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**ORDINARY MEETING OF COUNCIL**  
**MONDAY, 24 JULY 2023**

**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, 24  
JULY 2023 AT 7.00PM.

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### 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

*The Mayor, Cr Butterfield, declared the meeting open at 7:03pm.*

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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 E J Flynn

Heron Ward

Cr G J Smith

Minnawarra Ward

Cr M Silver

Lake 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

Mr M Andrews

Executive Director Technical Services

Mrs R Milnes

A/Executive Director Community Services

Ms J Cranston

Executive Assistant Community Services

Public: Nil

#### LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr M J Hancock and Cr S S Virk

#### APOLOGIES:

Nil

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

Nil

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**4                   PUBLIC QUESTION TIME**

Nil

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**5                   APPLICATIONS FOR LEAVE OF ABSENCE**

**1. Request for Leave of Absence (Cr John Keogh and Cr Melissa Northcott)**

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Requests for leave of absence has been received from:

- Cr J Keogh for the period Monday 7 August 2023; and
- Cr M Northcott for the period Sunday 6 August 2023 to Sunday 13 August 2023 inclusive.

MOVED Cr K Busby

**That Council grant leave of absence for:**

- **Cr J Keogh for the period Monday 7 August 2023 (does not include an Ordinary Council meeting); and**
- **Cr M Northcott for the period Sunday 6 August 2023 to Sunday 13 2023 August inclusive (does not include an Ordinary Council meeting).**

**MOTION not opposed, DECLARED CARRIED (12/0)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington,  
Cr Flynn, Cr Smith, Cr Silver, Cr Mosey, Cr Nixon

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**6                   PETITIONS**

Nil

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**7                   CONFIRMATION OF MINUTES**

7.1 PREVIOUS ORDINARY COUNCIL MEETING  
HELD ON 10 JULY 2023.

MOVED Cr E J Flynn that the Minutes of the Ordinary Council Meeting held on 10 July 2023 be confirmed as a true and accurate record.

**MOTION not opposed, DECLARED CARRIED (12/0)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn,  
Cr Smith, Cr Silver, Cr Mosey, Cr Nixon

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

### **1. Mayor's Announcements**

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#### Tuesday 11 July 2023

- Was interviewed by ABC TV at the City of Armadale Landfill and Recycling Facility regarding how the City will be dealing with waste (including food and organic waste). The story seemed to be on the Federal Government's targets for FOGO recycling, however might highlight alternative approaches/ treatments for green waste. I spoke our current landfill site, recycling and the fact that the Rivers Local Governments are locked into a contract to supply all municipal waste to the Avertas Waste to Energy plant.

#### Saturday 15 July 2023

- Attended a regular interview at Heritage FM to talk about all things Armadale.
- Attended the Kelmscott Bulldogs Football Club Sponsors and Supporters Event, at John Dunn Oval. Councillor John Keogh and Councillor Gary Smith also attended the event.

#### Monday 17 July 2023

- Attended the Funding Acknowledgement event for the Roleystone Karragullen Volunteer Bushfire Station. The Hon Matt Keogh MP, Member for Burt was in attendance, representing Minister Catherine King from the Dept of Infrastructure, Transport, Regional Development and Communications. Mr Hugh Jones MLA, Member for Darling Range and Deputy Mayor Cr Busby, Councillor's Mosey, Northcott, Smith and Hetherington as well as the Brigade Captain Sean Anderson, also attended.
- Attended a meeting with the CEO and Matt Keogh MP, Member for Burt to discuss local issues.
- Attended a regular catchup meeting with the Deputy Mayor and CEO.

#### Tuesday 18 July 2023

- Met with a local business owner to discuss the expected timing of the Regional Recreation Reserve and development at the Forrestdale Business Park. The CEO and members of the Executive Team also attended the meeting.

#### Wednesday 19 July 2023

- Met with members of the organizing committee from St Mary in the Valley Church, to discuss their 150<sup>th</sup> Anniversary event in 2024.

#### Thursday 20 July 2023

- Attended the official launch of the Western Power South Metro Depot, Boyli Mia, in Forrestdale. Hon Bill Johnston MLA, Minister for Mines and Petroleum, Energy, Hydrogen Industry and Industrial Relations opened the facility. Yaz Mubarakai MLA, Member for Jandakot was also in attendance. The City's Manager of Economic Development and I were able to tour the facility with the Minister and Mr Mubarakai. The facility will be home to 850 employees.

#### Sunday 23 July 2023

- Undertook (Watsonia) weeding at Banyowla Park in Kelmscott with the Friends of Banyowla Park event. Councillor Mosey also participated in the weeding.
- Undertook seedling planting at Lloyd Hughes Park Kelmscott, with the Friends of Lloyd Hughes group, at their National Tree Day event.

