



**ORDINARY MEETING OF COUNCIL
MONDAY, 24 NOVEMBER 2025**

AGENDA

CONTENTS

AGENDA

REPORTS

**DEVELOPMENT SERVICES COMMITTEE MEETING
HELD ON 17 NOVEMBER 2025**

**CORPORATE SERVICES COMMITTEE MEETING
HELD ON 18 NOVEMBER 2025**

CHIEF EXECUTIVE OFFICER'S REPORT

NOTICE OF MEETING AND AGENDA

CR _____

PLEASE TAKE NOTICE that the next **ORDINARY MEETING OF COUNCIL** will be held in the Council Chambers, Orchard Avenue, Armadale at **7.00pm**

MONDAY, 24 NOVEMBER 2025

**JOANNE ABBISS
CHIEF EXECUTIVE OFFICER**

20 November 2025

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Leave of Absence previously granted to Cr A Singh and Cr D Newman

3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following questions were taken on notice at Council's Meeting on 10 November 2025 and responses (summarized below) are provided.

Stuart Chapman

Q-1 Could Council please explain how the closure of the Armadale library on Saturday affected or will affect the financial reimbursement of casual, part time and full-time staff?

Response

No staff were affected financially by the closure.

Q-2 What reforms will the City implement to ensure that library staff are protected from bullying, ideological pressure or discrimination and that future concerns are handled transparently and fairly?

Response

The City is not aware of any finding to support the allegations or insinuations in this question. The City understands that Mr Mansfield's complaint was dismissed by the Equal Opportunity Commissioner under section 89 of the Equal Opportunity Act 1984. Section 89 allows the Commissioner to dismiss a complaint, by notice in writing addressed to the complainant, where the Commissioner is satisfied that a complaint is frivolous, vexatious, misconceived, lacking in substance or relates to an act that is not unlawful by reason of a provision of this Act. The City understands that the matter is now subject to further legal proceedings after being referred to the State Administrative Tribunal at the request of the complainant, which means the City will not be providing any additional comment at this time.

- Q-3 Will the Council issue an apology to Mr Mansfield for the harm caused to his professional reputation and wellbeing, and what measures will be taken to restore public confidence in the city's governance of its libraries?

Response

The City is not aware of any finding to support the allegations or insinuations in this question. The City understands that Mr Mansfield's complaint was dismissed by the Equal Opportunity Commissioner under section 89 of the Equal Opportunity Act 1984. Section 89 allows the Commissioner to dismiss a complaint, by notice in writing addressed to the complainant, where the Commissioner is satisfied that a complaint is frivolous, vexatious, misconceived, lacking in substance or relates to an act that is not unlawful by reason of a provision of this Act. The City understands that the matter is now subject to further legal proceedings after being referred to the State Administrative Tribunal at the request of the complainant, which means the City will not be providing any additional comment at this time.

- Q-4 Will the council issue a public statement addressing Mr Declan Mansfield's claims against the City of Armadale concerning workplace bullying, the ideological nature of diversity training and the toxic work environment he alleges he was forced to endure?

Response

The City is not aware of any finding to support the allegations or insinuations in this question. The City understands that Mr Mansfield's complaint was dismissed by the Equal Opportunity Commissioner under section 89 of the Equal Opportunity Act 1984. Section 89 allows the Commissioner to dismiss a complaint, by notice in writing addressed to the complainant, where the Commissioner is satisfied that a complaint is frivolous, vexatious, misconceived, lacking in substance or relates to an act that is not unlawful by reason of a provision of this Act. The City understands that the matter is now subject to further legal proceedings after being referred to the State Administrative Tribunal at the request of the complainant, which means the City will not be providing any additional comment at this time.

Brian Gillman

Q-1 Has the Council received any complaints or internal communications regarding the concealment, removal or hiding of library books due to their content or perceived political sensitivity?

Response

When concerns were raised with the Manager Library Services, immediate action was taken to directly counsel library staff members regarding their responsibilities in line with the ALIA statement on free access to information.

Q-2 Does the Council affirm that employees of the City of Armadale have the right to hold and express divergent views including different beliefs about gender and related social topics without fear of reprisal or discrimination?

Response

Staff and volunteers are required to comply with the City's Code of Conduct and legislative requirements related to discrimination, bullying or harassment.

Allan Simpson

Q-1 What steps has the Council taken to investigate the circumstances that led to Mr Declan Mansfield resignation from the Armadale library and does it acknowledge that his treatment reflects a failure of workplace culture?

Response

The City is not aware of any finding to support the allegations or insinuations in this question. The City understands that Mr Mansfield's complaint was dismissed by the Equal Opportunity Commissioner under section 89 of the Equal Opportunity Act 1984. Section 89 allows the Commissioner to dismiss a complaint, by notice in writing addressed to the complainant, where the Commissioner is satisfied that a complaint is frivolous, vexatious, misconceived, lacking in substance or relates to an act that is not unlawful by reason of a provision of this Act. The City understands that the matter is now subject to further legal proceedings after being referred to the State Administrative Tribunal at the request of the complainant, which means the City will not be providing any additional comment at this time.

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Scott Easton, Thornlie

Q-1 What training or guidance has the City provided to management and staff to ensure respect for viewpoint diversity and compliance with the Equal Opportunity Act 1984 WA

Response

The City provides training commensurate with its legislative responsibilities.

Q-2 Has the Council conducted any review into whether internal policies or management actions contributed to the distress or resignation of Mr Mansfield? If not, why not?

Response

The City is not aware of any finding to support the allegations or insinuations in this question. The City understands that Mr Mansfield's complaint was dismissed by the Equal Opportunity Commissioner under section 89 of the Equal Opportunity Act 1984. Section 89 allows the Commissioner to dismiss a complaint, by notice in writing addressed to the complainant, where the Commissioner is satisfied that a complaint is frivolous, vexatious, misconceived, lacking in substance or relates to an act that is not unlawful by reason of a provision of this Act. The City understands that the matter is now subject to further legal proceedings after being referred to the State Administrative Tribunal at the request of the complainant, which means the City will not be providing any additional comment at this time.

Martin Howley, Lesmurdie

Q-1 Given the protest was entirely peaceful and involved approx. 15 well behaved participants will the Council confirm that the library will not be closed again if a similar peaceful rally occurs in the future?

Response

The City will determine any future action based on the need to ensure the work health and safety of staff.

Q-2 Does Council support intellectual freedom in its libraries and what policies are in place to prevent suppression of reading material again

Response

The City's library collection is developed in accordance with the following principles:

- ❖ *ALIA statement on free access to information*
- ❖ *IFLA statement on libraries and intellectual freedom*
- ❖ *UNESCO public library manifesto*
- ❖ *State Library of WA Intellectual Freedom Policy*

Kathy Speciale, Thornlie

Q-1 Why was the Armadale library suddenly closed on Saturday 8 November 9 in response to a peaceful and law-abiding public rally in support of Mr Mansfield?

Response

The Armadale Library was closed to ensure the work health and safety of staff.

Q-2 Who authorised the decision to close the library that day and what was the assessment on policy or justification used to support that action

Response

The Armadale Library was closed by the CEO who is responsible for ensuring the work health and safety of staff.

4 PUBLIC QUESTION TIME

Public Question Time is allocated for the asking of and responding to questions raised by members of the public. Minimum time to be provided – 15 minutes (unless not required)

A Public Question Time Policy has been adopted by Council outlining the procedures to ensure the orderly conduct of Public Question time and a copy of these procedures can be found at

<https://my.armadale.wa.gov.au/service/about-council/publications-and-governance/delegations-and-council-policies>

It is also available in the public gallery.

The public's cooperation in this regard will be appreciated.

5 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Request for Leave of Absence – Cr S Peter

Request for leave of absence received from Cr Peter for the period Saturday 29 November 2025 to Monday 12 January 2026, inclusive.

RECOMMEND

That Council grant leave of absence to Cr Peter for the period Saturday 29 November 2025 to Monday 12 January 2026, inclusive (includes 1 Ordinary Meeting of Council – 15 December 2025).

6 PETITIONS

7 CONFIRMATION OF MINUTES

- 7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 10 NOVEMBER 2025. (ATTACHED)
-

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

**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 17
November 2025.9

BUSINESS ARISING FROM REPORT

- 10.2 CORPORATE SERVICES COMMITTEE MEETING**
Report of the Corporate Services Committee held on 18 November
2025.....96

BUSINESS ARISING FROM REPORT

- 10.3 CHIEF EXECUTIVE OFFICER'S REPORT**
Report of the Chief Executive Officer.118

BUSINESS ARISING FROM REPORT

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

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

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

14.1 Chief Executive Officer's - Item 1.2 - 2025 Performance Review -
 Chief Executive Officer

15 CLOSURE

CITY OF ARMADALE

MINUTES

**OF DEVELOPMENT SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 17
NOVEMBER 2025 AT 7:00PM.**

Official Opening and Acknowledgement Of Country read by Dr C Wielinga

The City of Armadale acknowledge the Traditional Owners and the Custodians of the land upon which we stand, work and play. We acknowledge Aboriginal people as the First Peoples of this land and their connection to the lands and waters, as they are part of them spiritually and culturally. We acknowledge their ancestors, the Elders past and present, who have led the way for us to follow in their footsteps and the emerging leaders of today and tomorrow.

PRESENT: Dr C M Wielinga(Chair)
Mayor R Butterfield
Cr J Keogh
Cr L Sargeson
Cr G J Smith
Cr T Thomas

APOLOGIES: Cr A Singh (Leave of Absence)

OBSERVERS: Cr S J Mosey (Deputy Chair)(via Teams)
Cr S Stoneham (via Teams 7.35pm to 7.43pm)

IN ATTENDANCE:

Ms J Abbiss	Chief Executive Officer
Mr P Sanders	Executive Director Development Services
Mr J Lyon	Executive Director Corporate Services (via Teams)
Mr M Southern	Executive Director Technical Services
Mr P Rosser	Head of Strategic Planning, Place & Development
Mr G Windass	Manager Statutory Planning
Mr P Hoole	Head of Community Infrastructure Planning
Mr K Papalia	Manager City Governance
Mrs N Mathieson	Executive Assistant Development Services

PUBLIC: 13

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was read out as members of the public present.

DECLARATION OF MEMBERS' INTERESTS

Nil

QUESTION TIME

Nil

DEPUTATION

1.2 – Development Application – Place of Worship – 8 Wygonda Road, Roleystone

Deputation commenced at 7.10pm with Clayton Plug from Harley Dykstra and Johnny Dimov as a representative from the Spoken Word Fellowship presenting a Deputation to the Committee regarding the Development Application – Place of Worship – 8 Wygonda Road, Roleystone.

The following comments were provided:

Mr J Dimov addressed the Committee at 7.10pm

- The Church has every intention to be respectful, courteous and considerate to the local residents of Roleystone, including the Country Club. We do not want to disturb the peaceful atmosphere that Roleystone offers and we would like to enjoy this lovely environment just as the locals do. The music played is not loud and intrusive, rather conservative in nature. Members of church will bring income into the local Roleystone community by using cafes and services nearby.*

Mr C Plug addressed the Committee at 7.13pm:

- Proposed Place of Worship to occur in the old squash court building. Since closing several years ago, it has been vacant so this proposal is a good opportunity to provide urban revitalisation. As there are several residential homes near the proposed site, extreme care has been taken to ensure that these residential homes will not be impacted. Acoustic Report assumes adjoining land could return to residential uses, our client is committed to providing the necessary means to reduce any noise (including car noise entering or leaving the site), secondly they are proposing 43 car bays when the Scheme requirement is 35 bays.*

The Chair thanked Mr Dimov and Mr Plug for their comments with the deputation concluding at 7.15pm.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Development Services Committee Meeting held on 6 October 2025 be confirmed.

Moved Cr L Sargeson

MOTION CARRIED

6/0

ITEMS REFERRED FROM INFORMATION BULLETIN - ISSUE 17 - NOVEMBER 2025

No items were raised for further investigation or report.

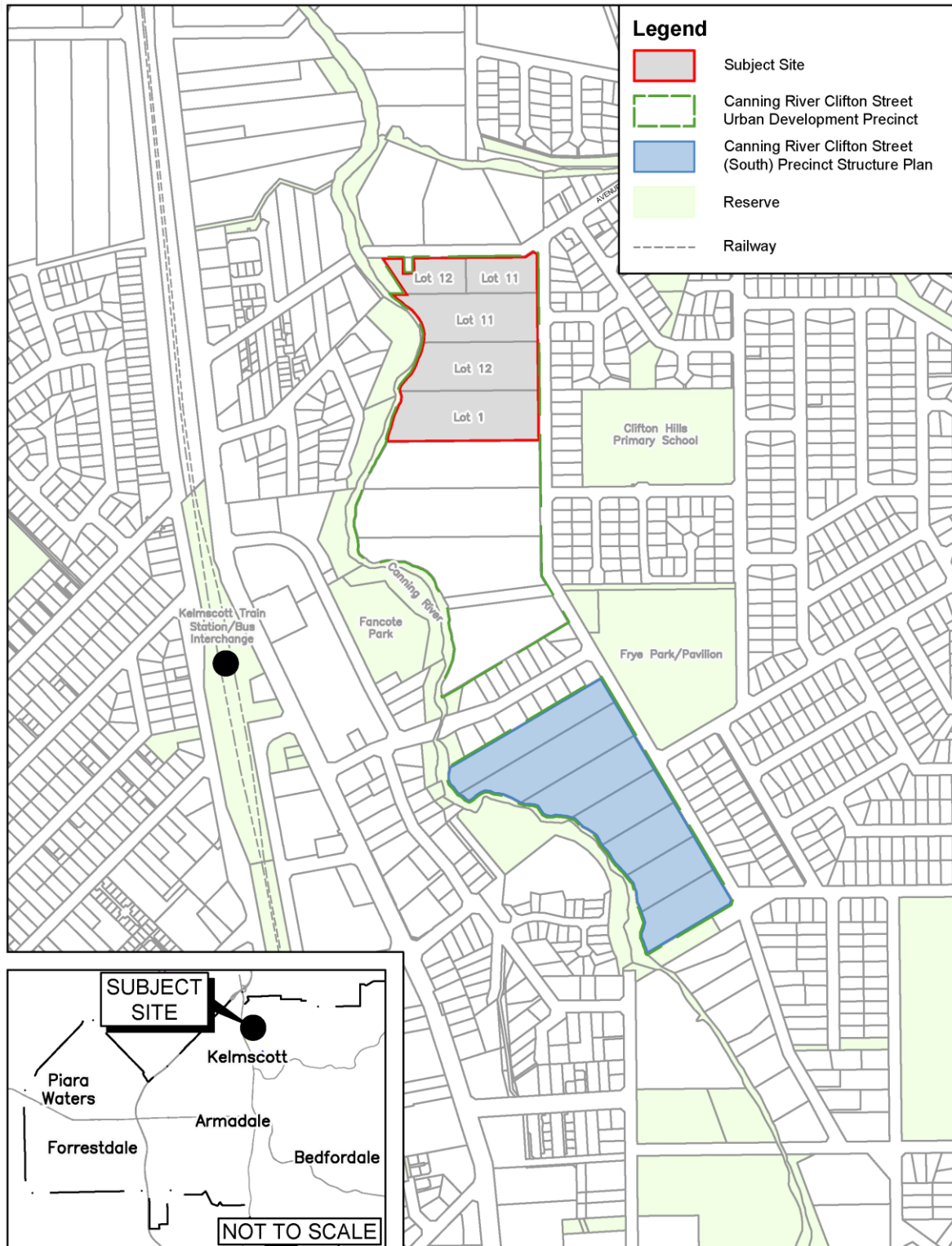
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CONTENTS

DEVELOPMENT SERVICES COMMITTEE

17 NOVEMBER 2025

1. DEVELOPMENT	
1.1	STRUCTURE PLAN RECOMMENDATION TO WAPC - CANNING RIVER & CLIFTON STREET (NORTH) PRECINCT, KELMSCOTT13
1.2	DEVELOPMENT APPLICATION - PLACE OF WORSHIP - 8 WYGONDA ROAD, ROLEYSTONE48
1.3	DEVELOPMENT APPLICATION - PINDARI RESTORATION HOUSE - LOT 41 - 61 NELSON STREET BEDFORDALE66
2. SCHEME AMENDMENTS & STRUCTURE PLANS	
2.1	FINAL ADOPTION - AMENDMENT NO.128 - TOWN PLANNING SCHEME NO.4 - SHORT TERM RENTAL ACCOMMODATION77
2.2	PROPOSED AMENDMENT NO.129 TO TPS NO.4 - PROPOSED MODIFICATION TO EXPIRATION PERIOD - NORTH FORRESTDAL CONTRIBUTION PLAN NO.3.....82
3. MISCELLANEOUS	
3.1	APPOINTMENT OF COUNCILLORS TO OCCASIONAL ADVISORY GROUPS, REFERENCE / WORKING GROUPS AND EXTERNAL ORGANISATIONS88
3.2	CONFIDENTIAL - NAMING OF NEW PAVILION AT MORGAN PARK, ARMADALE92
4. COUNCILLORS' ITEMS	
	NIL 94
5. EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT	
	LOCAL GOVERNMENT POOL SAFETY BARRIER INSPECTIONS94
SUMMARY OF ATTACHMENTS95



LOCATION PLAN

Proposed Structure Plan
Canning River & Clifton Street (North) Precinct

DATE: 6 March 2025 - REVISION 2501
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Based on information provided to and with the permission of the
Western Australian Land Information Authority (Landscape 2012)
Aerial photograph supplied by Landgate, Photosmaps by HearMap

CITY OF Armadale

1.1 - STRUCTURE PLAN RECOMMENDATION TO WAPC - CANNING RIVER & CLIFTON STREET (NORTH) PRECINCT, KELMSCOTT

WARD : RIVER

FILE No. : M/339/24

DATE : 11 November 2025

REF : CC/PR

RESPONSIBLE MANAGER : EDDS

APPLICANT : Harley Dykstra on behalf of A Macri

SUBJECT LAND : Lot 12 (No.32) Brookside Avenue Lot 11 (No.1), Lot 11 (No.15) Lot 12 (No.17) and Lot 1 (No.27) Clifton Street, Kelmscott

ZONING: Urban; Rural

MRS Urban Development;

TPS No.4 Rural Living 2

In Brief:

- A Structure Plan was lodged with the City to guide future development of a portion of Development Area 44 which is also known as Clifton Street North in Kelmscott.
- Recommend that Council resolve to forward the Structure Plan to the Western Australian Planning Commission with a recommendation that the Structure Plan be refused as issues and modifications raised by the City, Mains Roads WA, Department of Fire and Emergency Services, Department of Transport and Department of Biodiversity Conservation and Attraction have not been resolved to the satisfaction of the City and State Government agencies.

Tabled Items

Nil

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☐ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☒ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

Strategic Community Plan 2026-35

- 2.1.5 Biodiversity is managed to preserve and improve ecosystem health.
- 2.2.1 Focus on achieving high streetscape amenity in new developments.
- 2.2.3 Develop, improve and maintain quality parks, playgrounds and open spaces
- 2.5.1 Align the land use planning framework with the City's strategic objectives and facilitating sustainable design and development
- 2.2.1 Seek tree retention in new developments
- 2.5.2 Actively seek the retention of trees in new subdivisions and developments.

Legal Implications

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection Act 1986*
- *Swan and Canning Rivers Management Act 2006*
- *Aboriginal Heritage Act 1972*
- *Heritage Act 2018*
- Metropolitan Region Scheme
- City of Armadale Town Planning Scheme No.4 (TPS 4)

District and Regional Land Use Policy Implications

- WAPC Perth and Peel @ 3.5 million & South Metropolitan and Peel Sub-regional Structure Plan, March 2018.
- WAPC State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region.
- WAPC State Planning Policy 2.10 Swan-Canning River System.
- WAPC State Planning Policy 3.7 – Planning in Bushfire Prone Areas (and Guidelines).
- WAPC Liveable Neighbourhoods Policy.
- WAPC Transport Impact Assessment Guidelines.
- Development Control Policy 2.3 Public Open Space in Residential Areas.
- Development Control Policy 1.6 – Planning to Support Transit Use and Transit Oriented Development.
- City of Armadale Town Planning Scheme No.4.
- Local Planning Strategy 2016.

Council Policy/Local Law Implications

- PLN 2.4 Landscape Feature and Tree Preservation
- PLN 2.5 Erosion and Sediment Control
- PLN 2.6 Water Sensitive Design
- PLN 2.9 Landscaping

Budget/Financial Implications

Although there are no direct financial implications, subsequent land development generates an additional rate base, however this is offset by additional service demand, asset management and capital and operational costs for new/upgraded infrastructure/local facilities.

Consultation

1. Development Control Unit and City Directorates
2. State Government agencies and service (utilities) providers
3. Advertising for public comment.

BACKGROUND

The Applicant's Structure Plan area is made up of five lots with a total area of 6.7 hectares that are currently used for rural lifestyle purposes. The lots are developed with Single Houses and other improvements such as sheds, dams and landscaped gardens. The Structure Plan area is relatively flat but slopes down toward the Canning River.

The Applicant's landholding - Lot 11 (No.1) Clifton Street (corner of Brookside Avenue) is 7,291m² and represents 11% of the Structure Plan area. The other three landowners are not directly coordinating (or funding) the preparation of the Structure Plan. Their landholdings combined are 5.99 hectares and represent 89% of the Structure Plan area and include land adjoining the Canning River identified as foreshore reserve and includes areas classified as Conservation Category Wetland (CCW) and/or Bush Forever under State Government policies.

The Structure Plan area is part of a broader area of similar landholdings referred to as the Canning River Clifton Street Urban Development Precinct (the Precinct) comprising 16 lots and located between the Canning River and Clifton Street, up to Brookside Avenue in the north and down to Martin Street in the south. The Precinct excludes smaller housing lots generally fronting Gilwell Avenue which bisects the Precinct into northern and southern sub-precincts.

Since the early 2000s in response to the State Government (Western Australian Planning Commission) decisions, the Precinct was subject to several planning studies and processes carried out by both the City and the State Government to investigate urban development options and to preserve the Canning River environs for foreshore protection and parks. These studies included:

- Kelmscott Enquiry by Design Workshop, 2003; and,
- Canning River Precinct Community Consultation Planning Study, 2005

WAPC's Metropolitan Region Scheme Amendment and Environmental Review

The outcome of these earlier planning studies led to the Precinct being subject to an Environmental Review - *Environmental Review Canning River Precinct, 2009* that satisfied the assessment requirements under the *Environmental Protection Act 1986* and justified most of the Precinct's rezoning from Rural to Urban in the State Government's Metropolitan Region Scheme (MRS).

The Environmental Review of 2009 defined an area for a foreshore reserve as 30 metres from the centre line of the river channel which was retained as Rural zone in the MRS to exclude land from future development and allow for its future ceding as a foreshore reserve in subsequent subdivision processes. The MRS amendment (Ref. MRS 1202/41) was gazetted on 25 May 2012.

Amendment No. 70 to TPS4

The City was required under *Planning and Development (Local Planning Schemes) Regulations 2015* to bring its local planning scheme into alignment with the MRS. The City rezoned the MRS Urban zone portion of the Precinct to Urban Development zone under Amendment No.70 to TPS4 which also introduced structure plan requirements into Schedule 8 - Development (Structure Plan) Areas. The Amendment was granted final approval by the then Minister for Planning and was gazetted on 14 February 2014. The Schedule 8 Structure Plan requirements are discussed in the Analysis section below.

Clifton Street (South) Precinct Structure Plan

A structure plan for the southern portion of the Canning River Clifton Street Precinct was adopted subject to modifications including the requirement to submit revised/additional technical reports by Council at its meeting 16 December 2016 and approved by WAPC on 19 June 2017.

All of the planning studies for the Precinct were subject to public and stakeholder consultation as required under planning legislation.

DETAILS OF PROPOSAL

The applicant's Structure Plan proposes:

- 395 dwellings at housing density codes of R40, R60 and R80 serviced by local roads;
- A foreshore reserve of 9,931m² along the Canning River; and,
- Public open space of 6,799m² adjacent to the foreshore reserve which includes land identified as CCW and Bush Forever by the State Government.

Refer to Attachments for Proposed Local Structure Plan – Clifton Street North Precinct, Kelmscott.

The Applicant has estimated the proposed dwelling yield within the Structure Plan area as 395 dwellings, with a population estimate of 987 persons (based on 2.5 persons per dwelling).

The Structure Plan (as advertised) includes the following documents:

- Structure Plan Map
- Structure Plan Report - Part 1 Implementation Section and Part 2 Explanatory Report
- Bushfire Management Plan
- Local Water Management Strategy
- Transport Impact Assessment
- Engineering Servicing Report
- Mosquito Management Plan
- Environmental Report – Flora Vegetation and Black Cockatoo Assessment
- Landscaping Plan; and
- Erosion and Sediment Worksheet.

COMMENT

The Structure Plan was advertised for 43 days from 27 July 2023 to 8 September 2023 in accordance with the provisions of *Planning and Development (Local Planning Schemes) Regulations 2015*. Advertising included:

- a notification sign on site;
- notification letters to government agencies and service (utility) providers;
- advertisements (public notices) in The Examiner and West Australian Newspapers; information on the City's website; and,
- notification letters to neighbouring landowners that may potentially be affected by the proposal.

A total of 285 submissions were received as follows:

Summary of Submissions	No.
Total No. of submissions received	285
No. of public submissions of support	12
No. of public submissions of objection	243
No. of public submissions of comments/concerns	19
No. of agency submissions of no objection/comments only	7
No. of agency submissions of recommended modifications	3
No. of agency submissions of objection	1

The issues raised by the submitters have been summarised and comments and recommendations made. Refer to attachments for Schedule of Submissions, Confidential Submitter Plan and Confidential Schedule of Submitters' Names and Addresses List.

Planning Legislation

The *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the process requirements for Structure Plans. Schedule 2, Part 4, Clause 20 stipulates that:

- (1) *The local government must prepare a report on the proposed structure plan and provide it to the Commission no later than 60 days after the day that is the latest of —*
- (a) *the last day of the period for making submissions on the proposed structure plan that applies under clause 18(3A); or*
 - (b) *the last day for making submissions after a proposed modification of the structure plan is advertised under clause 19(2); or*
 - (c) *a day agreed by the Commission.*

The City and the applicant agreed to several extensions to the statutory 60-day structure plan processing timeframe as indicated under Clause 20(1)(a) above, for the applicant to resolve City and State Government agency issues and modifications in revised Structure Plan documents or written responses. The last agreed final extension was until the end of February 2025, however the applicant did not resolve the issues and modifications by the agreed final extension date and the City's recommendation to the WAPC is now overdue. Revised Structure Plan documents were however received from the applicant on 8 August 2025 and are discussed below in the Section - Revised Structure Plan Submission.

Submissions of Support

Twelve (12) public submissions of support were received and of these submissions six were from different individuals from the same property. The matters raised in support of the Structure Plan include:

1. housing benefits including affordable and diverse housing and local downsizing opportunities;
2. social/community benefits including more younger families, couples and singles in the area;
3. amenity benefits including new residents close to parks, public transport, schools and other public and commercial services and provision of new public open space; and,
4. environmental benefits including better management of the Canning River, retention of trees and rehabilitation.

