



**CITY of SWAN**

# **MINUTES**

## **ORDINARY MEETING OF COUNCIL**

**01 JUNE 2022 (ADJOURNED)**

**RECONVENED 7 JUNE 2022**

### **CONFIRMED MINUTES**

These minutes were confirmed as a true and accurate record of the meeting at the Ordinary Meeting of Council held on 6 July 2022.



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**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD AT MIDLAND TOWN HALL**  
**ON WEDNESDAY 1 JUNE 2022 COMMENCING AT 6PM**

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**PART A - OPENING PROCEDURES**

**1. OPENING AND ANNOUNCEMENT OF VISITORS**

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

**2. DISCLAIMER (READ ALOUD BY PRESIDING MEMBER)**

The City of Swan disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence, or the like is considered or determined during this meeting the City warns that neither the applicant nor any other person or body should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it or the refusal of the application has been issued by the City.

Please note that this meeting is live streamed. The recording will also be archived and made available on Council's website after the meeting.

If you choose to participate in the meeting during public question time, public statement time or deputations (where applicable) it is assumed your consent is given for the audio to be recorded. Please keep your comments respectful to the Council and other members of the community.

Visual images of the public will not be captured.

Conditions of Entry: No electronic, visual or audio recording or transmitting device or instrument is permitted to be used by any member of the public. A person who breaches this provision of the *City of Swan Meeting Procedures Local Law 2019* will be required to immediately leave the premises.

### 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 (from 6.04pm)
	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

Councillors: (electronic)	Cr T Richardson	Pearce Ward
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*Approved by the Mayor in accordance with regulation 14C of the Local Government (Administration) Regulations 1996.*

Staff:	Mr J Edwards	Chief Executive Officer
	Mr S Jakowyna	A/Executive Manager Operations
	Mr S Kern	A/Executive Manager Corporate
	Ms M Pickering	Executive Manager Place Stakeholder Engagement
	Mr L van der Linde	Executive Manager Planning & Development
	Ms A Albrecht	Manager Governance
	Mr P Russell	Manager Statutory Planning
	Ms M Dwyer	Governance Officer (Minute Clerk)

Staff: (electronic)	Mr M Bishop	Executive Manager Community Wellbeing
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Leave of Absence:	Cr A Kiely	Altone Ward
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Apologies: Nil

Members of  
the Public: 15 (approximately)

Media: Nil



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

Cr Howlett declared an impartiality interest in Item 13.11 - Baskerville Drainage Study as she previously employed the daughter of Robert and Sue Sorgiovanni (owners of Rangeview Vineyards, an affected property)

Cr Zannino declared an impartiality interest in Item 13.11 - Baskerville Drainage Study as he is related to two of the land owners.

Cr Howlett declared an impartiality interest in Item 3.2 - Harvest Festival 2022 - 2023 as she is a former committee member of the Swan Valley Tourism Alliance.

Cr Johnson declared an impartiality interest in Item 4.8 - Illuminated Signage (Existing) - Lot 100 (No.127) James Street, Guildford (DA463-21) as he is a regular customer of the Rusty Old Boat (the restaurant located at this site).

Manager Governance (Mrs Albrecht), has declared an association with one of the candidates put forward by WALGA for the temporary employment of a Chief Executive Officer at the City of Swan. Mrs Albrecht has previously worked for Candidate A, who has subsequently acted as a referee for Mrs Albrecht.

## 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

#### Mr Daniel Pisano

The following questions and answers were published in the Notes of the Agenda Forum held on 25 May 2022.

*Q1 How much has the Baskerville Drainage Study total cost to date (advise accounting end date)?*

*Q2 How much has been City of Swan internal costs?*

*Q3 How much has been external costs?*

A1-3 As per the response to the same questions, published in the minutes of the Ordinary Meeting of Council held on 22 September 2021, internal costs include:

- Cost of the internal works undertaken by salaried staff to prepare and deliver the report are not captured.
- Internal surveying works carried out by Staff - \$1,109.30 (exc. GST).

External costs includes:

- Contractor engaged to undertake surveying services - \$4,537.50 (inc. GST).

Total expenditure associated to the Baskerville Drainage Study to date is \$5,646.80.

*Mr Pisano questioned why the City did not keep time sheets for this project to be able to advise the internal cost.*

A/Executive Manager Operations took the question on notice at the Agenda Forum. The following response was provided:

It is estimated that \$7,450 has been spent on the internal works undertaken by salaried staff to prepare and deliver the Baskerville Drainage Study Report. This equates to approximately 153 hours. The report was finalised and circulated to residents on the 18 August 2021 (end accounting date for this estimate).

*Q4a Is the CEO of the City of Swan the delegated authority for the Department of Water and Environmental Regulation (DWER)?*

*Q4b If yes, has the CEO delegated down this authority and to who (please list all delegated - job title and name)?*

A4 The City (the CEO and designated officers) have been delegated some responsibilities and powers under the *Environmental Protection Act 1986*. However, these delegations predominantly relate to noise management. These delegations, and any sub-delegations are provided in the City's delegation register. A copy of the City's delegation register can be found at:

<https://www.swan.wa.gov.au/Your-Council/Governance-transparency/Registers-for-public-viewing/Delegation-of-Authority-Register>

*Q5a) The new Swan Valley Planning Act (SVPA) was gazetted in August 2021, with authority / responsibility for administration of the Act being transferred from the City of Swan to the DPLH / WAPC. Does the DPLH / WAPC have responsibility for legacy matters pertaining to the SVPA prior to August 2021?*

*Q5b If no, who has responsibility for legacy matters?*

A5 Pursuant to section 46 of the new *Swan Valley Planning Act 2020*, the WAPC is the responsible authority for enforcement of Swan Valley Planning Scheme 1 in regard to unlawful development. (Development that has no approval) and the City is the responsible authority to enforce non-compliance with planning approvals originally issued under Local Planning Scheme 17.

*At the Agenda Forum Mr Pisano made reference to correspondence with the City, including a number of questions that had been submitted.*

The Mayor and CEO undertook to respond to Mr Pisano prior to the Council Meeting.

The response was provided to Mr Pisano at 4.30pm on Tuesday, 31 May.

Cr Predovnik entered the Chamber at 6.04pm.

5.2.2 Questions without due notice

**Mr Arthur Storm**

*In regard to Item C1.4 - Cr Zannino - Realignment of National Freight Route, directed to Cr Zannino*

*Q1 Are you able to withdraw the motion from the meeting and have it resubmitted to the next Council meeting to allow the Bellevue community to respond to the motion, that will cut through the residential area of Bellevue east of the Roe Highway?*

*A1 Cr Zannino advised, no. The notice of motion does not identify any future route. All that is requested is that the City contacts the State Government and the Minister, requesting a review. If the motion is supported and a positive response is received from the State Government, alternative routes will be investigated. At the time this is presented to Council that is when the community will have the ability to put their views forward.*

**Ms Smadar Turner**

*In regard to Item 7.7 - Annual Meeting of Electors Motion 25 - Request to Withdraw Support for EastLink WA*

*Q1 The City's Strategic Community Plan B3.1 is about community satisfaction from local transport. Does the City have any reason to assume dissatisfaction from any part of the Toodyay Road?*

*Q2 Part of the impact of Eastlink WA on the City of Swan will include "an impact to Jack Mann Oval and North Swan Park, as well as reduced connectivity to Roe Highway and Morrison Road." The City will have to upgrade surrounding roads - these upgrades are not part of Eastlink Project - but the City is working with the Eastlink team to review options. The Eastlink WA team are very professional and do have very good stakeholders' engagement. Does this report imply that if the City removes the project from its priority list a potential discrimination from EastLink team will take place?*

*Q3 The report also states "it may also impact the City's ability to negotiate compensation or upgrades". Compensation should be from Federal and State and according to regulations. Has the report found that Main Roads will alter compensation according to the City/Shire of the land or local City/Shire support of the project?*

*Q4 In the Key Issues it is stated the road will reduce CO2 emissions as a result of freight efficiency. Considering the road will require at least 700Ha (245 Football fields) of clearing, huge amount of concrete and tarmac, and will increase the volume of traffic in the area. On what specific information this statement is based on?*

Q5 *The second recommendation is for the Council to resolve to write to Main Roads to ask to be invited to make submissions as part of the environmental process. An invitation is not required, any member of the public can submit comments to any environmental referral. What will be the gain of making such a request?*

A1-5 The questions were taken on notice.

**Mr Chris Bolton**

*In regard to Item 7.7 - Annual Meeting of Electors Motion 25 - Request to Withdraw Support for EastLink WA*

Q1 *With the significant impact this project has on communities, how can community representatives, morally support the project?*

A1 The question was taken on notice.

**Mr Gavan Troy**

*In regard to Item C1.4 - Cr Zannino - Realignment of National Freight Route, directed to Cr Zannino*

Q1 *Will the Mayor confirm that Cr Zannino's motion is calling for a review only of the MRS Amendment 1313/14 pertaining to the realignment of the National Rail Freight Route?*

A1 The Mayor advised Cr Zannino had made it clear that the motion is calling for a review.

Q2 *Will the Mayor confirm an amended map (version 2 dated 30 May 2022) has been circulated to all Councillors as a suggestion only?*

A2 The Mayor advised, yes.

Q3 *Will the Mayor confirm that, provided the State Government agrees to the suggested review, that the City of Swan will make every effort to assist with the identification of a possible route that avoids intrusion on existing or currently approved housing lot?*

A3 The Mayor advised, yes.

**Ms Sue Sorgiovanni**

*In regard to Item 13.11 Baskerville Drainage Study*

- Q1 *Manager Statutory Planning has stated he attended the property at 1056 Great Northern Highway to inspect the drain and that the drain in question was in place and available to link into. We cannot see the drain. Can you please advise the location of the drain?*
- A1 *Manager Statutory Planning stated there is a drain available on the western edge of 1056 Great Northern Highway, and provided it is maintained, there is the opportunity for connection.*

**Mr Daniel Pisano**

*In regard to Item 13.11 Baskerville Drainage Study*

- Q1 *1056 Great Northern Highway Baskerville, shares about a 75 metre long boundary with the State Government drain. This is a simple and workable (drainage) option without the proposed easement in the Baskerville Drainage Study (BDS) and the motion. So why is an easement on Lot 5 Railway Crescent, Baskerville proposed?*
- Q2 *Is the BDS and its recommendations/options yet another smoke screen by the City?*
- Q3 *Is the BDS and its recommendations/options contrary to and ignoring lack of compliance to the City's policies namely (Filling of Land, Dams) and Stormwater Information Sheet provided by the City on 10 May 2022 and any other relevant policies and alike? If not, how is it not?*
- Q4 *Does the BDS and Item 13.11 seek to ignore and pseudo legitimise the illegal development on 1056 Great Northern Highway and associated issues? If so, why?*
- Q5 *Why does the BDS not mention the Bruce/Ale report, and is it contrary to the recommendations/options of the BDS?*
- Q6 *Why is Council being asked (by Cr Henderson's motion) to adjudicate on what I believe should have been the City's administration of compliance to its policies and conditions of development approval(s) and possibly stormwater guidance note etc. as they apply to 1056 Great Northern Highway, Baskerville?*
- Q7 *The City has been empowered and entrusted by Council to act in a timely and unbiased manner, to which it has repeatedly failed. Why has the City repeatedly failed to enforce its policies, other requirements and conditions of development approval(s) etc. on 1056 Great Northern Highway in a timely and unbiased manner?*
- Q8 *Why is the City proposing to put a drain (by way of the dog-leg) on the highest ground on Lot 5 Railway Crescent?*
- Q9 *Why has the City chosen to completely ignore the impacts on me and on others?*

Q10 *As nothing has changed on Lot 5 Railway Crescent, why is the City determined, by whatever means necessary, to penalise me for the non-compliances on 1056 Great Northern Highway, Baskerville? What are the real reason(s) for this technically indefensible option and recommendation?*

Q11 *Councillors, we have been pursuing this matter for eight years. Do you really think that we would waste our time, effort and money pursuing this, if there were nothing to see here? The City claims there is nothing to see, insufficient evidence etc. Do you really think we would still be here, with all the attendant effort and stress, if that were the case? I ask the City, is there anything else to see here, apart from drainage, flooding and filling of land?*

A1-11 The Mayor advised that all questions would be taken on notice.

### **Mr Patrick Irwin**

*In regard to Item C1.4 - Cr Zannino - Realignment of National Freight Route, directed to Cr Zannino*

Q1 *Whilst Cr Zannino's motion is for a review, will it not only act to delay this process from the adopted alignment?*

A1 The Mayor advised that he cannot see that it would be delayed. By putting it in front of the Minister it may regenerate interest in it and have it progress in a timelier manner.

Q2 *Does it not threaten the people who live in Bellevue, who are not currently subject to a rail reserve?*

A2 The Mayor advised that without knowing the alignment, the answer could not be answered.

*In regard to Item 4.2 - 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)*

Q1 *Why did staff fail to advise myself and my client of this Structure Plan when our site of interest (Lot 13 Stirling Crescent) is the most affected under this proposal? Why were staff so certain they had provided advice?*

A1 Manager Statutory Planning took the question on notice.

Q4 *Why do staff support the proposed Structure Plan when it contradicts the intention of the buffer zone of the Hazelmere Enterprise Area Structure Plan?*

A4 The Mayor advised that will be a determination for Council.

### **5.3 OTHER QUESTIONS**

5.3.1 Questions of which due notice has been given

Nil

5.3.2 Questions without due notice

Nil

Public question time concluded at 6.31pm as there were no further questions.

