



CITY of SWAN

MINUTES

ORDINARY MEETING OF COUNCIL

07 SEPTEMBER 2022 (ADJOURNED)

RECONVENED ON 14 SEPTEMBER 2022

CONFIRMED MINUTES

These minutes were confirmed as a true and accurate record of the meeting at the Ordinary Meeting of Council held on 5 October 2022.

TABLE OF CONTENTS

PART A - OPENING PROCEDURES	7
1. OPENING AND ANNOUNCEMENT OF VISITORS	7
2. DISCLAIMER (READ ALOUD BY PRESIDING MEMBER)	7
3. ATTENDANCE AND APOLOGIES	7
4. DECLARATIONS OF FINANCIAL AND PROXIMITY INTERESTS AND INTERESTS AFFECTING IMPARTIALITY	8
5. PUBLIC QUESTION TIME	9
5.1 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE	9
5.2 QUESTIONS RELATING TO REPORTS CONTAINED IN THE AGENDA	9
5.3 OTHER QUESTIONS	9
6. PUBLIC STATEMENT TIME	11
7. PETITIONS	11
8. DEPUTATIONS	11
9. ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION	11
10. MEMBERS' QUESTIONS	12
10.1 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE	12
10.2 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN	12
10.3 QUESTIONS OF WHICH NOTICE HAS NOT BEEN GIVEN	12
11. LEAVE OF ABSENCE	12
12. CONFIRMATION OF MINUTES	13
SUSPENSION OF MEETING PROCEDURES LOCAL LAW 2019	14
PART B - REPORTS	15
3. COMMUNITY PLANNING AND DEVELOPMENT	15
3.1 WE THE PEOPLE (WA) INC FAMILY OUTREACH CENTRE MIDLAND - REQUEST FOR FUNDING SUPPORT	15
4. STATUTORY PLANNING	18
4.5 AMENDMENT FOR APPROVAL OF EXTRACTIVE INDUSTRY - VARIOUS LOTS, UPPER SWAN (DA640-19-B)	18
4.6 FILLING OF LAND AND ASSOCIATED RETAINING WALLS (EXISTING) - LOT 259 (NO.51) JINDA ROAD, KOONGAMIA (DA281-21)	20
PART A - OPENING PROCEDURES	21
13. ANY BUSINESS LEFT OVER FROM PREVIOUS MEETING	21
13.1 POTENTIAL ASSET DISPOSAL - LOTS 11 AND 12 (NOS.37-39) OLD GREAT NORTHERN HIGHWAY, MIDLAND (BANKWEST BUILDING)	21
13.2 ADOPTION OF MORRISON ROAD LOCAL DEVELOPMENT PLAN	21
13.3 POLICY REVIEW - PROVISION OF PUBLIC ART	21

13.4	PROPOSED DEMOLITION OF SINGLE HOUSE AND REMOVAL OF NATIVE VEGETATION - LOTS 33 & 34 (NO. 7) FAUNTLEROY STREET, GUILDFORD (DA1069-21)	21
13.5	SOUTH GUILDFORD REPLACEMENT BMX TRACK	21
13.6	PROPOSED LOCAL STRUCTURE PLAN FOR HAZELMERE SPECIAL USE ZONE 16 (PRECINCT 3A) - LOTS 651 & 39 STIRLING CRESCENT, LOTS 58 & 83 BUSHMEAD ROAD AND LOT 93 HAZELMERE CIRCUS, HAZELMERE (SWAN-SP-2021-3)	22
13.7	PROPOSED EXTENSION TO TAVERN AND CONSTRUCTION OF 2M HIGH NOISE BARRIER WALLS - LOT 330 (NO. 322) ALEXANDER DRIVE, BALLAJURA (DA940-21)	22
13.8	ANNUAL REVIEW OF THE CITY'S DELEGATIONS REGISTER 2022	22
13.9	PROPOSED COMMUNITY PURPOSE - WOMEN'S REHABILITATION CENTRE - LOT 8 (NO.2118) GREAT NORTHERN HIGHWAY, BULLSBROOK (DA215-22)	22
13.10	GUILDFORD PARKING	23
13.11	DRAFT POLICY - DEBT COLLECTION RATES AND SERVICES CHARGES	24
13.12	POLICY REVIEW - ELECTION CARETAKER PROVISIONS	26
	PART B - REPORTS	27
1.	ADOPTION OF THOSE RECOMMENDATIONS CONTAINED IN ITEMS NOT WITHDRAWN	27
2.	CORPORATE PLANNING AND POLICY	29
2.1	ASSET MANAGEMENT STRATEGY	29
2.4	POLICY REVIEW - FRIENDSHIP AGREEMENTS AND RELATIONSHIPS	30
2.5	POLICY REVIEW - PUBLIC OPEN SPACE AND COMMUNITY BUILDINGS	31
2.6	POLICY REVIEW - GRAFFITI MANAGEMENT	32
3.	COMMUNITY PLANNING AND DEVELOPMENT	33
3.2	SWAN GUILDFORD HISTORICAL SOCIETY FUNDING AGREEMENT	33
3.3	MIDLAND JUNCTION ARTS CENTRE - ACTIVATION, LEASE AND SERVICE PAYMENT TO PROVIDE COMMUNITY ARTS PROGRAMS AND SERVICES (RFT22MS24)	34
4.	STATUTORY PLANNING	35
4.1	PROPOSED AMENDMENT NO.211 TO LOCAL PLANNING SCHEME NO.17 - TO REZONE JOHN SEPTIMUS ROE ANGLICAN SCHOOL FROM 'PRIVATE CLUBS AND INSTITUTIONS' TO 'RESIDENTIAL DEVELOPMENT' - LOT 24 BEECHBORO ROAD NORTH AND LOT 385 BLACKBOY WAY, BEECHBORO (LPS17-211)	35
4.4	RESPONSIBLE AUTHORITY REPORT - MIXED-COMMERCIAL DEVELOPMENT (GYM, SHOWROOMS, FAST FOOD OUTLETS, AND SHOP) - LOT 7385 THE PROMENADE, ELLENBROOK (DA380-22)	36
4.7	CARPORT (EXISTING) - LOT 312 (NO.9) FRINGE LILY CRESCENT, ELLENBROOK (RCP039-22)	37
4.8	STATUTORY PLANNING DECISIONS UNDER DELEGATED AUTHORITY	38

5.	CORPORATE PLANNING AND POLICY	39
5.1	RESPONSE TO PETITION - HADDRILL ROAD AND CAMPERSIC ROAD INTERSECTION	39
5.3	PROPOSED DEDICATION OF LAND AS ROAD - PORTION OF LOT 2 ADELAIDE STREET, HAZELMERE (STIRLING CRESCENT UPGRADE)	40
5.4	HAZELMERE SPECIFIED AREA RATE UPGRADE WORKS	41
6.	FINANCIAL AND LEGAL MATTERS	42
6.1	ANNUAL INVESTMENT STRATEGY AND PORTFOLIO REVIEW	42
6.2	LIST OF ACCOUNTS PAID - JULY 2022	43
6.3	FINANCIAL MANAGEMENT REPORT FOR PERIOD ENDED 31 JULY 2022	44
6.4	CHANGE IN BASIS OF VALUATION	45
7.	GOVERNANCE	46
7.1	AMENDMENT TO TERMS OF REFERENCE - AUDIT COMMITTEE	46
	PART C - OTHER BUSINESS AND CLOSING PROCEDURES	47
3.	CONFIDENTIAL ITEMS	47
C3.3	ACQUISITION BY AGREEMENT - PORTION OF LOT 5001 TALBOT ROAD, HAZELMERE (STIRLING CRESCENT UPGRADE)	47
C3.4	ACQUISITION BY AGREEMENT - PORTION OF LOT 222 (NO. 200) HENLEY STREET, HENLEY BROOK (HENLEY BROOK AVENUE EXTENSION)	48
C3.6	MIDLAND PUBLIC LIBRARY ROOF REPLACEMENT AND POP UP LIBRARY LEASE	49
	PART B - REPORTS	51
4.	STATUTORY PLANNING	51
4.2	STATE ADMINISTRATIVE TRIBUNAL REQUEST TO RECONSIDER - PROPOSED TAVERN - LOT 326 (NO.5) ACTION ROAD, MALAGA (DA247-21)	51
7.	GOVERNANCE	53
7.2	EXTRAORDINARY ELECTION - ALTONE WARD	53
	PART C - OTHER BUSINESS AND CLOSING PROCEDURES	56
3.	CONFIDENTIAL ITEMS	56
C3.2	COMMERCIAL LEASE - LOT 100 (NO.106) MORRISON ROAD, MIDLAND	56
C3.7	SALE OF PROPOSED LOT 811 JUCTION PARADE, MIDLAND	58
	RECOMMENDATION:	58
C3.1	ELVIRE CHALETS EXPRESSIONS OF INTEREST - LOT 5 (NO.13) ELVIRE STREET, VIVEASH	60
	PART B - REPORTS	63
4.	STATUTORY PLANNING	63
4.3	RESPONSIBLE AUTHORITY REPORT - TWO-STOREY MIXED-COMMERCIAL DEVELOPMENT - LOT 8336 (NO.151) THE PROMENADE, ELLENBROOK (DA296-22)	63
	ADJOURNMENT	64

MEETING RECONVENED	65
PART B - REPORTS	66
2. CORPORATE PLANNING AND POLICY	66
2.2 DRAFT ADVOCACY PRIORITY LIST 2022-23	66
2.3 POLICY REVIEW - PUBLIC ART	69
2.7 POLICY REVIEW - INVESTMENT OF SURPLUS FUNDS	70
5. OPERATIONAL MATTERS	72
5.2 ELLENBROOK SECONDARY COLLEGE OVAL	72
PART C - OTHER BUSINESS AND CLOSING PROCEDURES	73
1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	73
C1.1 CR PARRY - SPORT FACILITIES FOR FEMALE PATRONS	73
C1.2 CR JOHNSON - FARRALL ROAD, MIDVALE	75
C1.3 CR JOHNSON - CLAYTON STREET	79
2. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING IF GIVEN DURING THE MEETING	82
C2.1 CR JONES – REPURPOSING OF THE CENTRE FOR NATIONAL RESILIENCE IN BULLSBROOK	82
C2.2 CR JONES – VEHICLE ESCAPE TRAINING	82
C2.3 CR HENDERSON – SWAN VALLEY POSTCODE	82
C2.4 CR CONGERTON – ELECTRONIC VOTING IN COUNCIL MEETINGS	82
C2.5 CR ZANNINO – REQUEST FOR REVIEW OF THE NATIONAL FREIGHT ROUTE	82
3. CONFIDENTIAL ITEMS	83
C3.5 ACQUISITION BY AGREEMENT - PORTION OF STRATA LOT 1 (53) THE CRESCENT, MIDLAND	83
4. CLOSURE	85

MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD AT MIDLAND TOWN HALL
ON WEDNESDAY 7 SEPTEMBER 2022 COMMENCING AT 6PM

PART A - OPENING PROCEDURES

1. OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed those present and opened the meeting at 6pm.

Acknowledgement of Country

The City of Swan acknowledges the Traditional Custodians of this region, the Whadjuk people of the Noongar Nation and their continuing connection to the land, waters and community. We pay our respects to Elders past and present, and their descendants.

2. DISCLAIMER

The Terms and Conditions of entry are posted at the entrance to the Public Gallery. Members of the public should ensure they have read them prior to attending the meeting.

