CITY OF Armadale

ORDINARY MEETING OF COUNCIL

MONDAY, 28 FEBRUARY 2022

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, 28 FEBRUARY 2022 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.

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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 K Busby	Minnawarra Ward
Cr J Keogh	River Ward
Cr K Kamdar	Ranford Ward
Cr S Peter JP	Ranford Ward
Cr M S Northcott	Palomino Ward
Cr P A Hetherington	Palomino Ward
Cr M J Hancock	Heron Ward
Cr E J Flynn	Heron Ward
Cr G J Smith	Minnawarra Ward
Cr G Nixon	Hills Ward
Cr S J Mosey	Hills Ward

IN ATTENDANCE:

Ms J Abbiss	Chief Executive Officer
Mr J Lyon	Executive Director Corporate Services
Mr P Sanders	Executive Director Development Services
Ms S Van Aswegen	Executive Director Community Services
Mr N Kegie	Executive Manager Community Services
Mr R Porter	Manager Emergency & Ranger Services
Mrs S D'Souza	CEO's Executive Assistant

Public: 9

LEAVE OF ABSENCE:
Leave of Absence previously granted to Cr M Silver and Cr S S Virk

APOLOGIES:
Nil

3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

1 Phil Davey, 12 Lenore Street Roleystone

Q1 Thank you for faces on bins today. Can we get recycling weekly? Will you be sending this out via Facebook or other media updating the residents of this new bin tagging procedure using smiley and sad faces?

Mayor: The City has a Waste Plan until 2025 which does not include a weekly recycling service. However, that plan is regularly reviewed and if the City finds that there are a sufficient number of people that require a weekly emptying of the recycling bin, we will look at the increased cost associated with a weekly recycling service.
Our waste officers are very excited about getting the community to modify their behavior to recycle as much as humanly possible. The use of smiley and unhappy faces/bin tags are about trying to educate the community what is the right or wrong way of recycling. Trying to improve recycling should be looked upon as a positive and while it may feel a little bit intrusive, it really does work and encourages the community to improve recycling habits. I would encourage everyone to embrace the smiley face.
We will be putting something out on social media and do accept that the media release should have gone out first.

Q2. Do we have an updated timeline on the temporary shed for the Bushfire Brigade? Will it still be ready by the end of March so our Bushfire Brigade can settle into their new temporary location pending the new building being ready for October?

CEO: The question will be taken on notice and a response provided in writing.

Q3. Has there been any recent internal surveys – staff/Councillors towards their perception of the current internal culture of working within the City of Armadale (CoA). In the latter part of 2021 there had been a question about the higher than normal staff turnover at the CoA and there are still some noted departures in 2022. Can you update us on the perceived culture within the CoA and any independent surveys being taken?

Mayor: I think that all local governments and in fact many industries in Australia at the moment are suffering from what is being called the 'great resignation'. I have contacts in other industries and many contacts throughout Local Government (LG) and know for a fact that they are all experiencing a movement of their staff either moving onto higher paid roles, moving LG to work closer to home or exiting LG altogether to go to State Government or to private industry.
I don't think we are orphans in that respect. I believe there will be a staff survey to gather information on all aspects of culture, happiness, how far they travel from home etc. That information will then be used to improve both staff wellbeing and conditions of employment. This of course is under the purview of the CEO but from a Councillor's point of view and from my experience with other LGs this is an industry-wide trend.

2 Peter Stewart, 317 Peet Road, Roleystone

Q1. I would like to thank the Chair of Corporate Services Committee for allowing the deputation last week.

Re. the BRMP Report - In the assessment process the officer report identified 957 assets or groups within the city that are at risk from bushfires. I would like to know if the value of those assets has been determined?

Mayor: I don't believe it has. These could be environmental assets, individual homes, city owned assets, bridges etc. they could be any number of things.

Q2. Have they been quantified as to the value of those assets?

Mayor: I don't believe so

Q3. The consequence is that they are prone to bushfire due to fuel load. Have you quantified the fuel load that makes up the threat to those assets?

Mayor: The Bushfire Risk Management Plan details some of the aspects that go into working out the risk. Fuel load is but one of the aspects that determines the risk associated and these could be slope and other topography, vegetation type, and a number of things.

Q4. If you don't know the assets at risk and the quantities at risk - how can we make a risk assessment plan that measures any of that?

Mayor: The Plan outlines and does acknowledge that we have many assets which are now mapped and have been noted that are at risk of bushfire. The City's role is to attempt to mitigate and reduce the risk of bushfire on land that it controls. We can't do anything about the topography of the area so there are other methods that the City will be using to mitigate and reduce some of that risk. The Plan outlines some of the strategies that are going to be used by the City and notes some sources of funding, so I think that the Bushfire Risk Management Plan (BRMP) does its job. OBRM have ticked off on the BRMP. The template provided by DFES was used, OBRM are satisfied with the Plan and Council will be considering it tonight.

Q5. It is still contentious as to whether OBRM has approved. Section 33 of the Bushfire Act 1954 – the OBRM guidelines are the main legislative requirement for notices applicable to fuel management requirements, firebreak standards and annual enforcement programs. However Section 33 is not referenced at all in the draft BRMP.