### **6. PUBLIC STATEMENT TIME**

6.1 Mrs Christine Hughes in regard to Councillors' opportunities to drive issues on behalf of their communities.

6.2 Mr Arthur Storm in regard to Item C1.4 - Cr Zannino - Realignment of National Freight Route.

6.3 Ms Dianno Arvino in regard to Item C1.4 - Cr Zannino - Realignment of National Freight Route.

6.4 Ms Laurel Finnis-Dudek in regard to Item 2.1 - Adoption of Urban Forest Plan.

6.5 Ms Smadar Turner in regard to Item C1.2 - Cr Knight - List of Accounts Paid.



## **7. PETITIONS**

- 7.1 Petition containing 20 signatures objecting to the Proposed Telecommunications Infrastructure Including Associated Development at Lot 1 Beechboro Exchange, Beechboro (No.131 Sacramento Avenue, Beechboro).

### **RESOLVED UNANIMOUSLY:**

- 1) That the above petition be referred to the Chief Executive Officer and be considered a submission on the relevant Development Application.

(Cr Parry – Cr Johnson)

## **8. DEPUTATIONS**

*Deputations for items on the agenda were heard at the Agenda Forum held on 25 May 2022.*

## **9. ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**

### Reconciliation Action Plan

Today was a great landmark for the City of Swan with the formal launch of the City's Reconciliation Action Plan (RAP).

The highlight of the launch for me was a performance by the Boordiya Coolingarahs, which translates to Boss Children, a group of young men from a dance group from the Middle Swan Primary School. It was great to see them taking pride in their heritage and culture.

I was blown away by how many people came to the launch, approximately 180 people, ranging from about three years old to 90 years old. I would like to thank the whole range of people that attended and supported the event.

It shows how important the City's ongoing commitment to building a just, equitable and reconciled Australia is within our community.

Whilst today was a celebration of many years of hard work alongside our First Nations people and non indigenous communities, the real work begins to put into practice the 17 practical actions outlined in our RAP.

Some examples of these actions include improving consultation with First Nations communities, preparing an Aboriginal and Torres Strait Islander employment and retention strategy, and developing cultural and naming protocols. Importantly these actions will provide tangible and substantive benefits for Aboriginal and Torres Strait Islander people, increasing economic equity and supporting self-determination.

I look forward to the City working alongside First Nations peoples and the wider community to bring this plan to life, and its continual evolution over time.

### Notices of Motion

Councillors, over recent times I have noticed a marked increase in amendments to notices of motions which have resulted in the original notice being substantially changed.

The purpose of a notice of motion is to give notice so that all councillors are aware ahead of the meeting and an appropriate officer comment can be formulated so you can make an informed decision.

Notices of motions are required 15 business days before the meeting at which it is to be included on the agenda and the member must also provide a reason for the notice of motion.

I hereby advise you that from this meeting forward, if a Councillor makes a substantial change to their notice of motion that requires additional officer comment to address those changes and is within 15 days of the meeting then it will need to be withdrawn or deferred to the next ordinary meeting.

May I respectfully request all councillors to work with city staff on any changes to officer recommendations or notices of motions they wish to submit and to provide sufficient background information when doing so.

## **10. MEMBERS' QUESTIONS**

### **10.1 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE**

Nil

### **10.2 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

#### **Cr Johnson**

*Q1 Is the Swan Valley Visitor Centre currently staffed by volunteers or employees?*

A1 The Swan Valley Visitor Centre is staffed entirely by employees.

*Q2 If employees, what happened to the volunteers?*

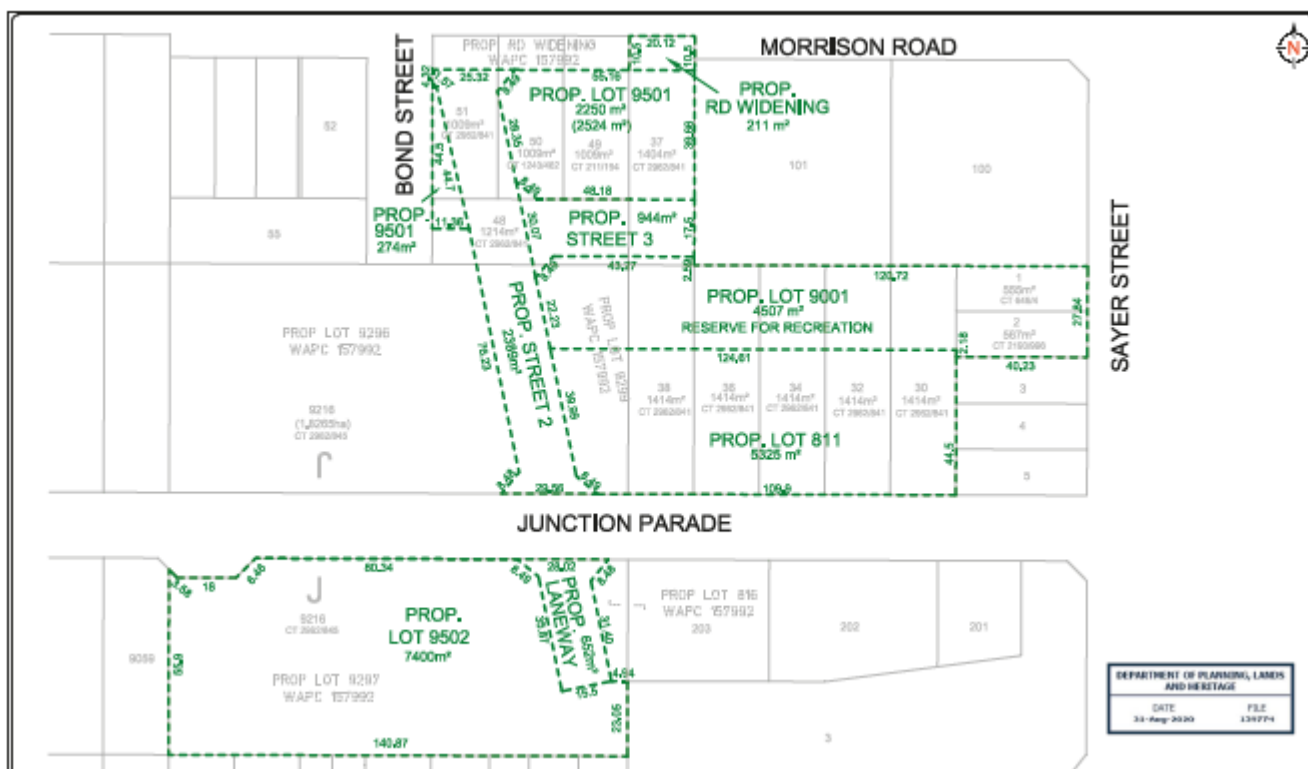
*Q3 If there has been a change in staffing arrangements what is the reason and when did it take place?*

A2-3 A change in the operational model of the Visitor Centre to meet service requirements during the COVID19 pandemic has been required. A review to consider future volunteer arrangements can occur.

#### **Cr McCullough**

*Q1 Has the City received the clearance certificates so that we can obtain the titles for lots on New Junction?*

A1 There is a subdivision approval in place for the area shown below for which clearances could not be obtained:



Q2 If not, why not?

A2 Council at its meeting of 12 May 2021 resolved not to proceed with borrowing \$6,595,000 or transferring \$100,000 from reserve for public works on Midland Oval in the 2021/22, which effectively put all public works on hold. This is currently awaiting the outcome of a Midland Junction program review and Councillor workshop on a modified design proposing an increased public open space which will, if supported, impact the approved subdivision.

Q3 How many clearance conditions are outstanding and why are they still outstanding?

A3 The approved subdivision shown above, among other minor items, creates Lots 811, 9001 (Residential Park), Street 2 and Lot 9501 (next to Australia Post). There are six Clearance Conditions outstanding, five from the City and the other from Western Power, all related to construction of Public Works that have been put on hold.

The conditions to be cleared by the City include a requirement to demolish the buildings located on 43 and 45 Sayer Street which will form part of Lot 9001 (Eastern end of Residential Park), to provide uniform fencing along the boundaries of all lots bordering the new Residential Park (Lot 9001) on its southern side, to develop Residential Park, and to construct the road along the eastern boundary of Midland Park (Street 2) and associated shared paths and street lighting. Western Power requires a headworks charge payment of \$74,221.

Any expenditure on work to clear conditions of subdivision would not be in accordance with the intent of Council's resolutions.

- Q4 *The time taken to obtain clearance certificates would be holding up the city getting titles and therefore going to market. When will the City be in receipt of the clearance certificates and titles?*
- A4 Once direction on the way forward is received through the Councillor workshops and funds have been made available accordingly.
- A5 *Cr Kiely's motion in June 2021 was to halt capital works and the clearances are budgeted for in the City's operational budget as I understand. Is this correct?*
- A5 The costs associated with obtaining clearances and the Western Power headworks charge are covered by the City's operational budget. All construction work required to be completed at clearance stage are capital expenses, which have been put on hold. See also response to Q3 above.

### **10.3 QUESTIONS OF WHICH NOTICE HAS NOT BEEN GIVEN**

#### **Cr Johnson**

- Q4 *What is a clearance certificate?*
- Q5 *Why are they needed?*
- A4-5 Subdivision of land is approved by the Western Australian Planning Commission (WAPC) under the Planning and Development Act subject to specific conditions. The conditions of the approval have to be addressed by the applicant and signed off (cleared) by the responsible agency/authority or Local Government before the approved lots are created and become transferrable through Landgate processes. The document confirming that the conditions have been met is commonly referred to as a clearance certificate.
- Q6 *What is the urgency of Midland Junction clearance certificates?*
- A6 Lots created through subdivision cannot be sold without a clearance certificate being in place.

## 11. LEAVE OF ABSENCE

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

Cr Jones Pearce Ward	7 July 2022 to 27 July 2022 (inclusive)
Cr McCullough Pearce Ward	18 June 2022 to 22 June 2022 (inclusive)
Cr Congerton Whiteman Ward	18 June 2022 to 22 June 2022 (inclusive) 7 July 2022 to 10 July 2022 (inclusive)
Cr Parry Whiteman Ward	20 July 2022 to 31 July 2022 (inclusive)

(Cr Zannino – Cr Johnson)

## **12. CONFIRMATION OF MINUTES**

### **12.1 Confirmation of Minutes of Ordinary Meeting of Council held on 4 May 2022.**

#### **RECOMMENDATION**

- 1) That the minutes of the Ordinary Meeting of Council held on 4 May 2022 be confirmed.

#### **RESOLVED UNANIMOUSLY:**

- 1) That the minutes of the Ordinary Meeting of Council held on 4 May 2022 be confirmed.

(Cr Parry – Cr McCullough)

### **12.2 Confirmation of Minutes of Special Meeting of Council held on 10 May 2022.**

#### **RECOMMENDATION**

- 1) That the minutes of the Special Meeting of Council held on 10 May 2022 be confirmed, subject to:
  1. Including the mover and seconder for each resolution of Council made at the meeting while the meeting was closed to the public in the public minutes, as per the confidential minutes.

#### **RESOLVED UNANIMOUSLY** that the Council resolve:

- 1) That the minutes of the Special Meeting of Council held on 10 May 2022 be confirmed, subject to:
  1. Including the mover and seconder for each resolution of Council made at the meeting while the meeting was closed to the public in the public minutes, as per the confidential minutes.
  2. Including each motion moved while the meeting was closed to the public in the public minutes, as per the confidential minutes.
- 2) Record the reason for changing the Officer Recommendation is that all decisions taken while the public is excluded from the meeting, including motions that were put and lapsed or lost, as well as those motions that were ultimately put and carried should be included in the public minutes.

(Cr Bowman – Cr Catalano)

### **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 GUILDFORD PARKING - CHANGES TO TIME RESTRICTIONS**

This matter was deferred at the Ordinary Council Meeting held on 25 August 2021 to allow time for staff to present Council with options to address community concerns raised in consultation, at a future Council Briefing Session.

A briefing session will be held in due course.

#### **13.5 POLICY - DEBT COLLECTION RATES AND SERVICES CHARGES**

This matter was deferred at the Ordinary Council Meeting held on 17 November 2021 for further discussion and investigation about initiatives to help vulnerable ratepayers.

#### **13.6 SALE OF LAND - RATES AND CHARGES OUTSTANDING FOR MORE THAN THREE YEARS**

This matter was deferred at the Ordinary Council Meeting held on 6 April 2022 for two months to allow further investigation and discussion on the matter.



### **13.7 REQUESTS TO AMEND LOCAL HERITAGE SURVEY (2020)**

This matter was deferred at the Ordinary Council Meeting held on 6 April 2022 until the 1 June 2022 Ordinary Meeting of Council to enable Councillors to discuss with staff the implications of the inclusion of the properties on its development potential in the longer term.

### **13.8 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.

### **13.9 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.

### **13.10 UNAUTHORISED PATIO, TRANSPORTABLE STRUCTURE AND HOME BUSINESS - LOT 222 (NO.39) HUNTSMAN TERRACE, JANE BROOK (DA171-22)**

This matter was deferred at the Ordinary Council Meeting held on 4 May 2022 to enable Council to consider further issues raised by the neighbour.

### **13.11 BASKERVILLE DRAINAGE STUDY**

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Operations)

Cr Howlett declared an impartiality interest in Item 13.11 - Baskerville Drainage Study as she previously employed the daughter of Robert and Sue Sorgiovanni (owners of Rangeview Vineyards, an affected property)

Cr Zannino declared an impartiality interest in Item 13.11 - Baskerville Drainage Study as he is related to two of the land owners.

### **RECOMMENDATION**

That the Council resolve to:

- 1) Proceed with Option 1(c) to improve the existing drainage channel as documented in the Baskerville Drainage Study, subject to securing an easement or reserve over the land in order to establish the City's access rights to the drain.
- 2) Advise submitters accordingly.