Submissions of Comment Only

Nineteen (19) submitters indicated that their submission was ‘Comment Only’ but their comments are generally consistent with the concerns and issues in submissions of objection discussed below.

Submissions of Objection

243 submissions of objection were received which raised a wide range of concerns and issues. The main issues are discussed below.

Issue 1 - Environment Impact Concerns

Issue 1a

The submitters advise of concerns regarding loss of flora, fauna (including habitat e.g., Black Cockatoo), trees and/or biodiversity.

Comment

The Applicant’s *Flora, Vegetation and Black Cockatoo Assessment Report, May 2023* (Environmental Assessment Report) submitted in support of the Structure Plan concluded the following:

- Environmental values of the vegetation in the Structure Plan area surveyed were limited and/or degraded;
- Biodiversity was determined to be low due to historic clearing;
- No State or Commonwealth listed Threatened or Priority Flora were identified during the survey or assessed as having a high to medium likelihood of occurring in the Structure Plan area;
- One hundred and thirty-nine Black Cockatoo habitat trees were identified, however only two had appropriately sized nesting hollows. Both these trees are located in the Structure Plan’s proposed POS; and,
- Vegetation across the Structure Plan area was not intact and therefore not considered to be a suitable habitat for ground dwelling fauna.

The City is of the view that there is potential for ground dwelling native fauna to be present in the Structure Plan area and that this matter is capable of being resolved through the subdivision process via a fauna relocation plan condition.

Recommendation 1a

Supported in part. Most of the concerns are addressed in the Environmental Assessment Report and relocation of ground dwelling native fauna is capable of being resolved through the subdivision process.

Issue 1b

The submitters advise of concerns regarding the adequacy of the Environmental Assessment Report including:

- *The proposal should be subject to a public environmental review;*
- *Little attention was given to other avian, terrestrial and aquatic species (besides Black Cockatoo); and,*
- *Field survey in the environmental assessment report was undertaken in February not in spring (September to November) the recommended primary survey period as per Environmental Protection Authority (EPA) Technical Guidance for Flora and Vegetation Surveys (2016).*

Comment

The Department of Water and Environmental Regulation (DWER) in its Structure Plan submission did not identify the need for a further public environmental review.

Aquatic species could be protected by the future ceding of the proposed foreshore reserve and POS and through the preparation and implementation of a foreshore management plan and POS landscape plan at subdivision stage. Terrestrial species could be relocated as a condition of subdivision. Whilst attempts are always made to maintain existing trees through later subdivision and development processes, the loss of some habitat trees for avian species may occur due to development.

The applicant's Environmental Assessment Report stated that the timing of the field survey was considered appropriate given the objectives of the survey, and that no annual or timing dependent Threatened or Priority Flora were expected to occur within the Survey Area. The results of the survey are consistent with those of the field survey undertaken for the Environmental Review of 2009. The DWER and Department of Biodiversity Conservation and Attractions (DBCA) in their submissions (detailed below) on the Structure Plan and Environmental Assessment Report did not raise specific concern regarding the timing of the field survey although the DBCA raised a general concern regarding protection of vegetation and other concerns regarding the other Structure Plan technical reports.

Recommendation on 1b

Supported in part. The concerns are dealt with in the Environmental Assessment Report and/or are capable of being managed through the subdivision process.

Issue 1c

The submitters advise of concern regarding urban stormwater pollutants impacting the Canning River ecosystem including erosion and excessive run-off entering the river as uncontrolled flows.

Comment

The City requires urban stormwater to be managed in accordance with best practice through the preparation of a local water management strategy (LWMS) in accordance with State policy and acceptable to the City and the DBCA. The City would require the LWMS to include vegetated drainage basins to remove pollutants and nutrients from stormwater and to prevent erosion. The amount and quality of stormwater entering the river would be

maintained to pre-development levels however, during very intense rainfall events, stormwater may flow directly into the river. The submitted LWMS has several issues and modifications that need to be addressed by the applicant, so it is not acceptable and requires modification.

Recommendation 1c

Supported. The concerns should be resolved in a revised LWMS and through the subdivision process.

Issue 1d

The submitters advise that more mature trees including lines of gum trees along lot boundaries outside of the Structure Plan's proposed foreshore reserve and POS should be retained for aesthetic and environmental purposes and to retain canopy cover and reduce urban heat island impacts.

Comment

The Structure Plan and the applicant's Landscaping Plan (Harley Dykstra, May 2023) have identified trees within the POS and foreshore reserve for retention. The Landscaping Plan proposes planting of small-scale trees in proposed local road reserves due to their verge widths and planting of small and large trees within the proposed POS. The species lists for verge and public open space trees in the Landscaping Plan could be refined at the subdivision stage to meet City requirements.

Further, at the subdivision stage the City can recommend the WAPC impose a condition of approval for the identification of trees on site worthy of retention which would include trees outside of the proposed POS and foreshore reserve. It is noted however that tree retention would potentially be impacted by subdivision design requirement e.g. earthworks, fill, road layout and servicing which would require careful consideration as part of the subdivision design process.

The planting of trees on the verge and in the POS can partly assist with reducing the urban heat island effect and increasing canopy cover post subdivision development works when the trees grow.

Recommendation on Issue 1d

Supported in part. Careful consideration and liaison between the applicant, the City and the State Government is recommended to maximise the protection of existing trees (including trees outside the proposed POS and foreshore area) and the planting of new trees at subdivision stage.

Issue 1e

The submitters advise of concerns that future development is too close to the riverbank including flooding potential and lack of a 50m setback/buffer to Canning River (waterway) as required under State Planning Policy 2.9 Water Resources (SPP2.9)

Comment

The proposed residential areas in the Structure Plan would not be subject to flooding events of the Canning River as these events are contained within the proposed POS and foreshore area. The applicant's LWMS proposes disposal of stormwater from proposed urban development areas into drainage/detention basins in the POS with overflow into the Canning River where appropriate, to ensure that residential areas would not be impacted by flooding.

SPP 2.9 requires estuaries to have a development setback of 50 metres and waterways to have a foreshore reserve or buffer width of 30 metres either side on the waterway. As the Canning River is a waterway, the 30 metres reserve or buffer is applicable. The foreshore reserve identified in the Structure Plan is 30 metres wide and was determined by the State Government in the Environmental Review of 2009 for MRS Amendment 1202/41 that rezoned the land to Urban and retained the identified 30 metre wide foreshore reserve in the Rural zone. The Environmental Review of 2009 stated that the 30 metre wide foreshore reserve was considered an equitable solution on the following grounds:

- *“Most landowners would generally be required to cede a common 30m of foreshore on subdivision per WAPC DC Policy 2.3;*
- *A 30m reservation encompasses the majority of the high value biophysical attributes of vegetation, floodway and Bush Forever; and*
- *A 30m reservation is considered appropriate width for both maintenance and protection of the waterway in an existing urban area.”*

Recommendation on Issue 1e

Not supported. The flooding could be managed by the finalisation of a satisfactory LWMS and the matter of the 30m wide buffer is the foreshore reserve as determined in the Environmental Review of 2009 for MRS Amendment 1202/41.

Issue 1f

The submitters advise of concern regarding lowering or rising of the water table due to urban development.

Comment

The submitted LWMS identified that groundwater across the site ranges from 3.48 metres to 7.41 metres below ground level. Water tables sometimes rise after urban development however rises are generally less than one metre with a negligible impact on development. It is noted that the LWMS recommends monitoring groundwater levels for 2 years post-subdivisional development by the developer.

Recommendation on 1f

Not supported.

Issue 1g

The submitters advise of concern regarding construction impacts including fill sand and other debris entering the river, vehicle traffic, and air/dust and noise pollution caused by subdivision works.

Comment

As part of the subdivision process, the City can recommend to the WAPC a condition for preparation of a Construction Management Plan (CMP) to protect the river and manage air-born dust, erosion and sedimentation, noise, and other impacts caused by construction activity. The CMP would also deal with operating times, truck routes and parking for site workers. Subdivision works will also need to comply with the *Environmental Protection (Noise) Regulations 1997*.

Recommendation on 1g

Supported. The concerns are capable of being resolved through the subdivision process by a CMP condition.

Issue 2 - Housing Density and Built Form Concerns

Issue 2a

The submitters advise the Structure Plan area is too far from Kelmscott Train Station for Transit Orientated Development (TOD) at higher densities.

Comment

The Structure Plan report has partly justified the proposed densities on the grounds that the Structure Plan area is within the 800m radius walkable catchment of the Kelmscott Train Station. The WAPC's "Development Control Policy 1.6 – Planning to Support Transit Use and Transit Oriented" (DCP 1.6) indicates that densities of R25 and above are expected to be applied in areas that are close to high frequency public transport.

Many submissions point out that DCP 1.6 requires a more detailed analysis of the walkable catchment that determines the walking distance along the existing and proposed road network. When this analysis is applied and assuming no new pedestrian bridge over the river is built, the Structure Plan area is greater than 800 metres walking distance to the Kelmscott train station which indicates that higher densities may not be justifiable under DCP 1.6. Refer to Attachments for Walkability Plan.

Given the above, the City does not support R60 and R80 which is classified as high density in the Residential Design Codes. The Structure Plan report and map, Transport Impact Assessment and the LWMS should be revised to take into consideration the recommended change to the Structure Plan's housing density.

Recommendation on 2a

Supported in part. The Structure Plan report and map and relevant technical reports should be modified to replace reference and consideration of R60 and R80 density with R40. Refer to Attachments for Issues and Modifications Plan.

Issue 2b

The submitters advise the housing densities are too high in comparison to the adjacent residential area and will result in overcrowding.

Comment

The housing density difference that would occur between the east and west sides of Clifton Street is addressed in the Structure Plan Map which locates the R40 density code (lowest of the three proposed R-Codes) along the west side of Clifton Street. The residential area east of Clifton Street which is coded R15/25 could be redeveloped at the higher R25 density code in the future. A similar R40 density interface was used in the Canning River Clifton Street (South) Structure Plan to the south.

Regarding overcrowding concerns, the projected population in the Structure Plan report of 987 persons is based on 2.5 persons per dwelling and as such is not too dissimilar to the average household size 2.41 persons per dwelling in the Kelmscott East locality as indicated on the City's Community Profile online demographic resource. The removal of the R60 and

R80 coded land on the Structure Plan Map, as recommended under Issue 2a above, would reduce the dwelling yield and resultant population in the Structure Plan area.

Recommendation on 2b

Supported in part. Densities are recommended for modification

Issue 2c

The submitters advise of concerns regarding building height (including overlooking), bulk, scale and/or appearance in comparison to adjoining residential areas including impact to existing views.

Comment

Other built form concerns of submitters can be addressed in the development application/approval processes. Where proposals are not for single houses, development approval conditions for varied colours and materials, inclusion of architectural details and the breaking up of expansive building elements are capable of addressing the other built form concerns. Regarding privacy and overlooking concerns, all new buildings would be required to comply with R-Codes privacy requirements to resolve these concerns.

Recommendation on Issue 2c

Supported in part. Local Development Plans can be recommended by the City as a subdivision condition with building height restrictions.

Issue 2d

The submitters advise the densities proposed exceed the minimum average residential density target of 15 dwellings per gross urban; zoned hectare as indicated in the State Planning frameworks for the locality - Perth and Peel at 3.5 million and South Metropolitan and Peel Sub-regional Structure Plan.

Comment

15 dwellings per gross urban zoned hectare (R15) is a minimum requirement under the abovementioned State Government planning frameworks. Typically, outer and inner metropolitan urban estates are developed at densities higher than R15 due to the need to better use available land particularly in the context of state-wide housing shortfalls. It is expected that densities higher than R15 would be applied in areas in close proximity to existing amenities i.e. public transport and Kelmscott city centre.

Recommendation on Issue 2d

Not supported.

Issue 2e

A submitter in the Structure Plan area advises that proposed street block depth of approximately 40m on the Structure Plan to service R60 and R80 land is insufficient, only allowing for lots with 20m depth whereas 25 to 30 metres depth is the preferred for desired housing.

Comment

The 40m wide street block depth is applied to some of the land coded R60 and R80 in the Structure Plan area. As discussed under issue 2a above, it is recommended that R60 and R80 coded land be replaced. A variation to the street block depth could be considered as a

modification to the Structure Plan or at subdivision stage to accommodate specific building designs that require greater depth.

Recommendation on Issue 2e

Not supported. The issue is capable of being addressed as a Structure Plan amendment or at subdivision stages.

Issue 3 - Social and Commercial Infrastructure Adequacy Concerns

Issue 3a

The submitters advise of concerns regarding the capacity of local schools i.e. Clifton Hills Primary School, Kelmscott Primary School and Kelmscott Senior High Schools to accommodate increase in students and related concerns e.g., education standards, loss of recreation space (to demountable classrooms), traffic and safety issues and lack of parking.

Comment

The Department of Education (DoE) in its Structure Plan submission advised that the Structure Plan area falls within the student enrolment intake areas of Clifton Hills Primary School and Kelmscott Senior High School and that the Structure Plan development yield would not significantly impact on the accommodation capacity of these two schools.

The City considers that any subdivision and development of the area would occur over a number of years so growth in student numbers would occur gradually, allowing the schools time to adjust their services to meet any requirements.

Recommendation on Issue 3a

Not supported. The concerns are addressed in the DoE submission and under Topic 7 - Traffic and Transport Infrastructure Concerns, below.

Issue 3b

The submitters advise of concerns regarding adequacy of hospitals, other medical establishments and decline in standards of health services due to additional residents from the Structure Plan development.

Comment

The provision of public health facilities (hospitals) and associated standards of health care are the responsibility of the State Government's Department of Health (DoH) which can respond to increase in demand through the expansion of existing or provision of new facilities/services. The nearby Armadale Hospital is identified as a Public Purpose – Hospital Reserve in the City's TPS4, and there are undeveloped areas of the site that may be used for additional/new facilities by the DoH. The hospital services a very large regional catchment and the population increase from the Structure Plan area is minor in this context.

Recommendation on 3b

Not supported.

Issue 3c

The submitters advise of concerns regarding the adequacy of service (utility) infrastructure including the capacity of water, power and sewer and telecommunications to service future housing in the Structure Plan area and impact on service provision to the local area.

Comment

The Structure Plan's Servicing Report identified that water, sewer, power, gas and telecommunications are all located within the vicinity of the Structure Plan area. The Structure Plan was referred to relevant service providers including Western Power, Telstra, Water Corporation and ATCO Gas and the reply comments of ATCO Gas and the Water Corporation are detailed below under section State Government Agencies' Submissions.

The landowners/developers of the Structure Plan area will be responsible for providing utility services to future lots to the standards of the relevant service provider to meet statutory requirements.

Recommendation on 3c

Not supported. Service provision is addressed in the Servicing Report and through the future provision of services by the developer in accordance with the relevant service provider standards.

Issue 3d

The submitters advise of concerns regarding the capacity of local commercial services to service future residents in the Structure Plan area and impacts to local residents due to increased demand.

Comment

The proposed population in the Structure Plan area is not likely to have a negative impact on existing commercial services but rather would support the existing commercial services. The City's TPS4 includes District Centre zoned land along Albany Highway in Kelmscott and Strategic Regional Centre zoned land in Armadale City Centre which can be developed for a wide range of commercial land uses and activities. The City's *Retail (Commercial) Centres' Strategy, (January 2021)*, indicates growth of retail floorspace in these centres which will service a broader catchment including the Structure Plan area.

Recommendation on 3d

Not supported. Additional population would support existing commercial centres and local businesses and their growth.

Issue 3e

The submitters advise of concerns regarding the adequacy of public transport (buses and trains) in the locality to service the Structure Plan area including the temporary shutdown of train services.

Comment

The Structure Plan area is within 460 metres walking distance of the following bus services:

- 240 bus which services the adjacent east Kelmscott foothills area and connects to the Kelmscott train station/bus interchange, and
- 220 service on Albany Highway that connects to Armadale train station and the Perth CBD. The Armadale train line reopened in October 2025.

Recommendation on 3e

Not supported. Development of the Structure Plan area will not have a detrimental impact on public transport services and is likely to increase public transport use.

Issue 4 - Bushfire Safety Concerns

Issue 4a

The submitters advise that the locality/Structure Plan area is in bushfire risk area and lacks adequate escape routes. During the 2011 Kelmscott bushfires, local roads e.g., Clifton Street and Gilwell Avenue became congested, and Connell Avenue (which connects to Tonkin Highway) was closed to traffic by emergency services, so evacuation was delayed. The proposed additional housing/residents will exacerbate the problem of evacuation in bushfire emergencies. Some submissions also expressed the need for an additional traffic bridge e.g., at Brookside Avenue/Turner Place to improve access/bushfire evacuation.

Comment

The Structure Plan's Bushfire Management Plan (BMP) indicates that the site meets the vehicle access requirements of the WAPC's *SPP 3.7 Planning for Bushfire Guidelines* for two sealed road routes in two different directions to two suitable locations as follows:

- Albany Highway via Clifton Street, Gilwell Avenue or Page Roads; and,
- Tonkin Highway via Clifton Street, Brookside Avenue and Connell Avenue.

The Department of Fire and Emergency Services (DFES) in its submission on the Structure Plan's BMP did not raise specific concerns regarding compliance with vehicle access requirements of *SPP 3.7 Planning for Bushfire Guidelines* but did raise other concerns which are discussed below under section Government Agency Submissions.

Recommendation 4a

Not supported. Bushfire evacuation routes are addressed by the Structure Plan's BMP.

Issue 4b

The submitters advise additional housing/people (especially the vulnerable e.g. elderly and retirees) should not be introduced into the Structure Plan area due to bushfire risk in the area.

Comment

The Structure Plan's BMP indicates that development would reduce the bushfire hazard to an excluded or low threat level over most of the Structure Plan area and to some areas on the east side of Clifton Street. Some residual bushfire hazard mostly from the proposed Canning River POS and foreshore reserve would remain. This remaining fire hazard impacts a relatively small portion of proposed residential cells in the Structure Plan area and is one of several issues with the BMP identified by the City and DFES to be resolved.

Prior to the advertising of the Structure Plan, the City requested justification for a retirement village use which had been indicated for Lot 1 (No.11) Clifton Street on a preliminary Structure Plan Map, however the Applicant chose to remove the retirement village proposal from the Structure Plan. The Structure Plan Map was changed but reference to the retirement village still remains in the Structure Plan report and technical reports which should have been

removed. It is noted that retirement villages can be considered for approval on Residential zoned land in TPS 4.

Recommendation on 4b

Not supported. A revised BMP should address bushfire hazard/risk in the Structure Plan area and remaining reference to the retirement village use in the Structure Plan report and technical reports should be removed.

Issue 5 - Social Impact Concerns

Issue 5a

The submitters advise that Clifton Hills' locality is for families to raise children and small housing that would be developed under the densities proposed is not suitable for families.

Comment

The City supports housing and household diversity especially in locations with nearby services and amenities. The 2021 Census data for Kelmscott (east), inclusive of the Clifton Hills area indicates that 89% of dwellings are single houses and 10% are medium density houses. 87% of houses have 3 or more bedrooms while only 8% are 1 to 2 bedrooms' dwellings. The densities proposed in the Structure Plan would assist in providing smaller dwelling types (1 and 2 bedroom dwellings suitable for a variety of households e.g. younger singles, couples or older couples looking for options to downsize and age-in-place) that are currently under-represented in the locality. Housing with 3 or more bedrooms for larger family households would likely still be part of the development in line with surrounding areas.

Recommendation on 5a

Not supported.

Issue 5b

The submitters advise of concern that new residents in the Structure Plan area will be people of low-socio economic status (including Homeswest) and/or result in increase in anti-social behavior and crime i.e. break-ins, illicit drug use, illegal dumping, rubbish and noise.

Comment

The City supports a variety of housing, including affordable options especially in locations such as the Structure Plan area which is near services and amenities. The Structure Plan design meets the requirements of the City's Local Planning Policy *PLN 3.14 Designing Out Crime* (PLN 3.14) through the following design elements:

- residential areas are orientated to the public realm i.e. roads and parks for surveillance;
- the design provides for connectivity to future development areas to the south and to the broader Clifton Hills area; and,
- the City can apply further design elements of PLN 3.14 to subsequent planning/development proposals.

There is no information to suggest the Structure Plan will result in any of the potential concerns raised by submitters.

Recommendation on 5b

Not supported.

Issue 6 - Change/loss of Character and Visual Amenity

Issue 6a

The submitters advise of concerns regarding negative impacts and/or loss of: rural style community and/or old town feel; beauty and scenic qualities of Clifton Hills; bushland and rural landscapes; views including to the river; streetscapes; peace and quiet why we live or moved here.

Comment

The scenery and views in the locality comprise a mix of bushland, rural scenery, low density residential and views to the coastal plain. Future development of the Structure Plan area would result in some of the rural scenery and views becoming residential in nature. The provision of the proposed POS and foreshore reserve in the Structure Plan area would preserve some of the bushland scenery and views and importantly create new public access. The City would require a high level of streetscape design including Clifton Street through the subdivision process to address streetscape concerns.

Recommendation on 6a

Supported in part. The proposed POS and foreshore reserve will preserve some of the current character and visual amenity of the locality and streetscape design can be addressed through the subdivision process.

Issue 7 -Traffic and Trasport Infrastructure Concerns

Issue 7a

The submitters raised concerns regarding traffic and pedestrian safety concerns including speeding on Clifton Street.

Comment

The construction of roundabouts at the intersections of Tara Way/Clifton Street and Butler Pass/Clifton Street as part of the development of the Precinct could calm traffic and reduce speeding on Clifton Street. A shared path on the west side of Clifton Street would improve pedestrian safety. These road/pedestrian works were not identified in the Applicant's Traffic Impact Assessment (TIA) and Structure Plan. Further, the Department of Transport in its submission has recommended the TIA include a safe walking to school assessment currently not included in the TIA.

Recommendation on 7a

Supported. The TIA/Structure Plan should be modified to consider Local Area Traffic Management to address issues including (but not limited to) speeding on Clifton Street via a roundabout at Tara Way/Clifton Street and Butler Pass/Clifton Street intersections, and pedestrian safety via a shared path on the west side of Clifton Street. The TIA/Structure Plan should also include a safe walking to school assessment. Refer to Attachments for Issues and Modifications Plan.

Issue 7b

The submitters raised concerns regarding inadequate sight distance/lines at the Brookside Ave and Clifton St intersection.

Comment

Structure Plan development provides an opportunity to address sight distance/lines for traffic at the intersection of Clifton Street and Brookside Avenue. Whilst the applicant's TIA does not indicate recent vehicle accidents at this intersection, growth in traffic from Structure Plan development on both these roads will likely increase the potential for accidents at this and other nearby intersections. The City is of the view that the applicant's TIA should address this as an upfront Structure Plan transport issue.

Recommendation on 7b

Supported. The TIA and Structure Plan should be modified to analysis and provide recommendations for the Brookside Avenue/Clifton Street intersection to address traffic management and safety issues that are produced by the potential development. Refer to Attachments for Issues and Modifications Plan.

Issue 7c

Submitters raised concern that the TIA does not account for traffic from Clifton Hills Primary School and future traffic from further residential development in the Canning River Clifton Street Urban Development Precinct and therefore traffic impacts may be understated.

Comments

The WAPC's *Transport Impact Assessment Guidelines* requires a Structure Plan's TIA to consider traffic volumes and impacts from the surrounding land uses within 800 metres of the Structure Plan area including existing and proposed 'major attractors' (i.e. Clifton Hills Primary School) and major changes in land use. The applicant's TIA does not address potential traffic impacts from the abovementioned existing and proposed developments.

Recommendation on 7c

Supported. The TIA should be modified to address the requirements of WAPC's *Transport Impact Assessment Guidelines* including traffic from Clifton Hills Primary School and traffic from future residential development in the rest of the Precinct.

Issue 7d

Submitters raised concerns regarding increased traffic congestion e.g. Clifton Street and Gilwell Ave, the adequacy of road widths, the performance of intersections with increased traffic and the need for a traffic bridge at Brookside Ave /Turner Place.

Comment

The Applicant's TIA identified that development of the Structure Plan area would increase traffic on Clifton St, Brookside Ave, Connell St, Gilwell Ave and Page Rd. The TIA also considered the impact of additional traffic on key intersections – Clifton St/Gilwell Ave, Gilwell Ave/Albany Hwy and Page Rd/Albany Hwy. As discussed, and recommended in Issue 7c above, the TIA needs to consider traffic impacts from existing and future development within 800 metres of the Structure Plan area and not just traffic generated from the Structure Plan area alone. Further, the City, MRWA and Department of Transport have recommended other modifications to the TIA and Structure Plan below. These would likely impact TIA findings and recommendations regarding traffic congestion and intersection performance and the need for road/intersection upgrades including consideration of the need for a traffic bridge at Brookside Ave/Turner Place.

Recommendation on 7d

Supported. The TIA should be modified to address traffic generation from existing and future development within 800 metres of the Structure Plan area and other recommended modifications of the City, Main Roads WA and Department of Transport. The findings and recommendations of a revised TIA should be considered in the preparation of a revised Structure Plan.

Issue 7e

The submitters advise of concerns regarding lack of parking (including illegal parking) in local streets (some associated with Clifton Hills Primary School) and in the Structure Plan area due to higher density housing and the Structure Plan's proposal to accommodate future housing developments' visitor parking in public roads.

Comment

The Structure Plan report states that visitor parking for future housing developments could be accommodated outside the relevant development sites in public roads. The City does not support this proposal and would require all future housing developments to meet their parking requirements as specified under the Residential Design Codes for occupants and visitors in housing development sites. Any on-street parking would be in addition to parking for housing developments. Regarding parking issues at Clifton Hills Primary School, the Structure Plan area is within walking distance (800m) of the School so it is possible that some future students will walk or cycle to school and not add to existing parking and traffic issues.

Recommendation on 7e

Supported in part. Reference to visitor parking for housing developments being provided in public roads should be removed from the Structure Plan report.

Issue 7f

A submitter in the Structure Plan area advises that the Structure Plan map should not show the local road network except for the local road adjacent to the public open space as the provision of roads is dependent on landowner development timeframes.

Comment

The City is of the view that the roads shown on the Structure Plan are generally appropriate, however only two entry roads from Clifton Street (not three as proposed) should be provided. One of these roads should be located opposite Tara Way to create a 4-way intersection, with a roundabout to assist with traffic calming/management on Clifton Street. The City acknowledges that the landowner's development timeframes may influence the location of roads and that this matter can be further addressed at subdivision stage.

Recommendation on 7f

Supported in part. Only two entry roads from Clifton Street (one at Tara Way as a roundabout) should be detailed on the Structure Pan Map.

Issue 8 - Heritage Concerns

Issue 8

The submitters advise of concern regarding impact to Aboriginal Heritage Site (3538) – Canning River, including lack of an assessment report (including survey for artifacts) and consultation with relevant interest groups (i.e. Aboriginal Land and Sea Council), and impact to 'European' Heritage Site (18987) – Swan Canning Riverpark.

Comment

The City is of the view that the Structure Plan report did not adequately report on Aboriginal Heritage - Canning River Site 3538. The City's preliminary investigation of Department of Planning, Lands and Heritage (DPLH) heritage database and mapping indicates that Site 3538 is classified as a creation/dreaming site and source of Ochre and water, and the site appears to be located within the proposed foreshore reserve. This would generally protect this site from clearing and development, however this is not verified in the Structure Plan report by mapping and commentary. The DPLH has advised that approvals under the *Aboriginal Heritage Act 1972* (AHA) would be required for future works within the subject area so this heritage matter could also be further addressed by the landowner/developer at future subdivision/ development stage.