Can I ask why as the City of Rockingham and City of Kalamunda have that as the prime legislative requirement enabling fuel reduction?

CEO: Though Mr Stewart and I had previous discussions re. Section 33 this was not related to the comment tonight. The question will be taken on notice to provide a considered response.

7:17pm - MOVED Cr Nixon that question time be extended. Motion Carried.

3 Pam Edwards, 45 Ridgehill Rise, Roleystone

Q1. I am interested to know if the councilors have KPIs?

Mayor: No we don't, I believe that an election every 4 years is our KPI.

Q2. I would like to suggest that some data would be helpful, such as how many phone calls, emails and face to face contacts you had and do you share the issues that have been raised to see if there are some sort of trends in the City of Armadale where the City can be proactive rather than reactive.

M*ayor: I am sure you would be amazed at the number of phone calls, conversations, meetings and face to face contacts that we as Councillors undertake. Information is shared amongst Councillors as I often get copied into emails being sent. In regard to trends, Waste is one coming up at the moment with people raising issues of concern. Councillors have really good communication, notice trends and raise this with each other. There are a number of new Councillors who have established fantastic communication with the rest of us on Council and bring forward issues they are finding in their community at the moment. It does take a little while for those issues to be raised and addressed through a formal motion through Council. Often these can be resolved administratively but if we see a pattern emerging and we already have a budget for it we may ask the CEO or Executive Directors to deal with the issues as it has already been identified in our Strategic Community Plan.*

Q3. Why can't we as ratepayers and the people of the community see the data so we know that my Councillor or another Councilor dealt with all these issues? I would feel quite comforted by that if I thought that my Councillor was dealing with 'x' number of phone calls or emails. In normal business practice that is something that you do, collect the data and provide it, look at it and review. Is that not easy for the Councillors to do?

Mayor: Rather than creating an administrative burden, we are results driven. Answering phone calls, being effectiveness and dealing with the issue is more important than being data collectors and ticking off a number. So measurement can be double edged, I would rather see performance and effective Councillors rather than them noting details of x amount of phone calls today or I answered x amount of emails. It is not a great measurement of good or effective representation.

4 Veronica Hansen, 8 Protector Grove, Roleystone

Q1: Can the CEO please advise the scheduling when the MAF applications will be made?

What were the outcomes of the request that was submitted late last year? How much was received? Where was the mitigation carried out?

CEO: I would like to be able to give a detailed answer so I will take this question on notice but in general terms we were successful in the MAF funding round submitted in September I believe and the City was notified around October/November. The City has undertaken 3 pilot mitigation activities that are currently being assessed by the Department of Fire and Emergency Services and pending the outcome of those 3 pilots we will then be able to access the balance of the funds.

From memory the funds received were in the order of $350,000. I will provide the specific amount of the funding in my response to the question on notice. In terms of future applications these will be made when the mitigation activity funding rounds are open. The Executive Director Community Services and Manager Fire and Emergency Services have details on the exact dates as to when next rounds will open.

Q2. The whole country is facing a bushfire crisis, we have received $350,000 dollars and wouldn't it have been prudent to try and spend the majority of this before summer? I would

like some indication where and how much of that grant has been spent, as obviously if we are going to get ahead of the game in the winter we are going to have to expend that before we apply again in March.

CEO: As stated the funding was approved sometime around October/November, meetings were held with DFES in relation to mitigation activities and the methodology that the City planned to apply. Site visits were undertaken with DFES staff to the 3 pilot areas following which the mitigation activities were commenced.

You are aware of the extreme heat wave conditions that have been present for much of this summer. The hottest summer ever on record. As many of those activities that could be carried out safely have been done. That's not to say that there were no other mitigation activities undertaken. As the City also had its own funding that it already had in its budget, activities were carried out using those funds so we didn't have to wait for the MAF funding to be approved. This was mentioned at the time the MAF action plan was brought before Council.

Q3: In the minutes it also refers to the fact that OBRM have advised that the draft presented in this report utilizing original guidelines is acceptable and can remain in place for the 5 years review timeframe. There is other information in the document that talks about constant review process that takes into account learnings in particular seasons and things that happen. What concerns me in the 3 recommendations at the end of the report is to go into another review. Council has been reviewing this for several years now, long after the Keelty report said we should be doing. If OBRM is happy with that and says that this Plan can remain in place shouldn't we be getting on with more action and doing the review in the background?

Mayor: The review is obviously going to occur at the same time as the mitigation works and there is not going to be one person doing both jobs. The review is because Councillors and officers feel that we need to involve the community in education and mitigation and realizing this is a shared responsibility. We need to include the community going forward. We needed to get this Plan done now so we can apply for more MAF funding and we are able to show the community in good faith that we have gone through a process and we are acting on concerns. The aim of the review to be undertaken will be to involve and engage with the community in bushfire mitigation education, realizing the risk and giving advice as far as bushfire mitigation goes.

Q4: Commendable to make sure that the community know where they are going. My concern is over those last 2 years of meetings and decisions, despite OBRM approving the Plan back in 2020, nothing was applied for until just recently. My concern is as a resident in Araluen, in the highest bushfire risk area, is this review then going to stymie getting anything done or it is going to be done concurrently?