3. ATTENDANCE AND APOLOGIES

Councillors:	Cr D Lucas	Mayor, Altone Ward (Presiding Member)
	Cr M Congerton	Deputy Mayor, Whiteman Ward
	Cr J Catalano	Altone Ward
	Cr S Howlett	Midland/Guildford Ward
	Cr I Johnson	Midland/Guildford Ward
	Cr R Predovnik	Midland/Guildford Ward
	Cr A Bowman	Pearce Ward
	Cr P Jones	Pearce Ward
	Cr C McCullough	Pearce Ward
	Cr T Richardson	Pearce Ward
	Cr R Henderson	Swan Valley/Gidgegannup Ward
	Cr C Zannino	Swan Valley/Gidgegannup Ward
	Cr D Knight	Whiteman Ward
	Cr B Parry	Whiteman Ward

Staff:	Mr C Frewing	A/Chief Executive Officer
	Mr M Bishop	Executive Manager Community Wellbeing
	Mr J Coten	Executive Manager Operations
	Mrs K Leahy	Executive Manager Corporate
	Ms M Pickering	Executive Manager Place Stakeholder Engagement
	Mr L van der Linde	Executive Manager Planning & Development
	Ms V Hodgins	A/Manager Governance
	Mr P Russell	Manager Statutory Planning
	Ms M Dwyer	Senior Governance Officer
	Mrs K Cameron	Governance Officer (Minute Clerk)

Leave of
Absence: Nil

Apologies: Nil

Members of
the Public: 6 (approximately)

Media: 1

4. DECLARATIONS OF FINANCIAL AND PROXIMITY INTERESTS AND INTERESTS AFFECTING IMPARTIALITY

Cr Catalano declared a direct financial interest in Item 13.11 – Draft Policy - Debt Collection Rates and Services Charges as she is employed by Midlas.

Cr Johnson declared an impartiality interest in Item 3.2 - Swan Guildford Historical Society Funding Agreement as he is an ordinary member of the Swan Guildford Historical Society.

Ms Leahy declared an impartiality interest in Item 3.3 Midland Junction Arts Centre - Activation, Lease and Service Payment to Provide Community Arts Programs and Services as she attended High School with a board member.

Cr Richardson declared an impartiality interest in Item 4.1 – Proposed Amendment No.211 to LPS17 – Rezoning John Septimus Roe School as Mr Bartell was the Principal of her children’s school. She has also attended two meetings and school functions.

Mr Coten declared an impartiality interest in Item 4.1 – Proposed Amendment No211 to LPS17 – Rezoning John Septimus Roe School as close member of his family is employed by the land owner.

Cr Catalano declared an impartiality interest in Item C3.7 – Sale of Proposed Lot 811 Junction Parade, Midland as she is a member of the Midland Society.

5. PUBLIC QUESTION TIME

Public question time commenced at 6.03pm.

5.1 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE

Nil

5.2 QUESTIONS RELATING TO REPORTS CONTAINED IN THE AGENDA

5.2.1 Questions of which due notice has been given

Nil

5.2.2 Questions without due notice

Nil

5.3 OTHER QUESTIONS

5.3.1 Questions of which due notice has been given

Mr Bob Becu

Q1 The City's Biodiversity Strategy (June 2016) includes a recommendation and corresponding high priority action for the City to apply to Landgate for conservation be added to the management purpose as listed on the management orders for the reserves listed in Table 4 of the Strategy, to better protect those high conservation value reserves. What progress has been made?

A1 The intent of the action remains a high priority in the City's approach to biodiversity conservation. City officers will consider the best method to progress this action as part of the City's Biodiversity Plan review which is to commence this financial year, whilst also taking due consideration of options that may arise through the City's current review of the Local Planning Scheme.

Q2 Has the City reassessed the previously advised Bushfire Attack Level (BAL) for the site of the proposed aged care development at Paradise Quays in Ballajura, to take into account full revegetation of the Emu Swamp buffer area? If so, what are the BALs now?

A2 No, a BAL assessment to take into account full revegetation of the Emu Swamp buffer area has not been done.

Q3 The removal of non-native eucalyptus grandis trees at Emu Swamp has left substantial holes in the wetland's tree canopy. Will native eucalyptus rudis trees be planted to over time restore the ecologically important canopy?

- A3 Ongoing replanting is intended to replace the removed non-natives with a bio-diverse range of plantings.
- Q4 *What is the status of Town Planning Scheme (TPS) Amendment No. 197?*
- A4 Scheme Amendment 197 is expected to be Gazetted within the next two months.

5.3.2 Questions without due notice

Mr Kevin Bailey

- Q1 *Can you cast your mind back to the Special Electors Meeting, held in the Midland Town Hall on the 13 March 2018, and confirm that a motion to retain 2.7 hectares public open space on the Midland Oval Redevelopment Masterplan (MORM) was moved and carried by majority vote?*
- A1 The Mayor advised, he believed yes.
- Q2 *Can you also confirm that the motion to retain 2.7 hectares of open space was moved by Mrs Francesca Irwin and seconded by Mr Patrick Irwin?*
- A2 The Mayor advised he could not definitively say, but yes, he could agree with that.
- Q3 *Can you also confirm that the Ordinary Council Meeting was held on April 11, 2018 Council considered the MORM and adopted the MORM, amending the public open space to 2.7 hectares and that is the current adopted masterplan?*
- A3 The Mayor advised, yes.
- Q4 *Can Councillors present please indicate if they were present at either of those meetings either in their capacity as an elected Councillor or member of the public?*
- A4 Cr Lucas advised he was present but could not speak for any other Councillor.
- Q5 *Given that on 13 March 2018 Mr and Mrs Irwin moved and seconded a motion on behalf of the community to increase public open space within the MORM to 2.7 hectares, and that motion was carried by majority vote, and at the Council Meeting on April 11, 2018 Council adopted an amended MORM increasing public open space to 2.7 hectares, how is it possible to argued that the City and Council has not listened to the community?*
- A5 The Mayor advised it has been his experience that it doesn't matter what is given, some people want more.

Public question time concluded at 6.06pm as there were no further questions.

6. PUBLIC STATEMENT TIME

Nil

7. PETITIONS

Nil

8. DEPUTATIONS

Deputations for items on the agenda were heard at the Agenda Forum held on 31 August 2022.

9. ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

I am pleased to announce the City has appointed Mr Stephen Cain as our new CEO. He commences employment on Monday, December 5, 2022.

Last Saturday night I attended the organisation of African Communities Awards night and I am pleased that two City of Swan residents won major awards. I like to congratulate Dr Pedus Eweama for winning the Outstanding Community Champion and Mr John Aciek the Community Pillar Award.

10. MEMBERS' QUESTIONS

10.1 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE

Cr Johnson

Q1 Does the Council know why there is a drill rig on Military Road, near Bushmead?

A1 Staff have been to the site in question, at the time the drill rig had been removed. Staff could not ascertain what the drill rig was used for other than it appears they may have been drilling for water quality tests. There is no development happening at the site at this moment.

10.2 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Cr Johnson

Q1 How many Elvire chalets are there?

A1 There are 36 one bedroom chalets.

Q2 How many of the chalets are occupied?

A2 There are currently seven tenants at the Chalets.

10.3 QUESTIONS OF WHICH NOTICE HAS NOT BEEN GIVEN

Nil

11. LEAVE OF ABSENCE

RESOLVED UNANIMOUSLY that the following Councillors be granted leave of absence for the period requested:

Cr Knight

Whiteman Ward 09 September 2022 to 18 September 2022 (inclusive)

(Cr Parry – Cr Zannino)

12. CONFIRMATION OF MINUTES

12.1 Confirmation of Minutes of Ordinary Meeting of Council held on 03 August 2022.

RESOLVED UNANIMOUSLY that the Minutes of the Ordinary Meeting of Council held on 03 August 2022 be confirmed.

(Cr Parry –Cr Jones)

12.2 Confirmation of Minutes of Special Meeting of Council held on 29 August 2022.

RESOLVED UNANIMOUSLY that the Minutes of the Special Meeting of Council held on 29 August 2022 be confirmed.

(Cr Parry - Cr Zannino)

SUSPENSION OF MEETING PROCEDURES LOCAL LAW 2019

RESOLVED (8/6) TO:

- 1) In accordance with Part 11 of the Meeting Procedures Local Law 2019, suspend clause 6.6 'Duration of Speeches' for the duration of the Ordinary Council Meeting of 7 September 2022 including any adjourned and reconvened meeting.
- 2) Note that where a provision of the local law has been suspended, the Presiding Member is to decide questions relating to the conduct of the meeting.

The reasons for the motion are:

1. To allow the Presiding Member the discretion, for the duration of the Ordinary Council Meeting of 7 September 2022, to determine the length of speeches during debate.
2. The Council needs to take reasonable steps to ensure that it completes the business on the September 2022 agenda.
3. Suspension of this clause of the Meeting Procedures Local Law 2019 will allow the Presiding Member the discretion to limit the length of speeches during debate as he considers appropriate.

(Cr Parry - Cr Congerton)

For: Crs Bowman, Congerton, Henderson Jones, Lucas, McCullough, Parry and Zannino

Against: Crs Catalano, Howlett, Johnson, Knight, Predovnik, and Richardson

RESOLVED UNANIMOUSLY TO:

- 1) Amend the order of business to deal with the following items first:
 - 3.1 We the People (WA) Inc Family Outreach Centre Midland - Request for Funding Support
 - 4.5 Amendment for Approval of Extractive Industry - Various Lots, Upper Swan (DA640-19-B)
 - 4.6 Filling of Land and Associated Retaining Walls (Existing) - Lot 259 (No.51) Jinda Road, Koongamia (DA281-21)

(Cr Bowman - Cr Jones)

PART B - REPORTS

3. COMMUNITY PLANNING AND DEVELOPMENT

3.1 WE THE PEOPLE (WA) INC FAMILY OUTREACH CENTRE MIDLAND - REQUEST FOR FUNDING SUPPORT

Ward: (All Wards) (Community and Libraries)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Community Wellbeing)

An attachment to this report is **CONFIDENTIAL** as it includes information regarding a contract which may be entered into by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed would reveal a trade secret or contains information about or of value to a person. Should Council seek to discuss the confidential information, Council should resolve to move behind closed doors.

RECOMMENDATION

That the Council resolve to:

- 1) Decline to contribute to the capital costs of refurbishing the building.
- 2) Advise the applicant that the City does not ordinarily contribute to the capital cost of refurbishing privately owned buildings unless there is a clear strategic imperative to do so, but that the applicant can seek support for the heritage building by contacting the State Government Heritage Grant Project Team to determine eligibility.

MOTION that the Council resolve to:

- 1) Contribute \$100,000 to year one and year two of the operational cost of delivering services from St. Brigid's Convent, Midland to disadvantaged families in the Midland area as per the service delivery model outlined in the report.
- 2) Require that the contribution in Part 1 of the resolution above, be subject to there being sufficient funding and revenue to operate the Family Outreach Centre as per the business model proposed in the report from the beginning of the year one funding.
- 3) Request an evaluation report from We the People at the end of the second year of operating on the impact of the new services.
- 4) State that the City fully supports the intent, methodology and outcomes being sought by the proposal and seeks support from other funding agencies to the proposal.

- 5) Record the reasons for changing the Officer Recommendation are that:
1. Services to disadvantaged families and children are urgently needed in the Midland area.
 2. This proposal will provide an evidence backed approach to improving outcomes for families.
 3. The City's funding will assist in seed funding the service delivery model for the first two years only.
 4. In addition, this proposal would see a significant heritage building refurbished and protected going forward.

(Cr Jones - Cr McCullough)

MOTION WAS PUT TO THE VOTE AND LOST (6/8)

For: Crs Bowman, Johnson, Jones, Knight, McCullough and Predovnik

Against: Crs Catalano, Congerton, Henderson, Howlett, Lucas, Parry, Richardson and Zannino

MOTION that the Council resolve to adopt the Officer recommendation.

