstances contemplated in subclause 4.4.5 (f) of Development Contribution Plan 8, the Council shall pay to the owner an additional amount not more than 10% of the amount calculated under that Clause.</p> <p>4.4.8 Acquisition Prior to Gazettal</p> <p>Where land required for Infrastructure is ceded to the Crown or acquired by the local government prior to the Minister granting final approval and publication of the Development Contribution Plan 8 Amendment in the Government Gazette, the appointment of the Valuation Panel by the local government under of Development Contribution Plan 8 or adoption of the Infrastructure Cost Schedule by the Council, the land shall be valued in-accordance with the clauses 4.4.3 to 4.4.7 of Development Contribution Plan 8 by the Valuation Panel and the date of valuation shall be the date the land for the Infrastructure Work is acquired by the local government or the local government issues its clearance to the deposited plan that contains the Infrastructure land, whichever is the earlier.</p> <p>4.4.9 Provision of Land for Infrastructure Works</p> <p>Where the Infrastructure Cost Schedule includes a land component for a Infrastructure on the relevant lot for which a Cost Contribution is due, an Owner shall cede to the Crown or transfer to the local government the required Infrastructure land at the first stage of subdivision and/or development for that particular landholding or by prior agreement at an alternative</p>
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date agreed by the local government. The value of the land will be determined in accordance with Development Contribution Plan 8 and Owners will be paid once the land is ceded to the Crown or transferred to the local government and is already included in Development Contribution Plan 8 and sufficient funds have been collected in the Development Contribution Plan 8 account and / or having regard to the timing and priority of infrastructure works.

4.5 Period of Operation

4.5.1

Development Contribution Plan 8 is proposed to operate for a period of 12 years from the date of gazettal of the town planning scheme amendment that introduces Development Contribution Plan 8 into the Scheme, by which time development within Development Contribution Area is expected to be largely complete.

The proposed timeframe aims to account for uncertainty regarding the staging and completion of development across the entire area.

The City may in the future consider extending the period of operation, through an amendment to the Scheme, in the event that growth does not occur as rapidly as expected, or if new growth areas occur. The City may also terminate the Development Contribution Plan 8 earlier, through an amendment to the Scheme, if growth occurs quicker than expected and all contributions have been settled.

All land within the Development Contribution Area is subject to the requirements of the Development Contribution Plan 8 until the plan expires or revoked.

4.6 Excess in Contributions

4.6.1

Clause 5A.8.2 of the scheme does not apply to Development Contribution Plan 8. If there is an excess in the total of Cost Contributions when all Cost Contributions have been made or accounted for in the Development Contribution Area, the local government is to refund the excess funds to the contributing owners or use all or some of the excess funds for improvements to infrastructure included in Development Contribution Plan 8 and subject to agreement from the majority of the contributing Owners.

If, however, it is not reasonably practicable to identify Owners and their entitled amount of refund and consult with Owners, any excess in funds shall be applied to the provision of additional improvements to Infrastructure included in Development Contribution Plan 8.

The local government should make information publically available regarding any spend of excess funds.

		<p>4.7 Timing and priority</p> <p>4.7.1</p> <p>The Local Government will use its best endeavours to provide Infrastructure, including the acquisition of land for infrastructure, as soon as possible taking into considering the Local Government's Corporate Business Plan, the rate of development in Development Contribution Area 8 and funds collected in Development Contribution Plan 8.</p> <p>4.8 Review</p> <p>4.8.1 Review</p> <p>Development Contribution Plan 8 will be reviewed at least every 5 years from the date of gazettal or when considered appropriate having regard to the rate of development in the area since the last review and the degree of development potential still existing.</p> <p>The estimated Infrastructure Costs, Assessed Values and Infrastructure Cost Schedule will be reviewed and updated at least annually. The Review will reflect changes in material prices, design costs, design requirements, specifications, labour requirements, Assessed Values and other expenditure associated with Development Contribution Plan 8 and actual and forecast future development patterns in the area. In some instances the costs will be indexed based on the Local Government Cost Index (LGCI) or another appropriate index and they may be reviewed and certified by a suitably qualified person. The local government's priority and timing for infrastructure will also be reviewed at least annually.</p> <p>Reviews of Development Contribution Plan 8 or Infrastructure Cost Schedule, including Assessed Values shall be undertaken in accordance with the provisions contained within the Development Contribution Plan 8 Report and applicable Local Government Local Planning Policy. In the absence of an applicable Local Government Local Planning Policy the provisions contained in the Development Contribution Plan 8 Report shall solely apply.</p>
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2. Authorise the Mayor and the Chief Executive Officer to execute the Amendment No.117 documents.
3. Forward the Amendment No.120 documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Planning grant final approval to the amendment.
4. Endorse the comments made in this report regarding the submissions received on this scheme Amendment No.117 for inclusion in the Schedule of Submissions to be forwarded to the Western Australian Planning Commission.
5. Advise the submitters of its decision.
6. Authorise the Mayor and Chief Executive Officer to execute the modified Amendment No.117 documents, should the Hon Minister for Planning grant final approval to the Amendment subject to minor modifications.
7. Pursuant to Section 75 of the *Planning and Development Act 2005*, initiate Amendment No.120 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:

- a) Amending Special Control Map 3 as shown on the attached Proposed Zoning – Special Control Area Map 3 Plan by including Lots 4 and 502 Green Avenue, Armadale within Development Contribution Area 8.
8. Amendment No.120 is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):
 - It is an amendment to identify a development contribution area and prepare a development contribution plan.
 9. Refers the above Amendment No.120 to Town Planning Scheme No.8 to the Environmental Protection Authority (EPA) pursuant to section 81 of the *Planning and Development Act 2005*.
 10. Forward the Amendment No.120 to the WAPC to obtain consent to advertise the Amendment No.120 as proposed.
 11. Once permission to advertise is obtained from the WAPC, advertise the Amendment No.120 for no less than 60 days.
 12. Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.
 13. Authorise Officers to update the attached Development Contribution Plan 8 Report and Infrastructure Cost Schedule to include Lots 4 and 502 Green Avenue for advertising as part of Amendment No.120.
 14. Should the WAPC require any minor modifications prior to advertising, authorise the Mayor and CEO to execute the modified Amendment No.120 documents.

MOTION not opposed, DECLARED CARRIED (13/0)

Cr Busby returned to the meeting at 7.10pm

Recommendation D23/7/21 – Councillors' Items

MOVED Cr D M Shaw

That the Councillor item regarding the Drain Reserve (Page Road / Saddlers Retreat, Kelmscott) be referred to Development Services for action/or report back to Committee.

MOTION not opposed, DECLARED CARRIED (14/0)

10.2 CORPORATE SERVICES COMMITTEE MEETING
Report of the Corporate Service Committee held on 20 July 2021.

CORRECTION

Page 1 Indicate that Cr Smith attended as Deputy to Cr Busby

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

MOTION not opposed, DECLARED CARRIED (14/0)

BUSINESS ARISING FROM REPORT

Recommendation CS45/7/21 - List of Accounts Paid - May 2021

MOVED Cr J H Munn

RECOMMEND

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

Municipal Fund

Accounts paid totaling \$8,079,342.27 on Batch 2613-2621, Cheques 033231-033248, Direct Debits & PY01.23 & PY01.24.

Credit Card

Accounts Paid totalling \$4,943.24 for the period ended May 2021.

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation CS46/7/21 - Statement of Financial Activity - May 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 eleven (11) month period ended 31 May 2021;**
- 2. notes that there are reportable actual to budget material variances for the period.**

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation CS47/7/21 - 2021 WALGA Annual General Meeting - Registration of Voting Delegates

MOVED Cr J H Munn

That Council:

- 1. Register Cr Butterfield and Cr Smith as its voting delegates for the 2021 WALGA Annual General Meeting to be held on Monday 20 September 2021.**
- 2. Register Cr Campbell and Cr Wielinga as its deputy voting delegates in the event that either Cr Butterfield or Cr Smith are unable to attend the WALGA AGM on this day.**

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation CS48/7/21 - Status Report- OneCouncil ERP Implementation Project

Committee Recommendation

That Council:

1. NOTES the revised *OneCouncil ERP* implementation program, outlined in this report;
2. AGREES to increase the project implementation budget, based on the **very** low risk scenario, by ~~\$3,714,607~~; **\$4,392, 192**
3. PROVISIONS for an increase in the project funding from loan funds in the first draft of the four year budget (FY23-FY26), noting that a review of the funding mix will be considered in the review of the four year budget, scheduled later this year.