Mayor: It will be done concurrently. MAF funding and Council's own ratepayer money will be expended to reduce fuel load in our bushfire prone areas at the same time a review of the Bushfire Risk Management Plan will be undertaken with the involvement of the community.

7.33pm – Moved Cr Peter that question time be extended. Motion Carried.

5 Phil Davey, 12 Lenore Street, Roleystone

Q4. Re. Council's recent decision and closure of the Karragullen Hall. Can you advise what matters or issues of the building code or safety closed the hall from further use and why couldn't the hall be made workable to enable the gym group to use the premise for the remainder of 2022 pending the new theatre to be completed.

CEO: The question will be taken on notice and a response provided in writing.

Q5. Council resolved unanimously on 17 December 2018 (C37/12/18) to permit the use of the Roleystone Hall to the Roleystone Theatre Group until such time as the new theatre building is opened. Can you please direct us to the Agenda item or minutes where that previous resolution was rescinded to enable the new motion to be put forward and accepted?

Mayor: In accordance with the resolution the Roleystone Theatre Group were offered an exclusive lease over the Roleystone Hall but they did not sign this lease. As a result of the Roleystone Theatre Group not wanting to take on the lease there was a further report and resolution. As this is not on hand now, the question will be taken on notice and responded to in writing.

Q6. Our volunteer bushfire members new or old are all committed and dedicated to serving their community and know the risks they may face when attending any fire call out. Recently in the Canning Mills fires there was a report of an incident involving a vehicle 3.4 from the Bushfire brigade where it was caught in a burnover situation putting our dedicated and committed volunteers into a potentially serious situation. Thankfully all on board were evacuated safely with only a couple sustaining minor injuries.

We have recently asked about the level of training given to these members and wish to confirm what level of training these volunteers are receiving to ensure they can do their job effectively and safely to not only themselves but their members all around them

Mayor: I have been informed that the members involved in that incident were well trained, had access to training and are very experienced. A bushfire is a very dangerous and unpredictable beast and fighting bushfires is dangerous like you say. Our members are incredibly brave, their training is available and they do it religiously, very much aware of the danger of bushfires and the industry they are involved in. I have been informed that these are very experienced and well trained fire fighters who were faced with a very unpredictable and dangerous situation. I have written to the Mayors of Gosnells and Kalamunda to thank their crews that came in to assist our crew. It just highlights the danger that is faced by our volunteer and professional firefighters. Bushfires are extremely dangerous and we thank the volunteers regularly as we know what a dangerous activity their passion is. I will hand over to the CEO to add some detail on the training they are receiving.

CEO: My understanding is that they had extensive training with respect to burn over and had been provided with all of the equipment with which to do that training and the initial reports in terms of the investigation are that it is actually the extent of that training that came into action on the day that has helped to save all of their lives.

Q7. Do we consider a vehicle malfunction on the day seeing as the vehicle couldn't move and the deluge system didn't work?

CEO: These are matters that are currently being investigated as to what was the cause but it was certainly the level of training and expertise in activating that training that saved their lives.

Q8. Mr Davey asked again about whether he could be assured our brigade members new or old are being given all opportunity with training and equipment to be the best brigade they are able to be?

Mayor: The Mayor affirmed the training and absolute dedication of the members new and old to maintain their training and to do the right thing when called upon.

7.43pm Public question time closed.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING HELD ON 14 FEBRUARY 2022.

MOVED Cr E J Flynn that the Minutes of the Ordinary Council Meeting held on 14 February 2022 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (12/0)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1 Mayors Announcements

Tuesday 15 February 2022
Attended a regular meeting with the Manager of Communications to discuss various Media enquiries.
Attended a briefing on the SEMZ Agenda via Teams with the CEO and Executive Director of Corporate Services.

Wednesday 16 February 2021
Attended the Municipal Waste Advisory Committee online Induction Session followed by the MWAC February 2022 meeting held online.
Attended the South East Metro Zone meeting (held online) where the zone's submission to the Minister for Local Government regarding Local Government reform, was discussed. The submission from the SEMZ aligned very closely with the City of Armadale's submission and was supported.

Thursday 17 February 2021
Deputy Mayor Councillor Busby opened the 2022 Pool Lifeguard Challenge being held at AFAC, on my behalf.
Met with a resident onsite at Paterson Road with the Acting Executive Director of Technical Services.

Friday 18 February 2021
Attended a briefing on the availability of Grant Funding for a Low Cost Road Safety Program with the Acting Executive Director of Technical Services.
Opened the Let's Connect Armadale Expo held at the Armadale District Hall.

Monday 21 February 2022
Attended a TEAMS meeting with Senator Matt O'Sullivan to discuss and advocate for

Federal Government investment in projects within the City of Armadale.
Attended a regular catch up with the CEO to discuss current issues.

Wednesday 23 February 2022
Attended a regular meeting with the Manager of Communications.
Attended a Special Meeting of WALGA State Council to discuss and endorse WALGA's composite submission to the Minister for Local Government regarding Local Government reform. WALGA's final submission was very similar to that of the City of Armadale and gained majority support.