**MOTION** that the Council resolve to:

- 1) Authorise the CEO to negotiate and establish the required easements across for the drainage channel between Haddrill Road and the Susannah Brook.
- 2) Proceed with the design and piping of the section of drain from Haddrill Road to the southern boundary of 62 Haddrill Road, with consideration of the use of High Density Poly Ethylene (HDPE) pipes.
- 3) Improve the existing drainage channel between the southern boundary of Haddrill Road to the Susannah Brook as documented in the Baskerville Drainage Study.
- 4) Ensure the connection from 1066 Great Northern Highway to the drainage channel on the northern side of 1056 Great Northern Highway is in compliance with relevant planning approvals.
- 5) Identify funds required for expenditure in the 2022/23 financial year through the mid-year budget review process.
- 6) Advise submitters accordingly.
- 7) Record the reason for changing the Officer Recommendation is to resolve outstanding water management issues beyond normal rainwater flow that is impacting multiple properties in the area.

(Cr Henderson – Cr Predovnik)

**FORESHADOWED MOTION:**

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

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

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

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

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

**RESOLVED (8/7) TO:**

- 1) Authorise the CEO to negotiate and establish the required easements across for the drainage channel between Haddrill Road and the Susannah Brook.
- 2) Proceed with the design and piping of the section of drain from Haddrill Road to the southern boundary of 62 Haddrill Road, with consideration of the use of High Density Poly Ethylene (HDPE) pipes.
- 3) Improve the existing drainage channel between the southern boundary of Haddrill Road to the Susannah Brook as documented in the Baskerville Drainage Study.
- 4) Ensure the connection from 1066 Great Northern Highway to the drainage channel on the northern side of 1056 Great Northern Highway is in compliance with relevant planning approvals.
- 5) Identify funds required for expenditure in the 2022/23 financial year through the mid-year budget review process.
- 6) Advise submitters accordingly.
- 7) Record the reason for changing the Officer Recommendation is to resolve outstanding water management issues beyond normal rainwater flow that is impacting multiple properties in the area.

## **PART B – REPORTS**

Cr Congerton left the Chamber at 7.08pm.

Cr Congerton entered the Chamber at 7.09pm.

### **1. ADOPTION OF THOSE RECOMMENDATIONS CONTAINED IN ITEMS NOT WITHDRAWN**

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

#### **Part B**

- 2.2 - Policy Review - Councillor Professional Development & Training
- 4.4 - Replacement House including Bushfire Mitigation Measures and Garage Addition - Lot 51 (No.148) Lillie Road, Gidgegannup (DA028-22)
- 4.9 - Statutory Planning Decisions Under Delegated Authority for the period 14 April to 13 May 2022
- 5.3 - Supply and Delivery of Electrical Parts and Materials (RFT22PM19-SOR)
- 6.1 - List of Accounts Paid - April 2022
- 6.2 - Financial Management Report for Period Ended 30 April 2022
- 6.3 - Budget Adjustments 2021-2022 -June 2022
- 6.4 - Sundry Debt Write Off - 2021/2022
- 7.2 - Strategic Risk Register
- 7.3 - Strategic Internal Audit Plan
- 7.5 - Annual Meeting of Electors Motion 5 - Support for Perth NRM
- 7.6 - Annual Meeting of Electors Motion 24 - EastLink WA Beechboro Road Connections

(Cr Parry – Cr McCullough)

## **2. CORPORATE PLANNING AND POLICY**

### **2.1 ADOPTION OF URBAN FOREST PLAN**

**Ward:** (All Wards) (Strategic Planning)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Planning and Development)

### **RECOMMENDATION**

That the Council resolve to:

- 1) Adopt the Draft Urban Forest Plan, and authorise the CEO to approve any minor changes that may be required before the document is finalised for printing.
- 2) Advise all submitters accordingly.

**MOTION** that the Council resolve to:

- 1) Adopt the Draft Urban Forest Plan, subject to the following modification:
  - a. Replace the 1200 per annum street tree planting target from the *Targets and Key Performance Indicators* on page 18 of the Urban Forest Plan (page 87 in the Council Agenda) with the following:

Record the number of street trees and location planted by the City and the number of street trees and location planted by developers and the business community per annum, separately.

The City to undertake further investigations to establish how many new trees would have to be planted per year across the urban area to reach an overall target of 18% tree canopy coverage by 2040.
- 2) Authorise the CEO to approve any minor changes that may be required before the document is finalised for printing.
- 3) Present a report to Council as an input to the City's Business Planning Process, on the capital and operational resources required for the City to achieve a Street Tree planting target of 5,000 street trees per year for five years, commencing in 2023/24. The City plant street trees using a whole street approach.
- 4) Advise all submitters accordingly.

- 5) Record the reasons for changing the Officer Recommendation as:
1. City staff have already planned and are preparing to plant 2000 street trees in the 22/23 financial year. Considering the high priority street tree planting is receiving from the community, it is necessary for the City to investigate options to improve its capacity to deliver higher volume of street tree plantings per year.
  2. A firm target for Street Tree planting can be determined through the City's Business Planning process.

(Cr Catalano – Cr Knight)

Connection with Cr Richardson was lost during debate on this item.

**MOTION WAS PUT TO THE VOTE AND LOST (6/7)**

For: Crs Catalano, Howlett, Johnson, Knight, McCullough and Predovnik

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

**MOTION** that the Council resolve to adopt the Officer recommendation.

(Cr Bowman – Cr Johnson)

**RESOLVED (11/2) TO:**

- 1) Adopt the Draft Urban Forest Plan, and authorise the CEO to approve any minor changes that may be required before the document is finalised for printing.
- 2) Advise all submitters accordingly.

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

Against: Cr Catalano and Knight

*\*Cr Richardson was not present (electronically) when the vote was taken.*

## **2.2 POLICY REVIEW - COUNCILLOR PROFESSIONAL DEVELOPMENT & TRAINING**

**Ward:** (Not Applicable) (Governance)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Chief Executive Officer)

### **RECOMMENDATION**

That the Council resolve to:

- 1) Adopt policy Pol-C-173 Councillor Professional Development and Training as amended and attached.

**CARRIED EN BLOC**

### **3. COMMUNITY PLANNING AND DEVELOPMENT**

#### **3.1 WOMEN'S BIG BASH LEAGUE AT LILAC HILL (2022 - 2023 AND 2023 - 2024)**

**Ward:** (Altone Ward) (Marketing and Public Relations)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Place Stakeholder Engagement)

#### **RECOMMENDATION**

That the Council resolve to:

- 1) Approve the continuation of the Women's Big Bash League Cricket Series at Lilac Hill event for two additional years from 2022/2023 - 2023/2024.
- 2) Approve the allocation of \$60,000 per year to the existing Women's Big Bash League Cricket.

Cr Richardson joined the meeting by telephone at 7.37pm.

**MOTION** that the Council resolve to:

- 1) Approve the continuation of the Women's Big Bash League Cricket Series at Lilac Hill event for two additional years from 2022/2023 – 2023/2024.
- 2) Approve the allocation of \$40,000 in 2022/2023 and \$20,000 in 2023/2024 in sponsorship for the Women's Big Bash League Cricket Series at Lilac Hill event.
- 3) Record the reason for changing the Officer Recommendation is the City of Swan should start adopting an approach of seed funding for events so that event organisers reduce their reliance on the City and diversify their revenue streams.

(Cr Bowman – Cr Predovnik)

#### **FORESHADOWED MOTION:**

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



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

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

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

**MOTION** that the Council resolve to adopt the Officer recommendation.

(Cr McCullough – Cr Johnson )

**RESOLVED (10/4) TO:**

- 1) Approve the continuation of the Women's Big Bash League Cricket Series at Lilac Hill event for two additional years from 2022/2023 - 2023/2024.
- 2) Approve the allocation of \$60,000 per year to the existing Women's Big Bash League Cricket.

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

Against: Crs Bowman, Catalano, Howlett and Knight

#### **4. STATUTORY PLANNING**

##### **4.4 REPLACEMENT HOUSE INCLUDING BUSHFIRE MITIGATION MEASURES AND GARAGE ADDITION - LOT 51 (NO.148) LILLIE ROAD, GIDGEGANNUP (DA028-22)**

**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) Grant development approval for a Replacement House including Bushfire Mitigation Measures and a Garage Addition at Lot 51 (No.148) Lillie Road, Gidgegannup subject to the following conditions:
  1. This approval is for a Single House as defined in the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without the prior approval of the City.
  2. The approved development must comply in all aspects 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.
  3. Prior to occupancy an Asset Protection Zone of sufficient size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m<sup>2</sup> (BAL-29) in all circumstances must be established on the land surrounding the Single House in accordance with Element No.2 of the Guidelines for Planning in Bushfire Prone Areas. The Asset Protection Zone must thereafter be maintained on the land in accordance with the Guidelines for Planning in Bushfire Prone Areas to the satisfaction of the City for the life of the development.
  4. The approved Single House and Garage are to be constructed to the construction requirements for BAL-FZ as listed in AS 3959:2018.
  5. Prior to the commencement of works for the Single House the subject of this application, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* must be placed on the Certificate of Title of Lot 51 (No.148) Lillie Road, Gidgegannup advising current and future land owners that the property is located in a Bushfire Prone Area.
  6. Prior to occupation of the Single House the development must incorporate all of the requirements of the Bushfire Protection Criteria in the Guidelines for Planning in Bushfire Prone Areas, including but not limited to:

- a) The primate (internal) driveway must be designed and constructed to meet all of the requirements in Element No.3, Table No.6, Column of the Guidelines for Planning in Bushfire Prone Areas, and must have an all-weather surface, and a turn-around area designed to accommodate a type 3.4 fire appliance located within 50m of the Single House;
- b) Fire breaks are to be installed as prescribed in the City's Fire Hazard Reduction Notice or an alternative firebreak approved by the City; and
- c) A dedicated static water supply that has the effective capacity of 10,000 litres must be installed on the lot and maintained for firefighting purposes at or above the designated capacity at all times.

The development must thereafter be maintained to this standard in perpetuity, to the satisfaction of the City of Swan.

7. Prior to occupation of the Single House a minimum 120,000litre water tank or alternative potable water supply must be provided onsite for the development to the satisfaction of the City of Swan.
  8. Prior to occupation of the Single House, an approved effluent disposal system must be installed onsite.
  9. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan
  10. The approved garage must be clad in a material or painted in a colour of natural or earth tones to complement the surroundings, and/or adjoining developments in which it is located to the satisfaction of the City of Swan.
- 2) Advise the applicant and landowner of the resolution of Council.

**CARRIED EN BLOC**

**4.9 STATUTORY PLANNING DECISIONS UNDER DELEGATED AUTHORITY FOR  
THE PERIOD 14 APRIL TO 13 MAY 2022**

**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 14 April to 13 May 2022.

**CARRIED EN BLOC**

## **5. OPERATIONAL MATTERS**

### **5.1 INTERSECTION MODIFICATION - EAST STREET, WATER STREET AND SWAN STREET EAST, GUILDFORD**

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Operations)

### **RECOMMENDATION**

That the Council resolve to:

- 1) Support the proposed intersection modifications and application for 2023/24 State Black Spot funding for the proposed works (Option 1).

*The CEO withdrew this item from the agenda. A reassessment of the item resulted in the withdrawal.*

### **5.3 SUPPLY AND DELIVERY OF ELECTRICAL PARTS AND MATERIALS (RFT22PM19-SOR)**

**Ward:** (All Wards) (Construction and Maintenance)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Operations)

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 during the meeting, Council should resolve to move behind closed doors.

#### **RECOMMENDATION**

That the Council resolve to:

- 1) Select City Electric Supply Pty Ltd as the preferred tenderer.
- 2) Allow the option to extend the contract.
- 3) Authorise the Chief Executive Officer to enter into negotiations with City Electric Supply Pty Ltd for the minor variations which meet the City's requirement for RFT22PM19-SOR – Supply and delivery of electrical parts and materials.
- 4) Authorise the Chief Executive Officer to remove the preferred tenderer status from City Electric Supply Pty Ltd should negotiations for the minor variations be unsuccessful to the City, and proceed to select and enter into negotiations for any minor variations with CNW Pty Ltd T/A CNW Electrical Wholesale.
- 5) Upon award of the contract, advise all tenderers and update the City's public tender register in accordance with Local Government (Functions and General) Regulations 1996 (WA).

**CARRIED EN BLOC**

## **6. FINANCIAL AND LEGAL MATTERS**

### **6.1 LIST OF ACCOUNTS PAID - APRIL 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 April 2022, in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996.

**CARRIED EN BLOC**

## **6.2 FINANCIAL MANAGEMENT REPORT FOR PERIOD ENDED 30 APRIL 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 30 April 2022 in accordance with regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

**CARRIED EN BLOC**



### **6.3 BUDGET ADJUSTMENTS 2021-2022 -JUNE 2022**

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Corporate)

#### **RECOMMENDATION**

That the Council resolve to:

- 1) Approve the adjustments to the 2021/2022 City Budget as detailed in this report and attachment, in accordance with section 6.8(1) of the *Local Government Act 1995*.
- 2) Take note that going forward, the City will be implementing some process changes regarding budget adjustments.

Monthly budget adjustments will be discontinued.

As per Regulation 33A of the Local Government (Financial Management) Regulations 1996, all local governments are required to review their annual budget between 1 January and 31 March each year. The City will review and amend its budget at that time.

Major spending variances in capital projects will be reported to Council as part of the City's monthly financial report.

**CARRIED EN BLOC**

#### **6.4 SUNDRY DEBT WRITE OFF - 2021/2022**

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Corporate)

#### **RECOMMENDATION**

That the Council resolve to:

- 1) Write off the sundry debt in the amount of \$71,189.00 as described in this report.

**CARRIED EN BLOC**

## **7. GOVERNANCE**

### **7.2 STRATEGIC RISK REGISTER**

**Ward:** (Not Applicable) (Governance)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Chief Executive Officer)

### **RECOMMENDATION**

That the Council resolve to:

- 1) Approve the draft Strategic Risk Register and note the progress reporting through the Audit Committee.

**CARRIED EN BLOC**

### **7.3 STRATEGIC INTERNAL AUDIT PLAN**

**Ward:** (Not Applicable) (Governance)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Chief Executive Officer)

An attachment to this report is **CONFIDENTIAL** as it includes information regarding a contract which may be entered into by the local government. Should Council seek to discuss the confidential information during the Council meeting, Council should resolve to move behind closed doors.

