

**ORDINARY MEETING OF COUNCIL
MONDAY, 28 NOVEMBER 2016**

MINUTES

CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	3
3	ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
4	PUBLIC QUESTION TIME	4
	NIL	4
5	APPLICATIONS FOR LEAVE OF ABSENCE	4
1	REQUEST FOR LEAVE OF ABSENCE.....	4
6	PETITIONS	4
1	OBJECTION TO DEVELOPMENT ON 47 (LOT 60) MCNEILL ROAD, CHAMPION LAKES.....	4
2	RIVA ENTRANCE - ENTRY/EXIT TO MEDICAL CENTRE	4
7	CONFIRMATION OF MINUTES	5
	MINUTES OF ORDINARY COUNCIL MEETING HELD ON 14 NOVEMBER 2016	5
8	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.....	5
1	MARKETING & PUBLIC RELATIONS	5
2	GOVERNANCE & ECONOMIC DEVELOPMENT.....	5
9	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN – WITHOUT DISCUSSION	5
10	REPORTS.....	6
10.1	CITY STRATEGY COMMITTEE MEETING - 21 NOVEMBER 2016.....	6
10.1.1	LIST OF ACCOUNTS PAID - OCTOBER 2016 (1.1).....	6
10.1.2	STATEMENT OF FINANCIAL ACTIVITY (1.2).....	6
10.1.3	RATE EXEMPTION APPLICATION - THE GRAND LODGE OF WA OF ANCIENT FREE AND ACCEPTED MASONS INC KNOWN AS MASONIC CARE WA - A196489 LOT 201, 31 FOURTH ROAD ARMADALE (1.3)	6
10.1.4	APPLICATION TO RENEW ITINERATE TRADERS PERMIT - CHRISTINA LOUISE FORBES (TINA'S SOFT SERVE) (2.1)	7
10.1.5	TRADERS PERMIT APPLICATION - JULL STREET MALL. (2.2).....	8
10.1.6	DIGITAL STRATEGY 2017-2022 (3.1).....	8
10.1.7	COMMITTEE MEMBERSHIP (REFERRAL MATTER) (3.2).....	9

10.1.8	ROLEYSTONE CROSS PARK SENIORS LEASE (1).....	9
10.2	DEVELOPMENT SERVICES COMMITTEE MEETING - 22 NOVEMBER 2016.....	9
10.2.1	PROPOSED AMENDMENT NO.87 TO TPS NO.4 - AMENDMENT TO RESTRICTED USE 1 PROVISIONS IN THE DISTRICT CENTRE ZONE ALBANY HIGHWAY KELMSCOTT (VARIOUS LOTS) (4.2).....	9
10.2.2	APPOINTMENT OF AUTHORISED OFFICERS - BUILDING ACT 2011 (1.1)	12
10.2.3	LOT 78, 210 JULL STREET, ARMADALE - REDEVELOPMENT AND CHANGE OF USE TO CHILD CARE PREMISES AND SHOP (2.1)	12
10.2.4	TEN/22/16 CONSIDERATION OF TENDERS RECEIVED FOR THE PREPARATION OF THE ARMADALE STRATEGIC METROPOLITAN CENTRE STRUCTURE PLAN, DESIGN GUIDELINES & CAR PARKING STRATEGY (3.1).....	15
10.2.5	PROPOSED AMENDMENT NO.81 TO TPS NO.4 AND STRUCTURE PLAN - REZONING OF LOT 13 POAD STREET AND LOTS 14-18 LAKE ROAD, CHAMPION LAKES FROM RURAL LIVING TO URBAN DEVELOPMENT (4.1).....	15
10.2.6	REVISED STATE PLANNING POLICY 3.6 - DEVELOPMENT CONTRIBUTIONS FOR INFRASTRUCTURE (3.2).....	19
10.2.7	FINAL ADOPTION - AMENDMENT NO.84 - TOWN PLANNING SCHEME NO.4 OMNIBUS AMENDMENT NO.5 (4.3).....	19
10.2.8	ANNUAL LEAVE - EXECUTIVE DIRECTOR DEVELOPMENT SERVICES (5.1)	21
10.2.9	REVIEW OF LAND USE PERMISSIBILITY (6.1).....	21
10.3	CHIEF EXECUTIVE OFFICER'S REPORT - 28 NOVEMBER 2016	21
10.3.1	COUNCILLORS' INFORMATION BULLETIN - ISSUE NO. 21/2016 (1.1).....	22
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	22
12	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	22
	NIL	22
13	MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION	22
1	ENTRY STATEMENTS INSTALLATIONS	22
2	FOOTPATHS - ANGELO/GREALIS AND TOWNSEND STREETS	22
3	ROLEYSTONE HALL - CURTAINS.....	22
14	MATTERS REQUIRING CONFIDENTIAL CONSIDERATION.....	22
	NIL	22
15	CLOSURE.....	22