MOVED Cr S Peter

That Council:

- 1. NOTES the revised *OneCouncil ERP* implementation program, outlined in this report;**
- 2. AGREES to increase the project implementation budget, based on the low risk scenario, by \$3,714,607;**
- 3. PROVISIONS for an increase in the project funding from loan funds in the first draft of the four year budget (FY23-FY26), noting that a review of the funding mix will be considered in the review of the four year budget, scheduled later this year.**

After announcing his motion, Cr Peter sat down and the Mayor called for anyone opposed to the motion. Cr Campbell raised a Point of Order that Clause 10.2 (Motions to be Stated and Spoken To) states that the mover of a motion may immediately speak to it.

The Mayor ruled that as Cr Peter had sat down she understood that he did not wish to speak to the motion and that she would allow Cr Peter to speak to the motion, if he wished, after determining if the motion was to be opposed and there was a seconder to the motion.

The CEO advised that Clause 10.2 states that the mover “may” speak to the motion immediately not “shall”.

It was then questioned that if the motion was opposed under Clause 10.4(1) and there is a seconder to the motion, that under Clause 10.4(3) it is the seconder, not the mover, that then gets to speak to the motion.

The CEO advised that under Clause 19.2 the Presiding Member may decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders are silent.

Cr Campbell dissented with the Mayor's ruling on the Point of Order and moved the following procedural motion:

*MOVED Cr Campbell that the Mayor's ruling on the Point of Order be disagreed with and Cr Peter be allowed to speak to his substantive motion.
Motion Carried (9-5)*

Cr Peter then spoke to his substantive motion.

OPPOSED Cr C Frost
SECONDED Cr J H Munn

Cr Peter's substantive motion was put to the vote.

MOTION CARRIED (9-5)

Recommendation CS49/7/21 - Information Bulletin Review (Referral Matter)

MOVED Cr J H Munn

That Council note the Officer Comment.

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation CS50/7/21 - Tender 24/21 - Renovation and Construction of the Roleystone Theatre

MOVED Cr J H Munn

That Council, in regard to Tender 24/21 for Renovation and Construction of the Roleystone Theatre, adopt the recommendation detailed within Confidential Attachment 2.

MOTION not opposed, DECLARED CARRIED (14/0)

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 (14/0)

BUSINESS ARISING FROM REPORT

Recommendation CEO3/7/21 - Bush Fires Act 1954 Delegations

MOVED Cr D M Shaw

That Council:

- 1. Revoke* delegation *Bush Fires Act 1954 – Powers and Functions of Local Government*;**
- 2. Approves* the following delegations to the Chief Executive Officer, as presented**

in the attachment to this report, in accordance with s48 of the *Bush Fires Act 1954*:

- a) **Make Request of FES Commissioner – Control of Fire**
 - b) **Prohibited Burning Times – Control Activities**
 - c) **Restricted Burning Times – Vary and Control Activities**
 - d) **Control of Operations Likely to Create Bush Fire Danger**
 - e) **Burning Garden Refuse / Open Air Fires**
 - f) **Firebreaks**
 - g) **Appoint Bush Fire Control Officers and Fire Weather Officer**
 - h) **Control and Extinguishment of Bush Fires**
 - i) **Recovery Expenses Incurred Through Contraventions of the Bush Fires Act; and**
3. **Grant authority to the CEO to make administrative changes to numbering and formatting of all reviewed delegations, as approved by Council, upon completion of the full review. This authority does not extend to amending the content.**

MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY RESOLUTION OF COUNCIL (14/0)

Recommendation CEO4/7/21 - Annual Budget - Financial Year 2021/22

MOVED Cr D M Shaw, OPPOSED Cr J H Munn

SECONDED Cr G Nixon

That Council:

1. **NOTES the approval of the Minister for Housing and Local Government provided on 22nd July 2021 under s.6.35(5) of the *Local Government Act 1995*, to impose a minimum payment on vacant land of \$1,035, that does comply with subsections (2), (3) or (4) of Section 6.35 of the *Local Government Act 1995*.**
2. **Pursuant to sections 6.32, 6.33 and 6.35 of the *Local Government Act 1995*, IMPOSE differential rates for the 21/22 financial year, based on whether the land is vacant land; the zoning of the land; or the purpose for which the land is held, in accordance with the following table:**