### **RECOMMENDATION**

That the Council resolve to:

- 1) Endorse the Strategic Internal Audit Plan 2022/23-2024/25 and the Annual Internal Audit Program .

**CARRIED EN BLOC**

## **7.5 ANNUAL MEETING OF ELECTORS MOTION 5 - SUPPORT FOR PERTH NRM**

**Ward:** (All Wards) (Asset Management)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Operations)

### **RECOMMENDATION**

That the Council resolve to:

- 1) Allow the CEO to have discussions with Perth NRM regarding the project plan and funding proposals for the Eastern Region Catchment Management Program.
- 2) Permit the CEO to determine whether the City should commit to a trial period for up to a two year period, subject adoption of budget each financial year, and;
- 3) Permit the CEO to extend or terminate the funding for Eastern Region Catchment Management Program hosted by Perth NRM on the basis of the outcomes of the trial.

**CARRIED EN BLOC**

**7.6 ANNUAL MEETING OF ELECTORS MOTION 24 - EASTLINK WA BEECHBORO ROAD CONNECTIONS**

**Ward:** (Altone Ward) (Asset Management)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Operations)

**RECOMMENDATION**

That the Council resolve to:

- 1) Note the previous investigation undertaken by Main Roads Western Australia as part of the NorthLink project regarding the intersection of Reid Highway and Beechboro Road North.

**CARRIED EN BLOC**

**8. REPORTS OF THE CHIEF EXECUTIVE OFFICER**

Nil

The Presiding Member adjourned the meeting for a short recess at 8.05pm.

The Presiding Member resumed the meeting at 8.18pm.

**RESOLVED UNANIMOUSLY TO:**

- 1) Amend the order of business to deal with the following items prior to all remaining items:
  - C3.1 - Appointment of Temporary Chief Executive Officer
  - 4.1 - Consideration of Submissions - Revised Development Contribution Plan - Proposed Amendment No.200 to Local Planning Scheme No.17 - To Establish and Insert a DCP for Development Contribution Area No.8 (DCA 8) - Henley Brook Urban Precinct (LPS17-200)
  - 4.2 - 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)
  - 4.3 - Responsible Authority Report - Proposed Storage Facility (Self -Storage) - Lots 134-137 (No.8-8b) James Street and Lots 138-141 (No.79-81) Great Eastern Highway, Bellevue (DA203-22)
  - 3.2 - Harvest Festival 2022 - 2023
  - C3.3 - Ellenbrook Arts Conditional Grant 2020/21 (Year 1) Performance Report

(Cr Parry – Cr Johnson)



## **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 8.19pm and did not return.

### **3. CONFIDENTIAL ITEMS**

#### **C3.1 APPOINTMENT OF TEMPORARY CHIEF EXECUTIVE OFFICER**

**Ward:** (Not Applicable) (Chief Executive Office)

**Disclosure of Interest:**

The Manager Governance (Mrs Amanda Albrecht), has declared an association with one of the candidates put forward by WALGA for the temporary employment of a Chief Executive Officer at the City of Swan. Mrs Albrecht has previously worked for Candidate A, who has subsequently acted as a referee for Mrs Albrecht.

The Manager Governance has not had any involvement in the names put forward by WALGA for the temporary employment of a Chief Executive Officer, nor made any recommendation to the Council as to the selection of a preferred candidate.

**Authorised Officer:** (Chief Executive Officer)

#### **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:

- (a) a matter affecting an employee or employees
- (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

The contents of this Council resolution (and associated motions of Council) will be kept confidential until such time as the contract has been executed and public announcements made.

The details of the total remuneration package will be kept confidential.

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

(Cr Parry - Cr Jones)

## **PART B – REPORTS**

### **4. STATUTORY PLANNING**

#### **4.1 CONSIDERATION OF SUBMISSIONS - REVISED DEVELOPMENT CONTRIBUTION PLAN - PROPOSED AMENDMENT NO.200 TO LOCAL PLANNING SCHEME NO.17 - TO ESTABLISH AND INSERT A DCP FOR DEVELOPMENT CONTRIBUTION AREA NO.8 (DCA 8) - HENLEY BROOK URBAN PRECINCT (LPS17-200)**

**Ward:** (Whiteman Ward) (Statutory Planning)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Planning and Development)

### **RECOMMENDATION**

That the Council resolve to:

- 1) Note the submissions received on the Revised Development Contribution Plan associated with Proposed Amendment No.200 to Local Planning Scheme No.17 - to Establish and Insert a Development Contribution Plan for Development Contribution Area No.8 (DCA 8) – Henley Brook Urban Precinct.
- 2) Recommend to the Western Australian Planning Commission that the Minister for Planning:
  - a) Adopt Proposed Amendment No.200 to the City of Swan Local Planning Scheme No.17 for the purpose of gazettal without modification; and
  - b) Endorse the amended draft Henley Brook Development Contribution Plan report May 2022, the Henley Brook Community Capital Expenditure Plan May 2022, the Henley Brook Community Infrastructure Plan May 2022 and the Capital Expenditure Plan DCA8 May 2022 subject to the following further modification:
    - i. Reflect the decreased area of Public Open Space No.7 in accordance with the Council's 4 May 2022 resolution on the Amendment No.1 to the Henley Brook Structure Plan whereby the approximately 2,200m<sup>2</sup> of Public Open Space designated over the north-east corner of No.122 Brooklands Drive be deleted from the Public Open Space to acknowledge the submission of the owners of No.122 Brooklands Drive that the area of proposed Public Open Space designated across their property is too close to their existing house and will have an unreasonable adverse impact on the amenity of their property.

- 3) Advise all parties whom made a submission of Council's decision.

### **AMENDED ATTACHMENT**

The attachment provided with the agenda has been updated. Please see attached revised version (Revision 3.1).

Page references for amendments (highlighted):

- Pg. 26
- Pg. 34

**MOTION** that the Council resolve to:

- 1) Note the submissions received on the Revised Development Contribution Plan associated with Proposed Amendment No.200 to Local Planning Scheme No.17 - to Establish and Insert a Development Contribution Plan for Development Contribution Area No.8 (DCA 8) – Henley Brook Urban Precinct.
- 2) Recommend to the Western Australian Planning Commission that the Minister for Planning:
  - a) Adopt Proposed Amendment No.200 to the City of Swan Local Planning Scheme No.17 for the purpose of gazettal without modification; and
  - b) Endorse the amended draft Henley Brook Development Contribution Plan report May 2022, the Henley Brook Community Capital Expenditure Plan May 2022, the Henley Brook Community Infrastructure Plan May 2022 and the Capital Expenditure Plan DCA8 May 2022 subject to the following further modification:
    - i. Reflect the decreased area of Public Open Space No.7 in accordance with the Council's 4 May 2022 resolution on the Amendment No.1 to the Henley Brook Structure Plan whereby the approximately 2,200m<sup>2</sup> of Public Open Space designated over the north-east corner of No.122 Brooklands Drive be deleted from the Public Open Space to acknowledge the submission of the owners of No.122 Brooklands Drive that the area of proposed Public Open Space designated across their property is too close to their existing house and will have an unreasonable adverse impact on the amenity of their property.
- 3) Advise all parties whom made a submission of Council's decision.
- 4) Continue to lobby the Western Australian Planning Commission and Minister for Planning to facilitate amendments to the wording of Regulation 73 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) and Deemed to Comply Clause 69 in *Schedule 2 of the LPS Regulations* as previously recommended in a submission to the WAPC by the City of Swan to reflect:

*73(5) Nothing in this regulation precludes the Commission from granting subdivision or development approval or a local government from granting development approval, **subject to a condition requiring the subdivider or developer as the case may be, to enter into an agreement with the responsible local government for making an appropriate contribution to the cost of infrastructure works and associated administration, to be shared in common with others with payment being made on a preliminary basis at the time of subdivision or development approval with final contribution to be made when a Development Contribution Plan is in place for the relevant area.***

*69(3) Nothing in this clause precludes a local government from granting development approval **subject to a condition requiring the developer to enter into an agreement with the local government for making an appropriate contribution to the cost of infrastructure works and associated administration on a preliminary basis with final contribution to be settled when a Development Contribution Plan is in place for the relevant area.***

- 5) Record the reason for changing the Officer's Recommendation is to emphasise the need to provide financial protection to Local Government where a Developer Contribution Plan has not yet been approved, it is necessary to add provisions to each reg.73 and deemed cl.69 to make it clear that nothing in the Regulations or in the deemed clause should preclude the Commission in the case of subdivision, and the Local Government/JDAP in the case of development approval from granting subdivision or development approval as the case may be, subject to a condition requiring the subdivider or developer to enter into an agreement in satisfactory terms for making an equitable contribution to the cost of common infrastructure.

(Cr Bowman – Cr Knight)

**RESOLVED (12/2) TO:**

- 1) Note the submissions received on the Revised Development Contribution Plan associated with Proposed Amendment No.200 to Local Planning Scheme No.17 - to Establish and Insert a Development Contribution Plan for Development Contribution Area No.8 (DCA 8) – Henley Brook Urban Precinct.
- 2) Recommend to the Western Australian Planning Commission that the Minister for Planning:
  - a) Adopt Proposed Amendment No.200 to the City of Swan Local Planning Scheme No.17 for the purpose of gazettal without modification; and
  - b) Endorse the amended draft Henley Brook Development Contribution Plan report May 2022, the Henley Brook Community Capital Expenditure Plan May 2022, the Henley Brook Community Infrastructure Plan May 2022 and the Capital Expenditure Plan DCA8 May 2022 subject to the following further modification:

- i. Reflect the decreased area of Public Open Space No.7 in accordance with the Council's 4 May 2022 resolution on the Amendment No.1 to the Henley Brook Structure Plan whereby the approximately 2,200m<sup>2</sup> of Public Open Space designated over the north-east corner of No.122 Brooklands Drive be deleted from the Public Open Space to acknowledge the submission of the owners of No.122 Brooklands Drive that the area of proposed Public Open Space designated across their property is too close to their existing house and will have an unreasonable adverse impact on the amenity of their property.
- 3) Advise all parties whom made a submission of Council's decision.
- 4) Continue to lobby the Western Australian Planning Commission and Minister for Planning to facilitate amendments to the wording of Regulation 73 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) and Deemed to Comply Clause 69 in *Schedule 2 of the LPS Regulations* as previously recommended in a submission to the WAPC by the City of Swan to reflect:

*73(5) Nothing in this regulation precludes the Commission from granting subdivision or development approval or a local government from granting development approval, **subject to a condition requiring the subdivider or developer as the case may be, to enter into an agreement with the responsible local government for making an appropriate contribution to the cost of infrastructure works and associated administration, to be shared in common with others with payment being made on a preliminary basis at the time of subdivision or development approval with final contribution to be made when a Development Contribution Plan is in place for the relevant area.***

*69(3) Nothing in this clause precludes a local government from granting development approval **subject to a condition requiring the developer to enter into an agreement with the local government for making an appropriate contribution to the cost of infrastructure works and associated administration on a preliminary basis with final contribution to be settled when a Development Contribution Plan is in place for the relevant area.***
- 5) Record the reason for changing the Officer's Recommendation is to emphasise the need to provide financial protection to Local Government where a Developer Contribution Plan has not yet been approved, it is necessary to add provisions to each reg.73 and deemed cl.69 to make it clear that nothing in the Regulations or in the deemed clause should preclude the Commission in the case of subdivision, and the Local Government/JDAP in the case of development approval from granting subdivision or development approval as the case may be, subject to a condition requiring the subdivider or developer to enter into an agreement in satisfactory terms for making an equitable contribution to the cost of common infrastructure.

For: Crs Bowman, Congerton, Henderson, Howlett, Johnson, Jones, Knight, Lucas, Parry, Predovnik, Richardson and Zannino

Against: Crs Catalano and McCullough

**4.2 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)**

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Planning and Development)

**RECOMMENDATION**

That the Council resolve to:

- 1) Recommend to the Western Australian Planning Commission that it approve the proposed Local Structure Plan for the Hazelmere Special Use Zone No.16 (Precinct 3A) subject to the following modifications:
  - a. Modify the Structure Plan Map (Plan No.1) as follows:
    - i. Sub-Precinct No.1 to be designated as a 'Highway Service' zone;
    - ii. Sub-Precinct No.2 to be designated as a 'Residential' zone with a Residential Density Code of R20; and
    - iii. Sub-Precinct No.3 and Sub-Precinct No.4 to be designated as 'Industry-Light' zones.
  - b. Modify Part One – Implementation of the proposed Structure Plan document by:
    - i. Replacing the last sentence of Clause No.4 Subdivision and Development Requirements and Clause 4.5.2, Clause 4.6.2 and Clause 4.7.2 to read:

*“Land uses shall be in accordance with the land uses provided for the applicable zoning as per the Zoning Table at Clause 4.3 and as defined by Schedule 1B of the City of Swan Local Planning Scheme No.17 and any Additional or Restricted Uses set out within this Structure Plan at Clause 4.9”.*
    - ii. Modifying Clause 4.5.4.1 Crossover Access to read:

*No vehicle access and egress is to be provided to and from Eric Street.*

*Vehicle access and egress points on the North-South Distributor B Road shall be limited to consolidated locations through the use of right of way easements or other legally secure instruments, with the intent that there is no more than two (2) vehicle crossovers in total.*

*A road access strategy is to be submitted with the development and subdivision application to demonstrate compliance and the suitability of the location proposed. Where a subdivision or development proposal does not cover the entirety of the Parent Lot - a Local Development Plan can be required by the Local Government and the Western Australian Planning Commission to consolidate access.*

iii. Deleting Clause 4.5.7.4 Maximum Floor Areas.

iv. Modifying Clause 4.9 to read:

*“Land uses shall be in accordance with the land uses provided for the applicable zoning as per the Zoning Table at Clause 4.3 and as defined by Schedule 1B of the City of Swan Local Planning Scheme No.17.*

*In addition to the land uses that are capable of approval in a Highway Service zone by the Zoning Table at Clause 4.3 of the City of Swan Local Planning Scheme No.17 the following Additional Uses may be approved:*

- *Convenience Store – A;*
- *Exhibition Centre – D;*
- *Lunch Bar – D;*
- *Market – A;*
- *Medical Centre – D;*
- *Place of Assembly – A;*
- *Place of Worship – A; and*
- *Restaurant – A*

*Notwithstanding the land uses capable of approval in a Highway Service zone by the Zoning Table at Clause 4.3 of the City of Swan Local Planning Scheme No.17 the following Restricted Use shall not be approved:*

- *Transport Depot - X*

v. Inserting a new Clause 4.6.1.1 Aircraft Noise that states:

*Prior to development of any residential dwellings on land within the precinct a Local Development Plan is required to be adopted by the Local Government to articulate design and construction standards of dwellings to achieve compliance with Australian Standard AS2021:15 Acoustic Noise Intrusion – Building Siting and Construction.*

*Subdivision of any land within the Structure Plan area that creates residential lots will require the installation of a notification on the title advising of aircraft noise.*

vi. Deleting Clause 4.6.6 Perth Airport.