CITY OF ARMADALE

MINUTES

OF ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 28
NOVEMBER 2016 AT 7.00PM.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

PRESENT:

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

IN ATTENDANCE:

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

Public: 6 Press: 1

LEAVE OF ABSENCE:

Nil

APOLOGIES:

Apology received from Cr C Frost

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

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

1 Request for Leave of Absence (Cr Jim Stewart)

Request for leave of absence received from Cr J A Stewart for the period Sunday 1 January to Monday 30 January 2017 inclusive.

MOVED Cr C A Campbell

That Council grant leave of absence to Cr J A Stewart for the period Sunday 1 January to Monday 30 January 2017 inclusive (includes 1 Ordinary Council meeting – 23 January 2017).

MOTION not opposed, DECLARED CARRIED (13/0)

6 PETITIONS

1 Objection to Development on 47 (Lot 60) McNeill Road, Champion Lakes (Cr Colin Campbell)

A Petition signed by 58 residents was tabled by Cr Campbell, the prayer of which reads:

We the undersigned respectfully request that the Council acknowledge opposition to the proposed development of a petting zoo (livestock and small animals), mini golf course, indoor play centre, outdoor playground and supporting facilities (kiosk, dining areas, toilet block and car park) on 47 (Lot 60) McNeill Road, Champion Lakes WA 6111.

MOVED Cr C A Campbell

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

MOTION not opposed, DECLARED CARRIED (13/0)

2 Riva Entrance - Entry/Exit to Medical Centre (Cr Michelle Silver)

A Petition signed by 34 residents was tabled by Cr Silver, the prayer of which reads:

We the undersigned respectfully request that the Council have an entry/exit of the Medical Centre and Shops from Riva Entrance

MOVED Cr Silver

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

MOTION not opposed, DECLARED CARRIED (13/0)

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 14 NOVEMBER 2016.

MOVED Cr J A Stewart that the Minutes of the Ordinary Council Meeting held on 14 November 2016 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (13/0)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1 Marketing & Public Relations

- On 26 November participated in the filming of a special documentary featuring Ben Strange cartoons at History House.
- On Monday 21 November attended the opening of the Red Cross Blood Services new donations facility in Cannington.
- On Saturday 26 November, along with Crs Geary, Wielinga and Best, attended the opening of the Bedfordale Bush Markets

2 Governance & Economic Development

- On Tuesday 15 November attended Special WAPC Monthly meeting in Perth.
- On Tuesday 22 November chaired and attend WALGAs selection Committee meeting at their offices in West Leederville.
- On Wednesday 23 November, along with Cr Butterfield and Mr Ketterer (A/CEO), attended the South East Zone meeting here at the City of Armadale.
- On Thursday 24 November, along with Crs, Butterfield, Sargeson, Campbell, Nixon, Frost and Silver, attended a Citizenship function at Rushton Park Hall, Kelmscott where we welcomed another 100 new citizens to the city.

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

Nil

10 REPORTS

10.1 CITY STRATEGY COMMITTEE MEETING

Report of the City Strategy Committee held on Monday 21 November 2016.

MOVED Cr M Geary that the report be received.

MOTION not opposed, DECLARED CARRIED (13/0)

BUSINESS ARISING FROM REPORT

Recommendation CS92/11/16 - List of Accounts Paid - October 2016

MOVED Cr M Geary

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

Municipal Fund

Accounts paid totalling \$19,713,791.53 on Vouchers 27536–27689, Batch 1964-1971, 1973-1974, Direct Debits and PY01.08-PY01.09.