The Structure Plan report does not identify Heritage Site (18987) – Swan Canning Riverpark as P17887. Similar to Aboriginal Heritage Site 3538, the City's investigations indicate that Heritage Site 18987 is located within the proposed foreshore reserve which would generally protect it from clearing and development works, however, the site should be mapped with commentary provided in the Structure Plan report.

Recommendation on 8

Supported. The Structure Plan report should be modified to map and comment on Aboriginal Heritage Site (3538) – and Heritage Site (18987) – Swan Canning Riverpark and implications if any to the Structure Plan.

Issue 9 - Public Open Space, Drainage and Cost Sharing Concerns

Issue 9a

A submitter within the Structure Plan area advises that the POS and drainage infrastructure is not distributed equitably (evenly) over Structure Plan landholdings; including one landholding has no POS/drainage allocation and there are no cost sharing arrangements provided for or proposed as part of the Structure Plan to compensate landowners contributing more than their equitable share of POS/drainage.

Comment

The allocation of POS in structure plans is made on various grounds including urban planning, environmental, engineering, and equitable sharing where possible. The State Government's *Liveable Neighbourhoods Policy* and *State Planning Policy 2.8 - Bushland for the Perth Metropolitan Region* (SPP 2.8) indicate that environmentally sensitive Bush Forever and CCW classified land should be preserved in POS.

These classified areas are located along the Canning River and occur more on some Structure Plan landholdings than others so the allocation of POS/drainage to preserve these classified areas would result in some landholdings contributing more POS/drainage and other landholdings less. The allocation of POS along the Canning River also widens the foreshore for additional protection of the river environment.

Lot 11 (No.1) Clifton Street (corner Brookside Avenue) does not adjoin the Canning River and has no CCW and Bush Forever classified land, so the Structure Plan Map has not allocated POS/drainage to this landholding. At the subdivision stage, the City could request a 10% POS contribution from Lot 11 (No.1) Clifton Street or an equivalent cash-in-lieu contribution that could go towards providing improvements to the POS adjacent to the

foreshore. Under this approach, Structure Plan POS could be limited to contributions from the four lots adjoining the river. These four lots would no longer be burdened by having to provide the POS share for Lot 11 (No.1) Clifton Street.

If Lot 11 (No.1) Clifton Street were subdivided ahead of other landholdings, a temporary drainage basin may be required in the subdivision until ultimate drainage is created by subdivisional development of other landholdings.

Whilst TPS 4 allows for implementation of infrastructure cost sharing arrangements via “Schedule 9B Development Contribution Plans” of the Scheme text and development contribution areas (DCA) on the Scheme Map, they must conform with the requirements of *State Planning Policy 3.6 Infrastructure Contributions*. As such, these are used for larger urban development areas e.g. DCA No.3 which covers areas in the suburbs of Piara Waters and Harrisdale. Such DCAs require landowners to contribute towards major infrastructure, such as major road widenings and upgrades, main drainage works and the acquisition and development of community and recreation sites and centres. The use of a DCA as a mechanism to compensate landowners whose land may be constrained differently from other landowners’ land is not required in this instance where landowners can work together as part of the normal subdivision process. Smaller development (structure plan) areas with fewer landowners therefore need to coordinate amongst themselves for provision of common infrastructure if required.

Recommendation

Supported in part. For the purposes of the Structure Plan, land for POS provision should primarily come from the four lots adjoining the river in order to address State Policy requirements and expectations of a river foreshore. The City would recommend Lot 1 (No.11) Clifton Street provide its 10% POS contribution separately at the subdivision stage and this could form a land component if trees could be effectively retained, or as an equivalent cash-in-lieu contribution to go towards providing improvements to the proposed POS adjacent to the foreshore.

Issue 9b

The submitters advise that the public open space is insufficient/constrained for recreation due to environmental classifications (Bush Forever and CCW) and drainage basins.

Comment

The applicant’s Structure Plan proposes 11.8% of the site area as POS/drainage (excluding the proposed foreshore reserve area). The City, DBCA and Department of Fire and Emergency Service have identified issues and modifications to the POS/drainage that need to be addressed in a revised Structure Plan and technical reports – LWMS, BMP and new foreshore management plan. The proposed POS lacks an area for active/passive recreation in the form of a small pocket park as it is mostly occupied by drainage basins and it is unclear whether the drainage areas are suitable for credit towards POS. Further, the drainage basins are located in the CCW/Bush Forever areas and are identified in the BMP for bushfire protection measures that would compromise rehabilitation of the CCW and Bush Forever land. The POS issues are further commented on in the Analysis section below.

Recommendation on 9b

Supported. The applicant's Structure Plan and relevant technical reports should be modified to provide for a small pocket park in the POS.

Issue 10 – Other Concerns

The submitters advise of:

Property devaluation concerns due to high density development and loss/change to areas character.

The Structure Plan will set an undesirable precedent for similar developments especially along the river.

Concern that the Structure Plan development will cause Council rates to increase.

Comments

Potential effects to property values are not relevant planning considerations for the WAPC in determining structure plans.

The Canning River Clifton Street Urban Development Precinct is zoned Urban in the MRS and Urban Development in TPS4. Other land along the river to the north and south of the Canning River Clifton Street Urban Development Precinct remain zoned Rural under both the MRS and TPS 4. The MRS determines future Urban areas.

The developing landowners would be required to fully fund future subdivision works so City rates will not be used for subdivision works. The City will be responsible for the management of roads, drainage and park assets of any future subdivision.

Recommendation on Issues 10

Not supported.

State Government Agencies' Submissions

Eleven State Government Agencies made submissions which were forwarded onto the Applicant for their consideration and advice prior to this report being prepared. The following is a brief outline of State Government Agency and service (utility) provider submissions. The City's detailed comments and recommendations on these submissions are in the Attachments - Schedule of State Government Agency Submissions.

Telstra

No objections.

Water Corporation

The developers/landowners would be required to provide all water and sewer reticulation to service the Structure Plan area to Water Corporation standards as well as pay infrastructure upgrade contributions.

Department of Education (DoE)

The DoE advises that the Structure Plan area is within the catchments of Clifton Hills Primary School and Kelmscott Senior High School and that the DoE anticipates the dwelling yield of 365 would not significantly impact the accommodation capacity of these schools. The DoE has no in-principal objections to the proposed Structure Plan.

Department of Fire and Emergency Services (DFES)

DFES advise that the Applicant's Bushfire Management Plan (BMP) is inconsistent with the WAPC's *Statement of Planning Policy 3.7 Planning in Bushfire Prone Areas* and the Guidelines; and requires modification prior to DFES support. The main issues are:

- Vegetation management of the POS (including CCW and Bush Forever) as low threat vegetation is not supported by evidence of agreement and responsibility for management by the City;
- A 1% downward slope is applied in determining the bushfire ratings in the river locality however a 5% downward slope is recommended to comply with the Guidelines.
- The BMP does not achieve the WAPC Guidelines' criteria for the location and siting and design of development. Future residential lots would be subject to a bushfire attack level of BAL40/FZ but the Guidelines indicate BAL29 or below is required to meet the abovementioned criteria. Refer to section Bushfire Management Plan below for further comments.

Main Roads WA

The Structure Plan's Transport Impact Assessment (TIA) requires modification prior to Main Roads WA approval. The main issues included:

- Justification for the use of the traffic trip generation rates in the TIA;
- Correction of inconsistencies between the Structure Plan report and TIA on the number of dwellings;
- 2021 traffic survey data is out-of-date due to changes in the road network and requires updating;
- Crash analysis data is recommended for the wider road network;
- Correction of inconsistencies on the number of entry roads from Clifton Street proposed in the Structure Plan report and TIA; and,
- Modifications to traffic modelling values.

Department of Health

No objections, subject to the Structure Plan area being serviced with reticulated sewer.

Department of Planning, Lands and Heritage (Aboriginal Heritage)

The Structure Plan area intersects with the Canning River Aboriginal Heritage site and future works will require approval under the *Aboriginal Heritage Act 1972*.

Department of Water and Environmental Regulation (DWER)

DWER defers its comments/recommendation to DBCA - Conservation and Ecosystem Management Division, Rivers and Estuaries Branch.

Department of Biodiversity Conservation and Attractions (DBCA)

DBCA defers its comments/recommendation to DBCA - Conservation and Ecosystem Management Division, Rivers and Estuaries Branch.

DBCA - Conservation and Ecosystem Management Division Rivers and Estuaries Branch (DBCA -Rivers and Estuaries Branch)

DBCA raises objections to POS, Local Water Management Strategy, Bushfire Management Plan and tree retention on the following grounds:

- All the Bush Forever and CCW land should be MRS Parks and Recreation and protected by a 30-metre-wide buffer;
- Structure Plan requires a Foreshore Management Plan;
- Further information is recommended to support removal of vegetation and to investigate retention of mature trees; and,
- Stormwater management needs to address State Government Policy frameworks and best practice stormwater management by:
 - detaining stormwater higher in the catchment;
 - reducing the size and number basins and pipe outfalls to the Canning River;
 - locating basins outside Bush Forever/CCW; and
 - consider a living stream opportunity on the southern boundary of Lot 12 Clifton Street; and,
- The BMP should be updated to reference the CCW and remove reference to CCW/Bush Forever being managed as low threat vegetation but rather re-vegetated to Forest with appropriate development setbacks.

Department of Transport

The Structure Plan and Transport Impact Assessment should address the following:

- More details on the pedestrian and cycle network than currently detailed in the Structure Plan and TIA;
- A safe walking to school assessment;
- Road cross sections including footpaths in accordance with *Liveable Neighborhoods* policy; and,
- Consideration of future connections to the area to the south.

The Applicant was provided with the State Government and service (utility) provider submissions but did not resolve issues raised within the agreed Structure Plan extension timeframe (end of February 2025).

ANALYSIS

The Structure Plan and technical reports have been reviewed by the City and the main areas of consideration and concern for the City are discussed below. The identified issues and recommended modifications are further detailed in the Schedules of Issues and Modifications in the Attachments.

The applicant was provided with the opportunity to address matters identified by the City and State Government agencies but did not resolve them within the agreed Structure Plan extension timeframe (end of February 2025). Although revised Structure Plan documents were received on 8 August 2025, they are considered unacceptable for assessment due to lack of engagement by the applicant with the affected landowners and the impacts on other landowners within the Structure Plan area the result of additional foreshore and POS provision issues discussed below under section - Revised Structure Plan Submission. Accordingly, the assessment below is based on the Structure Plan received on 12 July 2023.

Natural Environment & Tree Retention

The natural environment values of the Structure Plan area were assessed in the applicant's Environmental Assessment Report and the main findings and the City's recommendation are identified under Issue 1 in the Comments section above.

The applicant's Structure Plan report comments that the requirements of City's Local Planning Policy *PLN 2.4 Landscape Feature and Tree Retention* (PLN 2.4) are addressed in the Structure Plan's Environmental Assessment Report, Landscape Plan and Structure Plan Map which identify the proposed POS and foreshore areas wherein trees will be retained.

The applicant's Landscape Plan identifies 39 surveyed Black Cockatoo Habitat Trees in the proposed POS area for retention but the City notes that five of these are in drainage areas and therefore may not be able to be retained under the current design. The proposed foreshore area which was not surveyed likely contains more trees that could be retained but the number is not provided. The Landscape Plan identified the planting of an additional 13 large trees and 23 small trees in the proposed POS and foreshore area. Refer to Attachments for Landscape Plan.

The City is of the view that retention of additional trees outside the proposed POS and foreshore area is dependent on a number of factors including future earthworks, local water management strategy and other subdivision works. The subdivision process allows the City to request a subdivision condition for the identification of vegetation on site worthy of retention. Additional tree retention may be able to be achieved within future road verges and in larger group housing sites if proposed. The creation of POS through subdivision would also allow for revegetation including tree planting.

The City has identified issues and modifications (detailed below) to the proposed POS's recreation and local water (drainage) function and foreshore, environmental and bushfire management. The resolution of these issues and modifications would include consideration of further tree retention in POS.

Housing Density & Built Form

Table 1 below details the densities proposed and estimated dwellings in the applicant's Structure Plan.

Table 1 – Density and Dwellings (single houses)				
R-Code	Minimum Lot Area (m ²)	Average Lot Area (m ²)	Dwellings	%
R40	180	220	37	9 %
R60	120	150	252	64 %
R80	100	120	106	27 %
Total	-	-	395	100 %

The applicant justifies the above proposed densities on the grounds that the Structure Plan area can take advantage of the amenity of the existing and proposed POS adjacent Canning River and the amenity of the Kelmscott District Centre and Kelmscott Train Station.

As discussed under Issues 2a above, the City recommends replacing the R60 and R80 density with R40 as the Structure Plan area is greater than 800 metres walking distance to Kelmscott Train Station.

The recommended R40 densities proposed will assist the City to achieve the objectives of the State Government's Strategic Planning under the *Perth and Peel @ 3.5 million* and *Southern Metropolitan Peel Sub-Regional Planning Framework* for a more consolidated urban form, including medium density housing with diversity of housing types i.e. apartments, villas and town houses to meet the needs of the changing community.

Foreshore & Public Open Space Provision

The Structure Plan proposes the provision of 9924m² as a foreshore reserve to protect the Canning River and provide public access. This is consistent with the proposed 30m wide foreshore reserve identified in the Environmental Review of 2009. The Structure Plan report confirms the proposed foreshore reserve would be required to be ceded free of cost at subdivision stage and this foreshore area can be deducted from the site area for the purpose of calculating POS provision for the balance of the Structure Plan area.

Under the State Government's *Liveable Neighbourhoods* policy, 10% of the gross subdivisible area is required to be ceded for POS. The Structure Plan proposes the provision of 6779m² (11.8%) of POS as outlined in Table 2 below.

Table 2 – Proposed Foreshore and POS Provision						
Lot (No.)	Site Area	Foreshore	Net Site Area	Restricted (Drainage 1:1 Annual Rainfall Interval (ARI))	POS Unrestricted POS	Total POS
11 (1)	7291	0	7291	0	0	0
12(32)	6882	1601	5281	70	596	666
11(15)	15378	2940	12438	200	1273	1473
12(17)	17401	2724	14677	121	3250	3371
1(27)	20297	2659	17638	185	1104	1289
Total	67249m²	9924m²	57325m²	576m²	6223m²	6799 (11.8%)

The following main issues and modifications with the proposed POS provision have been identified:

- The use of the proposed POS for recreation would be limited due to six separate drainage basins. It is not clear in the LWMS whether the remainder of these drainage basins would meet the requirements to be considered unrestricted public open space for credit towards POS;
- A suitable area for a small pocket park has not been identified in the POS and Landscape Plan;
- The proposed POS utilises CCW and Bush Forever for parkland, drainage and bushfire management functions which would preclude protecting and rehabilitating environmental values of the CCW and Bush Forever land;
- The applicant is seeking POS credits for CCW and Bush Forever areas whereas *Liveable Neighbourhoods* policy indicates that such areas should not form part of the required 10% POS contribution but rather be deducted from the site area for calculation of POS. For the Clifton Street (South) Precinct Structure Plan, POS credits were not given to Bush Forever land with overlapping CCW;
- A foreshore management plan was not prepared for the proposed POS and foreshore land to demonstrate how recreation, rehabilitation, landscaping and local water management would be integrated;
- A small portion of CCW land is located within the proposed road reserve and should be in the POS;
- Structure Plan POS should be limited to contributions from the four lots adjoining the river. Lot 1 (No.11) Clifton Street would be required to provide its 10% POS contribution separately at subdivision stage or an equivalent cash-in-lieu contribution to go towards providing improvements to the POS adjoining the foreshore; and,

- The DBCA objects to the use of the CCW and Bush Forever for parkland and drainage basins and objects to the proposed Local Water Management Strategy (LWMS) and Bushfire Management Plan (BMP) prepared for the Structure Plan. The DBCA is of the view that CCW and Bush Forever should be rehabilitated and that a 30m wide buffer to the CCW and Bush Forever be applied. The DBCA also does not generally support the use of buffers to CCW and Bush Forever areas for drainage infrastructure.

A negotiated outcome between the applicant, the City, DBCA and WAPC through a review of the POS provision, LWMS, BMP and Landscape Plan and preparation of a Foreshore Management Plan was recommended to address the POS issues, but this has not occurred. A negotiated outcome should have due regard to the Structure Plan's Environmental Assessment Report and Public Environmental Review of 2009 which defined the proposed foreshore reserve.

Local Water Management Strategy

The applicant's Local Water Management Strategy (LWMS) for the Structure Plan details how urban run-off (stormwater) from the Structure Plan area will be managed. The LWMS's main proposals are as follows:

- A piped road drainage network directing run-off from the area's four drainage catchments into five drainage basins located in POS. The basins are proposed to be designed and vegetated to remove contaminants and have outlets for overflow into the river. Some of these basins are within land identified as CCW and Bush Forever;
- A separate piped drainage system to direct clean roof run-off into POS detention basins, with the option to bypass basins with clean flows directly into the river. This option is proposed to be explored further at subdivision stage through an Urban Water Management Plan (UWMP), which provides a greater level of detail than the LWMS; and,
- Runoff from paved ground (e.g. driveways) in lots would be partly captured by private gardens, with excess flowing into the road drainage system.

The following main issues with modifications to the LWMS have been identified:

- The LWMS does not consider the area's clay soil infiltration issues and the need for earthworks and fill to improve at source infiltration/detention of stormwater;
- The LWMS does not provide a coherent strategy for drainage but rather defers strategy design to the subdivision stage;
- The impact to trees in the proposed POS and foreshore reserve from drainage infrastructure i.e. basins and outfalls has not been demonstrated;
- A separate drainage network to transport clean roof run-off into drainage basins or directly into the river is not considered practical for a structure plan with multiple landowners and unknown development timeframes resulting in coordination difficulties;
- The number of basins is considered excessive and has the potential to be a significant maintenance burden for the City;
- Inconsistency in basin sizing in the LWMS and preliminary drainage design;
- Basins located within CCW and Bush Forever areas are not supported; and,

- Overland flows entering into Lot 12 Clifton Street from the existing residential area to the east has not been accounted for in the LWMS. Refer to Attachments for Issues and Modifications Plan.

Bushfire Management Plan (BMP)

The applicant's BMP indicates that Structure Plan development would reduce the fire hazard to an excluded or low threat level over much of the Structure Plan area. To address the remaining high-fire hazard areas in the proposed POS and foreshore reserve, the applicant's BMP proposes an Asset Protection Zone (APZ) made up of a 12m wide perimeter road adjacent to the POS and a 10.5m development setback zone for buildings in residential areas facing the proposed POS. Refer to Attachments for Issues and Modifications Plan.

The BMP proposes options to reduce the development setback to 4.5m or 6m via a strip of managed low fire threat vegetation in the POS. The BMP also proposes notifications to be placed on future land titles impacted by high fire risk notifying of the development setback requirements.

The following issues and recommended modifications to the BMP have been identified:

- Residential areas adjacent to the POS are impacted by a Bushfire Attack Level (BAL) of BAL40/FZ. The WAPC's *SPP 3.7 Planning for Bushfire Guidelines* indicates a lower maximum of BAL 29 as an acceptable solution;
- The applicant's 10.5m development setback (and optional 4.5m or 6m proposals) are based on the management of the proposed POS as irrigated parkland for a low threat vegetation status. *SPP 3.7 Planning for Bushfire Guidelines* indicates that new POS and urban water management areas should not be excluded as low threat vegetation unless prior agreement of the City is obtained and the relevant information is included in the BMP. In this regard, the City has not agreed to manage the POS as low threat status and is concerned that the landscaping may not achieve the City's objectives for POS areas;
- The 10.5m development setback is considered excessive and sterilizes a significant portion of proposed residential areas fronting the POS especially where the proposed R60 coding has a minimal front setback of 2m from the road;
- The proposed 12m POS perimeter road width (for fire hazard separation) has not been established through Applicant's TIA and is less than the specified width in *Liveable Neighbourhoods* policy. A wider road, including on-street parking bays (preferably on both sides for visitors) as well as the shared path would assist with fire hazard separation and manage ground levels between the road pavement and POS;
- The proposed managed low fire threat vegetation in the POS includes drainage basins that are proposed to be vegetated for nutrient stripping. This would impact the ability to provide an acceptable level of planting in the drainage basins sufficient to enable nutrient stripping;
- The DBCA does not support CCW and Bush Forever areas being managed as low fire threat; and,
- DFES issues and recommended modifications have not been addressed.

Road Network and Traffic Management

The Structure Plan proposes a grid-style network of east-west and north-south roads, mostly connecting to Clifton Street and an interface road to the proposed POS and foreshore reserve connecting to Brookside Avenue. This interface road includes a shared path on the proposed POS roadside. T-intersections are proposed with give-way signs, and 4-way intersections are proposed with stop signs.

The applicant's TIA for the Structure Plan details and analyses the proposed internal transport network, current external transport network, surrounding area and pedestrian and public transport. The following issues with, and recommended modifications to the TIA have been identified:

- Detailed traffic impact analysis of the surrounding context, including future urban development of the rest of the Canning River Clifton Street Precinct and the existing and potential student numbers at Clifton Hills Primary School is not provided;
- The TIA does not address all the relevant requirements of the WAPC's *Transport Impact Assessment Guidelines*;
- The TIA assumes one access road to Clifton Street, but the Structure Plan map shows three access roads. The City only supports two access road connections to Clifton Street in the Structure Plan area;
- The TIA does not adequately consider requirements for road and bridge upgrades to provide access to the additional residential development and to manage local traffic as required under TPS4 Schedule 8 - Development (Structure Planning) Areas No.44 Provision 44.3 viii);
“servicing and infrastructure requirements including any requirements for road and bridge upgrades to provide access to the additional residential development and to manage local traffic.”
- Details of the Structure Plan's road network, including road hierarchy, reserve widths and cross sections and pedestrian/cycle paths, as well as on-street parking (including on the west side of Clifton Street) are not provided;
- Further detail and analysis of the need for Local Areas Traffic Management for the proposed internal and external road network is not provided e.g. roundabouts at Clifton St /Tara Way and Clifton St /Butler Pass;
- Out-of-date traffic survey data and assumptions are used i.e. based on the Denny Avenue level crossing removal which has now been completed, the impacts of COVID such as volume up-scaling factor and the 2017 traffic count on Clifton Street;
- Use of non-standard vehicle trip rates (the City recommends 8 vehicles per day (vpd) per dwelling in accordance with the *Transport Impact Assessment Guidelines*);
- A safe walking to school assessment has not been provided; and,
- Main Roads WA and Department of Transport issues and modifications as identified in their submissions have not been addressed.

Servicing - Utilities

The applicant's Servicing Report for the Structure Plan established that the utilities required to service the Structure Plan area are located nearby and that upgrades are likely required to increase capacity. The submission of the Water Corporation confirmed the developer's responsibility to provide water and sewer reticulation to the Structure Plan area. The provision of other utilities such as power, gas and telecommunications will also be the developer's responsibility.

Town Planning Scheme No.4 – Schedule 8 Development (Structure Plan) Areas No.44

Provisions under TPS4 Schedule 8 Development (Structure Plan) Areas for Development Area No.44 specify requirements for the Clifton Street Urban Development Precinct for the preparation of a structure plan and supporting technical reports e.g. LWMS before subdivision. These requirements have generally been considered in the Analysis section above and in the Schedule of Issues and Modifications. A table detailing the provisions, the applicant's response and the City's comments are provided below for completeness.

City of Armadale TPS No.4 Schedule 8 Development (Structure Planning) Area Provisions		
Development Area 44 Provision	Applicant's Response	City Officer Comments
44.1 Subdivision shall occur in accordance with a Structure Plan for the Canning River Clifton Street Precinct Urban area which is to be prepared pursuant to the provisions outlined in Part 4 of the Deemed Provisions.	Structure Plan as submitted.	Structure Plan is not satisfactory. Refer to Agenda Report – Analysis section and Schedule of Issues/Modifications in the Report attachments.
44.2 The Structure Plan shall incorporate assessments and recommend design and management responses to the satisfaction of the local government for the following environmental planning factors - (i) Local urban water management; (ii) flora and fauna, heritage sites, conservation category wetlands, bush fire protection and acid sulphate soils.	i) LWMS ii) Environmental Assessment Report, Structure Plan Report - Section 5.8 Heritage and Bushfire Management Plan as submitted.	i) LWMS is not satisfactory. Refer to report section Local Water Management Strategy and Attachments Schedule of Issues and Modifications. ii) The Environmental Assessment Report is generally satisfactory subject to a minor modification i.e. discussion of requirement for fauna relocation at subdivision stage. Structure Plan Report Section 5.8 Heritage is not satisfactory. Refer to Issue 8 Heritage in the Comments Section. Bushfire Management Plan is not satisfactory. Refer to report section Bushfire Management Plan and Attachments Schedule of Issues and Modifications. Portion of the site is identified as high to moderate risk of Acid Sulphate Soils (ASS) however no ASS assessment is provided.
44.3 The Structure Plan shall make provision for - (i) a variety of lot sizes and high-quality residential dwellings and respond to the preferred concept	44.3(i) R40, R60 and R80 densities propose resulting in a mix of lot sizes. 44.3(ii) NA 44.3(iii) NA	44.3(i)The R60 and R80 density (high density under the R-Codes) is not supported. Refer to report section Comments Issue 2

<p>outcomes of the Canning River Precinct Study (Consolidated Scenario 4);</p> <p>(ii) protection of valued vegetation located within or adjacent to the Martin Street road reserve including options regarding the potential heritage rose bush in the vicinity of the original Martin house;</p> <p>(iii) providing an archaeological watching brief in the River Road Heritage Precinct Class B zone, which is the indicative site of the former historic police barracks;</p> <p>(iv) suitable provision of 10% standard Public Open Space contributions, predominantly by augmenting and extending the width of the Canning River foreshore reserve area, creating pocket parks, or in accordance with policies of the Western Australian Planning Commission equivalent cash in lieu contributions which can be used to improve public recreation opportunities and facilities in the foreshore POS reserve areas;</p> <p>(v) providing Canning River foreshore reserves and management;</p> <p>(vi) investigation of solar access opportunities for housing at medium and above densities;</p> <p>(vii) a Local Water Management Strategy to be prepared in consultation with the DoW and the local government; and</p> <p>(viii) servicing and infrastructure requirements including any requirements for road and bridge upgrades to provide access to the additional residential development and to manage local traffic.</p>	<p>44.3(iv) 6203m² of public open space provided adjacent to foreshore reserve including CCW/ Bush Forever areas and local water management basins and pipe outfalls to river.</p> <p>44.3(v) Foreshore 9931m² corresponding to TPS 4 Rural Living Zone land. Foreshore Management Plan (FMP) not submitted.</p> <p>44.3(vi) Statement Page 10, <i>“future development density increases as the AHD of the site slopes down. This has been done in order to ensure all lots enjoy as much sunshine as possible throughout the day.”</i></p> <p>44.3(vii) LWMS proposals as discussed in the Analysis section heading Local Water Management Strategy. (Note DoW have deferred to the DBCA - Rivers and Estuaries Branch to provide comment/ recommendation on the Structure Plan.</p> <p>44.3(viii) Servicing Report as submitted. Transport Impact Assessment (TIA) as submitted.</p>	<p>and Attachment Schedule of Issues and Modifications. The Structure Plan, Transport Impact Assessment and the Local Water Management Strategy need to be revised to address the reduction in housing density.</p> <p>44.3(ii) NA outside Structure Plan area</p> <p>44.3(iii) NA outside Structure Plan area</p> <p>43.4(iv) Public Open Space is not satisfactory. Refer to report section Public Open Space 7 Foreshore Reserve and Attachments for Schedule of Issues and Modifications.</p> <p>44.3(v) Foreshore Land provision is satisfactory however a Foreshore Management Plan was not submitted.</p> <p>44.3(vi) reword statement to <i>“housing in north-south and east-west road network allows for dwelling solar orientation”</i>.</p> <p>44.3(vii) LWMS is not satisfactory. Refer to Report Section Local Water Management Strategy and Attachments - Schedule of Issues and Modifications.</p> <p>44.3(viii) Servicing Report is satisfactory. TIA is not satisfactory. Refer to report section Road Network and Traffic Management Attachments - Schedule of Issues and Modifications.</p>
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REVISED STRUCTURE PLAN SUBMISSION

In response to City's and State Government agencies' issues and modifications, the applicant on the 8 August 2025 submitted the following revised or new Structure Plan documents:

- Structure Plan Report (Parts 1 and 2) and Map
- Local Water Management Strategy
- Bushfire Management Plan
- Traffic Impact Assessment
- Foreshore Management Plan (new)
- Mosquito Management Plan
- Landscape Plan

Refer to Attachments for Revised Structure Plan Map.