Monday 24 July 2023

- Attended a regular meeting with the CEO to discuss local issues.

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

Nil

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**10 REPORTS**

**10.1 DEVELOPMENT SERVICES COMMITTEE MEETING**

Report of the Development Services Committee held on 17 July 2023.

MOVED Cr S J Mosey that the report be received.

**MOTION not opposed, DECLARED CARRIED**

**(12/0)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn,  
Cr Smith, Cr Silver, Cr Mosey, Cr Nixon

**BUSINESS ARISING FROM REPORT**

Recommendation D18/7/23 - Consideration of Minister's Modifications - TPS No.4  
Amendment No.121 - Rezoning of Lots 601-603 Balannup Road & Lots 200-202 Skeet  
Road, Harrisdale

MOVED Cr S J Mosey

**That Council:**

1. Notes the Minister for Transport, Planning and Port's direction pursuant to Section 87(2) of the *Planning and Development Act 2005* as advised in the WAPC's letter dated 18 July 2023 to require the implementation of modifications to Amendment No.121 prior to the Amendment receiving final approval; and
2. Authorises the Mayor and the Chief Executive Officer to execute the modified scheme amendment documentation prior to the documentation being returned to the Western Australian Planning Commission.

**MOTION not opposed, DECLARED CARRIED**

**(12/0)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn,  
Cr Smith, Cr Silver, Cr Mosey, Cr Nixon

Recommendation D19/7/23 - Health (Miscellaneous Provisions) Act 1911 - Appointment of  
Deputies of the Local Government

MOVED Cr S J Mosey

**That Council:**

1. Pursuant to section 26 of the *Health (Miscellaneous Provisions) Act 1911*, appoint the persons listed below as the City's Deputies for the purposes of exercising and discharging any of the provisions of the *Health (Miscellaneous Provisions) Act 1911* and its relevant *Regulations*, including local laws and orders made under the aforementioned legislation, subject to the condition detailed below:

- a) Chief Executive Officer
- b) Executive Director Development Services
- c) Manager Health Services
- d) Coordinator Health Services
- e) Senior Environmental Health Officers
- f) Environmental Health Officers

**Conditions:**

*The Coordinator Health Services, Senior Environmental Health Officers and Environmental Health Officers may only as Deputies:*

- i. *Issue approvals for the construction and installation of apparatus for the treatment of sewage and the disposal of effluent and liquid waste in accordance with Regulation 4 of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*
- ii. *Prepare and provide a local government report in relation to an application for an approval made to the Chief Health Officer under Regulation 4A of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*

**ABSOLUTE MAJORITY RESOLUTION REQUIRED**

**MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY**

**RESOLUTION OF COUNCIL**

**(12/0)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith, Cr Silver, Cr Mosey, Cr Nixon

Recommendation D20/7/23 - DevelopmentWA Referral - Proposed Eleventh Road Bridge And Associated Works - Wungong

MOVED Cr S J Mosey

**That Council:**

- A) **Recommend that DevelopmentWA approve the development application for the proposed Eleventh Road Bridge and Associated Works pursuant to clause 5.20(1)b of the Armadale Redevelopment Scheme 2 subject to the following conditions and advice:**
  - 1. **The proposed development is to be carried out in accordance with the attached plans approved by DevelopmentWA, subject to any modifications as required by the conditions of approval.**
  - 2. **A public art plan being submitted and approved to the satisfaction of DevelopmentWA, on the advice of the City of Armadale and MetroNet office. Once approved, the plan shall be implemented in its entirety.**
  - 3. **A revised Tree Retention Strategy shall be submitted to and approved by DevelopmentWA, on the advice of the City of Armadale, prior to the commencement of site works. Once approved, the Tree Retention Strategy is to be implemented in its entirety to the satisfaction of DevelopmentWA and the City.**