Gross Rental Value Properties

<i>Differential Rate Category</i>	<i>Rate in the \$</i>	<i>Minimum Rate \$</i>
<i>Vacant Land</i>	15.18446	1,035
<i>Residential Improved</i>	10.4614	1,194
<i>Business Improved</i>	9.47396	1,388

Unimproved Value Properties

<i>General & Minimum Rate</i>	0.4582	1,430
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3. **Pursuant to sections 6.32 and 6.37 of the *Local Government Act 1995*, IMPOSE specified area rates for the 2021/22 financial year in accordance with the following table and as set out in Note 1 of the annual budget:**

Specified Area	Rate in \$/ (Cents)	No. of Properties	Rateable Value (\$GRV)	SAR to be Levied
A- Armadale Town Centre	0.405	88		\$119,100
B- Kelmscott Town Centre	Nil			
C- Kelmscott Industrial Area	0.1702	342		\$19,900
D- South Armadale Industrial Area	0.3394	138		\$22,700
E- Harrisdale/Piara Waters	0.2509	4,993		\$287,730
F- Champion Lakes	0.2804	330		\$13,700

4. In accordance with the provisions of 36B and 36L of the Fire and Emergency Services Authority of Western Australia Act 1998, IMPOSE the 2021/22 State Government Emergency Services Levy Rates and Minimum and Maximum Payments on Residential, Vacant Land, Commercial, Industrial and Miscellaneous Lots as follows:

ESL 2021/22	ESL Rate (Cents in dollar)	Minimum and Maximum Payments ESL CHARGES BY PROPERTY USE			
		Residential and Vacant Land		Commercial, Industrial and Miscellaneous	
		Minimum	Maximum	Minimum	Maximum
ESL Cat 1	0.015497	\$88	\$446	\$84	\$254,000
ESL Cat 3	0.007748	\$88	\$223	\$88	\$127,000
ESL Cat 5	Fixed charge	\$88	\$88	\$88	\$88
Mining Tenements	Fixed charge	\$88	\$88	\$88	\$88

5. In accordance with the provisions of section 67, Division 3, Part 6 of the *Waste Avoidance and Recovery Act 2007*, IMPOSE the following domestic and commercial waste charges for the 2021/22 financial year:

Residential Waste Charge (weekly rubbish and fortnightly recycling)	Per Annum	\$385.50
Commercial Waste Charge (weekly rubbish and fortnightly recycling)	Per Annum	\$384.50
Additional Waste Refuse Service	Per Annum	\$275.00
Additional Recycling Service	Per Annum	\$88.50

6. In accordance with the provisions of section 6.45 of the *Local Government Act 1995*, OFFERS the following payment options for the payment of rates, specified area rates (where applicable), emergency services levy, domestic refuse charge and private swimming pool inspection fees:

One instalment:

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

Two Instalments:

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

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

Four Instalments:

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

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

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

- 7. In accordance with section 6.45(b) OFFERS A Smarter Way To Pay in accordance with the City's Policy and as a further alternative option for the payment of rates.**
- 8. In accordance with the provisions of section 36S of the *Fire and Emergency Services Authority of Western Australia Act 1998*, IMPOSES the State Government's interest on all current and arrears amounts of Emergency Services Levy at the rate of 7% per annum, calculated on a simple interest basis on amounts which remain unpaid after 35 days from the issue date of the original rate notice, or the due date of an instalment and continues until the arrears is fully paid. Excluded are instalment current amounts not yet due under the two or four payment instalment option, registered pensioner portions and current government pensioner rebate amounts. Interest is calculated daily on the outstanding balance.**
- 9. In accordance with the provisions of section 6.45 of the *Local Government Act 1995*, for the 2021-22 financial year, IMPOSES the following administration fees and interest charges for payment of rates (including specified area rates), refuse charge and private swimming pool inspection fees:**

Two Instalment Option:

Interest on instalments of 5.5% *

An administration fee of \$nil;

Four Instalment Option:

Interest on instalments of 5.5%*

An administration fee of \$nil;

Special Payment Arrangements:

An administration fee of \$51 for non-direct debit is charged on each special payment arrangement. Interest of 7% may be charged on overdue amounts.