(Cr Henderson - Cr Parry)

THE MOTION WAS PUT TO THE VOTE WHICH RESULTED IN AN EQUALITY OF VOTES (7/7)

For: Crs Catalano, Congerton, Henderson, Johnson, Lucas, Parry and Zannino

Against: Crs Bowman, Jones, Howlett, Knight, McCullough, Predovnik and Richardson

THE PRESIDING MEMBER EXERCISED HIS CASTING VOTE AND VOTED FOR THE MOTION

RESOLVED (8/7) TO:

- 1) Decline to contribute to the capital costs of refurbishing the building.
- 2) Advise the applicant that the City does not ordinarily contribute to the capital cost of refurbishing privately owned buildings unless there is a clear strategic imperative to do so, but that the applicant can seek support for the heritage building by contacting the State Government Heritage Grant Project Team to determine eligibility.

4. STATUTORY PLANNING

4.5 AMENDMENT FOR APPROVAL OF EXTRACTIVE INDUSTRY - VARIOUS LOTS, UPPER SWAN (DA640-19-B)

Ward: (Swan Valley/Gidgegannup Ward) (Statutory Planning)

Disclosure of Interest: Nil.

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Approve the request to amend Condition No.3 of DA-640/2019 to read as follows:
 3. *No more than 120,000 tonnes per annum of clay is permitted to be extracted from the site unless further approval is obtained from the City of Swan.*
- 2) All other conditions and all stamped approved plans of the previous planning approval remain valid and applicable.
- 3) Advise the applicant/ owner of the resolution of Council.

MOTION that the Council resolve to:

- 1) Approve the request to amend Condition 3 of DA-640/2019 to read as follows:
 3. *No more than 120,000 tonnes per annum of clay is permitted to be extracted from the site unless further approval is obtained from the City of Swan.*
- 2) Add a supplementary condition as follows:
 - a) *The applicant/owner(s) to undertake measures, to the satisfaction of the City of Swan to prevent sand blown off the existing perimeter bunding to the site becoming a nuisance to the surrounding locality.*
- 3) All other conditions and all stamped approved plans of the previous planning approval remain valid and applicable.
- 4) Advise the applicant/owner of the resolution of Council.
- 5) Record the reasons for changing the Officer Recommendation is to:
 1. Address amenity concerns with the issue of windblown sand as raised by the community.
 2. There needs to be further review of the current rehabilitation plan before finalising and that may invoke a further condition.

(Cr Henderson – Zannino)

Ordinary Meeting of Council
07 September 2022

RESOLVED (10/4)

For: Crs Bowman, Congerton, Henderson, Jones, Johnson, Lucas, McCullough, Parry, Predovnik, and Zannino

Against: Crs Catalano, Howlett, Knight and Richardson

**4.6 FILLING OF LAND AND ASSOCIATED RETAINING WALLS (EXISTING) -
LOT 259 (NO.51) JINDA ROAD, KOONGAMIA (DA281-21)**

Ward: (Midland/Guildford Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Approve the retrospective application for the Filling of Land and Associated Retaining Walls (Existing) at Lot 259 (No.51) Jinda Road, Koongamia subject to the following conditions:
 - (a) The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 - (b) All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan
- 2) Advise the Applicant, Owner and any submitters of Council's decision.

MOTION that the Council resolve to:

- 1) Not approve the retrospective application for the Filling of Land and Associated Retaining Walls at Lot 259 (No. 51) Jinda Road, Koongamia for the following reasons
 1. The existing works are not considered to fulfil the Design Principles of Design Element 5.3.7 of the Residential Design Codes of Western Australia pertaining to 'Site Works' because:
 - i. The development has not minimised the amount of fill required,
 - ii. The finished levels of the works do not respect the natural ground level at the boundary with No.49 Jinda Road, Koongamia instead providing an abrupt vertical transition at this boundary and
 - iii. The retaining wall and colorbond fence atop it present a detrimental visual impact to No.49 Jinda Road, Koongamia.

(Cr Johnson -Cr Bowman)

RESOLVED UNANOMOUSLY

PART A - OPENING PROCEDURES

13. ANY BUSINESS LEFT OVER FROM PREVIOUS MEETING

13.1 POTENTIAL ASSET DISPOSAL - LOTS 11 AND 12 (NOS.37-39) OLD GREAT NORTHERN HIGHWAY, MIDLAND (BANKWEST BUILDING)

This matter was deferred at the Ordinary Council Meeting held on 3 June 2020 until such time as City staff have concluded ongoing negotiations with a prospective tenant.

13.2 ADOPTION OF MORRISON ROAD LOCAL DEVELOPMENT PLAN

This matter was deferred at the Ordinary Council Meeting held on 23 September 2020 until such time as the City has conducted a heritage assessment of properties as previously agreed.

13.3 POLICY REVIEW - PROVISION OF PUBLIC ART

This matter was deferred at the Ordinary Council Meeting held on 7 July 2021 item to investigate opportunities for improvement of the Policy.

13.4 PROPOSED DEMOLITION OF SINGLE HOUSE AND REMOVAL OF NATIVE VEGETATION - LOTS 33 & 34 (NO. 7) FAUNTLEROY STREET, GUILDFORD (DA1069-21)

This matter was deferred at the Ordinary Council Meeting held on 6 April 2022 for the applicant to supply a structural condition assessment and replacement building plans as required by Policy PO-C-106 Local Planning Policy Guildford Conservation Precinct.

13.5 SOUTH GUILDFORD REPLACEMENT BMX TRACK

This matter was deferred at the Ordinary Council Meeting held on 6 April 2022 to a future Ordinary Meeting of Council, following receipt of Main Roads WA's (MRWA) designs for the grade separated intersection.

13.6 PROPOSED LOCAL STRUCTURE PLAN FOR HAZELMERE SPECIAL USE ZONE 16 (PRECINCT 3A) - LOTS 651 & 39 STIRLING CRESCENT, LOTS 58 & 83 BUSHMEAD ROAD AND LOT 93 HAZELMERE CIRCUS, HAZELMERE (SWAN-SP-2021-3)

This matter was deferred at the Ordinary Council Meeting held on 1 June 2022 to the Ordinary Council Meeting to be held on 3 August 2022 for the Hazelmere Progress Association to facilitate a public meeting and the applicant to provide an up to date traffic impact assessment.

Subsequent to the deferral of this item at the 1 June 2022 Ordinary Council Meeting, the City was advised that the applicant, whom lodged the structure plan, had ceased to act for the owner of Lot 651 whom had sold Lot 651 to another party. The new owner advised the City on 5 July 2022 that they did not wish to act as the applicant in advancing the proposed structure plan but they were selling the land and could not speak for the intentions of the potential buyer. City staff have discussed these circumstances with staff at the Department of Planning Lands and Heritage whom agree that the proposed structure plan should be held in abeyance unless and until a landowner is prepared to act as applicant.

13.7 PROPOSED EXTENSION TO TAVERN AND CONSTRUCTION OF 2M HIGH NOISE BARRIER WALLS - LOT 330 (NO. 322) ALEXANDER DRIVE, BALLAJURA (DA940-21)

This matter was deferred at the Ordinary Council Meeting held on 1 June 2022 in response to the applicants expressed intent to modify the current application to incorporate additional elements (car parking and play equipment).

13.8 ANNUAL REVIEW OF THE CITY'S DELEGATIONS REGISTER 2022

This matter was deferred at the Ordinary Council Meeting held on 6 July 2022, to be resubmitted to the Ordinary Council Meeting to be held on 7 September 2022.

A Council Briefing was conducted on 17 August 2022 and this item will now be resubmitted to the 2 November 2022 Ordinary Council Meeting

13.9 PROPOSED COMMUNITY PURPOSE - WOMEN'S REHABILITATION CENTRE - LOT 8 (NO.2118) GREAT NORTHERN HIGHWAY, BULLSBROOK (DA215-22)

This matter was deferred at the Ordinary Council meeting held on 6 July 2022 to the 7 September 2022 Ordinary Council Meeting.

13.10 GUILDFORD PARKING

Ward: (Midland/Guildford Ward) (Project Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Not proceed with the proposed bay delineations on Market Street (James to Helena), Stephen Street, Ethel Street, Stirling Street (Sutherland to Waylen), Hugh Street, Bertie Street, Waylen Street and Swan Street (Terrace to Waylen).
- 2) Approve the implementation of the proposed parking restrictions as per the attached parking restriction plans and note the reasons for the following changes:
 - a. Parking time limits increased from two hours to three hours between 8am and 5pm on Monday to Saturday, based on feedback; and
 - b. Reduction in Terrace Road parking extent due to properties having insufficient onsite parking capacity and being unable to undertake modifications for heritage reasons.
- 3) Continue to monitor the parking situation in Guildford to assess the effectiveness of controls.
- 4) Advise submitters accordingly.

MOTION that the Council resolve to adopt the Officer recommendation.

(Cr Parry - Cr Johnson)

RESOLVED UNANOMOUSLY

13.11 DRAFT POLICY - DEBT COLLECTION RATES AND SERVICES CHARGES

Ward: (All Wards) (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

Cr Catalano declared a direct financial interest in Item 13.11 – Draft Policy - Debt Collection Rates and Services Charges as she is employed by Midlas.

Cr Catalano left the Chamber at 7.02pm.

RECOMMENDATION

That the Council resolve to:

- 1) Adopt Policy POL-C-186 Debt Collection - Rates and Service Charges.
- 2) Support the establishment of a partnership arrangement with Midlas to facilitate improvements in assisting people in situations of vulnerability.

MOTION that the Council resolve to:

- 1) Adopt Policy POL-C-186 Debt Collection – Rates and Service Charges with the following amendments:
 - a. Change 10 working days in 5.3 to 20 working days before a Letter of Demand is issued by a debt collection agency.
 - b. Give the property owner 20 working days from the date of issue to comply with that Letter of Demand, instead of 10 working days.
 - c. The Final Reminder Notice and Letter of Demand are emailed to those registered for digital rates delivery.
 - d. A link to the National Debt Helpline is added to the rates page on the City's website.
- 2) Support the establishment of a partnership arrangement with Midlas to facilitate improvements in helping people in situations of vulnerability to manage their debts to the City.
- 3) Support the partnership arrangement to run as a pilot program, for 12 months and report to council at its completion.
- 4) Approve the City allocate up to \$5,000 budget to support the pilot program, which will include, taking referrals from the city and validating genuine cases of vulnerability.

5) Record the reasons for changing the Officer Recommendation:

1. That people are rarely able to see a financial counsellor straight away, 10 extra days gives people more time to enter into an acceptable payment plan or seek help from an accredited financial counsellor before the City starts legal action.
2. Allowing a bit more time in our process will strengthen the perception council is being fair and reasonable.

(Cr Predovnik - Cr Johnson)

RESOLVED (10/3)

For: Crs, Bowman, Henderson, Howlett, Jones Johnson, Knight, McCullough Predovnik, Richardson, and Zannino,

Against: Crs Congerton, Lucas and Parry

Cr Catalano entered the Chamber at 7.06pm.

13.12 POLICY REVIEW - ELECTION CARETAKER PROVISIONS

Ward: (All Wards) (Governance)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

RECOMMENDATION

That the Council resolve to:

- 1) Adopt the revised policy Pol-C-169 - Election Caretaker Provisions.

MOTION that the Council resolve to:

- 1) Adopt the revised policy Pol-C-169 – Election caretaker provisions with the following amendments:
 1. Delete clause 4.1 a) iv) - The CEO has the discretion to waive the implementation of particular clauses of this policy in the event of an extraordinary election if considers appropriate for the good governance of the community; and
 2. Replace Clause 4.1a) iv) with the following wording:-

Clauses 4.1a) ii) and iii) and 4.3 do not apply to an extraordinary local government election.
- 2) Record the reason for changing the Officer Recommendation is that the business of Council should not be interrupted or be required to be deferred due to an extraordinary election.