4. A detailed Landscape Plan shall be submitted and approved by DevelopmentWA, on the advice of the City of Armadale, prior to the commencement of operations. Once approved, the Landscape Plan is to be implemented in its entirety.
5. A revised Construction Management Plan shall be submitted and approved by DevelopmentWA, on the advice of the City of Armadale, prior to the commencement of site works. Once approved, the Construction Management Plan is to be implemented in its entirety to the satisfaction of DevelopmentWA.
6. A revised Traffic Management Plan shall be submitted to and approved by DevelopmentWA, on the advice of the City of Armadale prior to the commencement of site works. Once approved, the Traffic Management Plan is to be implemented in its entirety to the satisfaction of DevelopmentWA.
7. A revised Bushfire Vehicular Access Review shall be submitted to and approved by DevelopmentWA, on the advice of the City of Armadale prior to the commencement of site works. Once approved, the Bushfire Vehicular Access Review is to be implemented in its entirety to the satisfaction of DevelopmentWA.
8. An updated Operational Noise and Vibration Report shall be submitted and approved to the satisfaction of DevelopmentWA, on the advice of the City of Armadale prior to the commencement of site works. Once approved, the Operational Noise and Vibration Report is to be implemented in its entirety to the satisfaction of DevelopmentWA.
9. A Drainage Management Plan shall be prepared to the satisfaction of DevelopmentWA on the advice of the Department of Water and Environmental Regulation and the City of Armadale, prior to the commencement of relevant construction works. Once approved, the plan is to be implemented in its entirety.
10. A revised Urban Design Treatment Strategy shall be prepared, submitted and approved by DevelopmentWA, on the advice of the City of Armadale, to amend the proposed Treatments and related text/measures to be consistent with DWA's future Urban Redevelopment Area prior to the commencement of operations. Once approved, the Urban Design Treatment Strategy is to be implemented in its entirety.
11. All accessible structures within three metres of ground level which are the subject of this application are to be applied with an anti-graffiti coating or other agreed treatment to the satisfaction of DevelopmentWA on the advice of City of Armadale.
12. Any damage to trees that were not identified for removal in the Tree Retention Strategy or removal of vegetation located outside the development area and incurred during the construction process shall be replaced or repaired at the cost of the landowner/applicant, to the satisfaction of DevelopmentWA, on the advice of the City of Armadale.



13. A Dilapidation Survey of surrounding properties within an identified Zone of Influence being undertaken to the satisfaction of DevelopmentWA, on the advice of the PTA, prior to the commencement of any site works that may involve substantial earthworks, vibration and/or dewatering.
14. Lighting shall be provided for cyclists and pedestrians on the PSPs and the path on the bridge to the satisfaction of the City.
15. Modification of the proposed civil plans to include a shared path linking the proposed Keenan Street extension to the proposed shared path.
16. Prior to the commencement of any site works, a Dust Management Plan shall be prepared and submitted to DevelopmentWA for approval on advice from the City of Armadale Health Services. The approved plan shall be implemented and all work shall be carried out in accordance with the approved plan thereafter.
17. A Soil Management Strategy shall be submitted and approved by DevelopmentWA, on the advice of the City of Armadale, prior to the commencement of operations. Once approved, the Soil Management Strategy is to be implemented in its entirety.
18. A Dilapidation Survey of road infrastructure within an identified Zone of Influence being undertaken to the satisfaction of DevelopmentWA, on the advice of the PTA, prior to the commencement of any site works that may involve substantial earthworks, vibration and/or dewatering.

#### ADVICE NOTES

1. In relation to Conditions 3, 4 & 7:
  - a. The proposed vegetation maintenance requirements for Bushfire Protection, and their impact upon existing and proposed vegetation need to be agreed with the City and then consistently reflected across the 3 documents.
  - b. Drawings should clearly indicate the extent of works proposed to be handed over to the City of Armadale for its review and consideration for approval.
  - c. Drawings do not, but should, show the full extent of proposed tree clearing. For example, Page 5 – the area proposed to be cleared in Reserve 14217 is not shown. Page 9, also not shown.
  - d. Request a specific tree and vegetation removal plan that comprehensively considers drainage, hard treatments, access and setbacks from maintenance associated with the WP overhead power lines. The overhead power lines appear to fall outside of the land acquisition boundary on Landscaping Plan – page 21, which will result in additional clearing to achieve vegetation clearance requirements.
  - e. Consideration should be given to the relocation/alteration of the proposed drainage basin and swale within Lot 14 Eleventh Road to reduce the amount of existing vegetation required to be cleared

for this infrastructure.