- vii. Modifying Clause 4.7 Sub-Precinct No.3 to read:

*The intent of development of this sub-precinct is for light-industrial land uses that provide a transition between the residential parts of Hazelmere and the core industrial area.*

- viii. Modifying Clause 4.7.4.1 Crossover/Access to read:

*Vehicle access and egress points onto Bushmead Road and Hazelmere Circus should be avoided and existing crossovers removed when alternatives can be provided onto the North-South Distributor B Road.*

*Vehicle access and egress points on the North-South Distributor B Road shall be limited to consolidated locations through the use of right of way easements or other legally secure instruments, with the intent that there is no more than eight (8) vehicle crossovers in total.*

*(this equates to two (2) for each of the parent lots - Lot 39 Stirling Crescent, Lot 58 and Lot 83 Bushmead Road and Lot 93 Hazelmere Circus)*

*A road access strategy is to be submitted with the development and subdivision application to demonstrate compliance and the suitability of the location proposed. Where a subdivision or development proposal does not cover the entirety of the Parent Lot - a Local Development Plan can be required by the Local Government and the Western Australian Planning Commission to consolidate access.*

- ix. Deleting Clauses 4.8 through to 4.8.7.2.
- x. Deleting Clause 4.10.
- c. Modify Part Two - Explanatory Section of the Structure Plan as necessary to be consistent with the modifications listed above.
- d. Update Appendix No.2 Bushfire Management Plan to be consistent with the modifications listed above and also to address the following:
- i. For those portions outside the structure plan area - classify vegetation in Plot No.1 on a worse-case scenario on the basis that this vegetation outside the Structure Plan area will be unmanaged and under-developed;
  - ii. Detail how the Class B Woodland within Plot No.2 was derived, as opposed to Class A Forrest, and if modifications are required; and
  - iii. Detail how the vegetation in Plot No.4 was derived and if new plots ought to be introduced to better reflect differing levels of vegetation cover, and if modifications are required.
- e. Update Appendix No.5 Traffic Impact Statement to address and make reference to the Long Term Cycling Network.
- 2) Forward the full Structure Plan proposal and the recommended modifications to the Western Australian Planning Commission for their determination.
- 3) Notify the applicant, affected landowners and submitter's of Council's resolution.



**MOTION** that the Council resolve to:

- 1) Defer consideration of this item until the July Ordinary Meeting of Council to allow:
  - a) The Hazelmere Progress Association time to facilitate a public meeting with city staff and residents, to clear up confusion about what is being proposed in the structure plan.
  - b) Interested councillors and residents more time to consider safety, noise, road and traffic movement issues raised in the public submissions.
- 2) Ask the applicant to provide an up to date traffic impact assessment for that Ordinary Meeting of Council.
- 3) Record the reasons for changing the Officer Recommendation as:
  1. Confusion has arisen over the proposed structure plans deviation (in parts) from other planning documents that guide development in this area and a deferral will allow a meeting for residents, impacted by these proposed developments, to get a clearer understanding of what is being proposed.
  2. Residents impacted by these proposed developments, say they have received little to no communication on the plans for the area and a deferral will allow more time to get that information.
  3. The applicants Traffic Impact Assessment (TIA) only goes up to June last year and doesn't include the Helena River Steiner School and the Steiner School's TIA doesn't include the proposed distributor road, which will allow Restricted Access Vehicles and heavy traffic.

(Cr Predovnik – Cr Howlett)

**AMENDMENT TO THE MOTION**

Cr Catalano requested the following amendment:

In Part 1, amend July to August.

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

**THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION**

**RESOLVED UNANIMOUSLY TO:**

- 1) Defer consideration of this item until the August Ordinary Meeting of Council to allow:
  - a) The Hazelmere Progress Association time to facilitate a public meeting with city staff and residents, to clear up confusion about what is being proposed in the structure plan.
  - b) Interested councillors and residents more time to consider safety, noise, road and traffic movement issues raised in the public submissions.
- 2) Ask the applicant to provide an up to date traffic impact assessment for that Ordinary Meeting of Council.
- 3) Record the reasons for changing the Officer Recommendation as:
  1. Confusion has arisen over the proposed structure plans deviation (in parts) from other planning documents that guide development in this area and a deferral will allow a meeting for residents, impacted by these proposed developments, to get a clearer understanding of what is being proposed.
  2. Residents impacted by these proposed developments, say they have received little to no communication on the plans for the area and a deferral will allow more time to get that information.
  3. The applicants Traffic Impact Assessment (TIA) only goes up to June last year and doesn't include the Helena River Steiner School and the Steiner School's TIA doesn't include the proposed distributor road, which will allow Restricted Access Vehicles and heavy traffic.

**4.3 RESPONSIBLE AUTHORITY REPORT - PROPOSED STORAGE FACILITY (SELF -STORAGE) - LOTS 134-137 (NO.8-8B) JAMES STREET AND LOTS 138-141 (NO.79-81) GREAT EASTERN HIGHWAY, BELLEVUE (DA203-22)**

**Ward:** (Midland/Guildford 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:

- 1) Endorse the Officer's Recommendation for the application to the Metro-outer Joint Development Assessment Panel, to approve the application subject to conditions inclusive of the following additional condition:

Prior to a building permit being issued, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy POL-LP-1.10 Provision of Public Art, either by:

- a) Payment to the City of Swan of a cash-in-lieu amount equal to the sum of the 1% contribution amount. This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of a building permit for the approved development, whichever occurs first; or
- b) Provision of Public Art on-site to a minimum value of the 1% contribution amount. The following is required for the provision of Public Art on site:
  - i. The landowner or applicant on behalf of the landowner must seek approval from the City of Swan for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City of Swan in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended.) The City of Swan may apply further conditions in regard to the Public Art.
  - ii. No part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City of Swan; and
  - iii. The approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.

- 2) Record the reason for changing the Officer Recommendation is that the Development Application meets the requirements for Public Art contribution, that being it is in a highly visible site on Great Eastern Highway with the additional visibility from traffic above, being from the Roe Highway overpass.

(Cr Howlett – Cr Bowman)

**RESOLVED (12/2) TO:**

- 1) Endorse the Officer's Recommendation for the application to the Metro-outer Joint Development Assessment Panel, to approve the application subject to conditions inclusive of the following additional condition:

Prior to a building permit being issued, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy POL-LP-1.10 Provision of Public Art, either by:

- a) Payment to the City of Swan of a cash-in-lieu amount equal to the sum of the 1% contribution amount. This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of a building permit for the approved development, whichever occurs first; or
  - b) Provision of Public Art on-site to a minimum value of the 1% contribution amount. The following is required for the provision of Public Art on site:
    - i. The landowner or applicant on behalf of the landowner must seek approval from the City of Swan for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City of Swan in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended.) The City of Swan may apply further conditions in regard to the Public Art.
    - ii. No part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City of Swan; and
    - iii. The approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.
- 2) Record the reason for changing the Officer Recommendation is that the Development Application meets the requirements for Public Art contribution, that being it is in a highly visible site on Great Eastern Highway with the additional visibility from traffic above, being from the Roe Highway overpass.

For: Crs Bowman, Congerton, Howlett, Johnson, Jones, Knight, Lucas, McCullough, Parry, Predovnik, Richardson and Zannino

Against: Crs Catalano and Henderson

Cr Johnson left the Chamber at 9.05pm.

### **3. COMMUNITY PLANNING AND DEVELOPMENT**

#### **3.2 HARVEST FESTIVAL 2022 - 2023**

**Ward:** (Swan Valley/Gidgegannup Ward) (Marketing and Public Relations)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Place Stakeholder Engagement)

Cr Howlett declared an impartiality interest in Item 3.2 - Harvest Festival 2022 - 2023 as she is a former committee member of the Swan Valley Tourism Alliance.

#### **RECOMMENDATION**

That the Council resolve to:

- 1) Allocate \$25,000 towards the Harvest Festival and remove the requirement for the Swan Valley Tourism Alliance to provide matched funding (Option 1).

Cr Johnson entered the Chamber at 9.06pm.

**MOTION** that the Council resolve to:

- 1) Allocate \$50,000 towards the Harvest Festival and remove the requirement for the Swan Valley Tourism Alliance to provide matching funding (Option 3).
- 2) Write to the State Government seeking additional support for the Harvest Festival and the other Swan Valley marketing activities to assist in restoring tourism in the region.
- 3) Record the reasons for the changing the Officer Recommendation are:
  1. The financial impact of COVID19 on tourism visitation has been significant making it difficult to obtain funding from the rural sector.
  2. The Swan Valley relies on events such as this to effectively market the region.
  3. The State is embarking on a marketing exercise to bring tourists back to Western Australia.

(Cr Henderson – Cr Zannino)

**RESOLVED (9/5) TO:**

- 1) Allocate \$50,000 towards the Harvest Festival and remove the requirement for the Swan Valley Tourism Alliance to provide matching funding (Option 3).
- 2) Write to the State Government seeking additional support for the Harvest Festival and the other Swan Valley marketing activities to assist in restoring tourism in the region.
- 3) Record the reasons for the changing the Officer Recommendation are:
  1. The financial impact of COVID19 on tourism visitation has been significant making it difficult to obtain funding from the rural sector.
  2. The Swan Valley relies on events such as this to effectively market the region.
  3. The State is embarking on a marketing exercise to bring tourists back to Western Australia.

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

Against: Crs Bowman, Catalano, Howlett, Johnson and Knight

*The Presiding Member, with the consent of Council, moved to Item 4.5 - Proposed Extension to Tavern and Construction of 2m High Noise Barrier Walls - Lot 330 (No. 322) Alexander Drive, Ballajura (DA940-21)*

#### **4. STATUTORY PLANNING**

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

**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 application for the Extension to the Tavern and construction of 2m high noise barrier walls at Lot 330 (No.322) Alexander Drive, Ballajura subject to the following conditions:
  1. This approval is for "Tavern" as defined in the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City.
  2. 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.
  3. The premises has a maximum capacity of 150 patrons.
  4. Prior to the lodgement of a Section 40 restricted tavern liquor license for the extended outdoor area, noise mitigation measures in the form of acoustic walls must be provided on the lot in accordance with the submitted Acoustic Report prepared by Herring Storer Acoustics (dated 15 December 2021, version 2) and as per the approved plans, with the following exception:
    - a. Colorbond shall not be used in the construction of the required 2m high acoustic walls. The walls are to be visually permeable and Glass is to be used in lieu of Colorbond to the satisfaction of the City of Swan.
  5. All existing landscaping to be maintained to the satisfaction of the City of Swan.
  6. The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the City.

7. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
  8. All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City.
  9. Any additional development, which is not in accordance with the application (subject of this approval) or any condition of approval, will require further approval of the City.
- 2) Advise the applicant/ owner and submitters of the Council's decision.

**MOTION** that the Council resolve to:

- 1) Defer the application for the Proposed Extension to Tavern and Construction of 2m High Noise Barrier Walls - Lot 330 (No. 322) Alexander Drive, Ballajura (DA940-21) to a future meeting of Council to in response to the applicants expressed intent to modify the current application to incorporate additional elements (car parking and play equipment).
- 2) Record the reason for changing the Officer Recommendation is that the applicant wishes to amend the location of the fence to make additional parking available.

(Cr Congerton – Cr Parry)

**RESOLVED UNANIMOUSLY TO:**

- 1) Defer the application for the Proposed Extension to Tavern and Construction of 2m High Noise Barrier Walls - Lot 330 (No. 322) Alexander Drive, Ballajura (DA940-21) to a future meeting of Council to in response to the applicants expressed intent to modify the current application to incorporate additional elements (car parking and play equipment).
- 2) Record the reason for changing the Officer Recommendation is that the applicant wishes to amend the location of the fence to make additional parking available.



## **PART C - OTHER BUSINESS AND CLOSING PROCEDURES**

### **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 McCullough)

#### **C3.3 ELLENBROOK ARTS CONDITIONAL GRANT 2020/21 (YEAR 1) PERFORMANCE REPORT**

**Ward:** (Pearce Ward) (Community and Libraries)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Community Wellbeing)

#### **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 Council resolve to;

- 1) Endorse the Year 1 Performance Report for 2020/21 as detailed in this report.
- 2) Not support the requested funding increase for the third year of the current grant, as requested by Ellenbrook Arts but reconsider as part of a new tendering process.
- 3) Note that a report to Council before December 2022 will be required, to consider the Year 2 performance report and whether to tender for community art services in Ellenbrook from July 2023 onwards.
- 4) Provide feedback to Ellenbrook Arts on their first year performance report and decision to not provide additional funding for year 3 of the current funding contract.
- 5) Publish on the City's website, a summary of the year 1 performance report.