Thursday 24 February 2022
Hosted 4 x private citizenship ceremonies at the Armadale District Hall and welcomed approx. 80 new citizens to the City of Armadale. Councillor Smith also attended.

Friday 25 February 2022
Met with a Home School group to talk about Local Government and the role of a Mayor.

Monday 28 February 2022
Attended a regular meeting with the Deputy Mayor and CEO to discuss current issues.
Attended a Standing Orders of House Advisory Group meeting.

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 21 February 2022.

MOVED Cr M J Hancock that the report be received.

MOTION not opposed, DECLARED CARRIED (12/0)

BUSINESS ARISING FROM REPORT

Recommendation D1/2/22 - Extractive Industry Expansion (Stage 5) - Lot 9 Brookton Highway, Karragullen

MOVED Cr M J Hancock

That Council:

A) Approves the application for Development Approval for the 'Stage Five' extension of the existing Extractive Industry (Gravel) on Lot 9 Brookton Highway, Karragullen subject to the following conditions:

1. **In accordance with Clause 72 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, this approval for extraction activities is valid for a temporary period of five (5) years from the date of this approval. If extraction activities have not been completed within this period, a new approval must be obtained before continuing.**

2. **The Environmental Management Plan prepared by Emerge Associates (dated January 2022) shall be amended to the satisfaction of the Executive Director Development Services and resubmitted for approval by the City prior to undertaking of any clearing works in the "Stage Five" extraction area to include the following commitments:**

    a. **Prior to ground disturbing works within rehabilitation zone 3A, it is required to demonstrate via formal audit, to the satisfaction of the City, that 80% of the land area of Zone 3C is direct seeded or has tube stock installed at a density suitable to achieve completion criteria.**
    b. **Prior to the undertaking of ground disturbing works in rehabilitation Zone 3B, it is required to demonstrate via formal audit, to the satisfaction of the City, that 100% of final completion criteria for land stabilisation, weed control and revegetation are achieved for Zone 1, 2 and 3C.**
    c. **Landform reinstatement for all zones is required to be completed prior to the expiry of the 5 year development approval time period.**
    d. **The payment of a Security bond of 150% commercial value of the cost of implementing the Environmental Management Plan for Stages 1 to 5 is required. This document is to be supported with a formal Deed of Agreement that provides provision for any potential land ownership change, right of access, receivership scenarios and implementation periods of conditions.**
    e. **Insert the Revised Table E3 (Summary of Rehabilitation Completion Criteria) prepared by Emerge Associates and received on 1 February 2022 into the Environmental Management Plan.**
    f. **Modify wording of Action W13 of the EMP to "A dieback survey shall be undertaken within the Stage 5 quarry area and will be undertaken by a DBCA certified Phytophthora interpreter and a copy of the report will be submitted to the City of Armadale prior to undertaking ground disturbing works within Stage 5".**

3. **The approved Environmental Management Plan is to be continuously implemented to the satisfaction of the Executive Director Development Services.**

4. **Continued implementation of the approved Dust Management Plan is to occur to the satisfaction of the Executive Director Development Services.**

5. **A report (audit) on compliance with the approved management plans shall be submitted to the City on an annual basis by the 29th July each year until the completion criteria of the Management Plans are achieved. The annual audit must include:**

    a) **an identification of the sources and nature of all emissions, discharges and wastes generated on the site;**

b) an assessment of dust amenity (dust deposition) and health impacts (total suspended particulate, particulate matter less than 10 micron);

c) an assessment of environmental impacts associated with its operations and its compliance with planning and environmental requirements, in particular assessment of:

i) its operations measured against the *Environmental Protection (Noise) Regulations 1997* and this shall include but not be limited to a complete operational noise survey;

ii) the verification of the maintenance of a minimum 2 metre separation to groundwater level; and

iii) to verify that any potential contaminants not limited to acid sulphates, are not liberated from the dual systems as a result of mining activities;

d) an evaluation of its response to any complaints;

e) a review of operational and management practices relating to environmental performance and the management of environmental risk, including emergency response, contingency plans and other measures to prevent or minimise environmental impacts and any additional measures required to ensure compliance within accepted standards;

f) Implementation of the Environmental Management Plan; and

g) A suitably qualified and experienced person to the satisfaction of the City must conduct the audit. This person shall be independent of the applicant and owner.

6. The landowner is to maintain a clearly marked vegetated 20m northern buffer and a 20m western buffer (exclusive of firebreaks) between the top of all quarry pits and the property boundary to the satisfaction of the Executive Director Development Services. Screening vegetation is to be established within the buffer (in a scattered configuration) at the standard density of three rows, 5m apart, one tree per 10m and shrub rows 5m apart, one shrub per 2m. Screening vegetation is to be native and dieback resistant.

7. Planting of a visual screening strip to the west of the internal haul road (Zone 1) with clusters of up to two to three tree species interspersed with a native scrub understory to the satisfaction of the Executive Director Development Services.

8. The vegetation buffer areas required by Condition 6, above, and areas of native vegetation outside of the area approved for excavation and associated activities (access, storage, stockpiling, truck parking etc.) shall be clearly marked utilising markers such as; star pickets with bright coloured capping at an average interval of one per 6m to prevent encroachment by machinery or any other materials that could damage the vegetation.