- f. Civil drawings do not show fencing around proposed drainage basins. Fencing specifications need to be confirmed and agreed to by the City.
  - g. Review scope for additional tree planting along the road embankments, in addition to those shown planted along the proposed footpath. New trees appear to be 5Lt installation size, where larger pot size such as 45Lt would be more suitable.
  - h. The Tree Canopy Calculations should not include tree replacement on privately owned land, where trees are cleared from public managed land.
  - i. Optimise areas for additional new tree planting.
  - j. Planting mix density and species mix to be reviewed by the City.
  - k. Pea gravel above the embankment footpath to be reconsidered as if the material is not contained it will become a slip hazard.
  - l. Modification of the Bushfire Vehicular Access Review and civil plans to identify all Emergency Accessways and Fire Service Access Routes being treated with a minimum standard of compacted road base.
  - m. The proposed low threat vegetation requirements that are proposed to be managed by the City shall be reviewed in the context of the City's expected costs and landscape and environmental objectives in the area.
- 2. In relation to Condition 5, the revised Construction Management Plan shall address:
  - a. A viable alternative route for heavy vehicles needs to be determined, following consultation with affected stakeholders.
  - b. The impact of the road closure upon emergency access/egress from properties in this bushfire prone area to ensure suitable access/egress routes are available throughout the construction period.
- 3. In relation to Condition 8, the finalised version of the Operational Noise and Vibration Report should include:
  - a. Modelling and detailed discussion of LAeq Day and LAeq Night levels as per WAPC's SPP5.4.
  - b. A list and elaboration of any noise mitigation measures (including noise wall specifications, use of sound absorption materials etc.)
- 4. In relation to Condition 9, the Drainage Management Plan should include:
  - a. Drainage Layout Plan sheet 3 shows water flow away from basin. In other plans, it shows flow towards. Clarity over the intention for this swale is requested.
- 5. 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:-

- a. Outside the hours of 7.00am to 7.00pm; or
- b. On a Sunday or Public Holiday.

6. In relation to Condition 17 requiring a Soil Management Strategy, soil compaction is often responsible for poor performance or failure of plantings. The process of construction usually involves the removal of topsoil and grading of the subsoil. Greater axle loads lead to deeper compaction. Soil compaction has negative impacts on storm- water runoff, infiltration, and vegetative establishment and growth. Therefore, the Soil Management Strategy should address the following:

- a. Controlling Traffic to restrict the amount of soil that is compacted, for example, using the same tracks across the site, restricting equipment within certain radius of specific areas and establishing a Tree Protection Zone for all trees.
- b. Managing axle loads and tire pressure as heavy axle loads and wet soil conditions increase the depth of compaction, for example properly inflate tires as contact pressure between tire & soil affects subsoil compaction, requiring excavated soil to be tilled and renovated post-construction: all effects of compaction are to be reversed.
- c. Aeration of soil with the aim of supplying oxygen to the soil and preparing the soil to support plants: methods include spike, core, liquid and Air (Soil is tilled with an air tool while adding soil amendments, beneficial bacteria/fungi, and organic granular fertilisation).
- d. Ripping of the site prior to establishment to promote the best chance of survival for seeds and plantings in the first year.
- e. Use of Additives and soil conditioners to aerate and provide drainage.
- f. Vertical mulching which involves digging or drilling vertical holes in an area and then filling these holes with organic compost or mulch: this works via the same general principle that surface mulching does, except that it can improve the soil's condition more quickly, as the material is placed deep in the ground.

B) Advise PTA/MetConnx that the following matters in relation to the area outside the Redevelopment Area are required to be addressed:

- 1. The City's advice on the development application and the DWA's decision should not be construed as acceptance of management of assets by the City. The City's acceptance of management responsibilities will require further discussions and the contractors and PTA/MetroNet achieving the City's standards for assets.

2. Revised civil plans are required to be submitted identifying the following:
  - a. The provision of a vehicle access gate into Fletcher Park from the proposed cul-de-sac within the adjacent Lot 1 Eleventh Road and parking bays within Lot 1 Eleventh Road to service visitors to Fletcher Park.
  - b. Civil plans do not show fencing of the new boundary of reserve 14217. An “Accommodation Works Plan” supplied by PTA as part of separate discussions shows a 1.8m chain-link fence with 3 rows of barbwire on the new reserve boundary. This is not supported. Fencing specifications need to be confirmed and agreed to by the City.
  - c. Drawings do not, but should, show the full extent of proposed tree clearing. For example, Page 5 – the area proposed to be cleared in Reserve 14217 is not shown. Page 9, also not shown.
  - d. Proposed firebreaks/maintenance tracks constructed with an appropriate treatment to the satisfaction of the City.
3. Information is to be provided to determine the extent of the proposed drainage infrastructure on the *Diuris purdiei* (Purdie’s Donkey orchid) and its habitat.
4. A revised Tree Retention Strategy shall be prepared, prior to the commencement of site works addressing the following matters:
  - a. *Drosera oreopodion* (Pygmy Drosera) and *Johnsonia pubescens subsp. cygnorum* have also identified as priority species within the development area. These areas have not been marked on any of the design drawings. The City recommends this species be identified and protected.
  - b. Suitable Acid Sulphate Soils and Dieback mitigation measures and procedures.
  - c. The proposed overhead powerlines could be modified to underground power minimising the area of vegetation clearing required (for the infrastructure itself and the long term infrastructure maintenance) in the current Reserve 14217.
  - d. The consideration of incorporating joint access tracks to service the bridge, drainage, power lines, Fletcher Park reserve and firebreak maintenance activities both between Eleventh Road, Reserve 14217 and extending to Mitchell Street to reduce the amount of vegetation clearing required.
  - e. The proposed swale on the north side of Eleventh Road could be piped to reduce the horizontal separation distance between the proposed bridge and the swale and therefore reduce the amount of clearing needed for the swale.
5. A Fauna Relocation and Management Plan is to be prepared addressing the following:
  - a. Management methods during construction; and
  - b. Provision of fauna tunnel to enable the continued north-south and east-

west connectivity for bandicoots. Details and specifications are to be included to confirm tunnels are above winter groundwater level and provide suitable connectivity to habitat areas.