Trust Fund

Accounts paid totalling \$11,243,048.37 on Vouchers 5702-5777, Direct Debits and Batch 1972.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation CS93/11/16 - Statement of Financial Activity

MOVED Cr M Geary

That Council:

- (i) pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accepts the Statement of Financial Activity for the four (4) month period ended 31 October 2016; and**
- (ii) notes there are no reportable actual to budget material variances for the period.**

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation CS94/11/16 - Rate Exemption Application - The Grand Lodge of WA of Ancient Free and Accepted Masons Inc known as Masonic Care WA - A196489 Lot 201, 31 Fourth Road Armadale

MOVED Cr M Geary

That Council:

- 1. Approves pursuant to Section 6.26(2)(g) of the *Local Government Act 1995*, the rate exemption Application received from the Grand Lodge of WA of Ancient Free and**

Accepted Masons Inc. for their property at Lot 201, 31 Fourth Road Armadale (assessment 196489), effective from 3 August 2016, and

2. Conditions part (1) of this recommendation by requiring the Applicant to provide at regular (6) monthly future intervals, details of masonic and non-masonic use of the land/premises (i.e. A196489 – 31 Fourth Road Armadale) to evidence the “*exclusively used*” requirement.

MOTION not opposed, DECLARED CARRIED

(13/0)

Recommendation CS95/11/16 - Application to Renew Itinerate Traders Permit - Christina Louise Forbes (Tina's Soft Serve)

MOVED Cr M Geary

That Council approves, pursuant to the City’s *Activities and Trading in Thoroughfares and Public Places Local Law* and following the completion of the van’s upgrades passing a final inspection from the City of Armadale’s Health Services team, a trader’s permit being issued to Christine Louise Forbes “Tina’s Soft Serve” on the following terms:

- Operate within the boundaries of the City of Armadale, with the exceptions of:
 - The Jull Street Mall;
 - within 500m of a permanent store offering similar products;
 - within 500m of a school zone when the school is open.
- Period of permit – 12 months from permit issue date;
- Days and Hours of Trading – Monday to Sunday, 10am to 6 pm
- Type of goods to be traded – Pre-packaged food, soft serve and toppings
- Application fee – \$50 (non-refundable);
- Annual License fee - \$500 per annum;
- Public liability insurance for an amount not less than \$20,000,000;
- Hold a current Certificate of Registration for a Mobile Food Business;
- Compliance with the *Activities and Trading in Thoroughfares and Public Places Local Law* and any other applicable legislation;
- The City reserving the right to cancel the permit should substantiated complaints be received;
- The City reserving the right to impose additional exclusion areas should complaints be received;
- All litter is to be contained and any visited area is to be left in a clean and tidy state;
- The above conditions may be amended from time to time as approved by the City.

MOTION not opposed, DECLARED CARRIED

(13/0)

Recommendation CS96/11/16 - Traders Permit Application - Jull Street Mall.

Cr Norman declared a financial interest in Recommendation CS96/11/16 on the basis that he is employed by one of the businesses operating in the Jull Street Mall.

Cr Norman left the meeting at 7.06pm

MOVED Cr M Geary

That Council;

- 1) **Approves, pursuant to the City's *Activities and Trading in Thoroughfares and Public Places Local Law*, a trader's permit being issued to Ms Inviolata Chibanda to trade in the Jull Street Mall subject to the following permit conditions:**
 - **Area to which permit applies – Near the waterwheel fountain within Jull Street Mall (refer to Area 3 on map);**
 - **Days and Hours of Trading – Monday to Sunday, 8.00 am to 5.00 pm**
 - **Vehicle access within the mall area is to be strictly before 8.00am and after 5.00pm**
 - **Type of goods to be traded – Java print clothing, shoes and accessories (items are to be new);**
 - **Fees - Application \$50.00, plus \$250.00 six (6) month trading permit;**
 - **Period of permit – 6 months from the date of issue of the permit;**
 - **The applicant obtaining public liability insurance for an amount not less than \$20,000,000;**
 - **Compliance with the *Activities and Trading in Thoroughfares and Public Places Local Law* and any other applicable legislation;**
 - **All litter is to be removed immediately after close of business and the area is to be left in a clean and tidy state;**
 - **Compliance with any newly developed policy relating to trading within the Jull St Mall;**
 - **Co-operate with the City's requirements when City planned events are scheduled in the Mall. and**
 - **The City reserving the right to cancel the permit should substantiated complaints be received.**
- 2) **Authorise a six (6) month extension of the permit referred to in part one (1) of this recommendation at a fee of \$250.00 should the engagement of a new market provider not be successful.**

MOTION not opposed, DECLARED CARRIED (12/0)

Cr Norman returned to the meeting at 7.07pm

Recommendation CS97/11/16 - Digital Strategy 2017-2022

MOVED Cr M Geary

That Council endorse the City of Armadale Digital Strategy 2017-2022 as amended and attached to this report.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation CS98/11/16 - Committee Membership (Referral Matter)

In moving the following motion Cr Sargeson foreshadowed a motion that Council support a Report being prepared reviewing Committee membership.