The applicant has advised that the revised/new documents have not been reviewed by other landowners in the Structure Plan area nor have servicing authorities that requested modifications or raised issues in their submissions been consulted in preparation of the revised/new documents. The other Structure Plan reports - Servicing Report, Environmental Assessment Report and Erosion Sediment Worksheet remain unchanged from those in the Applicant's original Structure Plan proposal.

The revised Structure Plan proposes significant modifications particularly, in respect to POS and river foreshore provision in response to the DBCA's submission which recommended among other modifications the following:

- all CCW and Bush Forever land be included in the foreshore reserve; and,
- a 30m wide revegetation buffer be applied to the CCW in POS.

The main Structure Plan modifications and the City's comments and recommendations are as follows.

Foreshore Reserve (regional open space) & Public Open Space

The proposed foreshore reserve (regional open space) is 1.36 hectares (originally proposed 9931m²) and includes all CCW and Bush Forever land in the Rural Living and Urban Development zones of TPS4. The proposed foreshore reserve increases from 15% to 20% of the Structure Plan area in the Revised Structure Plan.

The Environmental Review of 2009 and the MRS Amendment (MRS 1202/41) established the extent of the foreshore reserve as a 30m wide reserve (buffer) either side of the river waterway (channel) which is consistent with the Rural Living zoned land. The rationale for the 30m wide reserve (buffer) is discussed under Issue 1e in the Comments section of this report above.

The applicant's Revised Structure Plan proposes POS of approximately 1.60 hectares (originally proposed 6679m²) comprising a 30m wide revegetation buffer to the CCW, two drainage areas and local parkland for recreation. The applicant's POS Schedule indicates that 1.13 hectares of the POS is restricted POS (wetland buffer and portion of drainage basins) that cannot be credited as POS in accordance with *Liveable Neighbourhoods*' policy methodology. The total area of land for the proposed POS (credited and uncredited) would comprise 23% of the Structure Plan area and, when combined with the proposed foreshore reserve, a total of 2.96 hectares or 44% of the Structure Plan area would be allocated to POS and foreshore reserve. The applicant's Revised Structure Plan's POS and Foreshore provision should have been prepared with engagement with affected landowners in the Structure Plan

area and between the applicant, the City, the DBCA and the WAPC. Whilst the City does support the revegetation of the foreshore land and POS (CCW/Bush Forever land) for the purpose of improving the environmental values of the Canning River, there is a concern that the affected landowners have not been provided the opportunity by the applicant to be consulted on their willingness to cede and landscape additional foreshore and POS areas, when compared to the advertised Structure Plan and the WAPC's Policy requirements.

Other Structure Plan Modifications

The following other major Structure Plan modifications are proposed:

- a simplified road layout with additional roads to be determined at subdivision stage;
- R40 residential density (R60 and R80 are no longer proposed); and,
- revised Structure Plan Report, LWMS, BMP, Landscape Plan and new Foreshore Management Plan (FMP).

The City considers that a detailed review of the other Structure Plan modifications above is not warranted as they are based upon proposed POS and foreshore provision that has not been developed with all affected landowners in the Structure Plan area and therefore may not have their support. Further, public re-advertising and referral to State Government agencies of the revised Structure Plan documents would not be appropriate this late in the Structure Plan process, when the applicant should have undertaken appropriate engagement with the affected owners as part of the preparation of the Revised Structure Plan and it is likely the affected owners will not be supporting the proposals.

Future Processes

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides the process for the Structure Plan assessment and determination. The report to be submitted to the WAPC on the proposed Structure Plan must include the following —

- (a) a list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under clause 19(2);*
- (b) any comments by the local government in respect of those submissions;*
- (c) a schedule of any proposed modifications to address issues raised in the submissions;*
- (d) the local government's assessment of the proposal based on appropriate planning principles;*
- (e) a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.***

Council's role and the purpose of this report is set out in bold at point (e) above. The WAPC is then required to make a determination to approve, modify or refuse the Structure Plan within 120 days of receiving the structure plan, or a longer period as may be required. The DPLH on behalf of the WAPC with or without City involvement, may decide to negotiate with the applicant on issues and modifications at their discretion before making its recommendation on the Structure Plan to the WAPC. Once Council makes its recommendation to the WAPC, then the City will advocate to the DPHL/WAPC for the Council's decision to be implemented.

OPTIONS

The following options are available to Council:

1. Resolve to recommend that the WAPC approve the Structure Plan with modifications to address the issues and modifications as outlined in this report and its attachments, or by providing alternative modifications and issues with reasons for its decision; or
2. Resolve to recommend that the WAPC approve the Structure Plan without modification; or
3. Resolve to recommend that the WAPC refuse the Structure Plan as the issues and modifications outlined in this report and its attachments have not been addressed to the satisfaction of the City and State Government agencies - Department of Biodiversity Conservation and Attractions, Fire and Emergency Services, Main Roads WA, and Department of Transport.

CONCLUSION

The Structure Plan, as received on 12 July 2023, has been advertised and assessed in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The applicant was provided with City and State Government agencies' (Department of Biodiversity Conservation and Attractions, Fire and Emergency Services, Main Roads WA, and Department of Transport) issues and modifications, however they were not resolved by the applicant within agreed extensions to the structure plan processing timeframe.

The applicant lodged Revised Structure Plan documents on 8 August 2025, however they are not considered acceptable on the grounds that the applicant has not engaged with the other landowners in the Structure Plan area in the preparation of the Revised Structure Plan on the additional POS and foreshore provision.

Given the above, the City recommends Option 3 above, that the WAPC refuse the Structure Plan as the issues and modifications outlined in this report and its attachments have not been addressed to the satisfaction of the City and relevant State Government agencies - Department of Biodiversity Conservation and Attractions, Fire and Emergency Services, Main Roads WA, and Department of Transport.

ATTACHMENTS

1. [Aerial of Structure Plan Area](#)
2. Proposed Structure Plan Map - Canning River Clifton St (North)
3. Walkability Plan
4. Issues and Modifications Plan
5. Landscape Plan
6. Schedule of Submissions
7. Schedule of Structure Plan Issues and Modifications
8. Confidential List of Names and Addresses of Submitters - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*
9. Confidential Local Area Submitter Plan - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*
10. Revised Structure Plan Map

COMMITTEE RECOMMENDATION

D1/11/25

That Council:

1. Endorse the comments made in this report, the Schedule of Submissions - Summary and the Schedule of Structure Plan Issues and Modifications, both attached to this report, in response to advertising, agency referrals and assessment of the Structure Plan **with the following amendments:**
 - **The schedules to be amended to reflect all the Bush Forever and CCW land should be protected by a 30 metre wide buffer;**
 - **Any reference to POS for Lot 11 to refer to 10% POS being provided as land and not as cash-in-lieu.**
2. Pursuant to Schedule 2 Clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - a) Forward this report and attachments (including Confidential Schedule of Submissions and Schedule of Structure Plan Issues/Modifications **as amended by Point 1 above**) to the Western Australian Planning Commission; and,
 - b) Recommend that the Western Australian Planning Commission refuse the proposed Canning River and Clifton Street (North) Precinct Structure Plan, as the issues and modifications detailed in this report and the Schedule of Structure Plan Issues and Modifications **(as amended by Point 1 above)**, inclusive of the objections, issues and modifications recommended by the DBCA-Rivers and Estuaries Branch, Main Roads WA, Department of Fire and Emergency Services and Department of Transport (attached to this report) have not been addressed.
3. Advise submitters of the Council's recommendation to the WAPC and when the WAPC makes its decision on the Structure Plan.

Moved Cr J Keogh
MOTION CARRIED

6/0

1.2 - DEVELOPMENT APPLICATION - PLACE OF WORSHIP - 8 WYGONDA ROAD, ROLEYSTONE

WARD : HILLS

FILE No. : M/563/25

APPLN NO. : 10.2025.14.1

DATE : 11 November 2025

REF : KC

RESPONSIBLE MANAGER : EDDS

APPLICANT : Harley Dykstra

LANDOWNER : S and E Wee

SUBJECT LAND : Property size: 0.4936ha

ZONING : Urban

MRS / : Residential R5

TPS No.4 : (Additional Use No.3)

In Brief:

- The application involves the conversion of an existing building to a Place of Worship accommodating a maximum of 120 worshippers. The existing single house onsite is proposed to be retained as a residence.
- Place of Worship is a discretionary 'A' use in the Residential zone. The application was advertised for a period of two weeks. 395 submissions were received. The main matters raised in submissions include parking and traffic, and noise generation.
- Issues identified in submissions and through the City's assessment have been addressed by the applicant or are capable of being addressed through conditions of approval.
- Recommend that the Council approve the application subject to appropriate conditions.

Tabled Items

Nil

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☐ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☒ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

- 2.5 Quality development that enhances the amenity and liveability of the City.
- 2.5.6 Seek improvements to the nature and standard of developments within the City.

Legal Implications

Health Act 2011

Environmental Protection (Noise) Regulations 1997

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Town Planning Scheme No.4 (TPS4)

Local Planning Strategy 2016

Metropolitan Region Scheme

State Planning Policy 3.7 *Bushfire*

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

Nil.

Consultation

1. Development Control Unit (City of Armadale)
2. Neighbouring Landowner Consultation
3. Advertising on the City's website.

BACKGROUND

The subject site is located at Lot 500 (No.8) Wygonda Road in Roleystone. The site contains an existing commercial building which previously accommodated a private recreation facility (squash courts) and café. A single dwelling is located to the rear of the site which was approved in 1989.

The building subject to the proposed conversion to Place of Worship was constructed prior to 1989, originally for Special Use No.8 in the City's *Town Planning Scheme No.2* (TPS2) – Squash Courts and Ancillary Leisure Activities. 24 car parking bays are currently on site (2 of these being ACROD bays) to service this building.

TPS2 was repealed in November 2005 and replaced by the current Town Planning Scheme No.4 (TPS4). Under TPS4 the subject site was zoned 'Residential' (R5) and Special Use No.8 under TPS2 was transferred to Additional Use No.2 of Schedule 2 under TPS4. The Squash Courts and Ancillary Leisure Activities are consistent with the definition of 'Recreation – Private' under this Additional Use.

Additional Use No.3 includes conditions and requirements as follows:

1. "All 'P' land use classes listed for the base Residential zone shall be 'D' (discretionary),
2. In determining any planning application for development approval, the City shall have regard to the compatibility of proposed uses with the existing use of the site and any additional uses, which are permissible under the Additional Use provisions."

DETAILS OF PROPOSAL

The subject application is for a Place of Worship use at Lot 500 (No.8) Wygonda Road, Roleystone. The proposal involves the following main elements:

- The Change of Use of the former squash courts and leisure centre to a Place of Worship with seating for 100-120 attendees.
- A weekly service held from 9:30am-1:30pm on Sunday.
- A Sunday evening meeting held monthly from 6pm on Sunday with 50-70 attendees.
- Regular mid-week services scheduled for Wednesdays or Fridays from 6pm to 9pm for a maximum of 60 attendees.
- Youth group meetings on Saturdays once or twice a month with 20 attendees.
- Ad-hoc special meetings occurring on weekends when visiting Ministers are present.
- Occasional board meetings with up to 20 attendees.
- Counselling services are available for individuals, couples and families within the congregation.
- The reconfiguration of the driveway to allow for two-way traffic and construction of additional parking bays to provide onsite parking for the congregation.
- The existing dwelling on the property and associated outbuildings are shown to be retained. The applicant has indicated that the dwelling will be rented out to members of the congregation or the general public.
- Internal modifications to the building layout.
- Tree retention.

In support of the application, the following documentation has been provided by the applicant:

- Environmental Acoustic Assessment prepared by Herring Storer Associates (June 2025) and a Noise Management Plan (August 2025).
- Transport Impact Statement prepared by PTG Consulting (April 2025).
- Bushfire Emergency Evacuation Plan prepared by Bushfire Logic (January 2025).
- Arborist Report prepared by Treeswest Australia (March 2025).
- Effluent Treatment and Disposal Report prepared by Bayley Environmental Services (September 2023).

COMMENT

Development Control Unit (DCU)

The proposal was referred to the City's Development Control Unit (DCU). Engineering, Parks, Environment, Building and Health have indicated support subject to appropriate conditions being imposed to address tree retention and effluent disposal.

The applicant has provided advice regarding effluent treatment and disposal suitable for Category 3 soils (loams), however the soil type has yet to be determined. Given this, Health Services has recommended the appropriate assessment of the soil before wastewater system works are undertaken as per the standard processes.

Public Advertising

The proposal was advertised for public comment in accordance with clause 64 of the Deemed Provisions.

Total No. of submissions received	: 395
No. of submissions of conditional support/no objection	: 9
No. of submissions of objection	: 383
No. of submissions of comments only	: 3
No. of submissions of advice by Government Service Agencies	: 0

The issues raised by the submissions have been summarised and recommendation made on each submission in the Attachments. Refer to Confidential Attachments of the Agenda for location plan and details of the submitters.

The main issues raised in submissions, together with a comment on each issue, are outlined below.

Key Issues

Issue 1 – Allocating central space in Roleystone to a single religious organisation could limit the availability of venues for other community events and gatherings. The scale of the proposed use is not compatible with the area.

Comment

The City's TPS4 Zoning Table lists a Place of Worship as an 'A' use within the Residential zone, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the Deemed Provisions.

A Place of Worship is defined by TPS4 as a:

"premises used for religious activities such as a church, chapel, mosque, synagogue or temple."

The proposed land use is considered to be consistent with the objectives (b) and (c) of the zone as outlined in TPS4, which include:

- b) To provide for a range of associated compatible activities and development, which will assist in the creation of efficient and sustainable residential neighbourhoods.
- c) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.

In addition, the subject site is in proximity to the following:

- Local Centre zoned land (including Roleystone shopping centre) 50m to the west;
- Additional Use No.5 (Roleystone Family Medical Centre) 10m to the west;
- Additional Use No.26 (office premises) immediately adjoining western boundary of the subject site; and
- Roleystone Country Club (immediately adjoining the eastern and southern boundary of the subject site), including portion of site identified for Additional Use No.40 (office premises, undeveloped)

Recommendation

That the issue is not supported.

Issue 2 – The existing road networks are not suitable for the increase in traffic, resulting in congestion, particular on weekends with sporting events and markets held at the oval. The increase in traffic could result in safety issues for pedestrians.

Comment

The existing road networks and traffic volumes are considered in the applicant's Transport Impact Statement (TIS). Wygonda Road is a Local Distributor road with 2 lanes and 1 footpath, with a 50km/hr speed limit. The applicant's TIS estimates a peak generation of 42 vehicles during the weekend peak period for the proposed land use. The applicant's TIS further outlines that the service hours proposed means the use is not operational during the weekday AM periods. The applicant's TIS notes that the PM period trips are significantly lower compared to the weekend peak.

The applicant's TIS states that the Place of Worship "weekend peak is generally around noon, which coincides with the end of the worship service, when most visitors will be leaving." In addition, the applicant's TIS suggests that "most visitors to the site are families, which are assumed to arrive together, therefore it is assumed that there will be an average of 3 people per vehicle."

The applicant's TIS concludes that the existing road network has capacity for the additional volume of traffic generated by the proposed land use.

Recommendation

That the issue is not supported.

Issue 3 – Insufficient on-site parking has been provided. Without adequate provisions, it is highly probable that overflow parking would spill into the country club's facilities or into on-street parking.

Comment

The TPS4 Schedule 7A 'Car Parking Standards' give provisions for the minimum parking requirements for a Place of Worship. The proposal includes a seating area of 88m² and Schedule 7A requires 1 space for every 2.5 square metres of seating area. 35 parking bays are required to satisfy this requirement, plus 1 space for every staff member present during peak operation. The applicant has confirmed 1 staff member is present during these times.

Following advertising the parking provisions were updated to provide a total of 43 parking bays, excluding those associated with the existing caretaker's dwelling. This addresses the 42 vehicle trips noted in the applicant's TIS and provides parking which exceeds the requirements of TPS4 Schedule 7A.

It is recommended that if the application is approved, a condition be imposed requiring that car parking demand shall not exceed the number of parking bays approved for the development, being 43 vehicle bays, at any one time. Car parking demand should be accommodated within the site at all times.

Recommendation

That the issue is supported.

Issue 4 – Roleystone is known for its welcoming and inclusive community, emphasising safety, transparency, and a zero-tolerance policy for abuse. The community is built on atmosphere, on safety, on how people feel walking down their street or sitting in the café next to the town hall. The safety of residents should be preserved.

Comment

The City's Local Planning Policy – *Designing Out Crime* (PLN 3.14) guides effective design of building and plans using Crime Prevention Through Environmental Design principles, providing guidance in relation to build outcomes that assist in supporting the reduction in actual and perceived crime and anti-social behaviour.

The applicant has indicated that the requirements of the policy have been met by submitting the Crime Prevention Through Environmental Design checklist with the proposal. The proposed use and building works do not propose any elements that would be inconsistent with these elements.

Recommendation

That the issue is not supported.

Issue 5 – An increase in patronage of this scale will adversely impact the quiet residential amenity currently enjoyed by the community. The cumulative impact of weekly, evening, and weekend activities, including youth and community meetings, would result in a level of noise, activity, and disturbance incompatible with the expectations of residents in a low-density residential area.

Comment

The applicant's Acoustic Report identifies that noise sources include singing, playing music inside the building during services and car movements on site. The applicant's Noise Management Plan (NMP) requires that potential noise emissions from singing/music are confined to inside the facility and not be audible outside of the building if the doors and windows are closed, therefore achieving compliance with the *Environmental Protection (Noise) Regulations 1997*. In addition, the applicant's Noise Management Plan has noted that amplified music is to cease by 9pm each night.

The applicant's Acoustic Report identifies that noise associated with car movements from the proposed Place of Worship would comply at all hours in all directions, excepting the residential site at 10 Wygonda Road, Roleystone. The applicant's Acoustic Report recommends implementation of a minimum 1800mm solid continuous barrier for the area adjacent to the carpark, and restriction of the four westmost car bays outside of the day time period to mitigate car noise to 10 Wygonda Road, Roleystone. The applicant's Acoustic Report notes that this barrier must be solid and continuous with no gaps. The applicant has confirmed that this barrier would be composed of brick or limestone. The applicant's Acoustic Report advises that this wall must extend at a minimum to equal with the building's north façade and continue as far north as practicable.

It is recommended that if the application is approved, a condition be imposed requiring compliance with the Acoustic Report and Noise Management Plan. An advice note should be included advising that at all times the noise levels must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

Recommendation

That the issue is supported.

Issue 6 – There appears to be limited community consultation in the planning stages of this proposal. Given the substantial impact this change of use may have on the neighbourhood, I

believe wider engagement with residents should have been prioritised before the submission of this application. Many are questioning the transparency and financial ethics behind the approval of such projects, particularly given the scale and frequency of similar applications being passed.

Comment

Place of Worships are common land uses in town sites, residential and commercial areas. The proposed land use is one that a landowner can apply for and can be considered in Residential areas.

Consultation for the development application has been undertaken as per the requirements of the relevant legislation. This report and other reports are publicly available on the City's website or Western Australian Planning Commission's website for Development Assessment Panels (DAPs) where the DAP is the decision maker. Places of Worship are able to apply for an exemption from paying local government rates.

Recommendation

That the issue is not supported.

Issue 7 – Remnant native bushland is located on the subject site. A change of use that intensifies the site's use may result in vegetation clearing. The established Jarrah trees should be protected. This natural buffer enhances the area's amenity and character.

Comment

An Arborist Report was submitted by the applicant in March 2025. The site comprises of 17 trees, with high value for habitat and food source for native species. The trees have retention value in their current state. Accordingly, the applicant has designed the proposed additional car parking bays around the existing vegetation and confirmed that no native vegetation is proposed for removal.

It is recommended that if the application is approved, a condition be imposed requiring a landscaping plan which demonstrates the retention of existing trees and tree protection in accordance with AS 4970 – 2009 'Protection of Trees on Development Sites'.

Recommendation

That the issue is supported and can be managed via conditions.

Issue 8 – There are no details on modifications to elevations to ensure the architectural landscape and visual harmony of our semi-rural region is maintained.

Comment

The applicant has confirmed that no changes are proposed to the roof or elevations of the existing buildings. It is recommended that a condition be imposed requiring external colours and materials to be in keeping with the surrounding character and amenity of the locality.

It is recommended that a condition be imposed requiring external colours and materials to be in keeping with the surrounding character and amenity of the locality.

Recommendation

That the issue is noted.

Issue 9 – A previous fire in 2011 in the area burned through houses, destroying around 72 homes. Fires move quickly, and burn ferociously in urban areas and bushland, and are increasingly likely to occur due to a changing climate, more extreme conditions and a drying landscape.

Comment

Part 8 of the *Planning for Bushfire Guidelines* (Guidelines) notes that:

“There are no requirements under State Planning Policy 3.7 or the Guidelines [...] for these existing buildings to be located within an area with a radiant heat impact not exceeding 29 kW/m² (BAL-29).”

To address this concern however, it is recommended to include a condition requiring the applicant to adhere to Appendix B, Table 9 of the Guidelines in terms of managing fire fuel load.

This requires the fuel load to be:

- Managed and removed on a regular basis to be maintained as low threat vegetation;
- Maintained at less than two tonnes per hectare (on average); and
- Mulches should be non-combustible such as stone, gravel, shells, rock or crushed mineral earth or wood mulch more than five millimetres in thickness.

This approach balances the preservation of native remnant vegetation with the reduction of fuel load on the ground.

An advice note outlining the technical requirements for the establishment of an asset protection zone and the installation of ember protection screens to any evaporative air conditioning units is recommended.

Recommendation

That the issue is supported.

Issue 10 – May I suggest that if this application has merit that restrictions are put in place. Without enforceable conditions, local amenity and safety will be compromised.

Comment

Appropriate conditions will be imposed to mitigate potential impacts on local amenity. In formulating conditions, planning authorities must adhere to the ‘Newbury Principles’, which have been developed in case law to ensure that any conditions imposed on a development application:

- Serve a planning purpose by directly relating to the development and its impacts on the surrounding area;
- Be fair, and reasonably related to the development; and
- Not be so unreasonable that a reasonable planning authority could not have imposed it.

Application of these principles ensures conditions are proportionate to the scale and nature of the proposal.

It should also be noted that planning authorities have the ability to monitor compliance with conditions. Non-compliance may result in enforcement actions, such as notices or penalties, under the *Planning and Development Act 2005*.

Recommendation

That the issue is supported.

Issue 11 – Will the sewerage system cope, given the age of the building and that the original building was never built to cope with these numbers?

Comment

The approved plans for the existing buildings show the effluent system for the hall as consisting of two septic tanks and three 7m leach drains. The septic tanks are located beneath a concrete driveway. The area of the leach drains is brick-paved and separated from the bitumen driveway by mountable kerbing, suggesting that it may have been used in the past for ad-hoc parking by previous operators. This is inconsistent with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*, which require leach drains to be unpaved and not subject to vehicular traffic.

The existing system is designed to accommodate a maximum of 45 persons per day with food preparation or 135 persons without food preparation. In order to increase the capacity of the system to accommodate the proposed number of patrons, it is proposed to install a holding tank to spread the effluent load over a full week. In view of the absence of site specific soil test data, the leach drain sizing has been revised based on a Design Loading Rate of 15mm/day as specified in AS1547:2012 for Category 3 soils (loams).

On this basis, two 12m leach drains will be required. The leach drains will be setback at least 1.8m from buildings and boundaries and 1.2m from any trafficable areas. The edge of the existing driveway will be pulled back to ensure a 1.2m clearance from the leach drains. The applicant proposes that the existing brick paving above the leach drains will be removed and replaced with a soft surface such as grass or shallow-rooted garden plants, bringing the system into compliance with *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

The effluent system for the existing residence complies with its approved plans and will continue to be used to service the residential dwelling. No alteration to this system is necessary or proposed.

It is recommended that a condition of the approval be imposed requiring a Site and Soil Evaluation to ensure the proposed system is appropriate for the site conditions.

Recommendation

That the issue is supported and can be resolved via conditions.

Issue 12 – Additional outdoor lighting from buildings or parking areas could disrupt nearby properties, particularly at night.

Comment

The issue can be addressed by including an advice note should the application be approved, advising that lighting shall comply with Australian Standard 4282-1997 “*Control of the*

obtrusive effects of outdoor lighting” or its equivalent and the City’s Environment, Animals and Nuisance Local Laws 2002.

Recommendation

That the issue is supported.

Issue 13 – With the extra bitumen area, will the existing stormwater drain cope with the extra run off?

Comment

Detailed drainage design is considered and managed usually through conditions and submission of plans for such large lots. It is recommended that drainage requirements are conditioned requiring submission of a stormwater management plan incorporating water sensitive design principles to the City for its approval.

Recommendation

That the issue is noted.

ANALYSIS

The following discussion considers the application’s compliance with TPS4 requirements.

Town Planning Scheme No 4, Part 4A – Residential Zone Requirements

Setbacks and Heights

All proposed structures are existing on-site. All setbacks and building heights are compliant with TPS4 provisions.

Car Parking and Vehicular Access

Under Schedule 7A of TPS No.4, a Place of Worship requires on-site parking bays provided in accordance with the following formula:

*1 space for every 2.5 square metres seating area, plus
1 space for every staff member present during peak operation*

The existing building’s proposed seating floor area is approximately 88m². Calculations based on this seating area requires a minimum of 35 on-site parking bays. The applicant indicates that 1 staff member is present during peak operation, which requires 1 space allocated.