(Cr Bowman – Cr Howlett)

RESOLVED (8/6)

For: Crs Bowman, Catalano, Howlett, Jones, Johnson, Parry, Predovnik, and Zannino

Against: Crs Congerton, Henderson, Knight, Lucas, McCullough, Parry and Richardson

PART B - REPORTS

1. ADOPTION OF THOSE RECOMMENDATIONS CONTAINED IN ITEMS NOT WITHDRAWN

RESOLVED UNANIMOUSLY that the reports of Council in Part B and Part C of the Minutes not withdrawn be received and the recommendations therein adopted:

Part B

- 2.1 Asset Management Strategy
- 2.4 Policy Review - Friendship Agreements and Relationships
- 2.5 Policy Review - Public Open Space and Community Buildings
- 2.6 Policy Review - Graffiti Management
- 3.2 Swan Guildford Historical Society Funding Agreement
- 3.3 Midland Junction Arts Centre - Activation, Lease and Service Payment to Provide Community Arts Programs and Services (RFT22MS24)
- 4.1 Proposed Amendment No.211 to Local Planning Scheme No.17 - To Rezone John Septimus Roe Anglican School from 'Private Clubs and Institutions' to 'Residential Development' - Lot 24 Beechboro Road North and Lot 385 Blackboy Way, Beechboro (LPS17-211)
- 4.4 Responsible Authority Report - Mixed-Commercial Development (Gym, Showrooms, Fast Food Outlets, and Shop) - Lot 7385 The Promenade, Ellenbrook (DA380-22)
- 4.7 Carport (Existing) - Lot 312 (No.9) Fringe Lily Crescent, Ellenbrook (RCP039-22)
- 4.8 Statutory Planning Decisions Under Delegated Authority
- 5.1 Response to Petition - Haddrill Road and Campersic Road Intersection
- 5.3 Proposed Dedication of Land as Road - Portion of Lot 2 Adelaide Street, Hazelmere (Stirling Crescent Upgrade)
- 5.4 Hazelmere Specified Area Rate Upgrade Works
- 6.1 Annual Investment Strategy and Portfolio Review
- 6.2 List of Accounts Paid - July 2022
- 6.3 Financial Management Report for Period Ended 31 July 2022
- 6.4 Change in Basis of Valuation
- 7.1 Amendment to Terms of Reference – Audit Committee

Part C

C3.3 Acquisition by Agreement - Portion of Lot 5001 Talbot Road, Hazelmere
(Stirling Crescent Upgrade)

C3.4 Acquisition by Agreement - Portion of Lot 222 (No. 200) Henley Street,
Henley Brook (Henley Brook Avenue Extension)

C3.6 Midland Public Library Roof Replacement and Pop Up Library Lease

(Cr McCullough - Cr Parry)

2. CORPORATE PLANNING AND POLICY

2.1 ASSET MANAGEMENT STRATEGY

Ward: (All Wards) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Adopt the Asset Management Strategy.

CARRIED EN BLOC

2.4 POLICY REVIEW - FRIENDSHIP AGREEMENTS AND RELATIONSHIPS

Ward: (Not Applicable) (Communications and Engagement)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Place Stakeholder Engagement)

RECOMMENDATION

The Events and City Relationships Committee recommends the Council resolve to:

- 1) Adopt amended Policy POL-C-109 Friendship Agreements and Sister City Relationships.

CARRIED EN BLOC

2.5 POLICY REVIEW - PUBLIC OPEN SPACE AND COMMUNITY BUILDINGS

Ward: (All Wards) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Adopt revised Local Planning Policy POL-LP-1-12 Public Open Space and Community Buildings.

CARRIED EN BLOC

2.6 POLICY REVIEW - GRAFFITI MANAGEMENT

Ward: (All Wards) (Construction and Maintenance)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Adopt amended Policy POL-C-123 Graffiti Management.

CARRIED EN BLOC

3. COMMUNITY PLANNING AND DEVELOPMENT

3.2 SWAN GUILDFORD HISTORICAL SOCIETY FUNDING AGREEMENT

Ward: (Midland/Guildford Ward) (Business & Tourism Services)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Approve that the year three review of the recurrent funding support provided to the Swan Guildford Historical Society occurs at the conclusion of the 2022-2023 financial year.

CARRIED EN BLOC

3.3 MIDLAND JUNCTION ARTS CENTRE - ACTIVATION, LEASE AND SERVICE PAYMENT TO PROVIDE COMMUNITY ARTS PROGRAMS AND SERVICES (RFT22MS24)

Ward: (Midland/Guildford Ward) (Community and Libraries)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Community Wellbeing)

An attachment to this report is **CONFIDENTIAL** as it includes information regarding a contract which may be entered into by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed would reveal a trade secret or contains information about or of value to a person. Should Council seek to discuss the confidential information, Council should resolve to move behind closed doors.

RECOMMENDATION

That the Council resolve to:

- 1) Select Mundaring Arts Centre Incorporated as the preferred tenderer for the six days per week service delivery option as outlined in the report.
- 2) Allow the option to extend the contract.

CARRIED EN BLOC

4. STATUTORY PLANNING

4.1 PROPOSED AMENDMENT NO.211 TO LOCAL PLANNING SCHEME NO.17 - TO REZONE JOHN SEPTIMUS ROE ANGLICAN SCHOOL FROM 'PRIVATE CLUBS AND INSTITUTIONS' TO 'RESIDENTIAL DEVELOPMENT' - LOT 24 BEECHBORO ROAD NORTH AND LOT 385 BLACKBOY WAY, BEECHBORO (LPS17-211)

Ward: (Altone Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Support the initiation of Amendment No.211 to Local Planning Scheme No.17 to:
 - a. Amend the scheme maps to rezone Lot 24 Beechboro Road North and Lot 385 Blackboy Way, Beechboro from 'Private Clubs and Institutions' to 'Residential Development'.
- 2) Inform the Western Australian Planning Commission and the Minister for Planning that the Council considers the proposed amendment to be a 'standard amendment' for the following reason:
 - a. It is an amendment that will result in a local zone consistent with the region planning scheme that applies to the land but is not considered a 'basic amendment' because the proposed zoning change is considered to have more than a minimal effect on landowners and the scheme.
- 3) Refer the proposed amendment to the Environmental Protection Authority for consent to advertise and once consent is given, commence advertising in accordance with the procedures set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED EN BLOC

**4.4 RESPONSIBLE AUTHORITY REPORT - MIXED-COMMERCIAL
DEVELOPMENT (GYM, SHOWROOMS, FAST FOOD OUTLETS, AND SHOP) -
LOT 7385 THE PROMENADE, ELLENBROOK (DA380-22)**

Ward: (Pearce Ward) (Statutory Planning)

Disclosure of Interest: Nil.

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Endorse the Officer's Recommendation on the application to the Metro Outer Joint Development Assessment Panel.

CARRIED EN BLOC

**4.7 CARPORT (EXISTING) - LOT 312 (NO.9) FRINGE LILY CRESCENT,
ELLENBROOK (RCP039-22)**

Ward: (Pearce Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Refuse the variations to the 'deemed-to-comply' requirements of the Residential Design Codes of Western Australia with respect to the existing Carport at Lot 312 (No.9) Fringe Lily Crescent, Ellenbrook for the following reason:
 - 1) The existing Carport does not satisfy the 'Design Principles' of the Residential Design Codes of Western Australia. The existing Carport presents as a discordant feature in the prevailing streetscape and fails to make a positive contribution to the appearance of the street and the dwelling due to its siting, materiality and design.
- 2) Advise the applicant and the owners of the resolution of Council

CARRIED EN BLOC

4.8 STATUTORY PLANNING DECISIONS UNDER DELEGATED AUTHORITY

Ward: (All Wards) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Note the list of Statutory Planning decisions made under delegated authority for the period 19 July 2022 to 17 August 2022.

CARRIED EN BLOC

5. CORPORATE PLANNING AND POLICY

5.1 RESPONSE TO PETITION - HADDRILL ROAD AND CAMPERSIC ROAD INTERSECTION

Ward: (Swan Valley/Gidgegannup Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Note that an assessment to improve the safety at the Haddrill Road and Campersic Road intersection has occurred.
- 2) Note that a speed review has been undertaken by Main Roads WA that proposes the entire length of Campersic Road will be posted 70km/h.
- 3) Continue with the community consultation and delivery of the intersection improvements; kerb realignments, pavement widening, street lighting and the installation of a blister island.
- 4) Approve the following Budget Adjustments:
 - a. Transfer \$90,000 of Roads to Recovery Funding from the "Local Roads Program" to "Haddrill and Campersic" to cover the cost increase.
 - b. Transfer \$90,000 of Municipal Funding from "Stafford Court, Midland" to the "Local Roads Program" to balance the total funding within the "Local Roads Program".
- 5) Advise the petition organiser accordingly.

CARRIED EN BLOC

**5.3 PROPOSED DEDICATION OF LAND AS ROAD - PORTION OF LOT 2
ADELAIDE STREET, HAZELMERE (STIRLING CRESCENT UPGRADE)**

Ward: (Midland/Guildford Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Request the Minister for Lands, in accordance with section 56 of the *Land Administration Act 1997*, to dedicate as public road the portion of land required from the following property:
 - Lot 2 Adelaide Street, Hazelmere
- 2) Indemnify the Minister for Lands against any costs or claims that may arise as a result of the dedication of the lot identify above in accordance with section 56 (4) of the *Land Administration Act 1997*.

CARRIED EN BLOC

5.4 HAZELMERE SPECIFIED AREA RATE UPGRADE WORKS

Ward: (Midland/Guildford Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Add the Hazelmere Hazelmere Specified Area Rate project to the 2022/23 Capital Works Program to include planning, design, service relocation and land acquisition.
- 2) Approve a budget adjustment for \$260,000 from the "Hazelmere Industrial Area Infrastructure Reserve" to conduct service relocation works within 2022/23.

CARRIED EN BLOC

6. FINANCIAL AND LEGAL MATTERS

6.1 ANNUAL INVESTMENT STRATEGY AND PORTFOLIO REVIEW

Ward: (All Wards) (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Note and receive the Annual Investment Strategy and Portfolio Review for the 2021/22 financial year.

CARRIED EN BLOC

6.2 LIST OF ACCOUNTS PAID - JULY 2022

Ward: (All Wards) (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Note the Chief Executive Officer's list of accounts paid under delegated authority for July 2022, in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996.

CARRIED EN BLOC

6.3 FINANCIAL MANAGEMENT REPORT FOR PERIOD ENDED 31 JULY 2022

Ward: (All Wards) (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Note the financial statements and report for the month ended 31 July 2022 in accordance with regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

CARRIED EN BLOC

6.4 CHANGE IN BASIS OF VALUATION

Ward: (All Wards) (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Request the Minister for Local Government to approve the change to the method of valuation of the land areas referred to in this report from unimproved values to gross rental values, in accordance with section 6.28 of the *Local Government Act 1995*.

A. Lot 231 on Plan 3598 - 450 Padbury Avenue, HERNE HILL WA 6056

CARRIED EN BLOC

7. GOVERNANCE

7.1 AMENDMENT TO TERMS OF REFERENCE - AUDIT COMMITTEE

Ward: (Not Applicable) (Governance)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

RECOMMENDATION

That Audit Committee recommends the Council resolve to:

- 1) Approve the amended Audit Committee Terms of Reference, as recommended by the Audit Committee at the meeting held on 16 August 2022.