MOVED Cr Sargeson that Recommendation CS98/11/16 be not adopted.

SECONDED Cr M Geary

OPPOSED Cr R Butterfield

MOTION LOST (6/7)

MOVED Cr M Geary

That Council not support at this time a Report being prepared which reviews the membership options of standing committees.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation CS99/11/16 - Roleystone Cross Park Seniors Lease

MOVED Cr M Geary

That Council refers the Councillor Item in regard to the lease agreements review of City buildings at Cross Park, Roleystone to the relevant Directorate for action and/or report to the appropriate Committee.

MOTION not opposed, DECLARED CARRIED (13/0)

10.2 DEVELOPMENT SERVICES COMMITTEE MEETING

Report of the Development Services Committee held on Tuesday 22 November 2016.

MOVED Cr D M Shaw that the report be received.

MOTION not opposed, DECLARED CARRIED (13/0)

BUSINESS ARISING FROM REPORT

Recommendation D42/11/16 - Proposed Amendment No.87 to TPS No.4 - Amendment to Restricted Use 1 Provisions in the District Centre Zone Albany Highway Kelmscott (various lots)

Cr Campbell declared a non-financial interest in Recommendation D42/11/16 on the basis that he has an association with one of the persons involved in a business located within one of the properties subject of this scheme amendment . As a consequence, he advised that there may be a perception on the basis of his disclosed non-financial interest that his impartiality may be affected but declared that he would set aside that association, consider the matter on its merits and vote accordingly.

Cr Norman declared a financial interest on the basis that he has an association with one of the landowners of a property subject of this scheme amendment.

Cr Norman left the meeting at 7.15pm

MOVED Cr D M Shaw

That Council:

1. Pursuant to section 72 of the *Planning and Development Act 2005*, initiate Amendment No.87 to Town Planning Scheme No.4 as a standard amendment in accordance with Part 5, Clause 34 – standard amendment, subsection (a), (b), (d), (e), (f) and (g) of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows:

- A. Amend Schedule 3 Restricted Uses under Restricted Use 1 by deleting the land uses “Motor Vehicle Repair”, “Motor Vehicle Wash” and “Commercial Vehicle Parking” from the list of land uses Not Permitted (X) in the Restricted Use Area;
- B. Replace all reference to “Showroom” with “Bulky Goods Showroom” in the Scheme text and include the following new definition for “Bulky Goods Showroom” from the Planning and Development (Local Planning Schemes) Regulations 2015 in alphabetical order in Schedule 1 (2.) Land Use Definitions:

“bulky goods showroom” means premises -

- (a) *used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes-*
 - (i) *automotive parts and accessories;*
 - (ii) *camping, outdoor and recreation goods;*
 - (iii) *electric light fittings;*
 - (iv) *animal supplies including equestrian and pet goods;*
 - (v) *floor and window coverings;*
 - (vi) *furniture, bedding, furnishings, fabrics, manchester and homewares;*
 - (vii) *household appliances, electrical goods and home entertainment goods;*
 - (viii) *party supplies;*
 - (ix) *office equipment and supplies;*
 - (x) *babies’ and children’s goods, including play equipment and accessories;*
 - (xi) *sporting, cycling, leisure, fitness goods and accessories;*
 - (xii) *swimming pools.*
- or*
- (b) *used to sell goods and accessories by retail if -*
 - (i) *a large area is required for the handling, display or storage of the goods; or*
 - (ii) *vehicular access is required to the premises for the purpose of collection of purchased goods.*

C. Insert the following Land Use definition for “Trade Supplies” from the Planning and Development (Local Planning Schemes) Regulations 2015 in alphabetical order to Schedule 1 (2.) Land Use Definitions:

“trade supplies” means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises -

- (a) *automotive repairs and servicing;*
- (b) *building including repair and maintenance;*
- (c) *industry;*
- (d) *landscape gardening;*
- (e) *provision of medical services;*
- (f) *primary production;*
- (g) *use by government departments or agencies, including local government.*

D. Amend the “Zoning Table” by inserting the land uses “Bulky Goods Showroom” and Trades Supplies” in alphabetical order and applying the permissibility of these land uses in each zone as set out below:

USE CLASSES	ZONES									
	Residential	Special Residential	Rural Living	General Rural	Local Centre	District Centre	General Industry	Industrial Business	Mixed Business/Residential	Strategic Regional Centre
Bulky Goods Showroom	X	X	X	X	X	X	X	D	X	D
Trade Supplies	X	X	X	X	X	X	X	D	X	D