- c. The fencing around the base of the bridge on the eastern side of the railway being modified to enable fauna to move north/south under the bridge between Fletcher Park and the land south of Eleventh Road in a corridor between the railway line and bridge structure.

6. The Bushfire Vehicle Access Review report be revised to acknowledge alterations proposed to access to Fletcher Park.

7. Engagement with BEWG, Armadale Gosnell's Landcare Group and the Wallangarra Riding and Pony Club is required with a consolidated information package with regards to changes in the City of Armadale managed reserves is recommended.

- C) Request a Deputation by the City officers to the Armadale LRC to present the City's Submission.

**MOTION not opposed, DECLARED CARRIED (12/0)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith, Cr Silver, Cr Mosey, Cr Nixon

Recommendation D21/7/23 - Review of the City's Developable Freehold Land Assets

MOVED Cr S J Mosey

**That Council:**

1. Acknowledge that the following land parcels will be considered as Public Open Space under a freehold land tenure by the City:
  - a) Lot 86 Church Avenue, Armadale;
  - b) Lot 39 Page Road, Kelmscott;
  - c) Lot 201 Carawatha Avenue, Mount Nasura;
  - d) Lot 298 Emerald Place, Mount Richon; and
  - e) Lot 163 Church Avenue, Armadale.
2. List for consideration in the next review of the City's Long Term Financial Plan minor landscaping improvements on the following lots:
  - a) Lot 86 Church Avenue, Armadale;
  - b) Lot 39 Page Road, Kelmscott;
  - c) Lot 201 Carawatha Avenue, Mount Nasura; and
  - d) Lot 163 Church Avenue, Armadale.
3. Note future report on the preparation of Town Planning Scheme No.5 or a scheme amendment and will include for consideration:
  - a) Lot 298 Emerald Place, Mount Richon from "Residential" Zone to "Parks and Recreation" Reserve; and
  - b) Additional Land uses over Lots 1, 301 and 302 Abbey Road, Armadale to expand the range of development options for the land.
4. Authorise the City to commence subdivision of the following sites to allow excision of the Primary Regional Road Reserves and/or road widening and authorise the

**City to engage with Main Roads Western Australia, DevelopmentWA and the Western Australian Planning Commission regarding the acquisition of the road widening in the relevant areas:**

- a) Lot 17, 18 and 19 Forrest Road, Hilbert;**
- b) Lot 163 Church Avenue, Armadale; and**
- c) Lot 86 Church Avenue, Armadale.**

- 5. Authorise the City to engage with Main Roads Western Australia and the Western Australian Planning Commission regarding the reduction and/or acquisition of the Metropolitan Region Scheme Primary Regional Road Reservation of Lot 304 Abbey Road, Armadale.**

**MOTION not opposed, DECLARED CARRIED (12/0)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith, Cr Silver, Cr Mosey, Cr Nixon

## **10.2 CORPORATE SERVICES COMMITTEE MEETING**

Report of the Corporate Services Committee held on 18 July 2023.

MOVED Cr K Busby that the report be received.

**MOTION not opposed, DECLARED CARRIED (12/0)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith, Cr Silver, Cr Mosey, Cr Nixon

## **BUSINESS ARISING FROM REPORT**

Recommendation CS29/7/23 - List of Accounts Paid - May 2023

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 totaling \$11,702,557.04 on cheque numbers 189 to 202, transactions 8213 to 9237 and Payrolls dated 14 May and 28 May 2023.**

### **Credit Card**

**Accounts Paid totalling \$3,843.07 for the period ended May 2023.**

**MOTION not opposed, DECLARED CARRIED (12/0)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith, Cr Silver, Cr Mosey, Cr Nixon

Recommendation CS30/7/23 - Statement of Financial Activity - May 2023

MOVED Cr K Busby

**That Council:**

- i. Pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996 (Financial Activity Statement Report) accept the Statement of Financial Activity for the eleven (11) month period ended 31 May 2023; and:**

- a. Note that there are reportable actual to budget material variances for the period
  - b. Note the \$161.24 small rates debts written off under Primary Delegation 1.0 and Secondary Delegation CORPS 1.1.
- ii. Approve an amendment to the 2022/23 Annual Budget to transfer the following funds to reserves:
  - a. \$120,000 to the Workers Compensation reserve; and
  - b. \$1,380,000 to the ICT Reserve.