CARRIED EN BLOC

PART C - OTHER BUSINESS AND CLOSING PROCEDURES

3. CONFIDENTIAL ITEMS

C3.3 ACQUISITION BY AGREEMENT - PORTION OF LOT 5001 TALBOT ROAD, HAZELMERE (STIRLING CRESCENT UPGRADE)

Ward: (Midland/Guildford Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting
- (h) such other matters as may be prescribed

(Regulation 4A of the *Local Government (Administration) Regulations 1996* - The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter)

RECOMMENDATION

That the Council resolve to:

- 1) Accept the landowner's compensation claim for the amount specified in the report, as settlement in full for the acquisition of approximately a 1852m² portion of Lot 5001 on Deposited Plan 67434, also known as Lot 5001 Talbot Road, Hazelmere, as depicted on the attached Land Requirement Plan marked Drawing No: 987-18/19-LRE-0001 Rev No. 4 and shown in black hatching identified as 'Future Road Widening' in Detail 'A'.
- 2) Accept the Additional Item of \$7,500 for the Valuation Report.
- 3) Authorise the CEO to approve variances up to a value of 5% to allow for changes regarding land area or costs associated with the land acquisition.
- 4) Request the Minister for Lands to cease the compulsory acquisition of the subject portion of Lot 5001 Talbot Road.
- 5) Authorise the CEO to finalise the land acquisition in accordance with section 168 of the *Land Administration Act 1997*.

CARRIED EN BLOC

C3.4 ACQUISITION BY AGREEMENT - PORTION OF LOT 222 (NO. 200) HENLEY STREET, HENLEY BROOK (HENLEY BROOK AVENUE EXTENSION)

Ward: (Swan Valley/Gidgegannup Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting
- (h) such other matters as may be prescribed

(Regulation 4A of the *Local Government (Administration) Regulations 1996* - The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter)

RECOMMENDATION

That the Council resolve to:

- 1) Accept the landowner's compensation claim for the amount identified within the report as settlement in full for the acquisition of approximately 212m² of Lot 222 on Deposited Plan 405951, also known as 200 Henley Street, Henley Brook, as depicted on the attached Land Requirement Plan marked Drawing No: 2089-18/19-LRE-0007, shown in black hatching identified as 'Future Road Widening' in Detail 'A'.
- 2) Authorise the CEO to approve variances up to a value of 5% to allow for changes regarding land area or costs associated with the land acquisition.
- 3) Authorise the CEO to finalise the land acquisition in accordance with section 168 of the *Land Administration Act 1997*.

CARRIED EN BLOC

C3.6 MIDLAND PUBLIC LIBRARY ROOF REPLACEMENT AND POP UP LIBRARY LEASE

Ward: (Midland/Guildford Ward) (Project Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

RECOMMENDATION

That the Council resolve to:

- 1) Proceed with Option 2 for the full replacement of the roof structure.
- 2) Extend the Lease for 11 The Avenue, Midland through to 30 June 2024.
- 3) Approve the additional leasing costs and outgoings for 2022/23, and allocate \$143,350 at the mid-year budget review in the event that the costs are not covered by LGIS, and allocate additional funding required to finalise the project as part of the 2023/24 draft budget.

CARRIED EN BLOC

RESOLVED UNANIMOUSLY TO:

- 1) Amend the order of business to deal with the following items:
 - 4.2 State Administrative Tribunal Request to Reconsider - Proposed Tavern - Lot 326 (No.5) Action Road, Malaga (DA247-21)
 - 7.2 Extraordinary Election - Altone Ward
 - C3.2 Commercial Lease - Lot 100 (No.106) Morrison Road, Midland
 - C3.7 Sale of Proposed Lot 811 Junction Parade, Midland
 - C3.1 Elvire Chalets Expressions of Interest - Lot 5 (No.13) Elvire Street, Viveash
- (Cr Parry – Cr Zannino)

PART B - REPORTS

4. STATUTORY PLANNING

4.2 STATE ADMINISTRATIVE TRIBUNAL REQUEST TO RECONSIDER - PROPOSED TAVERN - LOT 326 (NO.5) ACTION ROAD, MALAGA (DA247-21)

Ward: (Whiteman Ward) (Statutory Planning)

Disclosure of Interest: Nil.

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Approve the proposed Tavern at Lot 326 (No.5) Action Road, Malaga and the use of parking at Lot 327 (No.2) Pavers Circle, Malaga subject to the following conditions:
 1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 2. This approval is for 'Tavern' as defined in the City of Swan Local Planning Scheme No.17. This is in addition to the existing 'Industry-General' approved land use.
 3. A maximum of 35 patrons and one (1) staff member are permitted onsite at any one time.
 4. Prior to the operation of the facility as a Tavern, the applicant/owner is to prepare and submit to the City for approval, a detailed Footpath and Bollard Plan. The Footpath and Bollard Plan must ensure that the bollards are installed adjacent to the road reserve and the footpath constructed behind the bollards on the southern side of Action Road/Pavers Circle extending from the western boundary of No.9 Action Road to the southern crossover of No.2 Pavers Circle.
 5. Prior to the operation of the facility as a Tavern, the applicant/owner is to, at their cost, construct and install the approved footpath and bollards to the satisfaction of the City of Swan.

6. Hours of operation for the 'Tavern' are limited to:
 - a. Between 5:30pm and 10.00pm on Monday to Friday;
 - b. Between 12 noon and 10.00pm on Saturdays; and
 - c. Between 12 noon and 8.00pm on Sundays.
 7. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
 8. The westernmost parking bay on Lot 326 (No.5) Action Road, Malaga being removed, and the associated areas converted to a turnaround bay.
 9. Sixteen on-site parking bays must be made available at Lot 326 (No.5) Action Road, Malaga at all times for vehicles and not be used for storage of machinery or goods.
 10. All vehicles attending the site are to exit in forward gear.
 11. Refuse bin areas adequate to service the development must be provided to the satisfaction of the City of Swan prior to occupation or use of development.
- 2) Advise the applicant/owner and submitters of Council's decision.

MOTION that the Council resolve to:

- 1) Defer consideration of the application to a subsequent Ordinary Meeting of Council, the date of which will be determined by the State Administrative Tribunal, in order for the applicant to revise and resubmit the application as per their request.

(Cr Parry - Cr Congerton)

RESOLVED UNANOMOUSLY

7. GOVERNANCE

7.2 EXTRAORDINARY ELECTION - ALTONE WARD

Ward: (Altone Ward) (Governance)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

RECOMMENDATION

That the Council resolve to:

- 1) Set the date for the 2022 City of Swan extraordinary local government election for the Altone Ward for Friday 2 December 2022 in accordance with section 4.9 of the *Local Government Act 1995*.
- 2) Declare in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the extraordinary election for the Altone Ward.
- 3) Decide in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election for the Altone Ward will be as a postal election.
- 4) Authorise the CEO to allocate \$66,000 from the City's municipal funds opening position for an additional purpose - extraordinary election 2022 - Altone Ward.
- 5) Appoint a Councillor member to vacant Committee positions at the first ordinary Council meeting after election of the successful candidate.

MOTION that the Council resolve to:

- 1) Request the CEO first write on its behalf to the Minister for Local Government to consider exercising any powers he may have to allow for the vacancy to remain on the commitment that the City of Swan undertake a ward boundary review to reduce the number of Councillors to 14.
- 2) Set the date for the 2022 City of Swan extraordinary local government election for the Altone Ward for Friday 9 December 2022 in accordance with section 4.9 of the *Local Government Act 1995*.
- 3) Declare in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the extraordinary election for the Altone Ward.
- 4) Decide in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election for the Altone Ward will be as a postal election.

- 5) Authorise the CEO to allocate \$66,000 from the City's municipal funds opening position for an additional purpose - extraordinary election 2022 - Altone Ward.
- 6) Appoint a Councillor member to vacant Committee positions
- 7) Record the reasons for changing the Officer Recommendation are that:
 1. The proposed changes to the legislation will require the City of Swan to reduce the number of Councillors to 14. If there is any power that allows the minister to approve for the vacancy to remain the City should seek this to save \$66,000 of unbudgeted ratepayers funds.
 2. The change from 2 December to 9 December allows 1 week for the CEO to communicate with the Minister on this matter.

(Cr Bowman - Cr Jones)

MOTION WAS PUT TO THE VOTE AND LOST (4/10)

For: Crs Bowman, Jones, Mc Cullough. and Predovnik

Against: Crs Catalano, Congerton, Henderson, Howlett, Johnson, Knight, Lucas, Parry, Richardson and Zannino

Cr Parry left the Chamber at 7.21pm

Cr Parry entered the Chamber at 7.23pm

MOTION that the Council resolve to:

- 1) Set the date for the 2022 City of Swan extraordinary local government election for the Altone Ward for Saturday 3 December 2022 in accordance with section 4.9 of the *Local Government Act 1995*.
- 2) Declare in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the extraordinary election for the Altone Ward.
- 3) Decide in accordance with section 4.61(1) of the *Local Government Act 1995*, that the method of conducting the election for the Altone Ward will be as a voting in person election.
- 4) Authorise the CEO to allocate an estimated amount of \$30,000 from the City's municipal funds opening position for an additional purpose - extraordinary election 2022 - Altone Ward.
- 5) Appoint a Councillor member to vacant Committee positions at the first ordinary Council meeting after election of the successful candidate.

- 6) Record the reasons for changing the Officer Recommendation are that:
1. An in person election will cost less than a postal election and as this is an unbudgeted item, the City should look at the lowest cost option available.
 2. The change of date to 3 December 2022 is to maximise the period within which the extraordinary election can be held.

(Cr Parry - Cr Congerton)

RESOLVED 8/6

For: Crs Bowman, Congerton, Henderson, Jones, Lucas, Parry, McCullough and Zannino

Against: Crs Catalano, Howlett, Johnson, Knight, Predovnik and Richardson

PART C - OTHER BUSINESS AND CLOSING PROCEDURES

RESOLVED UNANIMOUSLY that the Council meet behind closed doors, having regard to the provisions of s.5.23(2) of the *Local Government Act 1995*.

(Cr Parry - Cr Jones)

All members of the public and media left the Chamber at 7.41pm and did not return.

3. CONFIDENTIAL ITEMS

C3.2 COMMERCIAL LEASE - LOT 100 (NO.106) MORRISON ROAD, MIDLAND

Ward: (Midland/Guildford Ward) (Business & Tourism Services)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting
- (h) such other matters as may be prescribed -

(Regulation 4A of the Local Government (Administration) Regulations 1996 – The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter)

RECOMMENDATION

That the Council resolve to:

- 1) Authorise the Chief Executive Officer to sign the proposed lease of Lot 100 (No.106) Morrison Road, Midland in accordance with the terms contained within the lease agreement, as outlined in this report, with a commencement date of 1 October 2022.

MOTION that the Council resolve to:

- 1) Authorise the CEO to sign the proposed lease of Lot 100 (No 106) Morrison Road, Midland for the period of two (2) years only, but otherwise in accordance with the terms contained within the lease agreement, as outlined in this report, with a commencement date of 1 October 2022.
- 2) Record the reason for changing the Officers Recommendation is that the future of the Midland Oval/New Junction Precinct has not been finalised by Council and thus the City should enter into no extended agreements until Council has agreed on the way forward.

(Cr Catalano - Cr Johnson)

Cr McCullough left the Chamber at 7.44pm

Cr McCullough returned to the Chamber at 7.46pm

FORESHADOWED MOTION:

In the event of the motion being defeated, Cr Bowman foreshadowed that he would move the Officer Recommendation.

MOTION WAS PUT TO THE VOTE AND LOST (5/9)

For: Crs Catalano, Johnson, Howlett, Knight and Richardson

Against: Crs Bowman, Congerton, Henderson, Jones, Lucas, McCullough, Parry, Predovnik and Zannino

MOTION that the Council resolve to adopt the Officer recommendation.

(Cr Bowman – Cr McCullough)

RESOLVED (10/4) TO:

- 1) Authorise the Chief Executive Officer to sign the proposed lease of Lot 100 (No.106) Morrison Road, Midland in accordance with the terms contained within the lease agreement, as outlined in this report, with a commencement date of 1 October 2022.