E. Amend Schedule 2 Additional Uses by inserting Additional Use 44 as set out below and amending the Scheme Map accordingly:

No.	Description of Land	Additional Use	Conditions and Requirements
44.	<p>Kelmescott District Centre South being the following properties:</p> <p><u>Fancote Street</u> Lot 27 No. 15 Lot 26 No. 9 Lot 25 No. 7 Lot 24 No. 5 Lot 2 No. 1</p> <p><u>Church Street</u> Lot 100 No. 7</p> <p><u>Ayton Road</u> Lot 2 No. 2</p> <p><u>Rundle Street</u> Strata Lots 2-6 No. 8</p> <p><u>Albany Highway</u> Lot 56 No. 2896 Lot 57 No. 2898 Lot 8 No. 2900 Lot 7 No. 2902 Lot 58 No. 2904 Lot 59 No. 2906 Strata Lots 1-6 No. 2910 Lot 12 No. 2932 Lot 833 No. 2938 Lot 104 No. 2944 Strata Lot 1-4 No. 2954 Lot 100 No. 2964 Lot 4 No. 2970 Lot 5 No. 2972</p>	<p>Discretionary (D) Uses –</p> <ul style="list-style-type: none"> • Bulky Goods Showroom • Trade Supplies 	<p>Nil</p>

	Lot 101 No. 2976 Lot 70 No. 2978		
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2. Refers the above Amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to section 81 of the *Planning and Development Act 2005*. Should the EPA advise that the amendment does not require assessment, advertise the amendment for a period of 42 days in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.
3. Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.
4. Forward a copy of the amendment to the Western Australian Planning Commission for information.

MOTION not opposed, DECLARED CARRIED (12/0)

Cr Norman returned to the meeting at 7.16pm

Recommendation D43/11/16 - Appointment of Authorised Officers - Building Act 2011

MOVED Cr D M Shaw

That Council:

1. Approve the appointment of the following officer class as an “Authorised Officer” pursuant to section 96 (s100, s101, s102 and s103) of the *Building Act 2011* for the purpose of s100 Entry Powers, s101 Powers after entry for compliance purposes, s102 Obtaining information and documents, s103 Use of force and assistance, s104 Directions generally and s105 Obstruction of authorised persons to:
 - Building Assessment Officer, Bradley Hutchings.
2. The abovementioned authorisation to remain in effect whilst the appointed person/officer is employed by the City of Armadale and shall cease when the person/officer ceases employment with the City.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation D44/11/16 - Lot 78, 210 Jull Street, Armadale - Redevelopment and Change of Use to Child Care Premises and Shop

Cr Norman declared a financial interest in Recommendation CS44/11/16 on the basis that he is employed by one of the businesses operating in the Jull Street Mall.

Cr Norman left the meeting at 7.17pm

MOVED Cr D M Shaw

That Council:

- A) Approves the application for Development Approval for demolition of buildings and construction of a single storey commercial building, to be used for ‘Child

Care Premises' and 'Shop's on Lot 78, 210 Jull Street, Armadale, subject to the following conditions and advice notes:

- 1. The Child Care Premises is restricted to no more than ninety (90) children at the premises at any given time.**
- 2. A landscape plan shall be submitted to and approved by the Executive Director Development Services. The landscape plan shall include:**
 - a) Plant species (predominantly West Australian natives);**
 - b) Numbers, location, container size;**
 - c) Method of irrigation of the landscaped areas;**
 - d) Retention of existing trees as identified on the approved site plan;**
 - e) Two (2) semi mature trees (approx. 2m high) within the Child Care Premises yard (and adjacent to the south western edge of the yard);**
 - f) Landscape strip adjacent to south western edge of Child Care Premises yard and carpark entry.**

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

- 3. No materials shall be stored in car parking areas.**
- 4. Outdoor storage areas shall be screened from public view, to the satisfaction of the Executive Director Development Services.**
- 5. All rubbish bin storage areas and servicing areas associated with the development shall be appropriately screened from public vantage points to the satisfaction of the Executive Director Development Services.**
- 6. Air conditioning units, compressors and other equipment related to utilities shall be screened from public view to the satisfaction of the Executive Director Development Services.**
- 7. Schedule of external colours and materials (including the Child Care Premises yard wall) shall be submitted to the City's Planning Services department and approved by the Executive Director Development Services. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.**
- 8. The external surfaces of all parapet walls that are on or adjoining a property boundary shall be painted and finished in accordance with the schedule of colours required by Condition 7, prior to the installation of any parapet walls along a property boundary.**
- 9. To meet drainage requirements the developer/owner shall, to the specifications and satisfaction of the Executive Director Technical Services:**
 - a) Submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan thereafter;**
 - b) Show any drainage easements as may be required on the Certificate of**