**ABSOLUTE MAJORITY RESOLUTION REQUIRED**

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

**(12/0)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington,  
Cr Flynn, Cr Smith, Cr Silver, Cr Mosey, Cr Nixon

Recommendation CS31/7/23 - 2023 WALGA Local Government Convention and  
Registration of Voting Delegates for the Annual General Meeting - 18-19 September 2023

MOVED Cr K Busby

**That Council:**

1. authorise the registration of those Councillors with an electoral terms of less than 6 months to be registered for the 2023 WALGA Convention;
2. register Cr Butterfield and Cr Northcott as its voting delegates for the 2023 WALGA Annual General Meeting to be held on Monday 18 September 2023.
3. register Cr Silver and Cr Mosey as its deputy voting delegates in the event that either Cr Butterfield or Cr Northcott are unable to attend the WALGA AGM on this day.

**MOTION not opposed, DECLARED CARRIED**

**(12/0)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington,  
Cr Flynn, Cr Smith, Cr Silver, Cr Mosey, Cr Nixon

Recommendation CS32/7/23 - Confidential Award Nomination

MOVED Cr K Busby

**That Council endorse the matter to be progressed for research.**

**MOTION not opposed, DECLARED CARRIED**

**(12/0)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington,  
Cr Flynn, Cr Smith, Cr Silver, Cr Mosey, Cr Nixon

### 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)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith, Cr Silver, Cr Mosey, Cr Nixon

### BUSINESS ARISING FROM REPORT

#### Recommendation CEO3/7/23 - 2023 Performance Review - Chief Executive Officer

*Ms Abbiss, CEO declared an interest in this item on the basis that it relates to her contract of employment. Ms Abbiss left the meeting at 7.16pm*

MOVED Cr E J Flynn

**That Council:**

1. **In accordance with the City's Procurement Policy and Procedures, appoint an independent consultant to facilitate the process and provide professional advisory services for the 2022/23 annual performance review for the CEO and the setting of the 2023/24 CEO KPIs.**
2. **Endorses the CEO Evaluation Panel to have the additional function of agreeing with the CEO and documenting the process for the setting of the annual CEO KPIs for presentation to Council.**

**MOTION not opposed, DECLARED CARRIED (12/0)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith, Cr Silver, Cr Mosey, Cr Nixon

*Ms Abbiss returned to the meeting at 7.17pm*

#### Recommendation CEO4/7/23 - Annual Budget - Financial Year 2023/24

MOVED Cr K Busby that part (1) of Recommendation CEO4//723 be adopted.

**That Council:**

1. **NOTES the approval of the Minister for Local Government provided on 21<sup>st</sup> July 2023 under s.6.35(5) of the *Local Government Act 1995*, to impose a minimum payment on vacant land of \$1,175, that does not comply with subsections (2), (3) or (4) of Section 6.35 of the *Local Government Act 1995*.**

**MOTION not opposed, DECLARED CARRIED (12/0)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith, Cr Silver, Cr Mosey, Cr Nixon



MOVED Cr P A Hetherington that part (2) of Recommendation CEO4/7/23 be adopted.  
SECONDED Cr K Busby  
OPPOSED Cr S Peter

2. Pursuant to sections 6.32, 6.33 and 6.35 of the *Local Government Act 1995*, IMPOSE differential rates for the 23/24 financial year, based on whether the land is vacant land; the zoning of the land; or the purpose for which the land is held, in accordance with the following table:

***Gross Rental Value Properties***

<b><i>Differential Rate Category</i></b>	<b><i>Rate in the \$</i></b>	<b><i>Minimum Rate</i></b>
<i>Vacant Land</i>	<i>14.5778c</i>	<i>\$1,175</i>
<i>Residential Improved</i>	<i>9.4040c</i>	<i>\$1,356</i>
<i>Business Improved</i>	<i>9.8134c</i>	<i>\$1,577</i>

***Unimproved Value Properties***

<i>General &amp; Minimum Rate</i>	<i>0.4755c</i>	<i>\$1,624</i>
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**MOTION DECLARED CARRIED BY AN ABSOLUTE  
MAJORITY RESOLUTION OF COUNCIL**

**(9/3)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,  
Cr Mosey, Cr Nixon  
Against: Cr Kamdar, Cr Peter, Cr Silver