9. The applicant shall progressively overlay top soil, which is darker in colour over the bare orange-coloured post mined pits to reduce the overall visibility of the excavated areas to the satisfaction of the Executive Director Development Services.

10. Operating hours are restricted to 6.00am to 7.00pm Monday to Friday. Operations permissible prior to 7.00am are limited to the loading of no more than four trucks which can also traverse in and out of premises prior to this time, in accordance with the Noise Assessment dated 24 March 2021 and the specified number of trucks of an average of 3.3 per day. This includes the operation of front end loaders used inside the quarry pit to load gravel into the trucks. Operations prohibited prior to 7.00am include, but are not limited to the operation of bulldozers, water trucks, fuel trucks and rock breaking machines involved in the extraction of raw material from the landscape.

11. No construction, fill and other materials shall be brought to the site at any time.

12. The applicant shall ensure that the site is kept in a neat and tidy condition at all times. When vehicles and equipment are not in use they shall be located in such a manner as to minimise their view from neighbouring residents and public roads to the satisfaction of the City.

13. Any buildings/structures associated with the excavation activities such as site office, toilet facilities and sea containers used for storage are to be located so that they are screened from view from any adjacent roads or properties to the satisfaction of the City.

14. The crossover from Brookton Highway to the access road to be maintained in good order in accordance with the City of Armadale's standard industrial crossover specifications to the satisfaction of the Executive Director Technical Services.

15. All driveways shall be constructed and maintained in good order using road base quality material and bitumen sealed to limit dust generation and to ensure that no visible dust or material from the site extends beyond the site boundary to the satisfaction of the Executive Director Technical Services.

16. Where damage is caused to the road pavement and/or bitumen seal adjacent to the access as a result of heavy haulage operations from the subject site, such damage shall be rectified at the applicant's expense and to the satisfaction of the Executive Director Technical Services.

17. A maximum speed limit of 25 kilometres per hour shall be applied to all internal roads, driveways and vehicle access ways and signs in this regard shall be displayed at the entrances to the site.

18. If the storage of more than 200L of liquid chemicals or fuels on-site is proposed, a management plan to ensure accidental spills or contaminated storm water from accidental spill are retained on-site and adequately cleaned up before being disposed of at a facility appropriate to the waste type shall be submitted to and approved by the Executive Director Development Services and the works specified by the management plan implemented thereafter.

19. If on site refuelling of vehicles is proposed to occur then a hardstand refuelling area bunded and drained to a pollutant receptor to prevent any spilled fuel entering the natural ground shall be provided on site to the satisfaction of the Executive Director Development Services. All refuelling shall take place within this hardstand area.

20. No chemicals or potential liquid contaminants shall be disposed of on-site.

21. The landowner shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and safely dispose of any liquid or affected soil resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds.

22. Continued implementation of the approved Emergency Management Plan that addresses emergency response, access/egress and water supplies must be completed to the satisfaction of the Executive Director Community Services prior to excavation commencing.

23. No works shall be undertaken within 30m of Stinton Creek and a fence shall be installed along the 30m setback area prior to commencement of works, to the satisfaction of the Executive Director Development Services.

24. 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 application has been referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme.

B. The landowner must comply with the City's Extractive Industries Local Laws and is required to make application to the City for an Extraction Licence.

C. With regard to Condition 18 requiring a Spill Management Plan, the Department of Water's "Non-structural controls Best Management Practice Guidelines" provides guidance on this matter. The Guidelines are available on the internet at: http://www.water.wa.gov.au/PublicationStore/first/84968.pdf.

D. The compounds described in Conditions 19 and 21 shall:

- **a) be graded or include a sump to allow recovery of liquid;**
- **b) be chemically resistant to the substances stored;**
- **c) include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;**
- **d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);**
- **e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds;**

f) be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water; and,

g) the applicant is to ensure truck operators comply with the conditions of approval and ensure that their operations do not adversely impact on the community by way of truck speeds, control of litter and following designated truck routes.

E. With regards to Condition 24, 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

F. 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.

G. A Building Permit application is required prior to the erection of any structures on the property.

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 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. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.

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) Advise the submitters of the Council decision in this regard.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation D2/2/22 - Proposed Outbuilding and Amendment to Development Envelope - Lot 169 (No.2) Kimber Rise, Bedfordale

MOVED Cr M J Hancock

That Council:

A) Approves the application for Planning Approval for a development envelope modification and outbuilding on Lot 169, No.2 Kimber Rise, Bedfordale subject to the following conditions:

1. External colours and materials shall be in keeping with the approved single house and maintained to the satisfaction of the Executive Director Development Services.

2. A Landscaping Plan shall be submitted to and approved by the Executive Director Development Services. All landscaping shall be installed as per the approved plan prior to occupancy of the development and continuously maintained thereafter.

3. To meet drainage requirements, prior to occupation of the development the developer/owner shall, to the specifications and satisfaction of the Executive Director Technical Services, submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan.

4. No building or structure shall use zincalume, galvanised or unpainted steel surfaces as an exterior finish.

5. The proposed outbuilding shall only be used for purposes incidental to the residential use of the property and shall not be used for habitable, commercial or industrial purposes to the satisfaction of the Executive Director Development Services.