The applicant indicates that the existing single dwelling would remain, and has provision for one additional parking bay, which is in accordance with the minimum on-site requirements for a single dwelling of 1 bedroom. A total of 37 car parking bays are required on site.

Following advertising, the applicant has updated the site plan to provide 43 car parking bays on site, exceeding the parking requirements of Schedule 7A.

It would be reasonable to restrict the number of vehicles on site to the maximum number of available parking spaces via a condition of approval and to ensure that all parking is contained on site to address any potential impacts.

Transport Impact Assessment

The applicant has provided a Transport Impact Statement (TIS) prepared by PTG Consulting, dated April 2025. The key conclusions of the TIS are as follows:

- The proposed change of use will attract an additional 42 vehicular trips during its peak operation hours during Sunday noon following the end of service.
- No weekday AM or PM peak trips are expected for the Place of Worship, as it will not operate during the AM periods and PM period trips are significantly lower compared to the weekend peak.
- Wygonda Road is a Local Distributor as per Main Roads WA classifications, which has a maximum desirable volume of 6,000 vehicles per day.
- Brookton Highway is a Primary Distributor as per Main Roads WA classifications. Currently Brookton Highway's average two-way traffic volume is 4,180 per day.
- The added traffic volume generated by the proposed Change of Use would remain within the maximum desirable traffic volume for these road types.

The City's Engineering Services has reviewed the TIS and has not raised any queries in relation to its conclusions.

It is recommended that a condition of approval includes restricting operational hours of the Place of Worship to ensure that traffic is managed in accordance with the TIS. The applicant has argued this is not required and the operational hours provided are strictly service timings, and it is anticipated that some members of the congregation will arrive earlier or leave later. Therefore, the operational hours of a condition can be drafted to accommodate this.

Environmental Acoustic Assessment

The applicant has provided an updated Acoustic Assessment prepared by Herring Storer Associates (June 2025) and a Noise Management Plan (NMP) (August 2025). The key points and conclusions of the Acoustic Assessment and NMP are as follows:

- The primary noise sources considered are singing/non-amplified music within the building and car movements on site.
- The assessment has identified one residential property that could be impacted at 10 Wygonda Road, Roleystone, located to the west of the subject site. In some instances, noise from vehicle movements and car doors may slightly exceed the *Environmental Protection (Noise) Regulations 1997* on occasion.
- Noise levels from the proposal comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times for the remaining adjoining and surrounding properties.

The applicant's Noise Management Plan details management measures including requiring the Place of Worship buildings' doors and windows to remain closed during operations and the use of amplified music is to cease from 9pm. To address potential noise impacts on 10 Wygonda Road, Roleystone, the applicant's Noise Management Plan notes the installation of a minimum 1800mm solid continuous barrier along the boundary adjacent to the carpark and restricting the use of the four westernmost car bays outside of the daytime period.

The City's Health Services have reviewed the Noise Management Plan and accompanying acoustic report and are satisfied with the conclusions and proposed noise management measures.

Bushfire Management Plan

The subject site is within the area mapped as Bushfire Prone Area 2. State Planning Policy 3.7 *Bushfire* and the associated Guidelines apply where the land is designated bushfire prone on the Map of Bush Fire Prone Areas (Map) and the planning proposal will result in the intensification of development (or land use) and results in an increase of visitors, residents and employees.

Generally, SPP 3.7 and the Guidelines may not apply to a development application for a change of use, minor renovations, extensions, alterations, improvements or repair of an existing habitable building:

“where there is no increase in the bushfire risk, such as an extension being further away from the bushfire hazard, or the extension does not restrict vehicular access or the provision of water for the development.”

The Guidelines note in Clause 1.3.1 that where a development application was approved prior to 2015 and therefore was not assessed against SPP 3.7, then:

“the subsequent stage of the planning process, or modification or addition to the development approval should demonstrate compliance with SPP 3.7 (2024) and these Guidelines.”

However, Part 8 of the Guidelines notes that:

“there are no requirements under SPP 3.7 or the Guidelines to retrofit existing buildings to the appropriate bushfire construction standard, or any requirement for these existing buildings to be located within an area with a radiant heat impact not exceeding 29 kW/m² (BAL-29).”

The proposal notes that the existing dwelling and Place of Worship can achieve a BAL rating of 29 or less and compliance with all other bushfire requirements.

Under State Planning Policy 3.7, a "Place of Worship" is classified as a vulnerable land use due to the potential for occupants to have a limited capacity to respond to a bushfire emergency. SPP 3.7 requires the preparation of a bushfire emergency plan for all vulnerable land uses.

The applicant's consultant, Bushfire Logic, has prepared a Bushfire Emergency Evacuation Plan in accordance with the requirements of SPP 3.7. This highlights the evacuation procedures and onsite refuge locations to be used in the event that a bushfire may occur. Two access routes are available from the property, to the east and west via Wygonda Road. It is noted that most patrons would likely travel to the site via a private vehicle which would be available for use in the event of an emergency evacuation.

Site and Soil Evaluation

Final site and soil testing has yet to be carried out at the location. This evaluation can be undertaken as a condition if the application is approved, prior to submitting the finalised on-site effluent disposal design for the City's approval, which is typical requirement for developments of this size and scale.

Arborist Report

The applicant has provided an Arborist Report prepared by Treeswest Australia, dated March 2025. The site supports 17 trees in total: 9 *Corymbia calophylla* (Marri trees), 3 *Eucalyptus marginata* (Jarrah), 3 *Xanthorrhoea preissii* (grass trees), a *Pinus pinaster* Pine tree and one *Banksia grandis* banksia tree.

The additional car parking has been designed around the existing trees to ensure their retention and the application does not propose the removal of trees.

OPTIONS

Council has the following options:

1. Approve the application for a Place of Worship at Lot 500 (No.8) Wygonda Road, Roleystone, subject to appropriate conditions.
2. Refuse the application for a Place of Worship at Lot 500 (No.8) Wygonda Road, Roleystone and state the reasons for doing so.

CONCLUSION

The proposed Place of Worship retains the use of the existing single house as a residence for members of the congregation or general public, and proposes to adapt the former Squash Courts and Leisure Centre building for a Place of Worship.

A 43 car bay car park is proposed to be provided, with a two-way driveway. The proposal is intended to serve as a premises for religious purposes, making use of existing structures on the land.

The applicant has provided a Transport Impact Statement which demonstrates that the local road network can accommodate the amount of vehicle traffic produced by the proposal. A Noise Management Plan indicates that the use is capable of complying with the *Environmental Protection (Noise) Regulations 1997* subject to appropriate construction and management conditions. A Bushfire Emergency Evacuation Plan has been provided which indicates that there are available evacuation routes.

The proposal is recommended for conditional approval, in accordance with Option 1.

ATTACHMENTS

1. Aerial Map
2. TPS Zoning
3. Schedule of Submissions
4. Confidential List of Names and Addresses of Submitters - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*
5. Confidential Local Area Submitter Plan - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*
6. Updated Car Parking Plan
7. Noise Management Plan
8. Arborist Report
9. Acoustic Report

That Council:

1. Approves the application for Development Approval for Place of Worship on Lot 500 (No.8) Wygonda Road, Roleystone, subject to the following conditions:

- a) Operating hours of the Place of Worship shall be limited to:**
 - a. 9:30am – 10pm on Sunday;**
 - b. 5pm – 10pm on Wednesday and Friday; and**
 - c. 2pm – 8pm Saturday.**
- b) A maximum of 120 persons are allowed in the Place of Worship.**
- c) Car parking demand shall be accommodated within the site at all times in the constructed parking bays. The car parking demand shall not exceed the number of parking bays approved for the development, being 43 vehicle bays, at any one time.**
- e) To meet drainage requirements the developer/owner shall, to the specification and satisfaction of the Executive Director Technical Services:**
 - a. Submit a stormwater 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; and**
 - c. Relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development.**
- f) 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 species);**
 - 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; and**
 - e. Existing trees on site are to be managed in accordance with AS 4970 – 2009 *Protection of Trees on Development Sites*.**

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

- g) All vehicle parking manoeuvring spaces shall be constructed, sealed, kerbed, marked and drained in accordance with the approved site plan to the satisfaction of the Executive Director Technical Services and continuously maintained thereafter. Relocation/removal of any services/infrastructure will be at the cost of the developer.**
- h) The Bushfire Emergency Evacuation Plan prepared by Bushfire Logic and dated 10 January 2025, shall be implemented to ensure the fine fuel load**

within the lot is maintained to the requirements of Appendix B, Table 9 of the *Planning for Bushfire Guidelines* (as amended).

- i) Noise mitigation measures recommended within the Acoustic Report submitted by Herring Storer Acoustics (updated 27 October 2025), shall be incorporated at the Building Permit Application stage, and continuously implemented to the satisfaction of the Executive Director Development Services. All activities shall be conducted in a manner to avoid any unreasonable noise impact upon adjoining neighbours, in compliance with the Noise Management Plan dated 29 October 2025 and the *Environmental Protection (Noise) Regulations 1997*.
- j) No materials or bins shall be stored in car parking areas.
- k) A schedule of external colours and materials 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. External colours and materials shall be in keeping with the surrounding character and amenity of the locality and maintained to the satisfaction of the Executive Director Development Services.
- l) Prior to the commencement of any works associated with the onsite wastewater management system, a Site and Soil Evaluation (SSE) must be undertaken by a suitably qualified professional in accordance with AS/NZS 1547:2012. The SSE must be submitted to the satisfaction of the City and demonstrate that the proposed system is appropriate for the site conditions. Should the SSE identify that the proposed system is unsuitable, an alternative wastewater management system must be designed and submitted for approval, ensuring compliance with relevant legislation.
- m) Prior to the commencement of works or any development being undertaken on the site the applicant shall submit and have approved, the specification of the proposed on-site effluent disposal system to the satisfaction of the City of Armadale. The specifications shall include, unless otherwise agreed in writing:
 - a. Location and clearance from highest known groundwater;
 - b. Expected performance;
 - c. Nutrients removal capability; and
 - d. Monitoring and maintenance plan.
- n) All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.
- o) With respect to any development on site, particularly the construction of car parking, the noise wall and installation of the effluent disposal system, a qualified arborist is to conduct a pre-site inspection to ensure that all necessary protections and proposed work practices are in place prior to any

ground disturbing activity to ensure there is no damage to existing trees or their roots onsite.

ADVICE NOTES

- a) A separate application is required for all signs associated with the development.
- b) With regard to the Condition requiring submission of a colour and material schedule, it is expected that the colour and material schedule will be submitted and approved prior to the submission of a Building Permit Application.
- c) With regard to the Condition requiring a Landscape Plan, please refer to the City's Landscaping Guidelines – (Screening) and the Landscaping Guidelines – Plants to Avoid, to assist you to formulate a satisfactory landscaping proposal. Copies of these documents are available on the City's website at: www.armadale.wa.gov.au/publications/
- d) Existing trees are to be managed in accordance with AS 4970 – 2009 *Protection of Trees on Development Sites*.
- e) With regard to the Condition regarding vehicle manoeuvring spaces, the City's Technical Services Directorate should be contacted in order that the appropriate crossover application may be made.
- f) Lighting shall comply with Australian Standard 4282-1997 "*Control of the obtrusive effects of outdoor lighting*" or its equivalent and the City's *Environment, Animals and Nuisance Local Laws 2002*.
- g) It is recommended that security cameras and CCTV be installed in internal and external areas of the premises, including car parking areas to manage and deter criminal and anti-social behaviour.
- h) At all times the noise levels must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
- i) Compliance with the *Health (Public Buildings) Regulations 1992* is required. In this regard, a Public Building application shall be submitted to the City's Health Department and approved prior to occupation of the proposed building.
- j) With regard to the Bushfire Emergency Evacuation Plan, the City notes that the establishment of an APZ does not require wholesale clearing.

Additionally, it is highly recommended that ember protection screens be installed to any evaporative air conditioning unit. Further information can be obtained at:

<http://www.dfes.wa.gov.au/safetyinformation/fire/bushfire/BushfireInfoNotesPublications/DFES-InfoNote-BushfireEmberProtectionScreens.pdf>

- k) The proposal may involve a change of classification or use therefore the building will need a new Occupancy Permit in accordance with the *Building Act 2011* Section 49. A change of classification requires compliance with the current Building Code of Australia in accordance with the *Building Regulations 2012* Section 31G. This may include but is not limited to energy efficiency, disabled access and fire safety. Any alteration works will require a Building Permit.
- l) With regards to Condition 14 or Condition (n), 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>
- m) The applicant and landowner are advised that it is a statutory requirement to comply with all conditions of this approval, and that not complying with any condition is therefore illegal. Failure to comply with any condition of this approval or the approved plans constitutes an offence under the *Planning and Development Act 2005*. The City can issue a Planning Infringement Notice of \$500 (without notice) and/or commence legal action with higher penalties up to \$200,000 for each offence and a daily penalty of \$25,000 per day for the continuation of that offence. It is the responsibility of the applicant and/or landowner to inform Council in writing when they consider the development to be complete and all conditions of this approval have been satisfied.
- n) 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:-
 - i. Outside the hours of 7:00am to 7:00pm; or
 - ii. On a Sunday or Public Holiday.
- o) 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, at Level 4, 12 St Georges Terrace, Perth, 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*.
- p) 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.

- 2. That the submitters be advised of Council's decision in this regard.**

Moved Dr C M Wielinga
MOTION CARRIED

6/0

1.3 - DEVELOPMENT APPLICATION - PINDARI RESTORATION HOUSE - LOT 41 - 61 NELSON STREET BEDFORDALE

WARD : HILLS

FILE No. : M/499/25

APPLN NO. : 10.2025.175.1

DATE : 11 November 2025

REF : JF

RESPONSIBLE MANAGER : Co-ordinator Statutory Planning

APPLICANT : Mark Bruning, Pindari Ministries Inc.

LANDOWNER : Pindari Ministries Inc.

SUBJECT LAND : Property size 2.03 ha

ZONING

MRS / : Rural

TPS No.4 : Special Rural 2

In Brief:

- The City received an application on 25 July 2025 to amend the Development Approval 10.2018.166.1 by increasing the maximum number of clients permitted and to construct additional accommodation on the site.
- The application was advertised for a period of four weeks. A total of four (4) submissions were received, two (2) objecting to the proposal.
- Recommend that Council approve the application subject to amended Conditions of approval.

Tabled Items

Nil

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☐ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☒ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

2.5 Quality development that enhances the amenity and liveability of the City.

Legal Implications

Planning and Development Act 2005
Town Planning Scheme (TPS) No. 4
Local Planning Strategy 2003
Metropolitan Region Scheme

Council Policy/Local Law Implications

PLN 2.4 Tree Preservation
PLN 2.9 Landscaping

Council Policy/Local Law Implications

Health Local Laws 2002

Budget/Financial Implications

Nil.

Consultation

1. Advertised for Public Comment.
2. City of Armadale Internal Business Units (DCU)
3. Department of Planning, Lands and Heritage (DPLH)
4. Department of Fire and Emergency Services (DFES)

BACKGROUND

The subject property at Lot 41 (61) Nelson Street, Bedforddale) has two existing residences, several outbuildings and water tanks. The current manager's residence is located centrally and towards the front of the property and the second accommodation dwelling which was approved in January 1999 is to the rear of the main house. The second residence is the building currently being used for Community Purpose with a maximum of six participants or clients at any one time. The property is heavily vegetated and abuts the Bungendore Park Reserve.

Council conditionally approved a development application for Change of Use to Community Purpose (Pindari Restoration House) for the second residence on 12 October 2015 for a period of three years (and a maximum of four participants) to enable the applicant to demonstrate their ability to operate the facility without creating significant negative impacts on surrounding residents. Council subsequently approved an application for permanent operation of the Community Purpose with an increased maximum of six participants on 25 September 2018. Conditions of approval included the ongoing implementation of the comprehensive management plan (approved by Council on 27 September 2016) and biannual audit reports on compliance with the management plan (which have been received since commencement of the use).

The applicant now seeks approval for an increase to the permitted maximum number of participants from six (6) to fifteen (15) men and utilising the existing manager's residence as Community Purpose accommodation. An additional accommodation unit is proposed for the onsite caretaker.

The applicant submits that the successful operation history of Pindari Restoration House to date justifies the proposal for increased capacity. The applicant has also advised that "*Pindari*

has recently passed its audit and achieved accreditation under the Alcohol and Other Drugs Human Services Standard (AODHSS). This is a significant milestone in our growth, reflecting our commitment to service quality and client outcomes, enhancing credibility and trust, and demonstrating a strong culture of governance and continuous improvement.”

“Pindari House is now seeking planning approval to increase its onsite residential capacity from six to fifteen residents and add an accommodation unit and meeting rooms to the facilities. The accommodation unit will be housing for an afterhours caretaker and the added meeting rooms will allow flexibility with class sizes and the number of residents that can be in counselling session at a time. The two existing houses on the property will be the accommodation for the fifteen residents and house leaders and no additional buildings are required for that purpose”.

DETAILS OF PROPOSAL

The applicant seeks approval for:

- an additional nine (9) participants (increasing the maximum number of participants from six (6) to fifteen (15) men;
- an updated Pindari Management Plan to align with the proposed increased capacity;
- utilising the existing manager’s residence as an accommodation building for the additional participants (including a bushfire asset protection zone);
- construction of a new accommodation unit for an onsite caretaker (including a bushfire asset protection zone);
- extension to the existing hall building; and
- additional meeting rooms.

The following documents are attached in support of the current application:

1. Revised Pindari Management Plan – July 2025.
2. Revised Bushfire Management Plan by Envision Bushfire Consultants – July 2025
3. Assessment of the onsite sewage treatment systems by TJ Peach and Associates – 6 March 2025
4. Site Plan and Floor Plans SK1, SK2, SK3 Rev C by Tristan Schiebaan Drafting and Design.

COMMENT

Development Control Unit (DCU)

The proposal has been referred to the City’s Development Control Unit (DCU) for comment.

The City’s Health Services has reviewed the onsite effluent disposal assessment (prepared by TJ Peach & Associates, dated 6 March 2025) and noted that the size of the system may require some tree clearing. The applicant has since provided a site plan showing the location of the new leach drains in an existing lawn area avoiding any tree removal.

Agency Referral

The proposal was referred to the Department of Planning, Lands and Heritage (DPLH) in accordance with Western Australian Planning Commission Delegation Instrument Del 2025/04 Powers of Local Governments Metropolitan Region Scheme. The City is required to refer a non-conforming use application to DPLH for comment prior to determination of the application under the Metropolitan Region Scheme (MRS). DPLH advised it had no comment to make therefore the City has delegation to determine the proposal under the MRS.

Public Advertising

The application was advertised for four weeks in accordance with clause 64 of the *Deemed Provisions* (Schedule 2, *Planning and Development (Local Planning Schemes) Regulations 2015*). The public submission period concluded on 15 September 2025. Advertising was carried out by way of letters to affected and nearby landowners.

Total No. of letters sent to residents/owners	: 18
Total No. of submissions received	: 4
No. of submissions of conditional support/no objection	: 1
No. of submissions of objection	: 2
No. of submissions of general advice by Service Agencies	: 1

The main issues raised in submissions, together with a comment on each issue are outlined below.

Key Issues

Issue 1. Additional Traffic

Proposal will bring additional traffic to a quiet street. There are currently at least 8 cars a day that come and go from the property. There have been multiple near misses and one accident from the traffic coming and going from the property to date in the last three years.

Comment

The applicant has advised that staff numbers remain modest and staggered, ensuring traffic generation is low and manageable. Additionally, car parking is provided on the site to prevent parking on the roadside. The applicant has also noted that the incident referred to above occurred due to driver error and is not related to the volume of traffic originating from the facility or the volume of traffic on Nelson Street. No other incidents, including near misses, have been recorded and staff at the facility have not been made aware of any.

Given that residents are not permitted to have their own vehicles, increased traffic to and from the site can be attributed to staff and visitors. The City's Technical Services has raised no objections to the current crossover arrangements. It is considered that the current road network has sufficient capacity to accommodate the additional vehicles visiting the site. This is discussed further later in this report.

Recommendation

That the issue is not supported.

Issue 2. Amenity/safety

Most residents in Nelson St were against this when approval was granted by the Council. It has not been a problem with six residents but we do object again to increased numbers to fifteen and further buildings. A lot of young families have moved into Nelson Street with small children and there could be some risk.

Comment

The quiet and responsible operation of the development since its approval has been demonstrated. The City also notes that there have been no formal complaints received by the City in relation to the current development and the regular audit reports from the applicants indicate there have been no breaches of the approved Management Plan.

Recommendation

That the issue is not supported.

Issue 3. Intensification of development

We as residents are not allowed more expansion on our blocks.

Comment

Council first considered the ‘Community Purpose’ use in 2015. At the time, the subject Lot 41 Nelson Street was zoned ‘Rural Living 2’ under TPS No.4. The proposed use ‘Community Purpose’ was classified as an ‘A’ use in the zone, meaning the use could be considered following public advertising in accordance with the Scheme (TPS No.4). Following assessment of the proposal it was determined that the use was consistent and compatible with the objectives of the ‘Rural Living’ zone. The applicant is now seeking to expand the approved use and has provided revised documentation in support of the current proposal. The current proposal will be assessed for compatibility with the objectives of the current zoning (Special Rural).

Recommendation

That the issue is not supported.

ANALYSIS

Town Planning Scheme No.4 (TPS No4)

Land Use Definition

The City’s TPS No.4 defines a ‘Community Purpose’ use as “*the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit*”. The proposal is considered to be consistent with this definition.

Zoning and Land Use Permissibility

The subject land is now zoned ‘Special Rural’ under TPS No.4 (by virtue of Scheme Amendment No.97, gazetted on 6 March 2020). The approved use ‘Community Purpose’ is classified as an ‘X’ use in the Special Rural zone, which means that the use is not permitted in the zone. The approved use is now subject to the ‘non-conforming use’ provisions of TPS No.4.

Non-conforming Uses

3.8 Non-conforming uses

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent —

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;*
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or*
- (c) subject to clause 80 of the Deemed Provisions, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.*

3.9 Extensions and changes to a non-conforming use

3.9.1 *A person must not —*

- (a) alter or extend a non-conforming use;*

- (b) *erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or*
 - (c) *change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained development approval under the Scheme.*
- 3.9.2 *An application for development approval under this clause is to be advertised in accordance with clause 64 of the Deemed Provisions.*
- 3.9.3 *Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.*

Clause 3.8 of TPS No.4 states that no provision of the Scheme is to be taken to prevent the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date.

Development approval is required for any alterations or extensions to a non-conforming use in accordance with clause 3.9 of TPS No.4 and such applications must be advertised in accordance with clause 64 of the Deemed Provisions (Schedule 2, *Planning and Development (Local Planning Schemes) Regulations 2015*) prior to determination. It is important to note that sub-clause 3.9.3 is not applicable in this instance, as the existing non-conforming use is not changing to another use. The existing non-conforming use remains the same, and all proposed associated activities are incidental to existing use of the land. The application as proposed is capable of being considered for approval in this regard.

Special Rural Zone Objectives

Objectives of the Special Rural zone include the following:

- (a) *To provide for a bushland and/or semi-rural lifestyle based on defined lot sizes, landform and natural environmental characteristics with potential to undertake development incidental to the residence as well as a range of small scale agricultural land uses compatible with the site and locality's amenity and natural values.*
- (b) *To ensure development is sited, designed and managed in harmony with the natural environment and so as to protect the vegetation, rural landscape and amenity of the site and locality.*

It is considered that the ongoing retention of native vegetation on the site is desirable to assist with screening the development from public view and protect the existing rural amenity of the area.

Effluent Disposal

The site is not serviced by a reticulated sewerage line and utilises an on-site effluent disposal system. The applicant has submitted a review of the existing effluent disposal arrangements on the site which recommends that the existing system be decommissioned and replaced with a larger ATU system with dripper irrigation or leach drain disposal. The applicant has since advised that a leach drain disposal system will be utilised which will be installed in an existing lawn area to avoid any tree clearing. These are standard considerations should a development approval be granted.

Setbacks

The proposed accommodation unit includes a minor side setback variation. A side setback of 11.8m is proposed however a 15m setback is required. Approximately 10.5m² of the building will encroach into the side setback area. The building is unlikely to be highly visible from the street with a front setback distance of approximately 55m and existing native vegetation between the building and street. Some screening vegetation may be desirable on the corner within the setback area to protect the visual amenity of the neighbouring property however this will need to be carefully considered in the context of the Bushfire Management Plan. It is considered that the variation can be supported due to the limited impact on surrounding amenity.

The relocated Office building has a front setback of approximately 80m and a side setback of approximately 37m, which are appropriate.

Building Height

The proposed new accommodation unit will be 3.54m high and does not exceed the maximum building height permitted in the zone.

Building coverage

Clause 4B.3.1 of the Scheme permits a maximum 500m² of building coverage (including outbuildings) unless otherwise approved by the local government.

The site currently contains the following approved structures:

- Primary dwelling (150m²) currently a manager's residence to be converted to Community Purpose accommodation for nine (9) men.
- Second Dwelling (160m²) already used as Community Purpose accommodation for six (6) men.
- Outbuilding 1 (Workshop and Carport) adjacent to primary dwelling, now being used for a hall and has been enclosed to provide a floor area of 65m².
- Outbuilding 2 (Garage and Carport) near southern side boundary (36m²).
- Outbuilding 3 (Shed) in southwestern corner of the property has been enclosed at the rear to provide a floor area of 198m².

There are various assorted smaller sheds on the site however outbuildings that are less than 10m² in area and unenclosed structures generally do not require development approval.

Proposed structures include:

- Overnight caretakers residence (60m²) to be located at the eastern end of the playing court.
- Office (24m²) existing structure to be relocated to the southwestern corner of the playing court.

The total area of buildings on the site will be approximately 693m². This represents 3.4% of the whole site and exceeds permitted building coverage of 500m² by 193m². It is noted that only 60m² of this area will be occupied by new buildings therefore the visual impact is likely to be negligible. It is considered that the variation can be supported due to the limited impact on surrounding amenity.

Car parking and vehicular access

Ten (10) marked car parking spaces are provided on a bitumen hardstand adjacent to the primary dwelling (proposed for Community Purpose accommodation). The City's TPS No.4 requires one (1) parking space for every five (5) persons the facility is designed to accommodate i.e. a minimum of three (3) spaces is required. The applicant's management plan states that aside from the 3-4 leaders / caretakers living on site, a maximum of five (5) staff / volunteer vehicles will be on site during weekdays and a maximum of six (6) visitor vehicles will be on site on Saturdays. Occasional special gatherings and 'busy bee' days will have a maximum of ten (10) extra vehicles on site. It is noted that apart from the ten (10) formally marked spaces, there are several informal parking spaces adjacent to the dwellings. It is considered that sufficient car parking is provided and that compliance with the management plan will ensure that visitor parking is managed appropriately. The proposed increase in the number of staff / volunteer vehicles on site on weekdays is calculated to be three (3).

Water supply (domestic)

The property already contains five large rainwater tanks for domestic and firefighting purposes. The applicant has advised that the new accommodation unit will be serviced by the existing tanks on site.