MOVED Cr E J Flynn that part (3) to (16) of Recommendation CEO4/7/23 be adopted.  
SECONDED Cr K Busby  
OPPOSED Cr S Peter

3. Pursuant to sections 6.32 and 6.37 of the *Local Government Act 1995*, IMPOSE specified area rates for the 2023/24 financial year in accordance with the following table and as set out in Note 1 of the annual budget:

<b>Specified Area</b>	<b>Rate in \$/ (Cents)</b>	<b>No. of Properties</b>	<b>Rateable Value (\$GRV)</b>	<b>SAR to be Levied</b>
<b>A- Armadale Town Centre</b>	<b>0.4356</b>	<b>88</b>	<b>29,292,669</b>	<b>\$127,600</b>
<b>B- Kelmscott Town Centre</b>	<b>0.8800</b>	<b>79</b>	<b>8,232,869</b>	<b>\$72,400</b>
<b>C- Kelmscott Industrial Area</b>	<b>0.1697</b>	<b>342</b>	<b>12,549,884</b>	<b>\$21,300</b>
<b>D- South Armadale Industrial Area</b>	<b>0.3496</b>	<b>140</b>	<b>6,950,798</b>	<b>\$24,300</b>
<b>E- Harrisdale/Piara Waters</b>	<b>0.2712</b>	<b>4,997</b>	<b>117,806,734</b>	<b>\$319,745</b>
<b>F- Champion Lakes</b>	<b>0.2313</b>	<b>332</b>	<b>6,138,900</b>	<b>\$14,200</b>

4. In accordance with the provisions of 36B and 36L of the *Fire and Emergency Services Authority of Western Australia Act 1998*, IMPOSE the 2023/24 State Government Emergency Services Levy Rates and Minimum and Maximum Payments on Residential, Vacant Land, Commercial, Industrial and Miscellaneous Lots as follows:

ESL Category	Rate per \$ GRV	Minimum ESL Charge	Maximum ESL Charges		
	All Property Uses	All Property Uses	Single-unit Residential, Vacant Land and Non-Commercial Farming	Multi-unit Residential (residential with more than 1 sub)	Commercial, Industrial and Miscellaneous
Category 1	0.013953	\$98	\$491	\$491 x relevant no. of units (subs)	\$280,000
Category 2	0.010465	\$98	\$368	\$368 x relevant no. of units (subs)	\$210,000
Category 3	0.006976	\$98	\$246	\$246 x relevant no. of units (subs)	\$140,000
Category 4	0.004883	\$98	\$172	\$172 x relevant no. of units (subs)	\$98,000
Category 5	Fixed Charge \$98				
Mining Tenements	Fixed Charge \$98				

5. In accordance with the provisions of section 67, Division 3, Part 6 of the *Waste Avoidance and Recovery Act 2007*, IMPOSE the following domestic and commercial waste charges for the 2023/24 financial year:

Residential Waste Charge (weekly rubbish and fortnightly recycling)	Per Annum	\$417
Commercial Waste Charge (weekly rubbish and fortnightly recycling)	Per Annum	\$416
Additional Waste Refuse Service	Per Annum	\$297.50
Additional Recycling Service	Per Annum	\$95.50

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

**One instalment:**

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

**Two Instalments:**

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

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

**Four Instalments:**

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

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

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

7. In accordance with *section 6.45(b) of the Local Government Act 1995*, OFFERS A Smarter Way To Pay in accordance with the City's Policy and as a further alternative option for the payment of rates.
8. In accordance with the provisions of section 36S of the *Fire and Emergency Services Authority of Western Australia Act 1998*, IMPOSES the State Government's interest on all current and arrears amounts of Emergency Services Levy at the rate of 7% per annum, calculated on a simple interest basis on amounts which remain unpaid after 35 days from the issue date of the original rate notice, or the due date of an instalment and continues until the arrears is fully paid. Excluded are instalment current amounts not yet due under the two or four payment instalment option, registered pensioner portions and current government pensioner rebate amounts. Interest is calculated daily on the outstanding balance.
9. In accordance with the provisions of section 6.45 of *the Local Government Act 1995*, for the 2023-24 financial year, IMPOSES the following administration fees and interest charges for payment of rates (including specified area rates), refuse charge and private swimming pool inspection fees:

*Two Instalment Option:*

Interest on instalments of 5.5% \*

An administration fee of \$nil;

*Four Instalment Option:*

Interest on instalments of 5.5%\*

An administration fee of \$nil;

*Special Payment Arrangements:*

An administration fee of \$55.50 for non-direct debit is charged on each special payment arrangement. Interest of 7% may be charged on overdue amounts.