For: Crs Bowman, Congerton, Henderson, Johnson, Jones, Lucas, McCullough, Parry, Predovnik and Zannino

Against: Crs Catalano, Howlett, Knight and Richardson

The Presiding Member adjourned the meeting for a short recess at 7.56pm.

The Presiding Member resumed the meeting at 8.07pm.

C3.7 SALE OF PROPOSED LOT 811 JUNCTION PARADE, MIDLAND

Ward: (Midland/Guildford Ward) (Business & Tourism Services)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (e) a matter that if disclosed, would reveal -
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person

where the trade secret or information is held by, or is about, a person other than the local government;

- (h) such other matters as may be prescribed -

(Regulation 4A of the *Local Government (Administration) Regulations 1996* – The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter)

RECOMMENDATION:

That the Council resolve to:

- 1) Adopt the Proposed Course of Action 2, as detailed in the report.

MOTION that the Council resolve to:

- 1) Adopt Proposed Course of Action 1 to accept the Letter of Offer from the Proponent to purchase Lot 811 Junction Parade through a Heads of Agreement and proceed with the clearing of Subdivision Conditions subject to the following amendments:
 - a. In Part 1)
The purchase price to be as per the price contained within the Letter of Offer to Purchase or within 6.5% variance of a valid independent valuation required at the the time of signing the option to purchase.
 - b. In Part 3)
The purchase price to be as per a. above
 - c. Insert a new Part 4)
The Proponent agree to construct, and maintain for a period of 5 years, the residential park to the satisfaction of the City and incorporate the heritage buildings at 43 and 45 Sayer Street in the park.
 - d. Renumber Parts 4) to 10) accordingly.
- 2) Note the Financial Implications will be amended as follows:
 - a) Remove \$100,000 demolition cost of 43 and 45 Sayer Street.
 - b) Remove \$2,946,800 construction of Residential Park
- 3) Record the reasons for changing the Officer Recommendation that:
 1. The proposed Lot 811 forms part of the subdivision approved by the West Australian Planning Commission in November 2020 and is consistent with the adopted Midland Oval Redevelopment Master Plan.
 2. This approach will continue momentum to development and give the applicant confidence to continue with their due diligence.

(Cr Congerton - Cr Parry)

RESOLVED 8/6 TO:

- 1) That the motion lie on the table, to be bought back to Council at the earliest opportunity.

(Cr Bowman – Cr Johnson)

For: Crs Bowman, Congerton, Henderson, Howlett, Johnson, Parry, Predovnik and Richardson

Against: Crs Catalano, Jones, Knight, Lucas, McCullough and Zannino

C3.1 ELVIRE CHALETS EXPRESSIONS OF INTEREST - LOT 5 (NO.13) ELVIRE STREET, VIVEASH

Ward: (Midland/Guildford Ward) (Business & Tourism Services)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (e) a matter that if disclosed, would reveal -
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person

where the trade secret or information is held by, or is about, a person other than the local government;

RECOMMENDATION

That the Council resolve:

- 1) To invite representatives from the two shortlisted compliant submissions to present their proposals to a Council briefing session outlining the topic:
 - a. details of their company profile,
 - b. intentions to comply with the planning controls,
 - c. broad plans for the subject site including timing of any development, and
 - d. treatment of current residents.
- 2) Following the Council briefing session, staff to prepare a report for submission to Council with recommendation of the preferred proponent. Final recommendation to include a review of the financial capacity of the preferred proponent as part of the Council report.

MOTION that the Council resolve to:

- 1) Note that:
 - a) Over 8 years have passed since the Council decided to demolish the Elvire chalets and progress with an aged care development on this site.
 - b) There has been no significant progress towards this objective.
 - c) The Elvire Chalets were built to provide low cost accommodation for people on low incomes in their retirement years.
 - d) There are very few residents remaining and many of the chalets are empty
 - e) There is a shortage of low cost accommodation in the Perth Metropolitan area
- 2) To advise the EOI respondents that the City has decided to discontinue the EOI process as the offers received are significantly below the market price of land in Viveash.
- 3) For the City to report on an estimated cost to remediate the Elvire Chalets so that they can be let at a market price rental and the report to include a cost benefit analysis.
- 4) Record the reasons for changing the Officer Recommendation are that:
 1. Vacant land in Viveash is selling at indicative prices that are higher than the highest offer (per square metre) received through the EOI process. Therefore, it would not be prudent to sell the land so much below market price. There is a shortage of affordable accommodation in the Perth Metro area and the remediated chalets could contribute to the provision of affordable accommodation. There needs to be a financial analysis that determines if the chalets can be put back to use as low cost accommodation. Council needs to make decisions that are in the best interests of the residents, ratepayers and electors.

(Cr Johnson – Cr Knight)

Cr Parry left the Chamber at 9.39pm

Cr Parry entered the Chamber at 9.40pm

FORESHADOWED MOTION:

In the event of the motion being defeated, Cr Bowman foreshadowed that he would move the Officer Recommendation.

MOTION WAS PUT TO THE VOTE AND LOST (4/10)

For: Crs Catalano, Johnson, Knight and Richardson

Against: Crs Bowman, Congerton, Henderson, Howlett, Jones, Lucas, McCullough, Parry, Predovnik and Zannino

MOTION that the Council resolve to adopt the Officer recommendation subject to:

1. A site inspection being held prior to the two shortlisted compliant submissions being to presented to a Council briefing session
2. A second independent valuation being obtained.

(Cr Bowman – Cr Henderson)

RESOLVED (11/3) TO:

- 1) To invite representatives from the two shortlisted compliant submissions to present their proposals to a Council briefing session outlining the topic:
 - a. details of their company profile,
 - b. intentions to comply with the planning controls,
 - c. broad plans for the subject site including timing of any development, and
 - d. treatment of current residents.
- 2) Prior to the two shortlisted compliant submissions being presented to a Council briefing session, conduct a site inspection.
- 3) Following the Council briefing session, staff to prepare a report for submission to Council with recommendation of the preferred proponent. As part of the final Council report the following are to be included:
 1. A review of the financial capacity of the preferred proponent, and
 2. A second independent valuation.

For: Crs Bowman, Congerton, Henderson, Howlett, Jones, Lucas, McCullough, Parry, Predovnik, Ricardson and Zannino

Against: Crs Catalano, Johnson and Knight

RESOLVED UNANIMOUSLY that the Council no longer meet behind closed doors.

(Cr Jones - Cr Parry)

PART B - REPORTS

4. STATUTORY PLANNING

4.3 RESPONSIBLE AUTHORITY REPORT - TWO-STOREY MIXED-COMMERCIAL DEVELOPMENT - LOT 8336 (NO.151) THE PROMENADE, ELLENBROOK (DA296-22)

Ward: (Pearce Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Endorse the Officer's Recommendation for the application to the Metro Outer Joint Development Assessment Panel to approve the development application subject to conditions.

MOTION that the Council resolve to adopt the Officer recommendation.

(Cr Parry - Cr Congerton)

RESOLVED (10/4)

For: Crs Catalano, Congerton, Henderson, Jones, Johnson, Knight, McCullough, Parry Predovnik and Zannino

Against: Crs Bowman, Howlett, Lucas and Richardson

ADJOURNMENT

MOTION that the Council resolve to adjourn the Ordinary Meeting of Council until Wednesday, September 14 at 6pm.

(Cr Congerton - Cr Parry)

RESOLVED UNANIMOUSLY TO:

- 1) Adjourn the Ordinary Meeting of Council until Wednesday, September 14 at 6pm.

THE MEETING WAS ADJOURNED AT 10.15PM

MEETING RECONVENED

MINUTES OF THE RECONVENED ORDINARY MEETING OF COUNCIL

HELD AT MIDLAND TOWN HALL

ON WEDNESDAY 7 SEPTEMBER 2022 COMMENCING AT 6PM

OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed those present and opened the meeting at 6pm.

Acknowledgement of Country

The City of Swan acknowledges the Traditional Custodians of this region, the Whadjuk people of the Noongar Nation and their continuing connection to the land, waters and community. We pay our respects to Elders past and present, and their descendants.

ATTENDANCE AND APOLOGIES

Councillors:	Cr D Lucas	Mayor, Altone Ward (Presiding Member)
	Cr M Congerton	Deputy Mayor, Whiteman Ward
	Cr J Catalano	Altone Ward
	Cr S Howlett	Midland/Guildford Ward
	Cr I Johnson	Midland/Guildford Ward
	Cr R Predovnik	Midland/Guildford Ward
	Cr A Bowman	Pearce Ward
	Cr P Jones	Pearce Ward
	Cr C McCullough	Pearce Ward
	Cr R Henderson	Swan Valley/Gidgegannup Ward
	Cr C Zannino	Swan Valley/Gidgegannup Ward
	Cr D Knight	Whiteman Ward
	Cr B Parry	Whiteman Ward (from 6.49pm)
Staff:	Mr C Frewing	Chief Executive Officer
	Mr J Coten	Executive Manager Operations
	Mrs K Leahy	Executive Manager Corporate
	Ms M Pickering	Executive Manager Place Stakeholder Engagement
	Mr L van der Linde	Executive Manager Planning & Development
	Ms V Hodgins	A/Manager Governance
	Ms M Dwyer	Senior Governance Officer
	Mrs K Cameron	Governance Officer (Minute Clerk)
Leave of Absence:	Cr D Knight	Whiteman Ward
Apolo- gies:	Cr T Richardson	Pearce Ward
	Mr M Bishop	Executive Manager Community Wellbeing
Members of the Public:	Nil	
Media:	Nil	

PART B - REPORTS

2. CORPORATE PLANNING AND POLICY

2.2 DRAFT ADVOCACY PRIORITY LIST 2022-23

Ward: (All Wards) (Executive)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Place Stakeholder Engagement)

RECOMMENDATION

That the Council resolve to:

- 1) Endorse the draft 2022-23 Advocacy Priority List

MOTION that the Council resolve to:

- 1) Endorse the draft 2022-23 Advocacy Priority List with the following amendments:
 1. Under Regional Advocacy Priorities, Social, amend Improved mobile phone and NBN coverage in Gidgegannup as per the Wooroloo Fire review recommendations so that it reads:

‘Implementation of a NBN Business Fibre zone in the *Swan Valley Planning Act* area to facilitate the regional significant tourism and viticulture activities/business promoted through the *Act* and improved mobile phone and NBN coverage in Gidgegannup as per the Wooroloo Fire review recommendations and to any and across the City where there are community concerns with coverage (including but not limited to the new suburbs of Caversham and Dayton)’.
 2. Reword the comment listed under “Background” for the second priority listed under “Natural Environment” to read:

Improvements to the Planning Regulations is an ongoing process that the City is actively involved in with the State Government in its endeavours to improve the liveability of new urban areas. The City’s advocacy input should support a practical approach to facilitate the retention of significant existing native canopy trees to mitigate against the heat island effect created by typical higher density greenfield developments in urban growth areas.
- 2) Authorise the CEO to make any minor changes (such as changes to electorates noted) before the document is finalised.
- 3) Record the reasons for changing the Officer Recommendation are:

1. To address the NBN's oversight of the *Swan Valley Planning Act* area as a State significant strategic employment and tourism node when they identified and planned the National NBN Business Fibre Nodes.
2. Many residents and ratepayers in the City, in particular the growth corridor suburbs of Caversham and Dayton are a recognised black spot for mobile and internet coverage
3. To clarify the intended focus of any modifications to the Liveable Neighbourhoods and subsequent modifications to the planning regulations.