Remnant vegetation protection

The proposed site for the relocated Office structure does not contain any existing trees and abuts an existing lawn area. The proposed site for the new overnight caretaker's unit is adjacent to the tennis court. The applicant has advised that tree clearing is not required to accommodate the accommodation unit. A Bushfire Asset Protection Zone (APZ) with a 21m-27m radius will be required around this building. The applicant has confirmed that trees do not need to be cleared to achieve the APZ maintenance standard contained in the Planning for Bushfire Guidelines (Nov 2024).

State Planning Policy 3.7 Bushfire (SPP3.7)

The site is located in a designated Bushfire Prone Area and is therefore subject to the requirements of SPP3.7. The policy and associated Planning for Bushfire Guidelines were reviewed and revised by the State Government in November 2024. The existing proposal was assessed as 'Minor Development' under SPP3.7 at the time, however the revised SPP3.7 no longer incorporates this class of development. Part 6 of the *Planning for Bushfire Guidelines* (Nov 2024) now applies to this type of development in a residential setting. The preparation of a Bushfire Emergency Evacuation Plan is not mandatory for this type of development however it is recommended and Department of Fire and Emergency Services has advised that the adoption of an EEP is supported.

Bushfire Management Plan (BMP) and Emergency Evacuation Plan (EEP)

A revised Bushfire Management Plan and Bushfire Emergency Plan (prepared by Envision, dated 5 July 2025) was referred to Department of Fire and Emergency Services (DFES) for comment because the BMP may involve a vulnerable land use on a site with a Bushfire Attack Level (BAL) rating of BAL-FZ and contains a bushfire protection criterion which has been addressed through an outcomes-based approach. These are triggers for referral to DFES for comment. The City has received a written response from DFES advising that Part 6 of the Guidelines should be applied rather than the tourism / public building criterion used in the amended BMP. Notwithstanding the applicable criteria, the revised BMP predicts the new accommodation unit and the existing Manager's residence are capable of achieving BAL-29 through the provision of Asset Protection Zones (APZ) ranging in size from 11m to 27m

radius around the buildings. As noted earlier, the applicant has confirmed that trees do not need to be cleared to achieve the APZ maintenance standard contained in the Planning for Bushfire Guidelines (November 2024).

Pindari Restoration House Management Plan

The Pindari Management Plan has been revised to account for the proposed increase in the maximum number of participants. Weekday staff / volunteer numbers is proposed to increase by three (3) persons per day and Saturday visitor numbers are proposed to remain the same. The applicant has confirmed that Saturday visitor vehicle numbers have been limited to six (6) as residents are only permitted visitors during certain stages of the program. *“In the event that visitor numbers do increase beyond this limit, such as for family nights or special events, we will relocate these gatherings to an off-site venue to ensure adequate parking and accessibility as well as adequate seating and kitchen facilities. Suitable venues are available to Pindari including Free Reformed Church of Darling Downs Church and Free Reformed Church of Southern River. Otherwise we will make use of a local community centre or hall within the City of Armadale”.*

The existing Pindari Management Plan has performed satisfactorily as the City has not received any substantiated complaints relating to the operation of the Community Purpose use. Reporting requirements have been met by the operators with a compliance report submitted to the City every six months. Given the well managed operation of the facility since its approval in 2015 and demonstrated ability of the operators to comply with the Pindari Management Plan, it is considered that the reporting requirement could be reduced to require annual reporting.

OPTIONS

Council has the following options:

1. Approve the application to amend the conditions of Planning Approval (DA10.2018.166.1, dated 25 September 2018) for increased number of participants, annual compliance reporting and additional buildings on Lot 41 (61) Nelson Street, Bedforddale; or
2. Refuse the application and provide reasons for its decision.

CONCLUSION

The application to increase the maximum number of participants at Lot 41 (61) Nelson Street, Bedforddale (Pindari Restoration House) has been assessed for compliance with the City's Town Planning Scheme No.4 and relevant local and state planning policies. The approved use (Community Purpose) is now a non-conforming use in the Special Rural zone (by virtue of Scheme Amendment No.97, gazetted on 6 March 2020).

The application has been advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* to surrounding landholders and the Department of Planning, Lands and Heritage. A total of four (4) submissions were received including two (2) objections. It is considered that the issues raised in submissions have been addressed satisfactorily by the applicant and can be adequately managed via continued implementation of the Pindari Management Plan. The Pindari Management Plan (approved in 2018) has been implemented successfully to date by the applicants, who have complied with the City's compliance reporting requirements to the extent that annual reporting is now recommended.

The application proposes a variation to the maximum site cover provisions of TPS No.4. The visual impact of the proposed variation can be supported as the proposed new structures are unlikely to be visible from the street and will have limited impact on surrounding amenity.

The provision of bushfire asset protection areas (APZ) (for the two accommodation dwellings at the front) will require continued management for fuel reduction. The applicant has confirmed that trees do not need to be cleared to achieve the APZ maintenance standard contained in the Planning for Bushfire Guidelines (November 2024).

ATTACHMENTS

1. Location Plan
2. Aerial Plan
3. Development Plans (July 2025)
4. Pindari House Supporting Document Links
5. Local Area Submitter Plan - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*
6. Schedule of Submissions
7. Confidential List of Names and Addresses of Submitters - *This matter is considered to be confidential under Section 5.23(2) (b) of the Local Government Act, as the matter relates to the personal affairs of a person*

RECOMMEND

D3/11/25

That Council:

- 1) Approves the application to amend the conditions of Planning Approval (DA10.2018.166.1, dated 25 September 2018) for increased number of participants and additional buildings on Lot 41 (61) Nelson Street, Bedfordale, subject to the following:**
 - a) Condition 1 is amended as follows: “The site shall be operated in strict accordance with the approved Pindari Restoration House Management Plan (July 2025, attached) to the satisfaction of the Executive Director Development Services. Any proposed alteration to management practices described in the management plan shall be subject to prior approval by the Executive Director Development Services”.**
 - b) Condition 2 is amended as follows: “A status and compliance report addressing the Management Plan shall be submitted to the City every 12 months”.**
 - c) Condition 3 is amended as follows: “The maximum number of clients accommodated at any one time shall not exceed fifteen (15) persons”.**
 - d) Condition 4 is amended as follows: “The Bushfire Management Plan prepared by Envision Bushfire Protection (July 2025, attached), shall be implemented (including all recommendations and conditions contained in the BMP) prior to occupation of the new buildings”.**
- 2) That the submitters be advised of the Council’s decision in this regard.**

**Moved Cr R Butterfield
MOTION CARRIED**

6/0

***2.1 - FINAL ADOPTION - AMENDMENT NO.128 - TOWN PLANNING SCHEME NO.4
- SHORT TERM RENTAL ACCOMMODATION***

WARD : ALL
FILE No. : M/638/25
DATE : 11 November 2025
REF : SN
RESPONSIBLE : Executive Director
MANAGER : Development Services

In Brief:

- Council at its meeting of 26 May 2025 resolved to initiate Amendment No.128 to incorporate the deemed land uses of *Short Term Rental Accommodation – Hosted* and *Short Term Rental Accommodation – Unhosted* into Town Planning Scheme No. 4 (TPS 4), in response to amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).
- The amendment was advertised for 42 days in accordance with the *LPS Regulations*. No submissions were received.
- The proposed amendment should be supported as it is consistent with changes made by the State Government to the deemed provisions of the LPS Regulations.
- Recommend that Council adopt the amendment without modification and request that the Hon Minister for Planning grant final approval to the amendment.

Tabled Items

Nil.

Decision Type

☒ **Legislative**

The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

☐ **Executive**

The decision relates to the direction setting and oversight role of Council.

☐ **Quasi-judicial**

The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

2.5.1 Ensure the City's planning framework is modern, flexible, responsive and aligned to achieving the outcomes of the Strategic Community Plan and Corporate Business Plan.

3.4.2 Encourage the development of new attractions, events, accommodation and activities for tourists.

Legal Implications

Planning and Development Act 2005

Town Planning Regulations 1967

Metropolitan Region Scheme

Town Planning Scheme No.4 (TPS 4)

Council Policy/Local Law Implications

Local Planning Strategy

Budget/Financial Implications

Nil.

Consultation

The amendment was advertised for a period of 42 days in accordance with Clause 47 of the *LPS Regulations*. The amendment was advertised in the local newspapers and on the City's website commencing 12 September 2025 and closing on 24 October 2025. No submissions were received.

BACKGROUND

At its May 2025 meeting, Council resolved to initiate Amendment No.128 to TPS 4 to incorporate the State Government's new deemed land uses for Short Term Rental Accommodation (STRA) in both hosted and unhosted forms.

This amendment was required following gazettal of the *Planning and Development (Local Planning Schemes) Amendment Regulations 2025*, which introduced two new land use classes for STRA into all local planning schemes across Western Australia.

Historically the City has viewed STRA uses as private tenant arrangements. Like all such arrangements, no development approval was needed. This is reflected in the discussion item on Airbnb referred to Council for consideration at its meeting of December 2017. It should be noted that there is a proportionally low number of registered STRAs in the City, likely no more than fifty according to the State's Register of STRA providers.

DETAILS OF PROPOSAL

With the introduction of the new STRA deemed land use classes into local planning schemes, this scheme amendment relates to the introduction, modification and deletion of various land use and general definitions within the City's TPS 4. New exemptions and definitions are 'deemed' through the *LPS Regulations* and as such are already operative across Western Australia, however this amendment is still necessary to ensure that the TPS 4 zoning table reflects the hosted STRA exemption as a permitted use as per Western Australian Planning

Commission (WAPC) requirements and to ensure appropriate permissibility is assigned to unhosted STRA.

This report proposes the final adoption of Amendment No.128 to introduce the two new land use classes of 'STRA – Hosted' and 'STRA – Unhosted' into TPS 4, consistent with the deemed provisions of the LPS Regulations.

The land uses are proposed with the following permissibility:

Use Class	Zones where dwellings are permitted	Permissibility
Short Term Rental Accommodation – Hosted	All zones where any type of 'dwelling' is capable of approval	P (Permitted)
Short Term Rental Accommodation – Unhosted	All zones where any type of 'dwelling' is capable of approval	D (Discretionary)

The existing 'Bed and Breakfast' land use is deleted from TPS 4 as its function is now covered by 'STRA – Hosted'.

Ministerial Modifications

Following referral to the Department of Planning, Lands and Heritage (DPLH) of Council's decision to initiate Amendment No.128, the Minister for Planning requested minor modifications to the amendment. The modifications were limited to reordering the definitions and zoning table insertions to reflect the preferred model sequence under the LPS Regulations. The modifications also ensured that TPS 4 STRA land use definitions deferred to the deemed provisions in the LPS Regulations rather than being inserted into the TPS 4 text itself. The City had followed the DPLH's information on the drafting of Amendment No.128, which has since changed.

The minor modifications required by the Minister are to ensure consistent terminology between TPS 4, the deemed provisions and the State planning framework. The changes are administrative in nature and do not alter the intent, substance, or operation of Amendment No.128 as initiated.

The amendment is considered to be a standard amendment under the provisions of Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the amendment introduces new land use classes to TPS 4.

The amendment was publicly advertised for a minimum period of 42 days in accordance with Clause 47 of Division 3 of the LPS Regulations, consistent with the *Planning and Development Act 2005*, with no submissions received.

ANALYSIS

The amendment ensures TPS No.4 is consistent with the State Government's planning reforms and provides clarity to landowners and applicants on the permissibility of STRA uses within the City.

The City will contact STRA providers in due course to advise that applications for development approval for unhosted STRA can now be lodged for assessment and determination.

OPTIONS

1. Council may adopt the amendment with or without modifications and request that the Minister for Planning grant final approval to the amendment.
2. Council may resolve to not adopt the amendment giving reasons and request that the Minister for Planning refuse to approve the amendment.

CONCLUSION

The amendment incorporates the new State defined land uses for *STRA – Hosted* and *STRA – Unhosted* into TPS No.4, deletes the *Bed and Breakfast* use, and ensures consistency with the *Planning and Development (Local Planning Schemes) Regulations 2015*. No submissions were received. It is therefore recommended that Council adopt Amendment No.128 without modification and forward it to the Western Australian Planning Commission for its recommendation to the Minister for final approval in accordance with Option 1 above.

ATTACHMENTS

There are no attachments for this report.

D4/11/25

RECOMMEND

That Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt, without modification, Amendment No.128 to Town Planning Scheme No.4 to:
 - a. Insert the land uses ‘hosted short term rental accommodation’ and ‘unhosted short term rental accommodation’ into the Zoning Table of Part 3 Zones and the Use of Land with the following levels of permissibility:

USE CLASSES	Residential	Special Residential	Rural Living	Special Rural	General Rural	Local Centre	District Centre	General Industry	Industrial Business	Mixed Business/Residential	Strategic Regional Centre
Hosted Short Term Rental Accommodation	P	P	P	P	P	P	P	X	X	P	P
Unhosted Short Term Rental Accommodation	D	D	D	D	D	D	D	X	X	D	D

- b. Delete the land use definition for Bed and Breakfast from Schedule 1 (2) Land Use Definitions and the Zoning Table.
2. Authorise the Mayor and Chief Executive Officer to execute the relevant documents and forward the amendment to the Western Australian Planning Commission for final approval.
3. Should the Minister require any minor modifications to Amendment No.128 at the final approval stage, authorise the Mayor and Chief Executive Officer to execute the modified documents for Amendment No.128.

Moved Cr J Keogh
MOTION CARRIED

6/0

2.2 - PROPOSED AMENDMENT NO.129 TO TPS NO.4 - PROPOSED MODIFICATION TO EXPIRATION PERIOD - NORTH FORRESTDALe CONTRIBUTION PLAN NO.3

WARD : LAKE
RANFORD
FILE No. : M/650/25
DATE : 11 November 2025
REF : NB/RS
RESPONSIBLE : Executive Director
MANAGER Development Services

In Brief:

- Scheme Amendment No.12, which introduced Development Contribution Plan No.3 (DCP 3) for the North Forrestdale area into TPS No.4 was gazetted on 23 January 2007.
- Schedule 9B clause 3.14 of TPS No.4 which governs the operating lifespan of DCP 3, provides that the DCP will expire in 20 years of the date of first gazettal i.e. 23 January 2027.
- Due to a number of factors relating to the amount of land remaining to be subdivided in the area and the extent of remaining DCP common infrastructure yet to be delivered, the City has determined that the operating lifespan of DCP 3 should be extended by 10 years.
- Recommend that Council initiate Amendment No.129.

Tabled Items

Nil

Decision Type

- ☒ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☐ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil, but it is noted that the Development Contribution Plan No.3 (DCP 3) provides funding to the City for staff costs associated with administering DCP 3. These costs are included in the Infrastructure Cost Schedule (ICS) and reconciled on an annual basis

Strategic Implications

- 1.3.1 Plan for services and facilities in existing and emerging communities.

- 2.2.1 Deliver attractive and functional streetscapes, open spaces, City buildings and facilities.
- 2.5.1 Implement and administer the City's Town Planning Scheme and Local Planning Strategy to deliver quality development outcomes.
- 2.5.1.2 Implement the Developer Contribution Plan arrangements and review as required.

Legal Implications

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

State Planning Policy 3.6 – Infrastructure Contributions

Town Planning Scheme No.4

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Through DCP No.3, the City collects Development Contributions which provide a source of funding for the provision of essential facilities and infrastructure that produces considerable benefits for the communities that reside within Harrisdale and Piara Waters.

DCP 3 includes the cost of providing community and sporting facilities in the precinct. Although the DCP provides funding for the provision of the facilities/infrastructure, the City is required to fund the future recurrent operational and maintenance costs for the facilities and infrastructure that is delivered. The City also manages the financial impact of depreciation of these new assets. However, these assets are needed to deliver essential facilities and infrastructure to service the needs of the area.

Consultation

Development Contribution Plans are regarded as 'complex' amendments under the *Planning and Development (Local Planning Schemes) Regulations 2015* and, as follows, are advertised for public comment for a period of no less than 60 days.

BACKGROUND

In accordance with TPS No.4, all landowners within Development Contribution Area (DCA) No.3 are required to contribute towards the cost of providing common infrastructure works. DCA 3 includes the City's growth suburbs of Piara Waters and the majority of Harrisdale.

Development Contribution Plan (DCP) No.3, included under Schedule 9B of TPS No.4, provides the statutory framework for the City to determine the cost of common infrastructure works within DCA 3 and establish the associated contribution cost per lot. Established in 2007, DCP 3 provides a mechanism to equitably share the cost of providing common infrastructure items across an environmentally constrained area, where the historical nature of land ownership has been considerably fragmented. A coordinated approach that DCP 3 has established for the provision of common infrastructure has enabled the City to deliver essential infrastructure and facilities to enable development to proceed with associated benefits for the Piara Waters and Harrisdale communities.

On 2 December 2022, Amendment 115 ‘North Forrestdale Contribution Plan No. 3 - Major Review Phase 1’ was approved by the then Minister for Planning, modifying the Development Contribution Area (DCA) 3 to incorporate Piara Waters West into the DCA as ‘the expansion area’. The expansion resulted in a sizeable area of additional land area being incorporated into the DCA, providing for significant areas of new residential development to occur, with a large number of development and community infrastructure projects identified as being needed by the respective communities.

DETAILS OF PROPOSAL

There are three separate Scheme modifications proposed in this Scheme Amendment as follows:

Proposal 1

This proposal includes the modification of Clause 3.14 of Schedule 9B – Development Contribution Plans, which reads as follows:

‘3.14 Expiration of Development Contribution Plan.

This Development Contribution Plan should expire twenty (20) years from the date of gazettal of Amendment No. 12, however, may also be extended for further periods, with or without modification, by subsequent Scheme Amendments.’

The previous Scheme Amendment to extend the operating period of DCP 3 by 5 years was formally gazetted 28 May 2021. The proposed amendment seeks to modify the words “twenty (20) years” as noted above to “thirty (30) years”, which will effectively result in the operating lifespan of DCP 3 being extended by a further ten (10) years.

Proposal 2

This proposal includes the modification of Clause 3.4.1 of Schedule 9B, bringing the DCP text in line with other changes adopted in a previous Scheme Amendment (Amendment 115 GG 2/12/22).

Amendment 115 included provisions to remove the density rate from being specified in the scheme, which would enable the density rate to be specified more appropriately in the Infrastructure Cost Schedule (ICS). Text modifications to the scheme provisions that were proposed under Amendment 115 inadvertently omitted the removal of all of the relevant density provisions in the Scheme. This clause currently reads as follows:

‘3.4.1 The local government will, for the purposes of apportioning Common Infrastructure Costs to Owners, make an estimate of the lot yield for the Development Contribution Area called the ‘Estimated Lot Yield’. This will be calculated by determining the number of hectares in the Development Contribution Area, excluding those land uses in Clause 3.3 of Development Contribution Plan No.3 and Clause 5A.4.4, and multiplying that area by 14.6’.

This proposal seeks to replace ‘and multiplying that area by 14.6’ with the words ‘and multiplying that area by the density rate prescribed in the Infrastructure Cost Schedule’ in order to bring the text into alignment with references to contribution calculation provisions set out in the City’s Scheme and ICS, consistent with modifications already approved by the Minister.

Proposal 3

This proposal seeks to modify Clause 3.6.3(8)(e) of Schedule 9B by inserting two commas, one after '*abutting proposed primary schools*', and the other after '*where applicable*'.

The paragraph currently reads as follows:

- (e) *100% of the total cost to construct sporting and community facilities, including land acquisition, sporting / community buildings, change rooms, car parking, toilets and playgrounds on public open space identified on the Structure Plan abutting proposed primary schools where applicable in the West Piara Urban Precinct identified in MRS Amendment 1369/57, and in Harrisdale within the area generally bounded by Ranford Road, Wright Road, Reilly Road and Skeet Road.*

This will enable correct interpretation of the clause. The paragraph should read:

- (e) *100% of the total cost to construct sporting and community facilities, including land acquisition, sporting / community buildings, change rooms, car parking, toilets and playgrounds on public open space identified on the Structure Plan abutting proposed primary schools, where applicable, in the West Piara Urban Precinct identified in MRS Amendment 1369/57, and in Harrisdale within the area generally bounded by Ranford Road, Wright Road, Reilly Road and Skeet Road.*

COMMENT

Proposal 1

DCP 3 has been operating successfully in delivering benefits for the Piara Waters and Harrisdale land developers and communities since 2007. An extension to the operational lifespan of the DCP is required for the following reasons:

Modification to DCA Boundaries (Expansion Area)

The inclusion of the Piara Waters West expansion area into the North Forrestdale DCP 3 area introduced:

- a new area of unsubdivided land with a potential additional lot yield of 1600 lots; and
- new development and community/sporting infrastructure to serve the area.

Additional DCP Infrastructure

The Major Review also resulted in modifications to the DCP to include new common infrastructure items to ensure that the resulting increase in demand for infrastructure and facilities was accounted for. Planned infrastructure introduced into DCP 3 to serve those communities was as follows:

- The land acquisition cost of new sporting and community facilities (approximately 4.8 hectares) - 8e Harrisdale North - Site 'A' to service the catchment;
- A contribution towards the development of sporting facilities, for shared community use (netball) on the Department of Education's (DoE) Piara Waters High School site;
- Provision of a shared use senior playing field adjacent to the proposed Piara Waters West Primary School, including a portion of the land acquisition; and
- The costs of land acquisition and rehabilitation of the two wetland areas.

Some elements of these projects have progressed, however the completion of all of them relies on cooperation for land acquisition, DoE support and design and construction to occur.

Recency of Added Common Infrastructure Items

While the City has been successful in delivering a significant proportion of the DCP infrastructure within the DCP area with the land developers, some key projects have been introduced in recent years, a number of which will not be capable of being fully delivered within the DCPs current operating lifespan. These projects include:

- Mason Road - The Civil design is close to being finalised with landscaping inputs being made. The project is programmed to commence 2026/2027.
- Wetland rehabilitation - Land acquisition from affected landowners is not completed yet, then remaining works will be required to be progressed.
- Post development water quality monitoring and water management initiatives - This monitoring program continues to provide important data to understand water quality in the area. Post development monitoring is required by State Government agencies to occur after land subdivision has occurred and houses are occupied. Therefore the program will need to continue for up to two years following the completion of nearly all development in the DCP area.
- Sporting and community facilities:
 - (i) Harrisdale North Playing Field and Pavillion;
 - (ii) Piara Waters West Sports Playing Field and Pavillion; and
 - (iii) Piara Waters High School Shared Netball Court facility.

Undeveloped Areas

The ability for DCP common infrastructure works to be implemented is contingent on the rate at which development occurs with the DCA. The DCP operating lifespan should align with development timeframes being forecast by landowners/developers in terms of new lot production and the related ability to deliver the DCP projects. Some landowners have not yet prepared Structure Plans for their land to enable subdivision to occur.

Proposal 2

Proposal 2 includes a change to correct an inconsistency in the Scheme and align with the intent of Amendment No.115 to allow the density calculations to be modified through the annual review of the DCP/ICS to cater for changes in the land development trends as intended in the Council's and the Minister's previous decisions on Amendment No.115.

Proposal 3

Proposal 3 includes a change to Clause 3.6.3(8)(e) of Schedule 9B by inserting two commas, to improve the wording of the Scheme as intended.

OPTIONS

1. Council may initiate the Scheme Amendment as proposed (with or without modifications).
2. Council may decline the initiation of the Scheme Amendment if it considers the proposed amendment to be contrary to the orderly and proper planning of the area or for any other reason.

CONCLUSION

Amendment No.129 includes 3 proposals, including the extension of the life of the DCP by 10 years for the reasons outlined in the report and two minor wording and grammar changes to improve the Scheme wording for the DCP arrangements. Option 1 is recommended.

Following the closure of the advertising period, the proposed amendment and any submissions received during the advertising period will be forwarded to Council for its recommendation to the WAPC/Minister for Planning for final approval.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

D5/11/25

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, initiate Amendment No.129 to Town Planning Scheme No.4 as follows:
 - a) Amending Clause 3.14 'Expiration of Development Contribution Plan' in Schedule 9B – Development Contribution Area No.3 by changing the words "twenty (20) years" to "thirty (30) years".
 - b) Amend Clause 3.4.1 of Schedule 9B – Development Contribution Area No.3 by replacing 'and multiplying that area by 14.6' by replacing this with the following words 'and multiplying that area by the density rate prescribed in the Infrastructure Cost Schedule.'
 - c) Amend Clause 3.6.3(8)(e) of Schedule 9B – Development Contribution Area No.3 by inserting two commas after 'abutting proposed primary schools' and after 'where applicable'.
2. The amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):
 - (i) The Scheme Amendment relates to amending a Development Contribution Plan.
3. Authorise the Mayor and Chief Executive Officer to execute the relevant documents and forward the amendment to the Western Australian Planning Commission.
4. Should the Minister require any minor modifications to Amendment No.129 prior to advertising consent, authorise the Mayor and Chief Executive Officer to execute the amended documents for Amendment No.129.

Moved Cr T Thomas
MOTION CARRIED

6/0

***3.1 - APPOINTMENT OF COUNCILLORS TO OCCASIONAL ADVISORY GROUPS,
REFERENCE / WORKING GROUPS AND EXTERNAL ORGANISATIONS***

WARD : ALL
FILE No. : M/654/25
DATE : 11 November 2025
REF : NM
RESPONSIBLE : EDDS
MANAGER

In Brief:

- Following the Local Government elections on the 18 October 2025 consideration is required to be given to the appointment of Councillors to:
 - Occasional Advisory Group, Reference/ Working Groups; and
 - External/Local Organisations.
- Recommend that Council appoint nominated Councillors to Occasional Advisory Groups and External/Local Organisations, for the period November 2025 to October 2027.

Tabled Items

Nil.

Decision Type

☐ **Legislative**

The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.

☒ **Executive**

The decision relates to the direction setting and oversight role of Council.

☐ **Quasi-judicial**

The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

- 1.1.2 Cultivate the sense of place generated by the City's heritage, vegetation and escarpment, wetlands and waterways as well as the participation in vibrant community hubs.
- 1.1.4 Preserve and celebrate the City's built, natural and cultural heritage.
- 4.1 Strategic Leadership and effective management.
 - 4.1.1 Advocate for the delivery of key transformational projects.
 - 4.1.2 Develop and maintain a comprehensive suite of strategies and plans to guide the City's delivery of infrastructure and services to the community.

Legal Implications

General assessment of relevant legislation (eg. *Local Government Act 1995*) has not revealed any restrictions.

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

Nil.

BACKGROUND

In addition to the formation of Council established Committees, Council also nominates representatives to occasional advisory groups, reference/working groups and external local organisations. Council may nominate representatives to such committees/organisations by a simple majority.

At its Special Meeting of 22 October 2025, Council resolved that the matter of Councillor representation on a number of advisory, reference and working groups established by Council, as well as representation on committees, reference and working groups established by external entities as referenced in this report be referred to the Development Services Committee.

For reference, those groups include:

- Community Heritage Advisory Group (CHAG);
- Canopy Cover Working Group; and
- Pickering Brook and Surrounds Sustainability and Tourism Strategy Working Group.

Unless otherwise determined by Council, the tenure of a Councillor's membership on an Advisory Group or as a delegate continues until:

- the Councillor no longer holds the office by virtue of which the Councillor became a member;
- the Councillor resigns from membership of the Advisory Group;
- the Advisory Group is disbanded; or
- the next ordinary election day;

which ever happens first.