- Title in favour of the City;
- c) Relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development; and,
 - d) Pay a drainage levy in accordance with Clause 2.1 of Schedule 13A (Development Contribution Plan No.2) in Town Planning Scheme No.4.
10. If new fencing is proposed, or where fencing exists does not meet these standards, fencing shall be installed prior to occupation in accordance with the following and maintained thereafter:
- a) Internal fencing and other property boundary fencing, with the exception of (d) below, shall be at least 1.8m high (and a maximum of 2m high) measured from the new ground level / top of retaining walls in accordance with *Part 2 of the City's Fencing Local Law 2011* (or superseding standard);
 - b) Fencing of the common boundary between Lots 78 and 710 (specifically the south eastern wall of the Child Care Premises yard) is to contain visually permeable elements as shown on approved plans and finished with an appropriate treatment on the south eastern side in accordance with the Colours and Materials Schedule required by Condition 7;
 - c) Fencing of common boundary between Lots 78 and 710 (specifically the northern wall of the Child Care Premises yard) shall be finished with an appropriate treatment on the northern side in accordance with the Colours and Materials Schedule required by Condition 8;
 - d) The property boundary between Lots 78 and 77 shall remain unfenced.
11. All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.
12. A Demolition Management Plan is to be prepared by the applicant and submitted to the Executive Director Development Services for approval prior to the commencement of demolition works. The Demolition Management Plan shall be implemented by the applicant to the satisfaction of the Executive Director Development Services and shall demonstrate the method and proposed management of the demolition of any buildings to minimise the impacts upon the surrounding properties and Jull Street Mall.
13. A Construction Management Plan is to be prepared by the applicant and submitted to the Executive Director Development Services for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall be implemented by the applicant to the satisfaction of the Executive Director Development Services and detail how the construction of the development will be managed, including the following:
- Public safety and site security;
 - Hours of operation;
 - Dust management;
 - Waste and material disposal;
 - Traffic management plans for the various phases of the construction including any impacts on Jull Street Mall;
 - Parking arrangements for contractors and sub-contractors;
 - Delivery and access arrangements;

- **The storage of materials and equipment on site (no storage of materials within the Jull Street Mall will be permitted);**
- **Appropriate bonding and remediation arrangements; and**
- **Any other matters likely to impact upon the surrounding properties or Jull Street Mall.**

ADVICE TO APPLICANTS:

1. **A separate application is required for all signs associated with the development.**
2. **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.**
3. **With regard to part d) of the drainage Conditions, the City advises that the current contribution rate at the date of this approval is \$2.94 per m² (no GST). Please liaise with the City’s Subdivision Engineer’s regarding payment.**
4. **Premises must comply with the *Food Act 2008* and the *Food Standards Code*.**
5. **The applicant is advised of the requirement to comply with the Environmental Protection (Noise) Regulations 1997, the Education and Care Services National Law (WA) Act 2012 and Education and Care Services National Regulations 2012 (or superseding standards).**
6. **The applicant is advised to liaise with the City’s Health Services to arrange for an inspection of the premises to ensure compliance with requirements of the Health Act 1911.**

MOTION not opposed, DECLARED CARRIED (12/0)

Cr Norman returned to the meeting at 7.18pm

Recommendation D45/11/16 - TEN/22/16 Consideration of Tenders Received for the Preparation of the Armadale Strategic Metropolitan Centre Structure Plan, Design Guidelines & Car Parking Strategy

MOVED Cr D M Shaw

That Council in respect to tender number TEN/22/16 - Armadale Strategic Metropolitan Activity Centre Structure Plan (including Car Parking Strategy and Design Guidelines) accept the tender received from Hassell for the consideration of \$396,957 inclusive of GST subject to variations to the scope of work being negotiated prior to contract signing.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation D46/11/16 - Proposed Amendment No.81 To TPS No.4 and Structure Plan - Rezoning of Lot 13 Poad Street and Lots 14-18 Lake Road, Champion Lakes from Rural Living to Urban Development

Cr Norman declared a financial interest in Recommendation D46/11/16 on the basis that he has an association with one of the landowners of a property subject of this scheme amendment.