6. 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. With regard to the Condition 2, please refer to the City's Landscaping Guidelines – Screening, 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.

B. With regard to Condition 5 requiring the outbuilding to relate to a Single House, please be advised that the use of a shed (an outbuilding) is an ancillary use to a Single House. Without an occupied Single House a shed alone on a site is considered 'Storage' under the City's Zoning Table. The use 'Storage' is an 'X' use (not permitted) in areas zoned Special Residential in the City's Town Planning Scheme No.4, therefore the shed shall not be used until the single house is occupied.

C. 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.

D. 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.

E. The developer is reminded of the requirement under the provisions of the *Environmental Protection Act 1986* that all construction work (which includes earthworks and similar) be managed with due regard for noise control.

Works generating noise and rock breaking in particular, are not permitted:

- **Outside the hours of 7:00am to 7:00pm; or**
- **On a Sunday or Public Holiday**

F. 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*).

G. 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.

H. 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 (12/0)

Recommendation D3/2/22 - Road Naming - A Portion of Third Avenue, Kelmscott

MOVED Cr M J Hancock

That Council:

1. Advertise the proposal to rename the portion of Third Avenue, Kelmscott, between Railway Avenue and Slee Avenue, as identified in the Location Plan, with the following suggested names:

a) Barratt
b) Durling
c) Farnham
d) Hare

to affected landowners, government agencies, and the wider community by way of letters and newspaper advertisement.

2. Provide the opportunity for submitters to suggest alternative road names that comply with Landgate's *Policies and Standards for Geographical Naming in Western Australia*.

3. Note the new alignment of the Third Avenue road name.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation D4/2/22 - Road Naming - Railway Avenue, Camillo

The amendments to Recommendation D4/2/22 are as follows:

1. *Remove the naming option of **'Aragon'** as the name has already been used;*
2. *Remove the second **(f) 'O'Reilly'** as it appears more than once in the recommendation;*
3. *1(h) should then become 1(f) due to these above changes.*

MOVED Cr M J Hancock that the recommendation, as amended, be adopted

That Council:

1. Advertise the proposal to rename the portion of Railway Avenue between Westfield Road and Lake Road in Camillo as identified in the Location Plan, with the following suggested names:

a) Muckross
b) O'Reilly
c) Slavonian
d) **Corfield**
e) Redman
~~**f) O'Reilly**~~
f) Lionheart
~~**i) Aragon**~~

2. Provide the opportunity for submitters to suggest alternative road names that comply with Landgate's *Policies and Standards for Geographical Naming in Western Australia*.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation D5/2/22 - Proposed Closure of Unmade Portion of Kargotich Road, Forrestdale

MOVED Cr M J Hancock

That Council:

1. Authorises a request being made to the Minister for Lands pursuant to Section 58 of the *Land Administration Act 1997* for the permanent closure of a portion of Kargotich Road reserve in Forrestdale, as identified by hatching on the attached Location Plan, subject to the land being amalgamated with the adjoining landholdings and any costs incurred by the City being met by the applicant.

2. Advises the applicant and the Department of Planning, Lands and Heritage of its decision.

3. Advises the submitters of Council's decision.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation D6/2/22 - Sale of No.16 Numulgi Street, Armadale

MOVED Cr M J Hancock

That Council:

1. Dispose of Lot 300 (16) Numulgi Street, Armadale by way of private treaty in accordance with Section 3.58 of the *Local Government Act* 1995.

2. Authorise the Chief Executive Officer to enter into, sign and accept the contract for the sale of Lot 300 Numulgi Street, Armadale by offer and acceptance to Armadale Robust Pty Ltd (on behalf of Habilitas) to a value of $169,000.

3. Authorise the Chief Executive Officer to sign and lodge any contracts and transfer documents to enable the sale of Lot 300 Numulgi Street, Armadale.

4. Authorise the Chief Executive Officer to sign the Development application forms and any other documents to enable the lodgement of a development application by the purchaser for Lot 300 Numulgi Street, Armadale.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation D7/2/22 - Industrial Areas Cash In Lieu of Parking Plan

MOVED Cr M J Hancock

That Council:

1. Approve the Industrial Areas Cash in Lieu of Parking Plan as amended in the Attachments.
2. Pursuant to Clause 77l(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and section 6.11(i) of the *Local Government Act 1995*, a reserve account be established for 'Industrial Areas Cash in Lieu of Parking Plan' for the purpose of facilitating the receipt and expenditure of funds in accordance with the Industrial Areas Cash in Lieu of Parking Plan.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation D8/2/22 - Proposed Local Planning Policy PLN 2.10 - Environmentally Sustainable Design

MOVED Cr M J Hancock

That Council:

1. Resolve to proceed with Local Planning Policy PLN 2.10 - Environmentally Sustainable Design as Attached without modification.
2. Forward a copy of Local Planning Policy PLN 2.10 - Environmentally Sustainable Design to the Western Australian Planning Commission for its information.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation D9/2/22 - Final Adoption - Amendment No.118 to TPS No.4 - Rezoning of West Piara Urban Precinct South