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

10. In accordance with the provisions of section 6.13 and 6.51 of the *Local Government Act 1995*, IMPOSE interest on all current and arrears of rates, specified area rates (where applicable), current and arrears of refuse charges, current and arrears of private swimming pool inspection fees at a rate of 7% per annum, calculated on a simple interest basis on arrears amounts which remain unpaid and current amounts which remain unpaid after 35 days from the issue date of the original rate notice, or the due date of the instalment as the case may be and continues until the instalment is paid in full. Excluded are deferred rates and approved City payment

arrangements. Interest is calculated daily on the outstanding balance.

11. In accordance with the provisions of section 6.49 of the *Local Government Act 1995*, AUTHORISE the Chief Executive Officer to enter into special payment arrangements with ratepayers for the payment of general rates, specified area rates (where applicable), emergency services levy, refuse charges and private swimming pool inspection fees during the 2023/24 financial year.
12. Pursuant to section 245A (8) of the *Local Government (Miscellaneous Provisions) Act 1960*, and regulation 53 of the *Building Regulations 2012*, IMPOSE a fee of \$35 per annum, to cover the actual costs of mandatory swimming pool inspections, which occur every four years.
13. Following a review by the Western Australian Salaries and Allowances Tribunal, and ADOPT the following:
  - a) Set the annual attendance fee at \$32,957 for 2023/24, to be paid quarterly in advance to Councillors, or at such intervals as determined by individual Councillors, pursuant to section 5.99 of the *Local Government Act 1995* and regulation 30 of the *Local Government (Administration) Regulations 1996*;
  - b) Set the annual attendance fee at \$49,400 for 2023/24, to be paid quarterly in advance to the Mayor, pursuant to section 5.99 of the *Local Government Act 1995* and regulation 30 of the *Local Government (Administration) Regulations 1996*;
  - c) Set the annual Mayoral Allowance at \$93,400 for 2023/24, to be paid quarterly in advance, pursuant to section 5.98(5) of the *Local Government Act 1995* and the Western Australia Salaries and Allowances Tribunal Determination pursuant to *Western Australia Salaries and Allowances Act 1975* section 7A and 7B;
  - d) Set the annual Deputy Mayoral Allowance at \$23,400 for 2023/24, to be paid quarterly in advance, pursuant to section 5.98A of the *Local Government Act 1995* and the Western Australia Salaries and Allowances Tribunal Determination pursuant to *Western Australia Salaries and Allowances Act 1975* section 7A and 7B; and
  - e) Set an annual Information and Communications Technology Allowance of \$3,647 for 2023/24, to be paid quarterly in advance, pursuant to section 5.99A of the *Local Government Act 1995* and the Western Australia Salaries and Allowances Tribunal Determination pursuant to *Western Australia Salaries and Allowances Act 1975* section 7A and 7B.
14. Pursuant to section 6.16 of the *Local Government Act 1995*, ADOPT the fees and charges set out in the Attachment.
15. ADOPT the Annual Budget for the year ended 30 June 2024 as detailed in the Attachment, comprising the Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Statement of Cash Flows, Rate Setting Statement and supporting notes to and forming part of the Statutory Budget.

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

- (i) **all capital expenditure incurred from 1 July 2023 to 27 August 2023, which were provided for in the previous financial year's budget and commenced in the previous financial year;**
- and;**
- (ii) **non-recurrent operational projects, which were provided for in the previous financial year's budget and commenced in the previous financial year, under contract.**

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

**(9/3)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith, Cr Mosey, Cr Nixon

Against: Cr Kamdar, Cr Peter, Cr Silver

Recommendation CEO5/7/23 - Councillors Information Bulletin - Issue No 11/2023

MOVED Cr M S Northcott

**That Council acknowledge receipt of Issue 11/2023 of the Information Bulletin**

**MOTION not opposed, DECLARED CARRIED**

**(12/0)**

For: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith, Cr Silver, Cr Mosey, Cr Nixon

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

Nil

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

Nil

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

**1 New Facility for Harrisdale Men's Shed (Cr Shanavas Peter)**

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That the matter of finding a new facility for Harrisdale Men's Shed be referred to the Community Services Committee.

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**2 Increase of Budget for Youth Programs (Cr Shanavas Peter)**

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That the matter of increasing the budget for Youth Programs in the 2025 Budget be referred to the Community Services Committee.

**3 Commencement of Improvements/Treatments to the Public Realm of Kelmscott (Cr John Keogh)**

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That the matter of the Commencement of Improvements/Treatments to the Public Realm of Kelmscott be referred to the Technical Services Committee.

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**14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION**

Nil

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**15 CLOSURE**

*The Mayor, Cr Butterfield, declared the meeting closed at 7:34pm*

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MINUTES CONFIRMED THIS 14 AUGUST 2023

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MAYOR