**MOTION** that the Council resolve to:

- 1) Endorse the Year 1 Performance Report for 2020/21 as detailed in this report.
- 2) Not support the requested funding increase for the third year of the current grant, as requested by Ellenbrook Arts.
- 3) Note that a report to Council before December 2022 will be required, to consider the Year 2 performance report and whether to tender for community art services in Ellenbrook from July 2023 onwards.
- 4) Provide feedback to Ellenbrook Arts:
  - a) that Council is concerned on the sustainability of the business model due to the proportion of funding supporting the lease,
  - b) that Council wishes to support Ellenbrook Arts in seeking State Government funding to support their business model and reduce reliance on City funding,
  - c) that Council requests an increase focus on community art outreach programs, including via the Grapevine Community Art Centre,
  - d) that Council provides feedback on their Year 1 performance report against the 9 KPIs as detailed in this report, and
  - e) on the reasoning for not providing the requested additional funding for Year 3 of the current funding contract as detailed in this report.
- 5) Publish on the City's website, a summary of the Year 1 performance report.
- 6) Record the reasons for changing the Officer Recommendation are:
  1. The business model does not appear to be sustainable. The significant costs for the leasing of the facility are drawing away funding from service delivery, there is inadequate funding being received from other sources and there is inadequate funding from the State Government. To provide additional funding to enable the leasing of more floor space is not an appropriate use of City funding, especially when there is competition from other high priority activities.
  2. There needs to be an increased focus on community art outreach programs, instead of the gallery as this can increase the amount of engagement with City of Swan residents and ratepayers, whilst also planning for the possibility of reduced future funding from the City in future years.

(Cr Bowman – Cr Howlett)

**RESOLVED (8/6) TO:**

- 1) Endorse the Year 1 Performance Report for 2020/21 as detailed in this report.
- 2) Not support the requested funding increase for the third year of the current grant, as requested by Ellenbrook Arts.
- 3) Note that a report to Council before December 2022 will be required, to consider the Year 2 performance report and whether to tender for community art services in Ellenbrook from July 2023 onwards.
- 4) Provide feedback to Ellenbrook Arts:
  - a) that Council is concerned on the sustainability of the business model due to the proportion of funding supporting the lease,
  - b) that Council wishes to support Ellenbrook Arts in seeking State Government funding to support their business model and reduce reliance on City funding,
  - c) that Council requests an increase focus on community art outreach programs, including via the Grapevine Community Art Centre,
  - d) that Council provides feedback on their Year 1 performance report against the 9 KPIs as detailed in this report, and
  - e) on the reasoning for not providing the requested additional funding for Year 3 of the current funding contract as detailed in this report.
- 5) Publish on the City's website, a summary of the Year 1 performance report.
- 6) Record the reasons for changing the Officer Recommendation are:
  1. The business model does not appear to be sustainable. The significant costs for the leasing of the facility are drawing away funding from service delivery, there is inadequate funding being received from other sources and there is inadequate funding from the State Government. To provide additional funding to enable the leasing of more floor space is not an appropriate use of City funding, especially when there is competition from other high priority activities.
  2. There needs to be an increased focus on community art outreach programs, instead of the gallery as this can increase the amount of engagement with City of Swan residents and ratepayers, whilst also planning for the possibility of reduced future funding from the City in future years.

For: Crs Bowman, Congerton, Henderson, Howlett, Knight, Lucas, Parry and Richardson

Against: Crs Catalano, Johnson, Jones, McCullough, Predovnik and Zannino

**Note:** The Council Meeting was adjourned on 1 June 2022 and reconvened on 7 June 2022 where a revocation motion on this item was considered.

See Item 9.1 - Ellenbrook Arts Conditional Grant 2020/21 (Year 1) Performance Report.

**RESOLVED UNANIMOUSLY** to amend the order of business to deal with Item C3.2 while the Council is meeting behind closed doors.

(Cr Bowman - Cr Jones)

### **C3.2 CR CATALANO - RESPONSIBILITY FOR STOCK ROAD, BULLSBROOK**

**Ward:** (All Wards) (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

**MOTION** that the Council resolve to:

- 1) Write to the Minister of Transport and request that Main Roads take over all responsibility for:
  - a) The construction of Stock Road in Bullsbrook.
  - b) The raising of funds for the construction of Stock Road and associated infrastructure.
  - c) Execution and completion of all contracts and deeds with private landowners for land acquisitions.
  - d) Collection of all of Developer Contributions towards the costs of Stock Road.

(Cr Catalano – Cr Johnson)

Cr Congerton left the Chamber at 9.54pm.

Cr Congerton entered the Chamber at 9.55pm.

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

For: Crs Crs Catalano, Howlett, Johnson and Knight

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

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

(Cr Parry – Cr Zannino)

The Presiding Member read aloud the following information:

- C3.3 - Ellenbrook Arts Conditional Grant 2020/21 (Year 1) Performance Report

Council endorsed the Performance Report but did not support the restricted fund increase for the third year.

- C3.2 - Cr Catalano - Responsibility for Stock Road, Bullsbrook

The motion to write to the Minister of Transport to take over all responsibility for Stock Road, Bullsbrook was lost.

**ADJOURNMENT**

**RESOLVED UNANIMOUSLY TO:**

- 1) Adjourn the Ordinary Meeting of Council until Tuesday, 7 June at 6pm.

(Cr Parry – Cr Zannino)

**THE MEETING WAS ADJOURNED AT 10.04pm**

**MEETING RECONVENED**

**MINUTES OF THE ADJOURNED ORDINARY MEETING OF COUNCIL**

**HELD AT MIDLAND TOWN HALL**

**ON TUESDAY 7 JUNE 2022 COMMENCING AT 6PM**

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**OPENING AND ANNOUNCEMENT OF VISITORS**

The Mayor welcomed those present and declared the adjourned meeting reconvened at 6.00pm.

**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 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 (from 6.01pm)
	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:	Mrs K Leahy	A/Chief Executive Officer
	Mr M Bishop	Executive Manager Community Wellbeing
	Mr J Coten	Executive Manager Operations
	Mr S Kern	A/Executive Manager Corporate
	Ms M Pickering	Executive Manager Place Stakeholder Engagement
	Mr L van der Linde	Executive Manager Planning & Development
	Ms C Donegan	A/Manager Governance
	Mr P Russell	Manager Statutory Planning
	Ms M Dwyer	Governance Officer (Minute Clerk)
Leave of Absence:	Cr A Kiely	Altone Ward
	Cr S Howlett	Midland/Guildford Ward
Apologies:	Nil	
Members of the Public:	5 (approximately)	
Media:	1	

## **PART B – REPORTS**

### **4. STATUTORY PLANNING**

#### **4.6 PROPOSED CARPORT - LOT 150 (NO. 44) JINDA ROAD, KOONGAMIA (RCP041-21)**

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Planning and Development)

### **RECOMMENDATION**

That the Council resolve to:

- 1) Refuse the proposed variations to the 'deemed-to-comply' requirements of the Residential Design Codes of Western Australia with respect to the proposed Carport at Lot 150 (No.44) Jinda Road, Koongamia for the following reason:
  - a) The siting and design of the Carport does not contribute positively to, and would disrupt and dominate, the prevailing streetscape.
- 2) Advise the applicant and owners of the resolution of Council accordingly.
- 3) Advise all those who lodged a submission of Council's decision accordingly.

Cr Richardson entered the Chamber at 6.01pm.

**MOTION** that the Council resolve to:

- 1) Approve the proposed variations to the 'deemed-to-comply' requirements of the Residential Design Codes of Western Australia with respect to the proposed Carport at Lot 150 (No.44) Jinda Road, Koongamia.
- 2) Advise the applicant, owner and any other party that made a submission of Council's decision accordingly.
- 3) Record the reason for changing the recommendation is that the proposed carport is not considered to have any adverse impact on the streetscape of Jinda Road.

(Cr Johnson – Cr Catalano)



**MOTION WAS PUT TO THE VOTE AND LOST (6/7)**

For: Crs Catalano, Congerton, Henderson, Johnson, Knight and McCullough

Against: Crs Bowman, Jones, Lucas, Parry, Predovnik, Richardson and Zannino

**MOTION** that the Council resolve to adopt the Officer recommendation.

(cr Bowman – Cr Predovnik)

**RESOLVED (9/4) TO:**

- 1) Refuse the proposed variations to the 'deemed-to-comply' requirements of the Residential Design Codes of Western Australia with respect to the proposed Carport at Lot 150 (No.44) Jinda Road, Koongamia for the following reason:
  - a) The siting and design of the Carport does not contribute positively to, and would disrupt and dominate, the prevailing streetscape.
- 2) Advise the applicant and owners of the resolution of Council accordingly.
- 3) Advise all those who lodged a submission of Council's decision accordingly.

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

Against: Crs Catalano, Johnson, Knight and McCullough

#### **4.7 ILLUMINATED SIGNAGE (EXISTING) - LOT 123 (NO.207) JAMES STREET, GUILDFORD (DA538-21)**

**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 that part of the application for the existing Illuminated Signage at Lot 123 (No.207) James Street, Guildford that comprises the existing under awning sign subject to the following conditions:
  1. The illumination of the signs must not exceed 300cd.m<sup>2</sup> (candela per square metre) between sunset and sunrise.
  2. The signs shall not flash, pulsate or chase.
  3. The signs shall not be electronic/digital format.
  4. The signs must not contain fluorescent, reflective or retro reflective colours or materials.
- 2) Refuse that part of the application for existing Illuminated Signage at Lot 123 (No.207) James Street, Guildford that comprises the existing 'Hoang Kim' neon sign on the patio awning for the following reason:
  1. As a large illuminated sign, it is designed in a manner that sets it apart from other signage on commercial properties along James Street and thereby renders it incongruous with the existing builtform character.

**MOTION** that the Council resolve to:

- 1) Refuse both the existing 'Hoang Kim' neon sign on the patio awning and the under-awning sign at Lot 123 (No.207) James Street, Guildford for the following reasons:
  1. Both signs are situated among an excess (clutter) of advertising signage along the property frontage which distracts from the façade of Tindale House and is inconsistent with the majority of the clear performance criteria (c, d and e) of the Guildford Conservation Policy:
    - c) To limit the number, scale and positioning of advertising signs, and to ensure that signs do not crowd the advertisers message;*
    - d) To ensure that advertising signs are in keeping with the scale and character of the building upon which they will be attached, and do not detract from the architecture of the building; and*

- e) To ensure that signage associated with heritage places are designed and located in a manner that protects and enhances what is valued about the building or place*
2. The design of the large illuminated neon sign that comprises the existing "Hoang Kim" sign on the patio awning is in stark contrast to other signage on commercial properties along James Street and thereby renders it incongruous with the existing built form character.
  3. The size of the lettering on the large illuminated neon sign that comprises the existing "Hoang Kim" sign on the patio awning is larger than the 300mm provided for in the Guildford Conservation policy's Acceptable Development Provisions.
  4. Internally illuminated advertising signs are inappropriate and unacceptable under the Guildford Conservation policy's Acceptable Development Provisions.
- 2) Advise the applicant/owner that the under-awning sign could be externally illuminated so as to comply with the Guildford Conservation Precinct Local Planning Policy.
  - 3) Advise the applicant/owner to work with City staff to ensure their signage is compliant.

(Cr Predovnik – Cr Richardson)

**RESOLVED (10/3) TO:**

- 1) Refuse both the existing 'Hoang Kim' neon sign on the patio awning and the under-awning sign at Lot 123 (No.207) James Street, Guildford for the following reasons:
  1. Both signs are situated among an excess (clutter) of advertising signage along the property frontage which distracts from the façade of Tindale House and is inconsistent with the majority of the clear performance criteria (c, d and e) of the Guildford Conservation Policy:
    - c) To limit the number, scale and positioning of advertising signs, and to ensure that signs do not crowd the advertisers message;*
    - d) To ensure that advertising signs are in keeping with the scale and character of the building upon which they will be attached, and do not detract from the architecture of the building; and*
    - e) To ensure that signage associated with heritage places are designed and located in a manner that protects and enhances what is valued about the building or place*
  2. The design of the large illuminated neon sign that comprises the existing "Hoang Kim" sign on the patio awning is in stark contrast to other signage on commercial properties along James Street and thereby renders it incongruous with the existing built form character.

3. The size of the lettering on the large illuminated neon sign that comprises the existing "Hoang Kim" sign on the patio awning is larger than the 300mm provided for in the Guildford Conservation policy's Acceptable Development Provisions.
  4. Internally illuminated advertising signs are inappropriate and unacceptable under the Guildford Conservation policy's Acceptable Development Provisions.
- 2) Advise the applicant/owner that the under-awning sign could be externally illuminated so as to comply with the Guildford Conservation Precinct Local Planning Policy.
  - 3) Advise the applicant/owner to work with City staff to ensure their signage is compliant.

For: Crs Bowman, Congerton, Henderson, Jones, Knight, McCullough, Parry, Predovnik, Richardson and Zannino

Against: Crs Catalano, Johnson and Lucas

**4.8 ILLUMINATED SIGNAGE (EXISTING) - LOT 100 (NO.127) JAMES STREET, GUILDFORD (DA463-21)**

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Planning and Development)

Cr Johnson declared an impartiality interest in Item 4.8 - Illuminated Signage (Existing) - Lot 100 (No.127) James Street, Guildford (DA463-21) as he is a regular customer of the Rusty Old Boat (the restaurant located at this site).

**RECOMMENDATION**

That the Council resolve to:

- 1) Approve that part of the application for the existing Illuminated Signage at Lot 100 (No.127) James Street, Guildford that comprises the two (2) existing under awning signs and the one (1) existing circular wall sign subject to the following conditions:
  1. The illumination of the signs must not exceed 300cd.m<sup>2</sup> (candela per square metre) between sunset and sunrise.
  2. The signs shall not flash, pulsate or chase.
  3. The signs shall not be electronic/digital format.
  4. The signs must not contain fluorescent, reflective or retro reflective colours or materials.
- 2) Refuse that part of the application for the existing Illuminated Signage at Lot 100 (No.127) James Street, Guildford that comprises the existing above awning 'Rusty Old Boat' sign for the following reason:
  1. As a large illuminated sign, it is designed in a manner that sets it apart from other signage on commercial properties along James Street and thereby renders it incongruous with the existing builtform character.