MOVED Cr M J Hancock

That Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005* adopt, with modification, Amendment No.118 to Town Planning Scheme No.4, to:

a. Rezone Lots 9501, 9600, 9005, 9001 & 9800 Interdominion View, Lots 603, 15, 14, 13 & 150 Armadale Road, Lots 151, 100, 99 & 88 Warton Road, and Lot 9009 Lockeville Boulevard, Piara Waters from the "Rural Living" and "General Rural" zones to the "Urban Development" zone;

b. Remove the "General Rural" zones from the Warton Road and Mason Road reserves;

c. Insert the following text in Schedule 8 Development (Structure Planning) Areas for the land generally bound by Warton Road, the MRS Public Purpose (High School) Reservation, Lockeville Boulevard, Interdominion View and Armadale Road:

No.	Description of Land	Additional provisions applicable to subdivision and development
70.	**West Piara Urban Precinct South**	**70.1 Subdivision and development of land is to generally be in accordance with a structure plan prepared and approved pursuant to Part 4 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (as amended).** **70.2 Prior to the preparation and lodgement of a Structure Plan, the applicant shall prepare an Environmental Assessment Report in consultation with the Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation (EPA Services Branch), to the satisfaction of the City of Armadale. The Environmental Assessment Report shall address as a minimum:** **a. Botanical survey confirming vegetation type and condition, and assessing potential presence of conservation significant flora;** **b. Assessment of wetland values;** **c. Assessment of the potential presence of threatened fauna, including habitat and feeding trees/sources; and** **d. The identification and protection of Wetland UFIs 7176 and 13342 (as amended from DBCA wetland reclassification assessment Ref No. 2021/001070-01 and proposed in Concept Plan CLE Ref 3278-43A-3/DWER Ref DWERDT509144) including buffers and other areas of high quality vegetation.** **70.3 The following plans are to be prepared by the applicant and approved by the local government and used to inform the Structure Plan:** **a. Local Water Management Strategy, prepared in accordance with any relevant District Water Management Strategy in consultation with the Department of Water and Environmental Regulation, and addressing the potential impacts of stormwater flows on wetland UFIs 7176, 13342 and 15532 (as amended);** **b. Bushfire Management Plan;** **c. Traffic Impact Assessment, including (but not limited to) analysis of the Warton Road/Mason Road intersection;** **d. Acoustic assessment to address traffic and shooting range noise;**

		e. Environmental Management Plan, addressing actions to prevent and manage impacts of urban development on threatened flora, vegetation identified for retention, for implementation at subdivision and development stage; and **f. Wetland and Buffer Management Plan, addressing mitigation, management and rehabilitation measures to ensure the long-term viability of the wetland and buffer area, prepared in consultation with the Department of Biodiversity, Conservation and Attractions.** **70.4 The Structure Plan shall provide design and/or management responses for implementation through subdivision and development, addressing:** **a. Land use zones and other actions to prevent and manage urban development impacts on public groundwater drinking sources, in accordance with applicable State Planning Policies;** **b. Acid sulphate soils;** **c. Site contamination;** **d. Safe and efficient road intersections to Warton Road for traffic distribution and congestion management, on the advice of the City of Armadale;** **e. Widening and upgrade of Mason Road, including any modifications to its intersection with Warton Road;** **f. Identification of a roundabout-controlled intersection at Mason Road/Southampton Drive/Lockeville Boulevard;** **g. Identification and protection of significant landscape trees and features as per Local Planning Policy PLN 2.4 Landscape Feature and Tree Preservation, where possible;** **h. Visual impact of noise attenuation measures;** **i. Mosquito management; and** **j. High pressure gas mains.** **70.5 Structure Plans shall identify a location for a Department of Education-operated primary school to the satisfaction of the City of Armadale and the Department of Education.** **70.6 The provision of public open space shall satisfy the following criteria:** **a. Provision of unrestricted public open space in accordance with WAPC policy;**

		b. Identification of the location of an active senior-sized playing field; **c. Protection of significant flora, vegetation and environmental features;** **d. Linear public open space connections to the abutting North Forrestdale Development (Structure Planning) Areas.**

d. Include the land generally bound by Warton Road, the MRS Public Purpose (High School) Reservation, Lockeville Boulevard, Interdominion View and Armadale Road within Special Control Area Map 3 with the appropriate 'Development Area (Structure Plan) Schedule 8' and 'No.70' designations.

e. Modify Special Control Area Map 2 to transfer the land generally bound by Warton Road, the MRS Public Purpose (High School) Reservation, Lockeville Boulevard, Interdominion View and Armadale Road from the Public Drinking Water Resource Protection Areas - Priority 2 Source Protection Area to the Public Drinking Water Resource Protection Areas - Priority 3 and 3* Source Protection Area;

f. Modify Special Control Area Map 1 to remove the Poultry Farm Buffer from Lot 709 Armadale Road, Banjup and modify intersecting Poultry Farm Buffers accordingly; and

g. Amend the Scheme Maps accordingly.

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

3. Endorse the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.

4. Forward the amendment documentation to the Western Australian Planning Commission for its consideration and request the Hon Minister for Transport, Planning and Ports grant final approval to the amendment.