(Cr Henderson - Cr Zannino)

AMENDMENT TO THE MOTION

- 1) Add the construction of a pedestrian underpass under the Great Eastern Highway, Helena River Bridge and connecting pathways on the south bank of the Helena River to the City's Advocacy List.
- 2) Record the reasons for the Amendment is the proposed underpass is a high priority for the South Guildford community for reasons of safety, health, wellbeing and amenity and a petition of 192 signatures requesting the underpass was received by Council in February 2019 and this underpass has been on the City advocacy priority list since June 2019.

(Cr Johnson – Cr Howlett)

THE AMENDMENT WAS PUT TO THE VOTE AND LOST (4/7)

For: Crs, Catalano, Howlett, Johnson and Predovnik

Against: Crs Bowman, Congerton, Henderson, Jones, Lucas, McCullough and Zannino

RESOLVED (8/3) TO:

- 1) Endorse the draft 2022-23 Advocacy Priority List with the following amendments:
 1. Under Regional Advocacy Priorities, Social, amend Improved mobile phone and NBN coverage in Gidgegannup as per the Wooroloo Fire review recommendations so that it reads:

‘Implementation of a NBN Business Fibre zone in the *Swan Valley Planning Act* area to facilitate the regional significant tourism and viticulture activities/business promoted through the *Act* and improved mobile phone and NBN coverage in Gidgegannup as per the Wooroloo Fire review recommendations and to any and across the City where there are community concerns with coverage (including but not limited to the new suburbs of Caversham and Dayton)’.
 2. Reword the comment listed under “Background” for the second priority listed under “Natural Environment” to read:

Improvements to the Planning Regulations is an ongoing process that the City is actively involved in with the State Government in its endeavours to improve the liveability of new urban areas. The City’s advocacy input should support a practical approach to facilitate the retention of significant existing native canopy trees to mitigate against the heat island effect created by typical higher density greenfield developments in urban growth areas.
- 2) Authorise the CEO to make any minor changes (such as changes to electorates noted) before the document is finalised.
- 3) Record the reasons for changing the Officer Recommendation are:
 1. To address the NBN’s oversight of the *Swan Valley Planning Act* area as a State significant strategic employment and tourism node when they identified and planned the National NBN Business Fibre Nodes.
 2. Many residents and ratepayers in the City, in particular the growth corridor suburbs of Caversham and Dayton are a recognised black spot for mobile and internet coverage
 3. To clarify the intended focus of any modifications to the Liveable Neighbourhoods and subsequent modifications to the planning regulations.

For: Crs Bowman, Congerton, Henderson, Jones, Lucas, Predovnik, McCullough and Zannino

Against: Crs Catalano, Howlett and Johnson

2.3 POLICY REVIEW - PUBLIC ART

Ward: (All Wards) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Approve the continuation of Policy POL-C-142 Public Art, with no amendment.

MOTION that the Council resolve to:

- 1) Request the CEO to further develop Policy Pol-C-142 Public Art to allow for a greater level of guidance.
- 2) Record the reasons for changing the Officer Recommendation are that:
 1. Council Policies are high-level statements articulating the intent of the Council's strategic objectives and provides high level guidance for the Administration. A well developed policy provide the Council and staff with the ability and direction to make decisions that are considered to be consistent and unbiased. A policy can also provide detail on the manner in which the City undertakes, or requires others to undertake, certain works or activities.
 2. The current policy does not provide for this.

(Cr Bowman - Cr Jones)

RESOLVED (10/1)

For: Crs Bowman, Catalano, Congerton, Henderson, Howlett, Jones, Lucas, McCullough Predovnik and Zannino

Against: Cr Johnson

2.7 POLICY REVIEW - INVESTMENT OF SURPLUS FUNDS

Ward: (Not Applicable) (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Approve the continuation of POL-C-018 Investment of Surplus Funds, with no amendment.

MOTION that the Council resolve to:

- 1) Adopt policy POL-C-018 Investment of Surplus Funds, subject to the following amendment:

Policy statement

With due consideration to the investment objectives as outlined in this policy, providing that such investments/deposits are authorized, meet the risk ratings and diversification tests outlined in this policy, the City will ensure its financial investments consider ethical, social and environmental aspects, by investing in non-fossil fuel products, Green Term Deposits and Term Deposits with Environmental, Social and Governance (ESG) ratings. Third party sources, as supplied by the City's approved investment advisor will be used to monitor prevailing non-fossil fuel and ethical investment products.

- 2) Delete third dot point under Approved Investments - Investments held as at the 4 April 2012 (the date of the revised Local Government (Financial Management) (Amendment Regulations 2012) that complied with the prevailing legislation prior to that date are eligible to be held until maturity.
- 3) Delete – Delegation of Authority – The Chief Executive Officer is delegated authority to invest the City of Swans funds surplus to planned requirements. Pursuant to the provisions of Section 5.45 of *Local Government Act 1995*, this authority may be delegated to designated City officers.
- 4) Reword 2.8 to the following
 - a. The Chief Executive Officer or his/her delegated representative be authorised to approve temporary variations to this policy if the investment is to the City's advantage and / due to revised legislation. All changes to this policy are to be reported to Council at the next ordinary meeting.

- 5) Record the reasons for changing the Officer Recommendation are:
1. The City should set an example and invest its \$250million plus funds in non fossil fuel, green term deposits and term deposits with environmental, social and governance ratings are aimed at making positive social and environmental change
 2. The City does not have any investments held prior to 4 April 2012 and as such this is no longer required in the policy.
 3. Delegations should not be included in policies as policies are not reviewed as frequently as delegations which must be reviewed every year and can often result in conflict between a policy and the delegation register.
 4. Variations to the policy should only be temporary until approved by Council and should be reported in a timely manner.

(Cr Catalano - Cr Bowman)

Cr Congerton left the Chamber at 6.49pm.

Cr Parry entered the chamber at 6.49pm.

Cr Congerton returned to the chamber at 6.50pm.

RESOLVED (10/2)

For: Crs Bowman, Catalano, Congerton, Howlett, Jones, Johnson, Lucas, McCullough, Parry and Predovnik

Against: Crs Henderson and Zannino

5. OPERATIONAL MATTERS

5.2 ELLENBROOK SECONDARY COLLEGE OVAL

Ward: (Pearce Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Note that it is not feasible to install sports lighting and toilet facilities on the oval at Ellenbrook Secondary College at this time.

MOTION that the Council resolve to:

- 1) Note that it is not feasible to install sports lighting and toilet facilities on the oval at Ellenbrook Secondary College at this time.
- 2) Ensure that options for shared use of Education Department Ovals are considered by the City prior to provision of any future playing fields in the City.
- 3) Record the reason for changing the Officer Recommendation is that there are several shared ovals that lie dormant on the weekend. Investigating the addition of lights and toilets, prior to new facilities being built would be more cost effective for the City.

(Cr Jones - Bowman)

RESOLVED UNANOMOUSLY

PART C - OTHER BUSINESS AND CLOSING PROCEDURES

1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C1.1 CR PARRY - SPORT FACILITIES FOR FEMALE PATRONS

Ward: (All Wards) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

Cr Parry submitted the following Notice of Motion:

That the Council resolve to:

- 1) Request that the CEO provide a report to Council on the adequacy of sport facilities (change rooms/toilets/club rooms) for female patrons, including City facilities used by community clubs, to ascertain the adequacy of the facilities for current and projected female facility use;
- 2) Provide within the report to Council, recommendations to address any needs identified as part of the 10 year Capital Works Plan.

Reason for Motion (provided by Cr Parry)

Women's participation is the fastest growing demographic in all local sporting clubs and that the City of Swan should ensure that it does provide adequate facilities for all levels of sport within the City of Swan.

OFFICER COMMENT

The rate of which females are participating in organised sporting clubs and groups has increased significantly in recent years. Within the City of Swan, females made up approximately 45% of sporting club members as at 2020. In recent years there has been a significant boost in the number of females playing non-traditionally female sports including Australia Rules Football, Cricket, Gridiron/American Football, Rugby Union and Rugby League. Due to this, a number of new sporting clubs have formed, and a number of existing clubs have increased capacity, placing growing pressure on current facilities to meet the needs of the users groups.

The City of Swan has produced a number of Community Infrastructure Plans (CIP) for areas throughout the City. Within the CIP documents, some of the recommendations endorse the need to create facilities that better cater to female users. A number of State Sporting Associations have undertaken their own facility reviews to determine which facilities adequately cater to the needs of the sporting community, including female members. These comprise;

- West Australian Football Commission Facilities Strategy
- Western Australian Cricket Association Infrastructure Strategy

In order to cater for the increasing number of female users, existing sporting pavilions may require upgrades to ensure they provide non-gender specific facilities, including:

- Partitioned showers,
- Mirrors at hand wash basins,
- Power points within the vicinity of hand wash basins, and
- Removal of gender specific fixtures, for example urinals within change rooms.

A review on inclusive change facilities was completed by staff in 2020, covering 28 sporting pavilions, most of which require an upgrade to better cater for female users. City staff currently consider upgrades such as this, at the time of building renewal. This enables the required building upgrades to be addressed when the building is scheduled for major renewal works, to prevent repetitive works at the same facility, and the associated impacts on building users.

While staff support the intent of this motion, this information will be considered as part of the City's budget process in future years, so a report on the matter is not necessary.

MOTION that the Council resolve to:

- 1) Request that the CEO provide a report to Council on the adequacy of sport facilities (change rooms/toilets/club rooms) for female patrons, including City facilities used by community clubs, to ascertain the adequacy of the facilities for current and projected female facility use;
- 2) Provide within the report to Council, recommendations to address any needs identified as part of the 10 year Capital Works Plan.

(Cr Parry - Cr Congerton)

RESOLVED UNANOMOUSLY

C1.2 CR JOHNSON - FARRALL ROAD, MIDVALE

Ward: (Midland/Guildford Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

Cr Johnson submitted the following Notice of Motion:

That the Council resolve to:

- 1) Note the recent RAC Risky Road Survey Results 2022 that lists Farrall Road, Midvale as the No 1 ranking risky road in Metropolitan Perth because of:
 - a. Poor road surface quality
 - b. Poor/no pedestrian access/footpath
 - c. Poor or no road lighting
- 2) Request the CEO to report to Council at the earliest opportunity with
 - a. Information about when the above problems will be solved under existing plans.
 - b. Any urgent action that can be taken by the City or Movida to improve pedestrian safety along the west of Farrall Road between Movida Estate and Stratton Shopping Centre.

Reason for Motion (provided by Cr Johnson)

It is apparent from the RAC survey and the lack of a pedestrian pathway, that safety measures need to be considered urgently.

OFFICER COMMENT

The RAC Risky Roads Survey is based on perceptions of members of the public nominating sections of road and intersections that they consider to be a safety risk. Those with the most nominations are used by the RAC to advocate for improved road safety. The sections of road that are nominated are not necessarily those with the worst accident history.

Over the years, sections of Farrall Road have undergone upgrades as part of adjacent development works. This includes the southern section which spans 750m between Morrison Road and Torbay Street, as well as interim intersection modifications at Burrows Loop and Belpaire Road. Work included upgrading the road carriage way to a divided single carriageway, installation of street lighting and the construction of a footpath within the road reserve.

Within the 2022/23 Financial Year, there are further plans to realign and upgrade Farrall Road from Torbay Street to just south of the railway crossing. The realigned Farrall Road will tie into previous works and will continue as a divided single carriageway with associated street lighting and footpath. Construction is anticipated to be completed by the end of March 2023 and will provide a 1.8m wide concrete footpath from the Movida Estate to the rail line.

There is a concrete footpath on the western verge of Farrall Road from Morrison Road to Torbay Street. North of Torbay Street there is a granular hardstand which serves as a temporary path and allows pedestrians to traverse up to the railway. There is no pedestrian crossing at the Farrall Road railway crossing, with the nearest pedestrian rail crossing being located at Toodyay Road. Given that this crossing is 700m away, and not on-route to the Stratton Shopping Centre, pedestrians would likely either cross the rail within the rail corridor, or wait for a break in vehicular traffic to cross using the road surface.