Cr Norman left the meeting at 7.18pm

MOVED Cr D M Shaw

That Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, initiate Amendment No. 81 to Town Planning Scheme No.4 as a ‘Standard Amendment’ in accordance with Part 5, Clause 34 – Standard Amendment, subsection (b), (c) and (g) of the Planning and Development (Local Planning Schemes) Regulations 2015 to:
 - a. Rezone Lot 13 (No. 91) Poad Street and Lots 14-18 (No’s 538, 550, 556, 562 & 580) Lake Road, Champion Lakes from ‘Rural Living 2’ zone to ‘Urban Development’ zone;
 - b. Include Lot 13 (No. 91) Poad Street and Lots 14-18 (No’s 538, 550, 556, 562 & 580) Lake Road, Champion Lakes within Special Control Area Map 3 with the designation “Development Area (Structure Plan) (Schedule 12)” as a new entry in appropriate numerical order;
 - c. Amend the Scheme Maps accordingly; and
 - d. Amend Schedule 12 – “Development Areas” – to include the following new entry in appropriate numerical order:

No.	Description of Land	Additional Provisions applicable to subdivision and development
x	Lot 13 Poad Street and Lots 14-18 Lake Road (Precinct A1)	<ol style="list-style-type: none"> 1. Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development. 2. A Local Water Management Strategy shall be prepared by a suitably qualified person at the expense of the subdivider or developer and approved by the City prior to prior to Structure Plan approval. 3. As part of subdivision or development of the land existing trees and vegetation considered worthy of retention by the City shall be retained and protected at the expense of the subdivider or developer to the City’s satisfaction. 4. Prior to subdivision or development of the land, a Landscaping and Streetscape Plan for Public Open Space, drainage features and Road Reserves shall be prepared and implemented by a suitably qualified person at the expense of the subdivider or developer to the requirements and satisfaction of the City. The Landscaping Plan and Streetscape Plan shall address the following matters to the City’s satisfaction: <ol style="list-style-type: none"> a. An existing vegetation and tree condition assessment and tree survey shall be provided;

		<ul style="list-style-type: none">b. The design and construction of Public Open Space and Road Reserves shall make provision for the retention of existing trees and vegetation considered worthy of retention by the City;c. The design and construction of drainage features within Public Open Space and Road Reserves shall be integrated with the overall landscaping design;d. Public Open Space shall be revegetated with local native species as required and approved by the City;e. Public Open Space shall include grassed areas as required and approved by the City;f. The provision of street trees using local native species as required and approved by the City;g. Reticulation of the Public Open Space and Street Trees shall be provided as required by the City and approved by the City;h. On street car parking bays adjacent to Public Open Space shall be provided; andi. A connected pedestrian footpath network shall be provided and constructed as follows:<ul style="list-style-type: none">i. On at least one side of every street;ii. Adjacent to Poad Street Road Reserve from Lake Road to the River;iii. Adjacent to Lake Road Reserve;iv. Adjacent to the Wungong River Foreshore; andv. The paths required under the points i to iii above shall be connected. <p>5. Prior to subdivision or development of the land, the following plans shall be prepared, approved by the City and implemented by a suitably qualified person at the expense of the subdivider or developer to the requirements and satisfaction of the City:</p> <ul style="list-style-type: none">a. Foreshore Management and Improvement Plan;b. Midge and Mosquito Management Planc. Bushfire Management Plan;d. Urban Water Management Plan;e. Geotechnical Report. <p>6. Masonry uniform fencing shall be constructed in the locations shown on any approved</p>
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		<p>Structure Plan and be visually permeable where required by the City</p> <p>7. Prior to subdivision and/or development the subdivider shall ensure the finished lot level of residential land within the flood fringe is at least 0.50m above the adjacent 100 year flood level to the City's satisfaction.</p> <p>8. Restrictive Covenants preventing access/egress to/from Lake Road shall be lodged on the Certificates of Title of those lots with direct frontage to Lake Road.</p> <p>9. Public open space shall be developed by the subdivider or developer in accordance with the Landscaping and Streetscape Plan prior to subdivision.</p> <p>10. A minimum primary street dwelling setback of 4m, and a minimum garage setback of 4.5m, shall apply to all lots with an R25 density code within the Precinct A1 Structure Plan area.</p>
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2. Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.
3. Upon the matters specified in Part 2 of this resolution being included in the Scheme Amendment and/or Structure Plan documentation, or otherwise being attended to by the proponent to the City's satisfaction, refer Amendment No.81 to the Environmental Protection Authority (EPA) pursuant to Section 81 of the Planning and Development Act 2005.
4. Pursuant to Schedule 2 Clauses 15 and 17 of the Planning and Development (Local Planning Schemes) Regulations 2015, determine that the proposed Structure Plan for Lot 13 (No. 91) Poad Street and Lots 14-18 (No.s 538, 550, 556, 562 & 580)) Lake Road, Champion Lakes will not be advertised until the following matters have been addressed to the City's satisfaction:
 - a. The Environmental Protection Authority providing its advice on proposed Amendment No.81. under Section 48C(1)(a) of the Environmental Protection Act 1986; and
 - b. The Structure Plan design being amended to include a road reserve interface between POS Area G and abutting residential land.
5. Advise the applicant and WAPC of the above decision.