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

- 10. In accordance with the provisions of section 6.13 and 6.51 of the *Local Government Act 1995*, IMPOSE interest on all current and arrears of rates, specified area rates (where applicable), current and arrears of refuse charges, current and arrears of private swimming pool inspection fees at a rate of 7% per annum, calculated on a simple interest basis on arrears amounts which remain unpaid and current amounts which remain unpaid after 35 days from the issue date of the original rate notice, or the due date of the instalment as the case may be and continues until the instalment is paid in full. Excluded are deferred rates and approved City payment arrangements. Interest is calculated daily on the outstanding balance.**
- 11. In accordance with the provisions of section 6.49 of the *Local Government Act 1995*, AUTHORISE the Chief Executive Officer to enter into special payment arrangements with ratepayers for the payment of general rates, specified area rates (where applicable), emergency services levy, refuse charges and private swimming pool inspection fees during the 2021/22 financial year.**
- 12. Pursuant to section 245A (8) of the *Local Government (Miscellaneous Provisions) Act 1960*, and regulation 53 of the *Building Regulations 2012*, IMPOSE a fee of \$35 per annum, to cover the actual costs of mandatory swimming pool inspections, which occur every four years.**
- 13. NOTE there will be nil increase of Councillor fees and allowances, following a review by the Western Australian Salaries and Allowances Tribunal, and ADOPT the following:**
 - a) Set the annual attendance fee at \$31,678 for 2021/22, to be paid monthly in arrears to Councillors, or at such intervals as determined by individual Councillors, pursuant to section 5.99 of the *Local Government Act 1995* and regulation 30 of the *Local Government (Administration) Regulations 1996*;**
 - b) Set the annual attendance fee at \$47,516 for 2021/22, to be paid monthly in arrears to the Mayor, pursuant to section 5.99 of the *Local Government Act 1995* and regulation 30 of the *Local Government (Administration) Regulations 1996*;**
 - c) Set the annual Mayoral Allowance at \$89,753 for 2021/22, to be paid monthly in arrears, pursuant to section 5.98(5) of the *Local Government Act 1995* and the Western Australia Salaries and Allowances Tribunal Determination pursuant to *Western Australia Salaries and Allowances Act 1975* section 7A and 7B;**

- d) **Set the annual Deputy Mayoral Allowance at \$22,438 for 2021/22, to be paid monthly in arrears, pursuant to section 5.98A of the *Local Government Act 1995* and the Western Australia Salaries and Allowances Tribunal Determination pursuant to *Western Australia Salaries and Allowances Act 1975* section 7A and 7B; and**
 - e) **Set an annual Information and Communications Technology Allowance of \$3,500 for 2021/22, to be paid monthly in arrears, pursuant to section 5.99A of the *Local Government Act 1995* and the Western Australia Salaries and Allowances Tribunal Determination pursuant to *Western Australia Salaries and Allowances Act 1975* section 7A and 7B.**
14. **Pursuant to section 6.16 of the *Local Government Act 1995*, ADOPT the fees and charges set out in the Attachment.**
15. **Pursuant to Section 6.11(3) and (4) of the *Local Government Act 1995*,**
- a) **Transfers an amount of \$786,000 from the Employee Provision Reserve to Workers Compensation Reserve.**
 - b) **Transfers an amount of \$368,000 from the Portable Long Service Leave Liability Reserve to the Employee Provisions Reserve.**
 - c) **Amends the name and purpose of the Computer Systems Technologies Reserve from:**
 - Computer Systems technologies Reserve - To be used to assist in funding the long-term renewal of Council's core computer systems.***
 - to:**
 - ICT Reserve - To be used to assist in funding Information, Communication and Technology (ICT) Projects.***
16. **Pursuant to Section 6.11(1) of the *Local Government Act 1995*, establishes the following operational reserve funds:**
- a. **Specified Area A Reserve– Armadale Town Centre**
For the purpose of depositing the Specified Area Funds received and withdrawing Specified Area Funds utilised each year for the Specified Area services.
 - b. **Specified Area B Reserve – Kelmscott Town Centre**
For the purpose of depositing the Specified Area Funds received and withdrawing Specified Area Funds utilised each year for the Specified Area services.
 - c. **Specified Area C Reserve – Kelmscott Industrial Area**
For the purpose of depositing the Specified Area Funds received and withdrawing Specified Area Funds utilised each year for the Specified Area services.
 - d. **Specified Area D Reserve - South Armadale Industrial Area.**
For the purpose of depositing the Specified Area Funds received and

withdrawing Specified Area Funds utilised each year for the Specified Area services.

e. Specified Area E Reserve – North Forrestdale

For the purpose of depositing the Specified Area Funds received and withdrawing Specified Area Funds utilised each year for the Specified Area services.

f. Specified Area F Reserve – Champion Lakes.