**MOTION** that the Council resolve to:

- 1) Defer a decision on the illuminated signs until after the draft Guildford Local Heritage Area Planning Policy is approved.
- 2) To request the CEO to review section 8.11.2 Signage in the draft policy to consider the merits of internally lit, externally lit and neon signs in the historical context of Guildford, noting that:
  - a) There are numerous examples of internally lit, externally lit and neon signs in Guildford today.
  - b) The Edison patent for incandescent light was filed in the 1879 within the colonial heritage era of Guildford.
  - c) A US patent for neon lighting was issued in 1919 also within the colonial heritage era of Guildford.
- 3) The reason for the motion is that the Guildford Heritage policy is under review and it is not equitable to consider this retrospective application until the new policy is approved.

(Cr Johnson – Cr Knight)

**MOTION WAS PUT TO THE VOTE AND LOST (5/8)**

For: Crs Catalano, Johnson, Knight, Lucas and McCullough

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

**MOTION** that the Council resolve to adopt the Officer recommendation.

(Cr Bowman – Cr Predovnik)

**RESOLVED (9/4) TO:**

- 1) Approve that part of the application for the existing Illuminated Signage at Lot 100 (No.127) James Street, Guildford that comprises the two (2) existing under awning signs and the one (1) existing circular wall sign subject to the following conditions:
  1. The illumination of the signs must not exceed 300cd.m<sup>2</sup> (candela per square metre) between sunset and sunrise.
  2. The signs shall not flash, pulsate or chase.
  3. The signs shall not be electronic/digital format.
  4. The signs must not contain fluorescent, reflective or retro reflective colours or materials.
  
- 2) Refuse that part of the application for the existing Illuminated Signage at Lot 100 (No.127) James Street, Guildford that comprises the existing above awning 'Rusty Old Boat' sign for the following reason:
  1. As a large illuminated sign, it is designed in a manner that sets it apart from other signage on commercial properties along James Street and thereby renders it incongruous with the existing builtform character.

For: Crs Bowman, Congerton, Henderson, Jones, Knight, Parry, Predovnik, Richardson and Zannino

Against: Crs Catalano, Johnson, Lucas and McCullough

## **5. OPERATIONAL MATTERS**

### **5.2 PROPOSAL FOR THE CITY TO MANAGE WESTERN AUSTRALIAN PLANNING COMMISSION OWNED LOTS 0-4, 12 AND 178 DEVON STREET, WOODBRIDGE**

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Operations)

## **RECOMMENDATION**

That Council resolve to:

- 1) Not support the proposal to request the Western Australian Planning Commission to cede the land to the State of Western Australia with a Management Order to be issued to the City.
- 2) Communicate to the Friends of Woodbridge Bushlands group to seek assistance from the Lower Helena Association, who already operate in the area, and/or from the Eastern Region Catchment Management Program (ERCMP), which could provide the required support without the City taking over the management for the land.

**MOTION** that the Council resolve to:

- 1) Direct the CEO to make a formal request from the City, to transfer Lots 0, 1, 2, 3, 4, 12 and 178 Devon Street, Woodbridge to the State of WA to enable a Crown Reserve to be created that could be vested to the City.
- 2) Take all necessary steps to obtain a Management Order from the State Government for the seven lots: 5,424m in area.
- 3) Ensure the City engages with the Friends of Woodbridge Bushlands Group throughout this process to support good educational, environmental and social outcomes for the community.
- 4) Record the reasons for changing the Officer's Recommendation are:
  1. The WAPC has indicated it would be willing, upon receiving a formal request from the City, to transfer the land to the State of WA to enable a reserve to be created that could be vested to the City.
  2. The creation of a crown reserve with a management order would be consistent with the current zoning of the site as 'Parks and Recreation' under the Metropolitan Region Scheme.
  3. The land is proposed to be managed by a Friends of Woodbridge Bushlands Group (the Group) who will be able to obtain grants from the State Government to care for the site, alleviating maintenance costs for the city.



4. A petition with 180 signatures was presented to council in 2018 to protect this wildlife corridor.
5. A management order will enable the Swan community to learn more about local native species, flora and fauna and rehabilitate the land so quenda and echidna populations can be protected and longer term native habitat restored.
6. The Group are in discussions with Trillion Trees, TAFE, local high schools and primary schools to partner with them and undertake environmental and educational projects which a management order will enable.
7. Currently, the engagement of schools and TAFE is limited and there are restrictions on what grants can be obtained and what educational and environmental projects, can be done on the site without a management order.
8. Provide the long term security required for rehabilitation of the site.

(Cr Predovnik – Cr Knight)

#### **AMENDMENT TO THE MOTION**

Cr Bowman requested the following amendment:

Insert a new Part 4 (and subsequently renumber):

Advise the Group that the Council will not budget for ongoing maintenance costs.

(Cr Bowman - )

**MOTION LAPSED** due to the lack of a seconder.

**RESOLVED (9/4) TO:**

- 1) Direct the CEO to make a formal request from the City, to transfer Lots 0, 1, 2, 3, 4, 12 and 178 Devon Street, Woodbridge to the State of WA to enable a Crown Reserve to be created that could be vested to the City.
- 2) Take all necessary steps to obtain a Management Order from the State Government for the seven lots: 5,424m in area.
- 3) Ensure the City engages with the Friends of Woodbridge Bushlands Group throughout this process to support good educational, environmental and social outcomes for the community.
- 4) Record the reasons for changing the Officer's Recommendation are:
  1. The WAPC has indicated it would be willing, upon receiving a formal request from the City, to transfer the land to the State of WA to enable a reserve to be created that could be vested to the City.
  2. The creation of a crown reserve with a management order would be consistent with the current zoning of the site as 'Parks and Recreation' under the Metropolitan Region Scheme.
  3. The land is proposed to be managed by a Friends of Woodbridge Bushlands Group (the Group) who will be able to obtain grants from the State Government to care for the site, alleviating maintenance costs for the city.
  4. A petition with 180 signatures was presented to council in 2018 to protect this wildlife corridor.
  5. A management order will enable the Swan community to learn more about local native species, flora and fauna and rehabilitate the land so quenda and echidna populations can be protected and longer term native habitat restored.
  6. The Group are in discussions with Trillion Trees, TAFE, local high schools and primary schools to partner with them and undertake environmental and educational projects which a management order will enable.
  7. Currently, the engagement of schools and TAFE is limited and there are restrictions on what grants can be obtained and what educational and environmental projects, can be done on the site without a management order.
  8. Provide the long term security required for rehabilitation of the site.

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

Against: Crs Bowman, Henderson, Lucas and Parry

## **7. GOVERNANCE**

### **7.1 ANNUAL REVIEW OF THE CITY'S DELEGATIONS REGISTER 2022**

**Ward:** (Not applicable) (Governance)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Chief Executive Officer)

### **RECOMMENDATION**

That Council resolve to:

- 1) Adopt the Delegations of Authority Register (including Council appointed authorised officers) 2022.
- 2) Revoke Delegation 43 – Employee Separation Payments, and note that the Management Practice on Employee Separation Payments will continue to be the City's adopted policy until such time as the Policy is presented to Council for consideration and adoption.
- 3) Endorse the Guideline - Execution of City Documents.

**MOTION** that the Council resolve to:

- 1) Adopt the Delegation of Authority Register (including Council appointed authorised officers) 2022, subject to the following amendment:
  - a) Delegation 16 - Building and Demolition Permits  
  
Condition on Delegation/Sub-Delegation:  
  
This delegation does not extend to the demolition of any building in the City of Swan built before 1945. The proposed demolition permit of any building built before 1945 is to come to Council for a determination.
- 2) Revoke Delegation 43 – Employee Separation Payments and note that the Management Practice on Employee Separation Payments will continue to be the City's adopted policy until such time as the Policy is presented to Council for consideration and adoption.
- 3) Endorse the Guideline – Execution of City Documents.
- 4) Record the reason for changing the Officers Recommendation is that Council has the power to make the determination and should make the determination.

(Cr Catalano – Cr Johnson)

**MOTION** that the Council resolve:

- 1) That the motion lie on the table.

(Cr Bowman -)

**MOTION LAPSED** due to the lack of a seconder.

**AMENDMENT TO THE MOTION**

Amend Delegation 7 - Acquisition and Disposal of Land (including Buildings) via Lease or Licence to insert an additional Condition on Delegation/Sub Delegation as follows:

3. Only when the increase of the lease or licence is less than 10%.

(Cr Bowman - Cr Knight)

**THE AMENDMENT WAS PUT TO THE VOTE AND LOST (5/8)**

For: Crs Bowman, Congerton, Henderson, Knight and Zannino

Against: Crs Catalano, Johnson, Jones, Lucas, McCullough, Parry, Predovnik and Richardson

**AMENDMENT TO THE MOTION**

Amend Delegation 8 - Disposal of Assets Other Than Land to insert an additional Condition on Delegation/Sub Delegation as follows:

The CEO's sub delegation can not exceed \$10,000.

(Cr Bowman – Cr Predovnik)

**THE AMENDMENT WAS PUT TO THE VOTE AND LOST (6/7)**

For: Crs Bowman, Catalano, Henderson, Knight, Predovnik and Zannino

Lost: Crs Congerton, Johnson, Jones, Lucas, McCullough, Parry and Richardson

**AMENDMENT TO THE MOTION**

Amend Delegation 10 - Debts - Write Off to not permit sub delegation.

(Cr Bowman – Cr Catalano)

**RESOLVED (8/5) TO:**

Amend Delegation 10 - Debts - Write Off to not permit sub delegation.

For: Crs Bowman, Catalano, Congerton, Henderson, Jones, Knight, Richardson and Zannino

Against: Crs Johnson, Lucas, McCullough, Parry and Predovnik

**THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION**

**AMENDMENT TO THE MOTION**

Amend Delegation 50 - Reduction of Waiver or Fees to insert and additional Condition on Delegation/Sub Delegation as follows:

- No staff are to reduce or waive fees where they or a family member (as defined in the *Local Government Act 1995*) is a member of a club applying for a reduction or waiver or fee.

(Cr Bowman – Cr Knight)

**RESOLVED (8/5) TO:**

Amend Delegation 50 - Reduction of Waiver or Fees to insert and additional Condition on Delegation/Sub Delegation as follows:

- No staff are to reduce or waive fees where they or a family member (as defined in the *Local Government Act 1995*) is a member of a club applying for a reduction or waiver or fee.

For: Crs Bowman, Catalano, Henderson, Knight, Lucas, Predovnik, Richardson and Zannino

Against: Crs Congerton, Johnson, Jones, McCullough and Parry

**THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION**

**AMENDMENT TO THE MOTION**

Delete delegation 39 - Appointment of Designated Employees.

(Cr Bowman – Cr Predovnik)

**THE AMENDMENT WAS PUT TO THE VOTE AND LOST (4/9)**

For: Crs Bowman, Catalano, Knight and Predovnik

Against: Crs Congerton, Henderson, Johnson, Jones, Lucas, McCullough, Parry, Richardson and Zannino

**AMENDMENT TO THE MOTION**

Amend Delegation 49 – Appointment of Authorised Complaints Officer and replace Section 5.103 with Section 5.120.

(Cr Bowman – Cr Congerton)

**RESOLVED (9/4) TO:**

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

Against: Crs Catalano, Johnson, Knight and McCullough

**THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION**

**THE SUBSTANTIVE MOTION WAS PUT TO THE VOTE AND LOST (5/8)**

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

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

**MOTION** that the Council resolve to adopt the Officer recommendation.

(Cr Johnson - Cr McCullough)

The Presiding Member adjourned the meeting for a short recess at 7.59pm.

The Presiding Member resumed the meeting at 8.11pm.

**MOTION** that the Council resolve:

- 1) That the motion lie on the table.

(Cr Zannino – Cr Henderson)

**RESOLVED (10/3):**

- 1) That the motion lie on the table.

For: Crs Bowman, Catalano, Henderson, Jones, Knight, Lucas, McCullough, Predovnik, Richardson and Zannino

Against: Crs Congerton, Johnson and Parry

## 7.4 LOCAL LAW REVIEW - MEETING PROCEDURES

**Ward:** (All Wards) (Governance)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Chief Executive Officer)

### RECOMMENDATION

That the Council resolve to:

- 1) Propose to make the attached City of Swan Meeting Procedures Local Law 2021 and advertise Council's intention for a period not less than six weeks, in accordance with section 3.12 of the *Local Government Act 1995*.

**MOTION** that the Council resolve to:

- 1) Propose to make the attached City of Swan Meeting Procedures Local Law 2021 and advertise Council's intention for a period not less than six weeks, in accordance with section 3.12 of the *Local Government Act 1995*, subject to the following amendments:

Area	Amendment
Notices of motion to be ruled out of order if debated by the Council within the previous 3 months (unless a revocation motion)	Insert new sub-clause 2.10(4)(f) – A notice of motion may be excluded from the agenda if it is similar in intent or substance to a notice of motion or Council resolution that has been previously raised or resolved upon at a Council meeting within the preceding 3 months (unless the motion is a revocation motion).
Public question time limited to the Ordinary Council Meeting	Insert new sub-clause 4.2(3) – Public question time is limited to the Ordinary Council Meeting. Questions will not be taken at the Agenda Forum.
Petitions to be heard at Agenda Forum	Amend sub-clause 4.4(1) – A petition may be presented to a Council at an Agenda Forum meeting by –
Deputations limited to 3 minutes	Amend sub-clause 4.5(5) - A deputation is not to exceed <del>five</del> three minutes, unless approval is given by the Presiding Member, or by resolution of Council.
Limit on the number of deputations for and against	Insert a new sub-clause 4.5(7) – The Presiding Member will accept no more than 3 deputations for, and 3 deputations against, any one item on the agenda.