DETAILS OF PROPOSAL

Committee is requested to consider and recommend appointments from its membership to various Committees and Groups. All appointments are for a two year period, November 2025 to October 2027.

It is preferable that delegates to CHAG are members of the Council Committee overseeing their operation. In this instance, that is the Development Services Committee. In light of the focus of the Canopy Cover Working group, it is preferable that delegates are from the Development Services Committee or the Technical Services Committee.

OCCASIONAL ADVISORY GROUPS AND REFERENCE / WORKING GROUPS

Community Heritage Advisory Group

The Community Heritage Advisory Group (CHAG) currently provides advice in regard to the Local Heritage Survey (LHS), documentation for the State Register of Heritage Places and making suggestions to the City via the Executive Director Development Services on development applications involving heritage sites.

The CHAG is a group and operates in accordance with the adopted Terms of Reference. A Delegate and a Deputy are required for nomination. The Delegate will act as the Chair of the Advisory Group.

Council / Representation Required	Prior Appointments	Meeting Details
1 Delegate 1 Deputy	Cr J Keogh Cr S J Mosey	As required.

Canopy Cover Working Group

The purpose of the Canopy Cover Working Group is to explore Canopy Cover Strategies and plans in order to inform the Urban Forest Strategy (UFS) Review and make recommendations to Council on options available to support the increase and protection of the City's Canopy Cover.

The Canopy Cover Working Group operates in accordance with the adopted Terms of Reference. The Terms of Reference do not include a minimum or maximum number of Councillors to be appointed to the Working Group.

The Canopy Cover Working Group meets approximately once every six weeks at the City of Armadale Committee Room.

Council / Representation Required	Prior Appointments	Meeting Details
Members	Mayor R Butterfield Dr C Wielinga (Chair) Cr J Keogh (Deputy) Cr M Silver Cr S J Mosey Cr S Peter Cr G Smith Cr S Stoneham	Approximately every 6 weeks

Pickering Brook & Surrounds Sustainability and Tourism Strategy Working Group

The Department of Planning, Lands and Heritage (DPLH), in conjunction with relevant State and Local Government representatives have established a Working Group that has facilitated the development of a sustainability and tourism strategy for Pickering Brook and surrounding area, which incorporates parts of the City of Armadale in the Hills Ward.

Membership of the Working Group includes the Member for Kalamunda, elected representatives and senior officers from the Cities of Kalamunda and Armadale and senior officers from state government agencies.

The focus of the Working Group will shift from development of the Strategy to implementation of the various actions that have been identified. These include collaboration on destination marketing, recommendations for updates to local planning frameworks and promotion of related elements like cycle routes and bushfire safety.

The Technical Working Group is not a decision making body and the meetings are intended to be constructive forums for open, two-way communication between working group members, consultants and the Department of Planning, Lands and Heritage.

The Pickering Brook Working Group meets on an ad hoc basis as determined by DPLH and at either the Offices of DPLH or the City of Kalamunda office.

Council / Representation Required	Prior Appointments	Meeting Details
Members	Dr C Wielinga	Ad hoc basis

ATTACHMENTS

There are no attachments for this report.

COMMITTEE RECOMMENDATION

D6/11/25

That Council:

1. Approve the following appointments to Council's established Groups for the period November 2025 to October 2027:

Occasional Advisory Group and Reference / Working Groups	Member	Deputy Member
Community Heritage Advisory Group	Cr J Keogh	Cr S J Mosey
Canopy Cover Working Group	Dr C Wielinga (Chair) Cr J Keogh (Deputy) Mayor R Butterfield Cr S J Mosey Cr M Silver Cr L Sargeson Cr G Smith Cr S Stoneham	
Pickering Brook & Surrounds Sustainability and Tourism Strategy Working Group	Dr C Wielinga	

Moved Cr J Keogh
MOTION CARRIED

6/0

MEETING CLOSED TO PUBLIC

MOVED Cr J Keogh that that the meeting be closed to members of the public as the matter to be discussed relates to the personal affairs of a person.

Motion Carried 6/0

Ms J Abbiss left the room at 8.01pm and returned at 8.02pm.

Meeting declared closed to the public at 8.01pm.

3.2 - CONFIDENTIAL - NAMING OF NEW PAVILION AT MORGAN PARK, ARMADALE

WARD : PALOMINO

FILE No. : M/656/25

DATE : 11 November 2025

REF : NM

RESPONSIBLE : Executive Director
MANAGER Development Services

In Brief:

- A confidential report is presented at Attachment B-1 to this Agenda.
- That Council adopt the recommendation as detailed in the Confidential Report.

Strategic Implications

2.5.5 Seek opportunities to preserve documents and acknowledge the heritage of the City.

Legal Implications

Sections 5.36, 5.38 and 5.39 of *Local Government Act 1995*.

Council Policy/Local Law Implications

Council Policy Dev 2 – Naming of Roads, Parks Places and Buildings.

Budget/Financial Implications

Nil.

Consultation

1. Planning Services
2. Recreation Services
3. Program Delivery

A Confidential Report is presented at Attachment B-1 to this Agenda. The matter is considered confidential under S5.23(2) (b) of the Local Government Act 1995, as the matter relates to the personal affairs of a person.

D7/11/25

RECOMMEND

That Council adopt the recommendation as detailed in the Confidential Report.

**Moved Cr L Sargeson
MOTION CARRIED**

6/0

MEETING OPENED TO PUBLIC

MOVED Cr T Thomas that that the meeting be opened to members of the public at 8.03pm.
Motion Carried (6/0)

COUNCILLORS' ITEMS

Nil

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORT

Local Government Pool Safety Barrier Inspections

- Under Division 2 of the *Building Regulations 2012*, Local Governments in Western Australia are required to conduct inspections of safety barriers around private swimming pools and spas once within every four year period. Local Governments are granted specific powers under the Regulations to support compliance activities.
- The City currently has a total of 5,631 private swimming pools.
- In 2024/2025, the City's Swimming Pool Inspector completed a total of 2,370 inspections, including mandatory inspections (1,754), non-compliant safety barrier re-inspections and new pool inspections.
- The City reported zero overdue inspections to the Department of Local Government Industry Regulation and Safety in accordance with legislative obligations in 2024/25.
- Of 139 local governments in Western Australia, 48 (34.5%) local governments reported overdue inspections.
- The City has achieved 100% compliance with mandatory Swimming Pool Inspections for the last four years, since COVID, the commencement of the City's Swimming Pool Inspection officer and expiry of the contract for the Swimming Pool Barrier Inspection service.

The Executive Director presented information on landscaping proposals in Kelmscott.

MEETING DECLARED CLOSED AT 8.17pm

DEVELOPMENT SERVICES COMMITTEE SUMMARY OF ATTACHMENTS 17 NOVEMBER 2025		
ATT NO.	SUBJECT	
1.1 STRUCTURE PLAN RECOMMENDATION TO WAPC - CANNING RIVER & CLIFTON STREET (NORTH) PRECINCT, KELMSCOTT		
1.1.1	Aerial of Structure Plan Area	
1.1.2	Proposed Structure Plan Map - Canning River Clifton St (North)	
1.1.3	Walkability Plan	
1.1.4	Issues and Modifications Plan	
1.1.5	Landscape Plan	
1.1.6	Schedule of Submissions	
1.1.7	Schedule of Structure Plan Issues and Modifications	
1.1.10	Revised Structure Plan Map	
1.2 DEVELOPMENT APPLICATION - PLACE OF WORSHIP - 8 WYGONDA ROAD, ROLEYSTONE		
1.2.1	Aerial Map	
1.2.2	TPS Zoning	
1.2.3	Schedule of Submissions	
1.2.6	Updated Car Parking Plan	
1.2.7	Noise Management Plan	
1.2.8	Arborist Report	
1.2.9	Acoustic Report	
1.3 DEVELOPMENT APPLICATION - PINDARI RESTORATION HOUSE - LOT 41 - 61 NELSON STREET BEDFORDALE		
1.3.1	Location Plan	
1.3.2	Aerial Plan	
1.3.3	Development Plans (July 2025)	
1.3.4	Pindari House Supporting Document Links	
1.3.6	Schedule of Submissions	

The above attachments can be accessed from the Minutes of the Development Services Committee meeting of 17 November available on the City's website

CITY OF ARMADALE

MINUTES

**OF CORPORATE SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY,
18 NOVEMBER 2025 AT 7.00PM.**

OFFICIAL OPENING & ACKNOWLEDGEMENT OF COUNTRY

Read by Cr S Peter

I would like to respectfully acknowledge the traditional owners of the land on which we meet today the Wadjuk people of the Noongar nation and pay my respects to their Elders past, present and emerging and thank them for the custodianship within the City of Armadale.

PRESENT:

Cr S Peter JP	(Chair)
Cr S Stoneham	(Deputy to Cr Mosey)
Cr K Jorgensen	
Cr D Newman JP	
Cr L Sargeson	
Cr M Silver	
Cr G J Smith	

APOLOGIES:

Cr S J Mosey
Cr A Singh (Leave of Absence)
Cr K Busby (Leave of Absence)

OBSERVERS:

Cr J Keogh
Mayor Butterfield (Teams)

IN ATTENDANCE:

Ms J Abbiss	Chief Executive Officer
Mr J Lyon	Executive Director Corporate Services
Mr P Sanders	Executive Director Development Services
Mr M Southern	Executive Director Technical Services
Ms S van Aswegen	Executive Director Community Services (Teams)
Mr M Hnatojko	Executive Manager Corporate Services
Ms M Bell	Head of City Legal
Mr K Papalia	Manager City Governance
Mr A Kish	Senior Legal Advisor
Mr G Taylor	Head of Environment and Sustainability
Mrs A Owen-Brown	Executive Assistant Corporate Services

PUBLIC:

Nil.

*“For details of Councillor Membership on this Committee, please refer to the City’s website
– www.armadale.wa.gov.au/mayor-councillors-and-wards. ”*

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was not read as there were no members of the public present.

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

DEPUTATION

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Corporate Services Committee Meeting held on 7 October 2025 be confirmed.

Moved Cr L Sargeson

MOTION CARRIED

7/0

ITEMS REFERRED FROM INFORMATION BULLETIN

Items in Issue No. 17**Progress Report**

Progress Report on Contingency, Operational & Strategic Projects

Outstanding Matters & Information Items

Report on Outstanding Matters – Corporate Services Committee

Economic Development

Tourism & Visitor Centre Report

Report of the Common Seal

No items were raised for further investigation or report.

CONTENTS

CORPORATE SERVICES COMMITTEE

18 NOVEMBER 2025

1.	FINANCIAL MANAGEMENT & PLANNING	
1.1	LIST OF ACCOUNTS PAID - SEPTEMBER 2025	99
1.2	**STATEMENT OF FINANCIAL ACTIVITY - SEPTEMBER 2025.....	102
2.	MISCELLANEOUS	
2.1	LEASE TO INDARA INFRASTRUCTURE PTY LTD - MOBILE PHONE TOWER (OPTUS) 55 (LOT 91) OWEN ROAD KELMSCOTT (CONFIDENTIAL COVER REPORT).....	108
2.2	CONSIDERATION OF TENURE OPTIONS: PART LOT 1 - 44 JARRAH ROAD, ROLEYSTONE (CONFIDENTIAL COVER REPORT)	110
2.3	MAINTENANCE PROPOSAL FOR NEW PUBLIC REALM AREAS - METRONET BYFORD RAIL EXTENSION (CONFIDENTIAL COVER REPORT)	112
2.4	RFQ/34/25 COLLECTION AND PROCESSING OF RECYCLABLE MATERIAL (CONFIDENTIAL COVER REPORT)	114
3.	COUNCILLORS' ITEMS	
1.	Conference Attendance	116
2.	Conference Attendance	116
4.	CHIEF EXECUTIVE OFFICER'S REPORT	
	NIL.	116
5.	EXECUTIVE DIRECTOR'S REPORT	
	NIL.	116
	SUMMARY OF ATTACHMENTS	117

1.1 - LIST OF ACCOUNTS PAID - SEPTEMBER 2025

WARD : ALL
 FILE No. : M/634/25
 DATE : 30 September 2025
 REF : MH
 RESPONSIBLE : Executive Director
 MANAGER : Corporate Services

In Brief:

- The report presents, pursuant to Regulation 13(1), (2) and (3) and 13A (1) and (2) of the *Local Government (Financial Management) Regulations 1996*, the List of Accounts paid for the period 1 September to 30 September 2025 as well as the credit card and fuel card statements for the month of September 2025.

Tabled Items

Nil.

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

4. Leadership
 - 4.3 Financial Sustainability
 - 4.3.2 Undertake active financial management to ensure that the annual budget is achieved and any variances are promptly identified and addressed.

Legal Implications

Section 6.10 (d) of the *Local Government Act 1995* refers, ie.

6.10 Financial management regulations

Regulations may provide for —

- (d) *the general management of, and the authorisation of payments out of —*
- (i) *the municipal fund; and*
 - (ii) *the trust fund, of a local government.*

Regulation 13(1), (2) & (3) and 13A (1) and (2) of the *Local Government (Financial Management) Regulations 1996* refers, ie.

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing -*
- (a) *for each account which requires council authorization in that month —*
 - (i) *the payee's name; and*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;*
 - and*
 - (b) *the date of the meeting of the Council to which the list is to be presented.*
- (3) *A list prepared under subregulation (1) or (2) is to be —*
- (a) *presented to the Council at the next ordinary meeting of the Council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

13A *Payments by employees via purchasing cards*¹

- (1) *If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared -*
- (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the payment*
- (2) *A list prepared under subregulation (1) is to be —*
- (a) *presented to the Council at the next ordinary meeting of the Council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

¹ [Regulation 13A inserted: SL 2023/106 r. 6.]

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

All accounts paid have been duly incurred and authorised for payment as per approved payment procedures.

Consultation

Nil.

BACKGROUND

Pursuant to Section 5.42 of the *Local Government Act 1995 (Delegation of some powers and duties to CEO)*, Council has resolved to delegate to the CEO (*Delegation Payment from Municipal and Trust Funds refers*) the exercise of its powers to make payments from the municipal and trust funds.

COMMENT

The List of Accounts paid for the period 1 September to 30 September 2025 is presented as an attachment to this report as well as the credit card statements for the period ended 25 September 2025 and the monthly fuel card statements for the period ended 30 September 2025. The use of Cabcharge vouchers is required to be reported as a monthly payment. These vouchers are predominately used for expenses incurred at conferences. There were no Cabcharge vouchers used during the month of September. This month's payments included a \$4M Emergency Service Levy payment for quarter one.

ATTACHMENTS

1. [Monthly Cheque and Credit Card Report - September 2025](#)
2. Monthly Fuel Card Transactions - Period Ending 30 September 2025

RECOMMEND

CS1/11/25

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

Municipal Fund

Accounts and direct debits paid totaling \$17,162,589.63, cheque numbers 510 to 524, transactions 34143 to 35006 and Payrolls dated 17 September and 28 September 2025.

Credit Cards

Accounts paid totalling \$9,254.62 for the period ended 25 September 2025.

Fuel Cards

Accounts paid totalling \$14,584.21 for the month ended 30 September 2025.

Moved Cr Silver

MOTION CARRIED

7/0

****1.2 - STATEMENT OF FINANCIAL ACTIVITY - SEPTEMBER 2025**

WARD : ALL
 FILE No. : M/635/25
 DATE : 30 September 2025
 REF : MH
 RESPONSIBLE : Executive Director
 MANAGER : Corporate Services

In Brief:

- This report presents the City's Monthly Financial Report for the third (3) month period ended 30 September 2025.
- This report recommends accepting the Financial Report for the third (3) month period ended 30 September 2025, noting there are reportable actual to budget material variances for the period and that this report is preliminary with the opening balances still subject to audit confirmation.

Tabled Items

Nil.

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

4. Leadership
- 4.3 Financial Sustainability
- 4.3.2 Undertake active financial management to ensure that the annual budget is achieved, and any variances are promptly identified and addressed.

Legal Implications

*Local Government Act 1995 – Part 6 – Division 3 – Reporting on Activities and Finance
Local Government (Financial Management) Regulations – Part 4 – Financial Reports.*

Local Government Act 1995 – s.6.11 Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
- (2) Subject to subsection (3), before a local government —*
 - (a) changes* the purpose of a reserve account; or*
 - (b) uses* the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use.*

** Absolute majority required.*
- (3) A local government is not required to give local public notice under subsection (2) -*
 - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or*
 - (b) in such other circumstances as are prescribed.*
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.*

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

The Statement of Financial Activity, as presented, refers and explains.

Consultation

Nil.

BACKGROUND

A local government is required to prepare a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget for that month. The details in the statement are those as prescribed and the statement is to be reported to Council.

COMMENTS

Presented as an attachment this month, is the third monthly financial statement for the new financial year (presented in nature and type format) prepared from information posted in the OneCouncil system.

For the purposes of reporting other material variances from the Statement of Financial Activity, the following indicators, as resolved by Council, have been applied.

Revenue

Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$100,000 and in these instances an explanatory comment has been provided.

Expense

Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$100,000 and in these instances an explanatory comment has been provided.

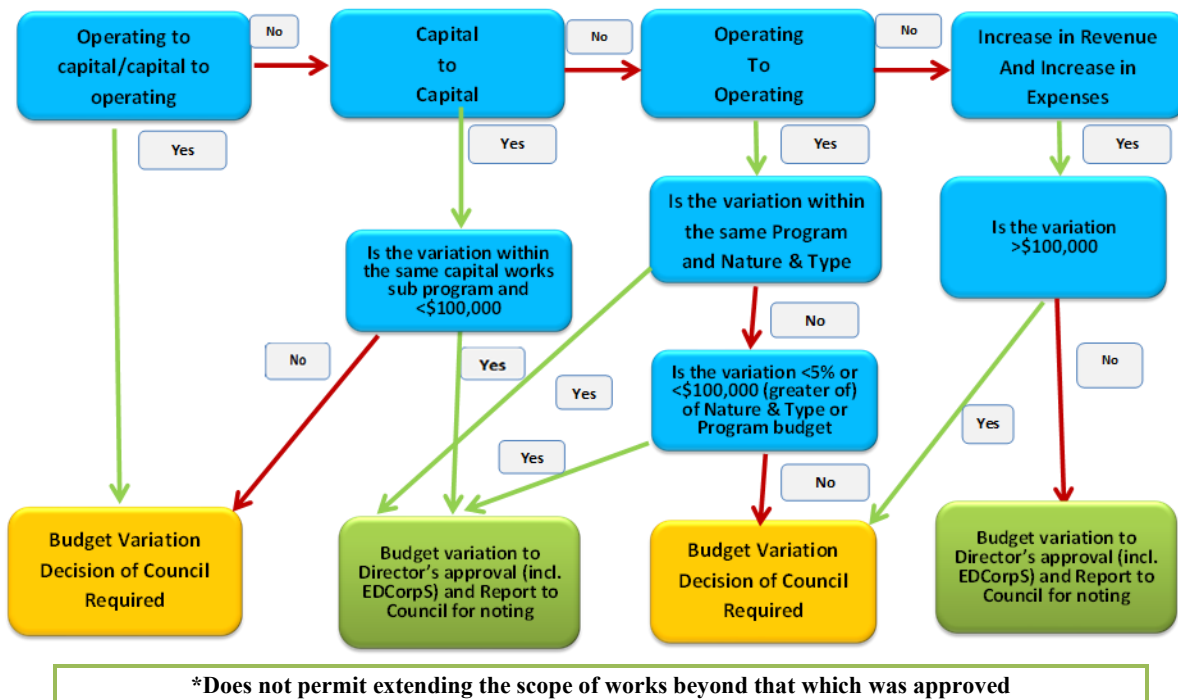
For the purposes of explaining each Material Variance, a three part approach has been taken.

The parts are:

1. **Period Variation**
Relates specifically to the value of the Variance between the Budget and Actual figures for the period of the report.
2. **Primary Reason**
Explains the primary reasons for the period Variance. As the report is aimed at a higher level analysis, minor contributing factors are not reported.
3. **Budget Impact**
Forecasts the likely dollar impact on the Annual Budget position. It is important to note that figures in this part are 'indicative only' at the time of reporting, for circumstances may subsequently change.

At the 26 May 2025 Ordinary Meeting, Council adopted the Budget Variations Process Map which increased the Capital variation to \$100,000 and the Operating to Operating variation at \$100,000 to align with the overall adopted material variation threshold. Budget variations are presented to Council for authorisation by 'Absolute Majority' in circumstances where a forecast variation requires a movement from:

- Operating to Capital
- Capital to Capital for amounts above \$100,000
- Capital to Operating
- Operating to Operating for amounts greater than 5% or \$100,000 (whichever is greater).

Budget Variation Process Map

The May 2025 decision of Council also permitted the Chief Executive Officer to amend a grant funded capital works budget, if there was a corresponding increase in the grant funding.

The Chief Executive Officer is authorised to approve amendments to capital budgets that are fully funded by external sources and that require an increase cost, commensurate with an increase in funding, but do not necessarily change scope. This caters for circumstances where Developer Contribution Works (which are pre-approved by Council) can be varied in terms of timing of delivery, if required.

DETAILS

Presented as an attachment is the Monthly Statement of Financial Activity for the third (3) month period ended 30 September 2025. The Monthly Statements are based on the model statements provided to the sector, which have been developed by Moore Australia, in conjunction with the Department of Local Government.

The opening balances as presented in the attachment are preliminary as they are still subject to audit confirmation, any further adjustments and sign-off. At this stage, the end of year accounts a surplus of approximately \$1.5M after adjustments. This includes the earlier forecast \$838,931 budget surplus, which was transferred to the Future Projects reserve in June this year.

Capital Program Update

Included in the monthly report as an attachment is the list of the capital program as at the end for September 2025. Attachments are provided separately for projects above \$250K and projects under \$250K. At the end of September, actual spend plus commitments totalled \$2.47M.

	Adopted Budget	Actuals (Sep 2025)	Commitments (Sep 2025)	Total (Spend plus commitments)
Over \$250K	\$77,685,100	\$1,094,207	\$968,745	\$2,062,952
Under \$250k	\$5,159,900	\$389,997	\$21,050	\$411,047
Total	\$82,845,000	\$1,484,204	\$989,795	\$2,473,999

The projects listed are those approved in the FY26 Annual Budget. Carry forward projects were adopted by Council in October -CS3/10/25. These projects will be included in the October financials.

Notable Variations

The variations noted in the Attachment – *Statement of Financial Activity* present the September YTD Budget and Actuals.

Some delays in contracts and consultants continued during September meaning that there is a timing variation in Materials and Contracts in ICT, Service Delivery Civil Works and Environment. A number of commitments have been raised for these areas.

The progress in the capital program also has an impact on the acquisition of property plant and equipment and infrastructure and the associated capital grants for those projects.

Rates Debtors

Outstanding rate debtors over one year, greater than \$250 outstanding and without any form of payment arrangement is summarised below.

Sep-25		Non Pensioner							
		One Year		Two Years		Three + Years		TOTAL	
		#	\$	#	\$	#	\$	#	\$
ALL	Year One	940	1,691,127	304	738,652	229	669,952	1,473	3,099,731
ALL	Year Two				399,029		627,306		1,026,335
ALL	Year Three						145,010		145,010
TOTAL		940	1,691,127	304	1,137,681	229	1,442,268	1,473	4,271,076

Change from last month -399 -\$603,622 -20 -\$69,213 -13 -\$122,458 -432 -\$795,293

YTD Change -509 -\$738,548 -32 -\$112,206 -28 -\$246,593 -569 -\$1,097,347

\$795k was collected during the month of September. \$603k was collected in the 1 year category, resulting in the number of properties in that category reducing by 399. A further 229 properties remain in the 3 year plus category.

Sundry Debtors

The total of Sundry Debtors 120+days has reduced to \$0.78M. The breakdown for the 120 day plus category is:

- \$675K is with Fines Enforcement Registry for collection
- \$36K relate to Waste commercial customers, which remains under legal review with a resolution target date of December
- A further \$21K relate to Planning and Building debtors
- A number of community organisations make up the balance.

The balances owing between 30 days and 90 days total \$86k.

ATTACHMENTS

1. Monthly Financial Report - September 2025
2. Capital Program - September 2025 (\$250K plus)
3. Capital Program - September 2025 (\$250K and under)
4. Small Balance Write Off - Rates - September 2025

RECOMMEND

CS2/11/25

That Council:

1. Pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* accept the Statement of Financial Activity for the third (3) month period ended 30 September 2025.
2. Note that there are reportable actual to budget material variances for the year-to-date period ending 30 September 2025 and note that the opening balances provided are still subject to audit confirmation and sign-off.
3. Note the \$186.72 small rates debt written off under Delegation 1.1.22 and Sub Delegation 1.2.22

ABSOLUTE MAJORITY RESOLUTION REQUIRED

Moved Cr S Stoneham
MOTION CARRIED

7/0

2.1 - LEASE TO INDARA INFRASTRUCTURE PTY LTD - MOBILE PHONE TOWER (OPTUS) 55 (LOT 91) OWEN ROAD KELMSCOTT (CONFIDENTIAL COVER REPORT)

MEETING CLOSED TO PUBLIC

MOVED Cr Silver the meeting be closed to members of the public as discussion of this matter in an open meeting would on balance be contrary to the public interest because the matter relates to a contract entered into or which may be entered into by the City of Armadale (Section 5.23(2) (c)).

Motion Carried (7/0)

Meeting declared closed at 7.08pm

WARD : ALL
FILE No. : M/670/25
DATE : 29 October 2025
REF : AO
RESPONSIBLE : Executive Director
MANAGER : Corporate Services

In Brief:

- A confidential report is presented as an attachment to this Agenda.

Strategic Implications

Outcome 2.3 : Functional, Inclusive and Sustainable Infrastructure

Outcome 3.1 : Increased Economic Growth, Job Creation and Retention, as well as Educational Opportunities

Outcome 4.3 : Financial Sustainability

Legal Implications

- ☐ Section 3.58 *Local Government Act 1995* – Disposing of Property

As this is a proposed disposition to a commercial entity, the exemptions provided by the *Local Government (Functions and General) Regulations 1996* do not apply.

Council Policy/Local Law Implications

- ☐ Lease and License Policy.

Budget/Financial Implications

As outlined in the confidential report attachment.

Consultation

As outlined in the confidential report attachment

A Confidential Report is presented to this Agenda.

This matter is considered to be confidential under Section 5.23(2)(c) of the Local Government Act, as the matter relates to a contract entered into or which may be entered into by the City of Armadale.

RECOMMEND

CS3/11/25

That Council adopt the recommendation as detailed in the Confidential Report.

Moved Cr L Sargeson

MOTION CARRIED

7/0

MEETING OPENED TO PUBLIC

MOVED Cr Smith that the meeting be opened to members of the public.

Meeting declared open at 7.11pm

**2.2 - CONSIDERATION OF TENURE OPTIONS: PART LOT 1 - 44 JARRAH ROAD,
ROLEYSTONE (CONFIDENTIAL COVER REPORT)**

MEETING CLOSED TO PUBLIC

MOVED Cr Stoneham that the meeting be closed to members of the public as discussion of this matter in an open meeting would on balance be contrary to the public interest because the matter relates to a contract entered into or which may be entered into by the City of Armadale (Section 5.23(2) (c)).