MOTION not opposed, DECLARED CARRIED

(12/0)

Cr Norman returned to the meeting at 7.19pm

Recommendation D47/11/16 - Revised State Planning Policy 3.6 - Development Contributions for Infrastructure

Cr Zelones declared a non-financial interest in Recommendation D47/11/16 on the basis that he is a WA Planning Commissioner. As a consequence, he advised that there may be a perception on the basis of his disclosed non-financial interest that his impartiality may be affected but declared that he would set aside that association, consider the matter on its merits and vote accordingly.

MOVED Cr D M Shaw

That Council:

- 1. Endorse the preparation of submissions to the Western Australian Planning Commission with regard to revised State Planning Policy 3.6 (SPP 3.6) Development Contributions for Infrastructure and the accompanying Draft Guidelines and Scheme Text Provisions in accordance with the comments contained in the agenda report.**

MOTION not opposed, DECLARED CARRIED

(13/0)

Recommendation D48/11/16 - Final Adoption - Amendment No.84 - Town Planning Scheme No.4 Omnibus Amendment No.5

MOVED Cr D M Shaw

That Council:

- 1. Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt, without modification, Amendment No.84 to Town Planning Scheme No.4 to:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

	212 Asplin Loop, Kelmscott – Centre Road Canning River (West) Urban Structure Plan	development.
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2. Authorise the Mayor and Chief Executive Officer to execute the Amendment documents.
3. Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Planning and Infrastructure grant final approval to the amendment.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation D49/11/16 - Annual Leave - Executive Director Development Services

MOVED Cr D M Shaw

That Council:

1. Note that the Executive Director Development Services (Paul Sanders) will take Annual Leave from Monday, 9th January to Tuesday, 31st January 2017 inclusive and during this time it is proposed that the Executive Manager Development Services (Sergio Famiano) be appointed Acting Executive Director Development Services; and
2. Pursuant to Management Practice ADM 12 and on the recommendation of the Chief Executive Officer, appoint the Executive Manager Development Services (Sergio Famiano) for the period Monday, 9th January to Tuesday, 31st January 2017 inclusive as Acting Executive Director Development Services.

MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation D50/11/16 - Review of Land Use Permissibility

MOVED Cr D M Shaw

That Councillor item regarding a review of land use permissibility in the Rural Living and Special Residential zones be referred to the Development Services Directorate for action and/or report back to Committee.

MOTION not opposed, DECLARED CARRIED (13/0)

10.3 CHIEF EXECUTIVE OFFICER'S REPORT

Report of the Chief Executive Officer .

MOVED Cr G A Best that the report be received.

MOTION not opposed, DECLARED CARRIED (13/0)

BUSINESS ARISING FROM REPORT

Recommendation - Councillors' Information Bulletin - Issue No. 21/2016

MOVED Cr G A Best

That Council acknowledge receipt of Issue No 21/2016 of the Information Bulletin.

MOTION not opposed, DECLARED CARRIED

(13/0)

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 Entry Statements Installations (Cr Michelle Silver)

That the matter of the order of works for Entry Statement Installations be referred to the Technical Services Committee.

2 Footpaths - Angelo/Grealis and Townsend Streets (Cr Michelle Silver)

That the matter of an investigation for the request for footpaths along Angelo/Grealis and Townsend Streets be referred to the Technical Services Committee.

3 Roleystone Hall - Curtains (Cr Caroline Wielinga)

That the matter of additional curtains at the Roleystone Hall for acoustic reasons be referred to the Technical Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Zelones, declared the meeting closed at 7.23pm

MINUTES CONFIRMED THIS 19 DECEMBER 2016

MAYOR