5. Advise the submitters and the applicant of its decision.

6. Should the Hon. Minister require any minor modifications to the Scheme Amendment at the final adoption stage, then authorise the Mayor and Chief Executive Officer to sign and seal the modified amendment documents.

7. Advise the Hon. Minister that should she consider that the proposed modification to Amendment No.118 to include the previous MRS-zoned Urban Deferred land on Lot 9009 Warton Road in the TPS No.4 Urban Development zone require readvertising of Amendment No.118, then the City and the applicant request that this modification be removed from Amendment No.118 and the land rezoned under a separate TPS No.4 Amendment to ensure that the majority of the Precinct can be rezoned and subsequent planning processes continue.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation D10/2/22 - Final Adoption - Amendment No.120 - TPS No.4 West of Rail Development Contribution Plan No.8

Cr Busby declared a financial interest in Recommendation D10/2/22 on the basis that he owns property within the West of Rail Precinct. Cr Busby left the meeting at 7.49pm

MOVED Cr M J Hancock

That Council:

1. **Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt, without modification, Amendment No.120 to Town Planning Scheme No.4 to amend Special Control Area Map 3 by including Lots 4 and 502 Green Avenue, Armadale within Development Contribution Area 8.**

2. **Authorise the Mayor and Chief Executive Officer to execute the Amendment No.120 documents.**

3. **Forward the Amendment No.120 documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Transport; Planning; Ports grant final approval to the amendment.**

4. **Endorse the comments made in this report regarding the submissions received on this scheme amendment 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.120 documents should the Hon Minister for Transport; Planning; Ports grant final approval to the Amendment subject to minor modifications.**

MOTION not opposed, DECLARED CARRIED (11/0)

Cr Busby returned to the meeting at 7.50pm

Recommendation D11/2/22 - Potential Site Investigation - Proposed Bike Jump / Pump Track

MOVED Cr M J Hancock

That Council:

1. **Support Fancote Park as a potentially suitable location for a future bike jump/pump track.**

2. **List the cost of a Feasibility Study and construction/maintenance in the Four (4) Year Budget. If funded the Feasibility Study would then be the subject of a further report for Council's consideration.**

MOTION not opposed, DECLARED CARRIED (12/0)

10.2 CORPORATE SERVICES COMMITTEE MEETING
Report of the Corporate Services Committee held on 22 February 2022.

MOVED Cr K Busby that the report be received.

MOTION not opposed, DECLARED CARRIED (12/0)

BUSINESS ARISING FROM REPORT

Recommendation CS1/2/22 - List of Accounts Paid - December 2021

MOVED Cr K Busby

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 $14,941,754.09 on Batch 2676-2684, Cheques 033371-033380, Direct Debits & PY01.12 to PY01.13.

Credit Card
Accounts Paid totalling $2,000.98 for the period ended December 2021.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation CS2/2/22 - Statement of Financial Activity - December 2021

MOVED Cr K Busby

That Council:

Pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accept the Statement of Financial Activity for the six (6) month period ended 31 December 2021; and

i. **Note that there are reportable actual to budget material variances for the period**
ii. **Note the $50.51 small rates debts written off under Primary Delegation 1.0 and Secondary Delegation CORPS 1.1.**

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation CS3/2/22 - Bushfire Risk Management Plan

MOVED Cr K Busby

That Council:

1. **Endorse the Bushfire Risk Management Plan as attached to this report.**

2. **Note that the City's Bushfire Risk Management Plan will be subject to regular reviews with the next review to commence immediately.**

3. **Participates in a workshop to provide guidance for the review, in particular to**

provide guidance on a communication and community consultation strategy to gain feedback for a revised BRM Plan.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation CS4/2/22 - Information & Communication Technology (ICT) Strategic Plan

MOVED Cr K Busby

That Council:

1. **Approve and adopt the draft ICT Strategic Plan 2022-2026 as presented.**
2. **Include Option 1 presented in this report as the preferred implementation approach in the draft Four Year budget FY23 to FY26, as follows:**

	FY23	FY24	FY25	FY26	FY27
Four Year Budget	$5.90M	$6.00M	$5.50M	$5.60M	$5.60M
Increase	*$.64M*	*$1.30M*	*$1.86M*	*$2.01M*	*$1.86M*
Revised Budget	$6.54M	$7.30M	$7.36M	$7.61M	$7.46M

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation CS5/2/22 - Leasing - Orchard House - WA Police

MOVED Cr K Busby

That Council adopt the recommendations as contained within the confidential report.

MOTION not opposed, DECLARED CARRIED (12/0)

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 (12/0)

BUSINESS ARISING FROM REPORT

Recommendation CEO2/2/22 - Councillors Information Bulletin - Issue No 2/2022

MOVED Cr M S Northcott

That Council acknowledge receipt of Issue 2/2022 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED (12/0)

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

1 Skate Park - Hilbert (Cr Shanavas Peter)

That the matter of a report on the feasibility of a skate park at the proposed Hilbert Shopping Centre be referred to the Community Services Committee.

2 Bushfire Brigades - Membership Requirements (Cr John Keogh)

That the matter of membership requirements for Bushfire Brigades at the City of Armadale be referred to the Community Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 7.55pm

MINUTES CONFIRMED THIS 14 MARCH 2022

MAYOR