Motion carried (7/0)

Meeting declared closed at 7.12pm

Councillor Keogh disclosed that as he is a member of the Roleystone Volunteer Fire Brigade he had an association with this item. As a consequence, he advised that there may be a perception on the basis of his non-financial interests that his impartiality on the matter may be affected, but declared that he would set aside this association, consider the matter on its merits.

WARD : ALL
FILE No. : M/671/25
DATE : 29 October 2025
REF : AO
RESPONSIBLE : Executive Director
MANAGER : Corporate Services

In Brief:

- A confidential report is presented as an attachment to this Agenda.

Strategic Implications

Outcome 2.3 : Functional, Inclusive and Sustainable Infrastructure

Outcome 4.3 : Financial Sustainability

Legal Implications

As outlined in the confidential report attachment.

Council Policy/Local Law Implications

- Lease and License Policy.

Budget/Financial Implications

As outlined in the confidential report attachment.

Consultation

As outlined in the confidential report attachment

A Confidential Report is presented to this Agenda.

This matter is considered to be confidential under Section 5.23(2)(c) of the Local Government Act, as the matter relates to a contract entered into or which may be entered into by the City of Armadale.

RECOMMEND

CS4/11/25

That Council adopt the recommendation as detailed in the Confidential Report.

Moved Cr S Stoneham
MOTION CARRIED

7/0

MEETING OPENED TO PUBLIC

MOVED Cr Stoneham the meeting be opened to members of the public.

Meeting declared open at 7.41pm

***2.3 - MAINTENANCE PROPOSAL FOR NEW PUBLIC REALM AREAS - METRONET
BYFORD RAIL EXTENSION (CONFIDENTIAL COVER REPORT)***

MEETING CLOSED TO PUBLIC

MOVED Cr Silver that the meeting be closed to members of the public as discussion of this matter in an open meeting would on balance be contrary to the public interest because the matter relates to a contract entered into or which may be entered into by the City of Armadale (Section 5.23(2) (c)).

Motion Carried (7/0)

Meeting declared closed at 7.41pm

WARD : HERON
MINNAWARRA
FILE No. : M/667/25
DATE : 11 November 2025
REF : SW /SW/AK/PS
RESPONSIBLE : Executive Director
MANAGER Development Services

In Brief:

- A confidential report is presented as an Attachment to this Agenda.

Strategic Implications

- 1.2.2 Take an adaptive approach to the provision of a diverse range of active and passive recreational opportunities within the City
- 1.2.5 Advocate and plan for public transport provision and preservation
- 2.1.1 Use water efficiently in City operations and promote water-wise practices in urban development and for residential living
- 2.2.2 Improve public realm for shaded streetscapes, civic places and open spaces
- 2.2.3 Develop, improve and maintain quality parks, playgrounds and open spaces
- 2.3.2 Maintain assets to be functional, safe, affordable and sustainable
- 2.3.3 Ensure asset portfolio sustainability to inform long term planning
- 2.5.6 Advocate and plan for public transport provision and preservation

Legal Implications

Sections 5.36, 5.38 and 5.39 of *Local Government Act 1995*.

Council Policy/Local Law Implications

- Policy - ENG13 - Asset Management
- Policy – ENG 14 – Landscaping.

Budget/Financial Implications

The budget and financial impacts are discussed in the report.

Consultation

1. PTA
2. MetCONNx
3. Western Australian Planning Commission (WAPC), including its determination of development applications for the railway viaduct, new Armadale railway station and public realm upgrades
4. South East Corridor Councils Alliance (SECCA) & Shire of Serpentine Jarrahdale
5. City of Armadale Staff participating in working groups and providing comment on landscape ‘design packages’
6. MetroNet online survey regarding public spaces created by viaduct/train station
7. Advertising of development applications by the WAPC.

A Confidential Report is presented as an Attachment to this Agenda. The matter is considered confidential under S.5.23(2) (c) of the Local Government Act 1995 as if disclosed, relates to a contract entered into or which may be entered into by the City of Armadale.

ATTACHMENTS

There are no attachments to this report.

RECOMMEND

CS5/11/25

That Council adopt the recommendation as detailed in the Confidential Report.

**Moved Cr L Sargeson
MOTION CARRIED**

7/0

MEETING OPENED TO PUBLIC

MOVED Cr Stoneham that that the meeting be opened to members of the public.

Meeting declared open at 7.58pm

***2.4 - RFQ/34/25 COLLECTION AND PROCESSING OF RECYCLABLE MATERIAL
(CONFIDENTIAL COVER REPORT)***

MEETING CLOSED TO PUBLIC

MOVED Cr Stoneham that the meeting be closed to members of the public as discussion of this matter in an open meeting would on balance be contrary to the public interest because the matter relates to a contract entered into or which may be entered into by the City of Armadale (Section 5.23(2) (c)).

Motion carried (7/0)

Meeting declared closed at 7.58pm

WARD : ALL

FILE No. : M/637/25

DATE : 10 November 2025

REF : SP

RESPONSIBLE : Executive Director
MANAGER : Technical Services

In Brief:

- A confidential report is presented as an Attachment to this Agenda.

Strategic Implications

The subject of this report has impact on the following objectives of the *Strategic Community Plan 2026-2035*:

2.4 Increased resource recovery moving towards a circular economy.

2.4.1 Provide contemporary and affordable waste management services that are responsive to local community needs and support the objectives of the State Waste Strategy.

Legal Implications

Assessment of legislation indicates that the following apply:

- Section 3.57 *Local Government Act 1995* – Tenders for providing goods or services
- Division 2 *Local Government (Functions and General) Regulations 1996* – Tenders for providing goods or services.

Council Policy/Local Law Implications

Assessment of legislation indicates that the following apply:

- Procurement Policy.

Budget/Financial Implications

The budget implications are outlined in the Confidential Report.

Consultation

- Intra Directorate.

A Confidential Report is presented at Attachment B-1 to this Agenda. The matter is considered confidential under S5.23(2)(c) of the Local Government Act 1995 as the matter relates to a contract entered into or which maybe entered into, by the City of Armadale.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

CS6/11/25

That Council adopt the recommendation as detailed in the Confidential Report.

Moved Cr Silver

MOTION CARRIED

7/0

MEETING OPENED TO PUBLIC

MOVED Cr Stoneham that the meeting be opened to members of the public.

Meeting declared open at 8.04pm

COUNCILLORS' ITEMS

1. Conference Attendance (Cr Michelle Silver)

Cr Silver advised that she would distribute her notes from her attendance at the 2025 National Economic Development Conference (NEDC25) at the next meeting.

2. Conference Attendance (Cr Shanavas Peter)

Cr Peter also attended the 2025 National Economic Development Conference (NEDC25) and shared that it was a very interesting conference. Cr Peter advised that the key theme from the conference was 'Place Based Development'. There was also a serious discussion about AI, whether it would create or remove jobs for people; the outcome was that AI would create jobs.

CHIEF EXECUTIVE OFFICER'S REPORT

Nil.

EXECUTIVE DIRECTOR'S REPORT

Nil.

MEETING DECLARED CLOSED AT PM 8.07

CORPORATE SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
18 NOVEMBER 2025		
ATT NO.	SUBJECT	
1.1 LIST OF ACCOUNTS PAID - SEPTEMBER 2025		
1.1.1	Monthly Cheque and Credit Card Report - September 2025	
1.1.2	Monthly Fuel Card Transactions - Period Ending 30 September 2025	
1.2 STATEMENT OF FINANCIAL ACTIVITY - SEPTEMBER 2025		
1.2.1	Monthly Financial Report - September 2025	
1.2.2	Capital Program - September 2025 (\$250K plus)	
1.2.3	Capital Program - September 2025 (\$250K and under)	
1.2.4	Small Balance Write Off - Rates - September 2025	

The above attachments can be accessed from the Minutes of the Corporate Services Committee meeting of 18 November available on the City's website

CHIEF EXECUTIVE OFFICER’S REPORT

24 NOVEMBER 2025

INDEX

1.	REPORTS	
1.1	COUNCILLORS INFORMATION BULLETIN - ISSUE NO 18/2025	119
1.2	2025 PERFORMANCE REVIEW – CHIEF EXECUTIVE OFFICER.....	120

1.1 - COUNCILLORS INFORMATION BULLETIN - ISSUE NO 18/2025

WARD : ALL

FILE No. : M/86/25

DATE : 6 February 2025

REF : MC

RESPONSIBLE : Chief Executive Officer
MANAGER

In Brief:

- Councillor's Information Bulletin – Councillors are advised to take note of the information submitted in Issue No. 18/2025 to be received by Council

The following general information and memorandums were circulated in Issue No 18/2025 on 20 November 2025.

COMMENT

Information from CEO Office

Employee Movements

Information from Technical Services

Outstanding Matters and Information Items

Various Items

Monthly Departmental Reports

Technical Services Works Program

Information from Community Services

Outstanding Matters & Information Items

Report on Outstanding Matters

Upcoming Events

Library Upcoming Events

Community Development

Recreation Services

Library and Heritage Services

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

CEO3/11/25

That Council acknowledge receipt of Issue 18/2025 of the Information Bulletin.

1.2 - 2025 PERFORMANCE REVIEW - CHIEF EXECUTIVE OFFICER

WARD : ALL
FILE No. : M/748/25
DATE : 20 November 2025
REF : SD/JA
RESPONSIBLE : Chief Executive
MANAGER : Officer

In Brief:

- A confidential report is attached for consideration.

Tabled Items

Nil

Decision Type

- ☒ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☐ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

The item relates to the CEO's Contract of Employment

Strategic Implications

The CEO's Performance Criteria relate to all aspects of the Strategic Community Plan

Legal Implications

Sections 5.38 and 5.39, 5.39A and 5.39B of the *Local Government Act 1995*
Local Government (Administration) Regulations 2021

Council Policy/Local Law Implications

City of Armadale Standards for CEO Recruitment, Performance and Termination

Budget/Financial Implications

Council's Annual Budget includes costs associated with the CEO's performance management process.

Consultation

Mayor

A Confidential Report is attached for consideration.

RECOMMEND

CEO4/11/25

That Council adopt the recommendation as detailed in the Confidential Report.



ORDINARY MEETING OF COUNCIL
MONDAY, 10 NOVEMBER 2025

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
1	STUART CHAPMAN	4
2	BRIAN GILLMAN	4
3	ALLAN SIMPSON	5
4	SCOTT EASTON, THORNIE	5
5	MARTIN HOWLEY, LESMURDIE	5
6	KATHY SPECIARLY, THORNIE	6
5	APPLICATIONS FOR LEAVE OF ABSENCE	6
5.1	REQUEST FOR LEAVE OF ABSENCE – CR S J MOSEY, CR A SINGH, CR D NEWMAN	6
6	PETITIONS	6
	NIL	6
7	CONFIRMATION OF MINUTES	7
	MINUTES OF SPECIAL COUNCIL MEETING HELD ON 22 OCTOBER 2025	7
	MINUTES OF ORDINARY COUNCIL MEETING HELD ON 13 OCTOBER 2025	7
8	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.....	7
	NIL	7
9	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN – WITHOUT DISCUSSION	7
10	REPORTS	7
10.1	TECHNICAL SERVICES COMMITTEE MEETING - 3 NOVEMBER 2025	7
10.1.1	COMMUNITY BATTERY PROJECT (1.1).....	8
10.1.2	APPOINTMENT OF COUNCILLORS TO OCCASIONAL ADVISORY GROUPS, REFERENCE/WORKING GROUPS AND EXTERNAL ORGANISATIONS (2.1)	8
10.2	COMMUNITY SERVICES COMMITTEE MEETING - 4 NOVEMBER 2025	9
10.2.1	APPOINTMENT OF COUNCILLORS TO OCCASIONAL ADVISORY GROUPS, REFERENCE/WORKING GROUPS AND EXTERNAL ORGANISATIONS (1.1)	9

	10.2.2 APPROVAL OF BUSHFIRE RISK MANAGEMENT PLAN (2.1)	10
10.3	CHIEF EXECUTIVE OFFICER'S REPORT - 10 NOVEMBER 2025	10
	10.3.1 APPOINTMENT OF COUNCILLORS TO OCCASIONAL ADVISORY GROUPS, REFERENCE/WORKING GROUPS AND EXTERNAL ORGANISATIONS - (1.1).....	11
	10.3.2 COUNCILLORS INFORMATION BULLETIN - ISSUE NO 17/2025 (1.2).....	11
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	11
12	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	11
	NIL	11
13	MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION	12
	1 DIEBACK SERVICES	12
	2 CITY'S WEBSITE	12
	3 POCKET FORESTS - MIYAWAKI METHOD	12
14	MATTERS REQUIRING CONFIDENTIAL CONSIDERATION	12
	NIL	12
15	CLOSURE.....	12

CITY OF ARMADALE

MINUTES

OF ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 10
NOVEMBER 2025 AT 7.00PM.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Deputy Mayor Keogh, declared the meeting open at 7.00 pm.

Acknowledgement to Country

To begin I would like to pay my respects to the traditional custodians of this land, the Whadjuk people of the Noongar nation. The City pays its respects to the Aboriginal Elders past, present and always and extend that respect to any Aboriginal people in the room.

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

PRESENT:

Deputy Mayor, Cr J Keogh presided over

Cr K Jorgensen	River Ward
Cr T Thomas	Ranford Ward
Cr S Peter JP	Ranford Ward
Cr L Sargeson	Palomino Ward
Cr P A Hetherington	Palomino Ward
Cr Dan Newman JP	Heron Ward
Dr C M Wielinga	Heron Ward
Cr G J Smith	Minnawarra Ward
Cr A Singh	Lake Ward
Cr S J Mosey	Hills Ward
Cr S Stoneham	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 Southern	Executive Director Technical Services
Mrs S Van Aswegen	Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant

Public: 7

LEAVE OF ABSENCE:

Nil

APOLOGIES:

Apologies received from Mayor Butterfield and Cr Silver - (Conference attendance) and from Cr Busby

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

Nil

4 PUBLIC QUESTION TIME

1 Stuart Chapman

- Q1. Could Council please explain how the closure of the Armadale library on Saturday affected or will affect the financial reimbursement of casual, part time and full-time staff?

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

- Q2. What reforms will the City implement to ensure that library staff are protected from bullying, ideological pressure or discrimination and that future concerns are handled transparently and fairly?

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

- Q3. Will the Council issue an apology to Mr Mansfield for the harm caused to his professional reputation and wellbeing, and what measures will be taken to restore public confidence in the city's governance of its libraries?

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

- Q4. Will the council issue a public statement addressing Mr Declan Mansfield's claims against the City of Armadale concerning workplace bullying, the ideological nature of diversity training and the toxic work environment he alleges he was forced to endure?

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

2 Brian Gillman

- Q1. Has the Council received any complaints or internal communications regarding the concealment, removal or hiding of library books due to their content or perceived political sensitivity?

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

- Q2 Does the Council affirm that employees of the City of Armadale have the right to hold and express divergent views including different beliefs about gender and related social topics without fear of reprisal or discrimination?

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

3 Allan Simpson

- Q1 What steps has the Council taken to investigate the circumstances that led to Mr Declan Mansfield resignation from the Armadale library and does it acknowledge that his treatment reflects a failure of workplace culture?

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

- Q2 What reforms will the City implement to ensure that the library staff are protected from bullying, ideological pressure and discriminations and that future concerns are handled transparently and fairly?

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

4 Scott Easton, Thornlie

- Q1. What training or guidance has the City provided to management and staff to ensure respect for viewpoint diversity and compliance with the Equal Opportunity Act 1984 WA.

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

- Q2. Has the Council conducted any review into whether internal policies or management actions contributed to the distress or resignation of Mr Mansfield? If not, why not?

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

5 Martin Howley, Lesmurdie

- Q1. Given the protest was entirely peaceful and involved approx. 15 well behaved participants will the Council confirm that the library will not be closed again if a similar peaceful rally occurs in the future?

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

- Q2. Does Council support intellectual freedom in its libraries and what policies are in place to prevent suppression of reading material again.

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

- Q3. Do you mind me asking please why no questions have been answered tonight?

Deputy Mayor: We do need to find more information and the other aspect is that this is part of an ongoing legal matter, and hence we are unable to comment.

6 Kathy Speciale, Thornlie

Q1 Why was the Armadale library suddenly closed on Saturday 8 November in response to a peaceful and law-abiding public rally in support of Mr Mansfield?

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

Q2 Who authorised the decision to close the library that day and what was the assessment on policy or justification used to support that action.

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

Question time closed at 7.10pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Request for Leave of Absence – Cr S J Mosey, Cr A Singh, Cr D Newman

Request for leave of absence received from

- Cr Mosey for the period Friday 5 December to Thursday 18 December 2025, inclusive;
- Cr Singh for the period Wednesday 12 November to Sunday 20 November 2025, inclusive; and
- Cr Newman for the period Monday 24 November to Thursday 27 November 2025, inclusive.

MOVED Cr J Keogh

That Council grant leave of absence to:

- **Cr Mosey for the period Friday 5 December to Thursday 18 December 2025, inclusive (includes 1 Ordinary Meeting of Council – 15 December 2025);**
- **Cr Singh for the period Wednesday 12 November to Sunday 28 November 2025, inclusive; and**
- **Cr Newman for the period Monday 24 November to Thursday 27 November 2025, inclusive (includes 1 Ordinary Meeting of Council – 24 November 2025).**

MOTION not opposed, DECLARED CARRIED

12/0

FOR: Cr Keogh, Cr Jorgensen, Cr Thomas, Cr Peter, Cr Sargeson, Cr Hetherington, Dr Wielinga,
Cr Newman, Cr Smith, Cr Singh, Cr Mosey, Cr Stoneham

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

**7.1 PREVIOUS SPECIAL COUNCIL MEETING
HELD ON 22 OCTOBER 2025.**

MOVED Cr S J Mosey that the Minutes of the Special Council Meeting held on 22 October 2025 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED 12/0

FOR: Cr Keogh, Cr Jorgensen, Cr Thomas, Cr Peter, Cr Sargeson, Cr Hetherington, Dr Wielinga,
Cr Newman, Cr Smith, Cr Singh, Cr Mosey, Cr Stoneham

**7.2 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 13 OCTOBER 2025.**

MOVED Cr S J Mosey that the Minutes of the Ordinary Council Meeting held on 13 October 2025 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED 12/0

FOR: Cr Keogh, Cr Jorgensen, Cr Thomas, Cr Peter, Cr Sargeson, Cr Hetherington, Dr Wielinga,
Cr Newman, Cr Smith, Cr Singh, Cr Mosey, Cr Stoneham

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

Nil

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

Nil

10 REPORTS

10.1 TECHNICAL SERVICES COMMITTEE MEETING
Report of the Technical Services Committee held on 3 November 2025.

MOVED Cr S Stoneham that the report be received.

MOTION not opposed, DECLARED CARRIED 12/0

FOR: Cr Keogh, Cr Jorgensen, Cr Thomas, Cr Peter, Cr Sargeson, Cr Hetherington, Dr Wielinga,
Cr Newman, Cr Smith, Cr Singh, Cr Mosey, Cr Stoneham

BUSINESS ARISING FROM REPORT

Recommendation T1/11/25 - Community Battery Project

MOVED Cr D Newman, SECONDED Dr C M Wielinga
OPPOSED Cr P Hetherington

That Council authorise the CEO to:

1. provide a Letter of Support to Western Power, and correspondence during the Ministerial consultation period, to enable a Deed of Easement to be enacted by the Department of Planning, Lands and Heritage for the purpose of installing a community battery system at Ashworth Park.
2. include in correspondence with Western Power that Western Power undertake suitable community engagement with residents of Ashworth Way, Harber Drive and Chiltern Avenue.

MOTION LOST

(5/7)

FOR: Cr Newman, Dr Wielinga, Cr Jorgensen, Cr Smith, Cr Singh
AGAINST: Cr Keogh, Cr Hetherington, Cr Peter, Cr Thomas, Cr Sargeson, Cr Mosey, Cr Stoneham

MOVED Cr S Peter, SECONDED Cr D Newman
OPPOSED Cr P Hetherington

That Council authorise the CEO to:

1. **provide a Letter of Support to Western Power, and correspondence during the Ministerial consultation period, to enable a Deed of Easement to be enacted by the Department of Planning, Lands and Heritage for the purpose of installing a community battery system at Ashworth Park.**
2. **include in correspondence with Western Power that Western Power undertake suitable community engagement with residents within 100m from the facility.**

Due to there being an equality in votes (6/6), in accordance with Section 5.21(3) of the Local Government Act 1995, the Deputy Mayor cast a second vote and voted for Recommendation T1/11/25 being adopted

MOTION DECLARED CARRIED

7/6

FOR: Cr Newman, Dr Wielinga, Cr Jorgensen, Cr Peter, Cr Smith, Cr Singh, Cr Keogh (second vote)
AGAINST: Cr Hetherington, Cr Thomas, Cr Sargeson, Cr Mosey, Cr Stoneham, Cr Keogh

Recommendation T2/11/25 - Appointment of Councillors to Occasional Advisory Groups, Reference/Working Groups and External Organisations

MOVED Dr C M Wielinga

That Council:

Appoint nominated Councillors to Occasional Advisory Groups, Reference/Working Groups and External/Local organisations, for the period November 2025 to October 2027 as follows:

Group Name	Member / Delegate	Deputy
Armadaale Gosnells Landcare Group	Cr G Smith	Cr S Peter
Armadaale Settlers Common Working Group	Cr S Stoneham	Cr S J Mosey
Bushcare & Environmental Working Group	Cr G Smith	Dr C M Wielinga
Jandakot Regional Park Community Advisory Committee	Cr A Singh	Cr S Peter
Metropolitan Regional Road Sub-Group	Cr S Stoneham	Cr J Keogh
Parks Darling Range Community Advisory Committee	Cr A Singh	Dr C M Wielinga
South East Regional Centre for Urban Landcare	Cr G Smith	Cr S Peter
South East Regional Energy Group	Mayor Butterfield	Cr Keogh
Wirra Willa Working Group	Mayor Butterfield Cr K Busby	Cr J Keogh Cr S Stoneham

MOTION not opposed, DECLARED CARRIED

12/0

FOR: Cr Keogh, Cr Jorgensen, Cr Thomas, Cr Peter, Cr Sargeson, Cr Hetherington, Dr Wielinga,
Cr Newman, Cr Smith, Cr Singh, Cr Mosey, Cr Stoneham

10.2 COMMUNITY SERVICES COMMITTEE MEETING

Report of the Community Services Committee held on 4 November 2025.

MOVED Cr P A Hetherington that the report be received.

MOTION not opposed, DECLARED CARRIED

12/0

FOR: Cr Keogh, Cr Jorgensen, Cr Thomas, Cr Peter, Cr Sargeson, Cr Hetherington, Dr Wielinga,
Cr Newman, Cr Smith, Cr Singh, Cr Mosey, Cr Stoneham

BUSINESS ARISING FROM REPORT

Recommendation C1/11/25 - Appointment of Councillors to Occasional Advisory Groups, Reference/working groups and external organisations

MOVED Cr P A Hetherington

That Council appoint nominated Councillors to Occasional Advisory Groups, Reference/Working Groups and External/Local organisations, for the period November 2025 to October 2027 as follows:

Group Name	Member / Delegate	Deputy
City of Armadale Highland Gathering Reference Group	Cr G J Smith	Cr P Hetherington
Access & Inclusion Reference Group	Cr G J Smith	Cr K Jorgensen
History Reference Group	Cr J Keogh	Cr S J Mosey

Homelessness Working Group	Cr K Busby Cr P Hetherington Cr L Sargeson	
Neighbourhood Watch Committee (CoA)	Cr G J Smith Cr S Peter	Cr K Jorgensen Cr T Thomas
Reconciliation Action Plan Working Group	Cr J Keogh Cr P Hetherington Cr M Silver Cr S Stoneham Dr C Wielinga	

MOTION not opposed, DECLARED CARRIED

12/0

FOR: Cr Keogh, Cr Jorgensen, Cr Thomas, Cr Peter, Cr Sargeson, Cr Hetherington, Dr Wielinga,
Cr Newman, Cr Smith, Cr Singh, Cr Mosey, Cr Stoneham

Recommendation C2/11/25 - Approval of Bushfire Risk Management Plan

MOVED Cr P A Hetherington

That Council:

- 1. Approve the draft Bushfire Risk Management Plan ('BRM Plan') as per the attachment to this report.**
- 2. Requests that the CEO notifies the Department of Fire and Emergency Services (DFES) Office of Bushfire Risk Management (OBRM) that the City's BRM Plan has been formally approved by Council.**

MOTION not opposed, DECLARED CARRIED

12/0

FOR: Cr Keogh, Cr Jorgensen, Cr Thomas, Cr Peter, Cr Sargeson, Cr Hetherington, Dr Wielinga,
Cr Newman, Cr Smith, Cr Singh, Cr Mosey, Cr Stoneham

10.3 CHIEF EXECUTIVE OFFICER'S REPORT

Report of the Chief Executive Officer.

MOVED Cr S Peter that the report be received.

MOTION not opposed, DECLARED CARRIED

12/0

FOR: Cr Keogh, Cr Jorgensen, Cr Thomas, Cr Peter, Cr Sargeson, Cr Hetherington, Dr Wielinga,
Cr Newman, Cr Smith, Cr Singh, Cr Mosey, Cr Stoneham

BUSINESS ARISING FROM REPORT

Recommendation CEO1/11/25 – Appointment of Councillors to Occasional Advisory Groups, Reference/Working Groups and External Organisations

MOVED Cr J Keogh

That Council appoint nominated Councillors to the Standing Order & House Advisory Group for the period November 2025 to October 2027 as follows:

	Members
Occasional Advisory Groups & Reference/Working Groups Established by Council	
Standing Order and House Advisory Group	Mayor R Butterfield Cr J Keogh Cr S J Mosey Dr C M Wielinga Cr S Peter Cr L Sargeson Cr S Stoneham

MOTION not opposed, DECLARED CARRIED

12/0

FOR: Cr Keogh, Cr Jorgensen, Cr Thomas, Cr Peter, Cr Sargeson, Cr Hetherington, Dr Wielinga, Cr Newman, Cr Smith, Cr Singh, Cr Mosey, Cr Stoneham

Recommendation CEO2/11/25 - Councillors Information Bulletin - Issue No 17/2025

MOVED Cr S Peter

That Council acknowledge receipt of Issue 17/2025 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED

12/0

FOR: Cr Keogh, Cr Jorgensen, Cr Thomas, Cr Peter, Cr Sargeson, Cr Hetherington, Dr Wielinga, Cr Newman, Cr Smith, Cr Singh, Cr Mosey, Cr Stoneham

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 Dieback Services (Dr Caroline Wielinga)

That the matter of dieback services of non-park reserve public lands be referred to the Technical Services Committee.

2 City's Website (Cr Dan Newman)

That the matter of review and feedback from the community and stakeholders on the city's new website's effectiveness and content be referred to the Corporate Services Committee.

3 Pocket Forests - Miyawaki Method (Cr Scott Mosey)

That the matter of consideration of the Miyawaki method of pocket forests for trial be referred to the Technical Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

Deputy Mayor Keogh, declared the meeting closed at 7.33pm

MINUTES CONFIRMED THIS 24 NOVEMBER 2025

DEPUTY MAYOR