For the purpose of depositing the Specified Area Funds received and withdrawing Specified Area Funds utilised each year for the Specified Area services.

17. AGREES to transfer any surplus funds remaining from Specified Area Rates raised in the 2020/21 financial year, to the respective Specified Area Rate Reserve and to be noted in the Annual Financial Statements for 2020/21.

18. ADOPT the Annual Budget for the year ended 30 June 2022 as detailed in the Attachment, comprising the Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Statement of Cash Flows, Rate Setting Statement and supporting notes to and forming part of the Statutory Budget.

19. Pursuant to section 6.8 (1)(b) of the *Local Government Act 1995*, AUTHORISE in advance;

(i) all capital expenditure incurred from 29 July 2021 to 23 August 2021, which were provided for in the previous financial year's budget and commenced in the previous financial year;

and;

(ii) non-recurrent operational projects, which were provided for in the previous financial year's budget and commenced in the previous financial year, under contract.

MOVED Cr J H Munn that part (18) of the report recommendation be amended as follows:

OPPOSED Cr D M Shaw

SECONDED Cr S Peter

18. AGREES to:

(i) amend the draft 2021/22 budget for the Armadale Recreation Centre (the Arena) to reflect the level of service **from:**

Ceasing all gym, group fitness and crèche services and operating the rooms as additional hireable or leasable spaces. This option proposes that the centre is not staffed with users accessing the building in the same way the City's other hire facilities operate (ie: key pick up prior to access). The projected annual saving is \$284,300 (**\$267,000** pro rata in the draft annual budget)

[ref. T44/7/21]; **to**

Modify operations and hours of the gym, fitness and crèche areas and focus on a non-traditional health and fitness service.

The gym and fitness activities will be available for general public but promoted to non-traditional gym goers. Some specialist equipment would be sourced to make the gym accessible to a wider range of community members and the centre could run 'closed' sessions and could also be booked where service providers could book the gym or fitness room exclusively for their clients. The projected annual saving is \$112,000 (\$93,500 pro rata), which includes \$70,000 p.a to replace and lease new equipment, or **\$151,500** (pro rata) if the equipment is not replaced.

- (ii) that the replacement of the gym equipment be deferred until such time as a review of the whole service is undertaken in twelve months' time.
- (iii) Note the reduction in the pro rata savings of **\$115,500** (\$267,000 – \$151,500) due to the change to the net cost of service for 2021/22.

19. **ADOPT** the Annual Budget for the year ended 30 June 2022 as detailed in the Attachment, comprising the Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Statement of Cash Flows, Rate Setting Statement and supporting notes to and forming part of the Statutory Budget, with the following amendment:
- | | |
|---|-----------|
| Increase in Armadale Recreation Centre Operating Expenses | \$115,500 |
| Decrease in the Transfer to the Future Projects Reserve | \$115,500 |

AMENDMENT LOST (5-9)

At the request of Cr Munn it is recorded that Cr Munn voted for the above amendment.

Cr Shaw's substantive motion was then put to the vote.

MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY RESOLUTION OF COUNCIL (9-5)

At the request of Cr Munn it is recorded that Cr Munn voted against the substantive motion.

Recommendation CEO5/7/21 - Councillors Information Bulletin - Issue No 12/2021

MOVED Cr M S Northcott

That Council acknowledge receipt of Issue 12/2021 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED (14/0)

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

13.1 Armadale Arena - Occupancy Options (Cr Colin Campbell)

That the matter of occupancy options for the Armadale Arena be referred to the Community Services Committee

13.2 Staff Culture Survey (Cr Ruth Butterfield)

That the matter of bringing forward the timing of Corporate Business Plan Action 4.4.3.1 “*Conduct regular organisational cultural surveys and used these to inform annual review of the City's organisational cultural development plan*” be referred to the Corporate Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 8.25pm

MINUTES CONFIRMED THIS 9th AUGUST 2021

MAYOR