North of the railway there is no path network connecting to the shopping centre. The City is awaiting a subdivision plan from the developer. The future development will include the northern section of Farrall Road and associated footpath.

A high level cost estimate to construct an interim concrete path from Torbay Street to the shopping centre would be approximately \$200,000. This does not include the facilitation of a rail pedestrian crossing which would require approval from ARC Infrastructure and add to the cost.

As the subdivision is ongoing, constructing a path at this stage may not be the best use of Council funds as the developer will be required to remove and construct a new concrete path once development is complete.

Staff could prepare a report on this matter if so resolved by Council. However, it is likely that the majority of the information contained in such a report would be the same as is contained in this Officer Comment.

ATTACHMENT

Location Map of Area

MOTION that the Council resolve to:

- 1) Note the recent RAC Risky Road Survey Results 2022 that lists Farrall Road, Midvale as the No 1 ranking risky road in Metropolitan Perth because of:
 - a. Poor road surface quality
 - b. Poor/no pedestrian access/footpath
 - c. Poor or no road lighting
- 2) Request the CEO to report to Council at the earliest opportunity with
 - a. Information about when the above problems will be solved under existing plans.
 - b. Any urgent action that can be taken by the City or Movida to improve pedestrian safety along the west of Farrall Road between Movida Estate and Stratton Shopping Centre.

(Cr Johnson – Cr Howlett)

AMENDMENT TO THE MOTION

Cr Bowman requested the following amendment:

In Part 1, insert “and Neaves Road as No 3”

The mover and seconder of the substantive motion agreed to the amendment to be incorporated into the motion.

THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION

AMENDMENT TO THE MOTION

Cr Catalano requested the following amendment:

Insert a Part 2) c.:

Noting that east of Farrall Road is a Bush Forever Site that should not be impacted upon.

The mover and seconder of the substantive motion agreed to the amendment to be incorporated into the motion.

THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION

RESOLVED UNANOMOUSLY TO:

- 1) Note the recent RAC Risky Road Survey Results 2022 that lists Farrall Road, Midvale as the No 1 and Neaves Road as No 3 ranking risky road in Metropolitan Perth because of:
 - a. Poor road surface quality
 - b. Poor/no pedestrian access/footpath
 - c. Poor or no road lighting
- 2) Request the CEO to report to Council at the earliest opportunity with
 - a. Information about when the above problems will be solved under existing plans.
 - b. Any urgent action that can be taken by the City or Movida to improve pedestrian safety along the west of Farrall Road between Movida Estate and Stratton Shopping Centre.
 - c. Noting that east of Farrall Road is a bush forever site that should not be impacted upon.

C1.3 CR JOHNSON - CLAYTON STREET

Ward: (Midland/Guildford Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

Cr Johnson submitted the following Notice of Motion:

That the Council resolve to:

- 1) Request the CEO to report to Council about the evident traffic congestion on Clayton Street Midland with:
 - a. A survey of traffic volumes on Clayton Street, Midland and Bellevue and surrounding roads.
 - b. Short term proposals to improve the traffic flow on Clayton Street.
 - c. Longer term proposals to improve the traffic flow on Clayton Street.
- 2) The report to include options to:
 - a. Make more use of Cowie Court to the north of Clayton Street
 - b. Review the design of the intersection of Clayton Street and Military Road.
 - c. Review the design of the roundabout at Cowie Court and Clayton Street.
 - d. Other measures as the CEO sees fit.

Reason for Motion (provided by Cr Johnson)

To alleviate the evident traffic congestion on Clayton Street.

OFFICER COMMENT

There are several major projects planned for construction within the Midland area in future years that will potentially affect the traffic volumes along Clayton Street. These include the Lloyd Street Bridge, Workshops Avenue, Great Eastern Highway Bypass Upgrades, Eastlink, Robinson Road closure, Midland Station redevelopment, Cale Street level crossing and the Morrison Road/Great Eastern Highway rail crossing grade separation. Due to these projects, accurately modelling traffic volumes on Clayton Street is difficult at this point in time, as changes in traffic flow patterns could occur as a result of these projects.

While it is difficult to accurately model the volumes to determine appropriate treatments, it is expected that the construction of both the Lloyd Street Bridge and Workshops Avenue in particular will reduce the current traffic congestion on Clayton Street. The Lloyd Street bridge will also considerably reduce traffic on Military Road, which intersects with Clayton Street. The Lloyd Street bridge realignment is currently under investigation by Main Roads WA, while Workshops Avenue will be presented to Council for a decision at a future meeting.

The intersection of Clayton Street and Cowie Court is currently a single lane roundabout, which is the most effective form of intersection for this location at this point in time. The Clayton/Cowie roundabout offers much better performance than a 4-way uncontrolled intersection and Main Roads WA are unlikely to support a change to traffic signals. In addition, traffic signals at this location are likely to increase congestion on Clayton Street if implemented, due to the phasing timings.

The intersection of Clayton Street and Military Road is currently a full movement T intersection, located approximately 100m east of the Clayton/Cowie roundabout. Because of its close proximity to the Clayton/Cowie intersection, Main Roads WA would likely not support traffic signals at this location. In addition, a roundabout at this location would require the acquisition of land to the north, as well as the relocation of the car park access, parking bays and services.

With the existing space available, it may be possible to investigate banning the right turn out of Military Road onto Clayton Street heading eastbound, though this would place additional pressure on the Clayton/Cowie roundabout with an increased number of U-turns. Modelling would need to be completed to determine the effect of this on congestion in the area, noting that is currently difficult for accurate modelling to be completed due to the high number of active projects in the Midland area.

If space were available within the current road reserve, Clayton Street could be duplicated from the current two lane single carriageway to a four lane dual carriageway. If this occurred, the current Clayton/Cowie roundabout would become a two lane roundabout, and the intersection of Clayton/Military could become either median separated staged T-intersection, or a two lane roundabout. This would improve the congestion on Clayton Street. However, the current road reserve is only 20m wide, which is appropriate for the existing single carriageway but not a dual carriageway. The minimum road reserve width required for a dual carriageway is 30-35m. Therefore, in order to duplicate Clayton Street and its intersections, a significant amount of land acquisition and service relocation would be required.

Encouraging the increased use of Cowie Court is not expected to reduce the congestion, as the majority of the congestion is east of Cowie Court and the use of Clayton Street would still be required to access Cowie Court. In addition, the portion of Cowie Court that is west of the bridge over the Lloyd Street underpass is owned by the Department of Health (DoH), and the City would need to enter into an agreement with the DoH as traffic within the hospital precinct would increase.

Staff can prepare a report on this matter if so resolved by Council. However, a lot of the information that is requested in the report will be the same as is included in this Officer Comment. This work has not been included in the City's business planning, so resources would need to be diverted from other work, should Council resolve to adopt this Motion.

MOTION that the Council resolve to:

- 1) Request the CEO to report to Council about the evident traffic congestion on Clayton Street Midland with:
 - a. A survey of traffic volumes on Clayton Street, Midland and Bellevue and surrounding roads.
 - b. Short term proposals to improve the traffic flow on Clayton Street.
 - c. Longer term proposals to improve the traffic flow on Clayton Street.
- 2) The report to include options to:
 - a. Make more use of Cowie Court to the north of Clayton Street
 - b. Review the design of the intersection of Clayton Street and Military Road.
 - c. Review the design of the roundabout at Cowie Court and Clayton Street.
 - d. Other measures as the CEO sees fit.

(Cr Johnson –Cr Howlett)

MOTION WAS PUT TO THE VOTE AND LOST (4/7)

For: Crs Catalano, Howlett, Johnson and Predovnik

Against: Crs Bowman, Henderson, Jones, Lucas, McCullough, Parry and Zannino

2. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING IF GIVEN DURING THE MEETING

C2.1 CR JONES – REPURPOSING OF THE CENTRE FOR NATIONAL RESILIENCE IN BULLSBROOK

C2.2 CR JONES – VEHICLE ESCAPE TRAINING

C2.3 CR HENDERSON – SWAN VALLEY POSTCODE

C2.4 CR CONGERTON – ELECTRONIC VOTING IN COUNCIL MEETINGS

C2.5 CR ZANNINO – REQUEST FOR REVIEW OF THE NATIONAL FREIGHT ROUTE

3. CONFIDENTIAL ITEMS

RESOLVED UNANIMOUSLY that the Council meet behind closed doors, having regard to the provisions of s.5.23(2) of the *Local Government Act 1995*.

(Cr Parry - Cr Bowman)

C3.5 ACQUISITION BY AGREEMENT - PORTION OF STRATA LOT 1 (53) THE CRESCENT, MIDLAND

Ward: (Midland/Guildford Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting
- (h) such other matters as may be prescribed

(Regulation 4A of the Local Government (Administration) Regulations 1996 - The Determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter)

RECOMMENDATION

That the Council resolve to:

- 1) Accept the landowner's compensation claim for the amount specified in the report as settlement in full for the acquisition of an approximate 135m² portion of Strata Lot 1 on Strata Plan 31757, known as 1/53 The Crescent, Midland as depicted on the attached Land Requirement Plans marked LRP-1131-1920-LRE-001-A and LRP-1131-1920-LRE-002-A, shown hatched and identified as Future Road Widening.
- 2) Authorise the CEO to finalise the land acquisition in accordance with section 168 of the *Land Administration Act 1997*.
- 3) Allocate funds from the Strategic Development Reserve to fund the acquisition. If the Reserve balance is insufficient then allocate funds from the municipal funds opening position and recoup from the Reserve when funds are available.

MOTION that the Council resolve to:

- 1) Notify the owners of Strata Lot 1/ 53 The Crescent, Midland that the City will not be proceeding with the acquisition at this time as Council is currently in the process of exploring the potential to create an increased Central Park within the Midland Oval Redevelopment Master Plan area. The process has not yet been concluded and this acquisition may impact the extent to which a potential modified design can be considered.
- 2) The reason for changing the officer's recommendation is that Council has not yet concluded its workshops to consider a redesign of the central park. The acquisition of this land may not be needed.

(Cr Johnson - Cr Catalano)

MOTION WAS PUT TO THE VOTE AND LOST (2/10)

For: Crs Catalano and Johnson

Against: Crs Bowman, Congerton, Henderson, Howlett, Jones, Lucas, McCullough, Parry Predovnik and Zannino

MOTION that the Council resolve to adopt the Officer recommendation.

(Cr Bowman - Cr Predovnik)

RESOLVED (10/2) TO:

- 1) Accept the landowner's compensation claim for the amount specified in the report as settlement in full for the acquisition of an approximate 135m² portion of Strata Lot 1 on Strata Plan 31757, known as 1/53 The Crescent, Midland as depicted on the attached Land Requirement Plans marked LRP-1131-1920-LRE-001-A and LRP-1131-1920-LRE-002-A, shown hatched and identified as Future Road Widening.
- 2) Authorise the CEO to finalise the land acquisition in accordance with section 168 of the Land Administration Act 1997.
- 3) Allocate funds from the Strategic Development Reserve to fund the acquisition. If the Reserve balance is insufficient then allocate funds from the municipal funds opening position and recoup from the Reserve when funds are available.

For: Crs Bowman, Congerton, Henderson, Howlett, Jones, Lucas, McCullough, Parry Predovnik and Zannino

Against: Crs Catalano and Johnson

RESOLVED UNANIMOUSLY that the Council no longer meet behind closed doors.

(Cr Parry - Cr McCullough)

4. CLOSURE

There being no further business, the Presiding Member, Cr Lucas, thanked those present for their attendance and declared the meeting closed at 8.02pm on Wednesday, September 14, 2022.