No duplication of deputations (oral and written)	Insert a new sub-clause 4.5(8) – The Presiding Member will not accept both written and oral deputations. Only one form of deputation is allowed per person.
Limit on number of questions by Councillors during deputations	Amend sub-clause 4.5(7) - Following a speaker's deputation members may, at the discretion of the Presiding Member, ask the speaker questions relating to the item or seek clarification of issues raised by the speaker but no discussion or debate will be allowed. The Presiding Member may limit the number of questions asked by Councillors.  The response by the person making a deputation is a maximum duration of 1 minute.
No Questions from Members at the Council Meeting on items not on the agenda	Delete all of clause 5.1 Questions by members relating to the business of Council
Debate reduced to 3 minutes per Councillor	Amend clause 8.7 Duration of Speeches - A member may speak on a personal explanation, or motion or an amendment, , for <del>five</del> three minutes, unless an extension of time is granted by the Council without debate, but a member's total speaking time must not exceed <del>10</del> five minutes.
That the motion be put reduced to an absolute majority	Amend sub-clause 9.3(2) - A procedural motion is passed by a simple majority voting in favour of that motion, with or without the exercise of a casting vote, except for a motion "that the motion now be put" which requires the support of <del>a 75% majority</del> an absolute majority of Council <del>members present,</del> <del>rounded down to the nearest whole number.</del>
Cooling off period	Amend sub-clause 1.5(1) - The CEO, or a member of Council staff with responsibility for the subject matter of a resolution, may implement a resolution of Council after a period of 24 hours has passed after the decision is made. <del>at any time after the meeting at which it was made.</del> This includes decisions made at an adjourned meeting.
Permissible procedural motions	Delete sub-clauses 9.1 c) and d)  (c) that the matter lie on the table  (d) that the matter be taken from the table

Opening of meeting	<p>Insert new sub-clause 2.4 (2) Statement of Civic Duty</p> <p>At every Ordinary and Special Meeting of Council the Presiding Member shall make a statement of civic duty on behalf of Council that is based upon the Declaration of Office.</p>
Opening of meeting	<p>To add a section to 2.4 Opening of Meeting</p> <p>To add a new section 2.4(1) and renumber the remaining sections.</p> <p>2.4(1) The presiding member shall read out the legal disclaimer.</p>
Notices of motion requirement	Delete sub-clause 2.10 (4)(d) does not contain sufficient supporting information or rationale

- 2) Authorise the CEO to make amendments, as required, when undertaking the final drafting to ensure the intent of Council is clearly articulated.
- 3) Record the reason for changing the Officer Recommendation is that the City of Swan needs to balance the amount of business / decisions that must be undertaken at each meeting together with ensuring that it can get through the amount of business whilst also not restricting being able to receive information and the views from residents and ratepayers on matters important to them.

(Cr Bowman – Cr Parry)

*Note: The mover and seconder accepted four amendments proposed by Cr Johnson (last four listed) as part of the substantive motion, to make the process more efficient.*

In accordance with clause 6.12 of the *Meeting Procedures Local Law 2019* the Presiding Member divided the motion and put each proposed amendment to the vote separately.

Area	Amendment
Notices of motion to be ruled out of order if debated by the Council within the previous 3 months (unless a revocation motion)	Insert new sub-clause 2.10(4)(f) – A notice of motion may be excluded from the agenda if it is similar in intent or substance to a notice of motion or Council resolution that has been previously raised or resolved upon at a Council meeting within the preceding 3 months (unless the motion is a revocation motion).
<p><b>RESOLVED (11/2):</b></p> <p>For: Crs Bowman, Congerton, Henderson, Jones, Knight, Lucas, McCullough, Parry, Predovnik, Richardson and Zannino</p> <p>Against: Cr Catalano and Johnson</p>	
Public question time limited to the Ordinary Council Meeting	Insert new sub-clause 4.2(3) – Public question time is limited to the Ordinary Council Meeting. Questions will not be taken at the Agenda Forum.
<p><b>RESOLVED (10/3):</b></p> <p>For: Crs Bowman, Congerton, Henderson, Jones, Knight, Lucas, McCullough, Parry, Richardson and Zannino</p> <p>Against: Cr Catalano, Johnson and Predovnik</p>	
Petitions to be heard at Agenda Forum	Amend sub-clause 4.4(1) – A petition may be presented to a Council at an Agenda Forum meeting by –
<p><b>RESOLVED (12/1):</b></p> <p>For: Crs Bowman, Catalano, Congerton, Henderson, Jones, Knight, Lucas, McCullough, Parry, Predovnik, Richardson and Zannino</p> <p>Against: Cr Johnson</p>	
Deputations limited to 3 minutes	Amend sub-clause 4.5(5) - A deputation is not to exceed <del>five</del> three minutes, unless approval is given by the Presiding Member, or by resolution of Council.
<p><b>RESOLVED (11/2):</b></p> <p>For: Crs Bowman, Congerton, Henderson, Jones, Knight, Lucas, McCullough, Parry, Predovnik, Richardson and Zannino</p> <p>Against: Cr Catalano and Johnson</p>	

Limit on the number of deputations for and against	Insert a new sub-clause 4.5(7) – The Presiding Member will accept no more than 3 deputations for, and 3 deputations against, any one item on the agenda.
<p><b>RESOLVED (10/3):</b></p> <p>For: Crs Bowman, Congerton, Henderson, Jones, Knight, Lucas, McCullough, Parry, Richardson and Zannino</p> <p>Against: Cr Catalano, Johnson and Predovnik</p>	
No duplication of deputations (oral and written)	Insert a new sub-clause 4.5(8) – The Presiding Member will not accept both written and oral deputations. Only one form of deputation is allowed per person.
<p><b>RESOLVED (9/4):</b></p> <p>For: Crs Bowman, Congerton, Henderson, Jones, Knight, Lucas, McCullough, Parry and Zannino</p> <p>Against: Cr Catalano, Johnson, Predovnik and Richardson</p>	
Limit on number of questions by Councillors during deputations	<p>Amend sub-clause 4.5(7) - Following a speaker's deputation members may, at the discretion of the Presiding Member, ask the speaker questions relating to the item or seek clarification of issues raised by the speaker but no discussion or debate will be allowed. The Presiding Member may limit the number of questions asked by Councillors.</p> <p>The response by the person making a deputation is a maximum duration of 1 minute.</p>
<p><b>RESOLVED (8/5):</b></p> <p>For: Crs Bowman, Congerton, Henderson, Jones, Lucas, McCullough, Parry and Zannino</p> <p>Against: Crs Catalano, Johnson, Knight, Predovnik and Richardson</p>	
No Questions from Members at the Council Meeting on items not on the agenda	Delete all of clause 5.1 Questions by members relating to the business of Council
<p><b>RESOLVED (8/5):</b></p> <p>For: Crs Bowman, Congerton, Henderson, Jones, Lucas, McCullough, Parry and Zannino</p> <p>Against: Crs Catalano, Johnson, Knight, Predovnik and Richardson</p>	

<p>Debate reduced to 3 minutes per Councillor</p>	<p>Amend clause 8.7 Duration of Speeches - A member may speak on a personal explanation, or motion or an amendment, , for <del>five</del> three minutes, unless an extension of time is granted by the Council without debate, but a member's total speaking time must not exceed <del>10</del> five minutes.</p>
<p><b>RESOLVED (10/3):</b></p> <p>For: Crs Bowman, Congerton, Henderson, Jones, Knight, Lucas, McCullough, Parry, Richardson and Zannino</p> <p>Against: Cr Catalano, Johnson and Predovnik</p>	
<p>That the motion be put reduced to an absolute majority</p>	<p>Amend sub-clause 9.3(2) - A procedural motion is passed by a simple majority voting in favour of that motion, with or without the exercise of a casting vote, except for a motion "that the motion now be put" which requires the support of a <del>75% majority</del> an absolute majority of Council <del>members present, rounded down to the nearest whole number.</del></p>
<p><b>RESOLVED (10/3):</b></p> <p>For: Crs Bowman, Congerton, Henderson, Jones, Lucas, McCullough, Parry, Predovnik, Richardson and Zannino</p> <p>Against: Cr Catalano, Johnson and Knight</p>	
<p>Cooling off period</p>	<p>Amend sub-clause 1.5(1) - The CEO, or a member of Council staff with responsibility for the subject matter of a resolution, may implement a resolution of Council after a period of 24 hours has passed after the decision is made. <del>at any time after the meeting at which it was made.</del> This includes decisions made at an adjourned meeting.</p>
<p><b>RESOLVED (11/2):</b></p> <p>For: Crs Bowman, Congerton, Henderson, Jones, Knight, Lucas, McCullough, Parry, Predovnik, Richardson and Zannino</p> <p>Against: Cr Catalano and Johnson</p>	
<p>Permissible procedural motions</p>	<p>Delete sub-clauses 9.1 c) and d)</p> <p>(c) that the matter lie on the table</p> <p>(d) that the matter be taken from the table</p>
<p><b>RESOLVED (8/5):</b></p> <p>For: Crs Congerton, Johnson, Jones, Knight, McCullough, Parry, Predovnik and Richardson</p> <p>Against: Crs Bowman, Catalano, Henderson, Lucas, and Zannino</p>	

Opening of meeting	<p>Insert new sub-clause 2.4 (2) Statement of Civic Duty</p> <p>At every Ordinary and Special Meeting of Council the Presiding Member shall make a statement of civic duty on behalf of Council that is based upon the Declaration of Office.</p>
<p><b>MOTION WAS PUT TO THE VOTE AND LOST (2/11)</b></p> <p>For: Crs Johnson and Predovnik</p> <p>Against: Crs Bowman, Catalano, Congerton, Henderson, Jones, Knight, Lucas, McCullough, Parry, Richardson and Zannino</p>	
Opening of meeting	<p>To add a section to 2.4 Opening of Meeting</p> <p>To add a new section 2.4(1) and renumber the remaining sections.</p> <p>2.4(1) The presiding member shall read out the legal disclaimer.</p>
<p><b>WITHDRAWN</b></p>	
Notices of motion requirement	Delete sub-clause 2.10 (4)(d) does not contain sufficient supporting information or rationale
<p><b>MOTION WAS PUT TO THE VOTE AND LOST (1/12)</b></p> <p>For: Crs Johnson</p> <p>Against: Crs Bowman, Catalano, Congerton, Henderson, Jones, Knight, Lucas, McCullough, Parry, Predovnik, Richardson and Zannino</p>	

**THEREFORE IT WAS RESOLVED TO:**

- 1) Propose to make the attached City of Swan Meeting Procedures Local Law 2021 and advertise Council's intention for a period not less than six weeks, in accordance with section 3.12 of the *Local Government Act 1995*, subject to the following amendments:

Area	Amendment
Notices of motion to be ruled out of order if debated by the Council within the previous 3 months (unless a revocation motion)	Insert new sub-clause 2.10(4)(f) – A notice of motion may be excluded from the agenda if it is similar in intent or substance to a notice of motion or Council resolution that has been previously raised or resolved upon at a Council meeting within the preceding 3 months (unless the motion is a revocation motion).
Public question time limited to the Ordinary Council Meeting	Insert new sub-clause 4.2(3) – Public question time is limited to the Ordinary Council Meeting. Questions will not be taken at the Agenda Forum.
Petitions to be heard at Agenda Forum	Amend sub-clause 4.4(1) – A petition may be presented to a Council at an Agenda Forum meeting by –
Deputations limited to 3 minutes	Amend sub-clause 4.5(5) - A deputation is not to exceed <del>five</del> three minutes, unless approval is given by the Presiding Member, or by resolution of Council.
Limit on the number of deputations for and against	Insert a new sub-clause 4.5(7) – The Presiding Member will accept no more than 3 deputations for, and 3 deputations against, any one item on the agenda.
No duplication of deputations (oral and written)	Insert a new sub-clause 4.5(8) – The Presiding Member will not accept both written and oral deputations. Only one form of deputation is allowed per person.
Limit on number of questions by Councillors during deputations	Amend sub-clause 4.5(7) - Following a speaker's deputation members may, at the discretion of the Presiding Member, ask the speaker questions relating to the item or seek clarification of issues raised by the speaker but no discussion or debate will be allowed. The Presiding Member may limit the number of questions asked by Councillors.  The response by the person making a deputation is a maximum duration of 1 minute.

No Questions from Members at the Council Meeting on items not on the agenda	Delete all of clause 5.1 Questions by members relating to the business of Council
Debate reduced to 3 minutes per Councillor	Amend clause 8.7 Duration of Speeches - A member may speak on a personal explanation, or motion or an amendment, , for <del>five</del> three minutes, unless an extension of time is granted by the Council without debate, but a member's total speaking time must not exceed <del>10</del> five minutes.
That the motion be put reduced to an absolute majority	Amend sub-clause 9.3(2) - A procedural motion is passed by a simple majority voting in favour of that motion, with or without the exercise of a casting vote, except for a motion "that the motion now be put" which requires the support of a <del>75% majority</del> an absolute majority of Council <del>members present,</del> rounded down to the nearest whole number.
Cooling off period	Amend sub-clause 1.5(1) - The CEO, or a member of Council staff with responsibility for the subject matter of a resolution, may implement a resolution of Council after a period of 24 hours has passed after the decision is made. <del>at any time after the meeting at which it was made.</del> This includes decisions made at an adjourned meeting.
Permissible procedural motions	Delete sub-clauses 9.1 c) and d)  (c) that the matter lie on the table  (d) that the matter be taken from the table

- 2) Authorise the CEO to make amendments, as required, when undertaking the final drafting to ensure the intent of Council is clearly articulated.
- 3) Record the reason for changing the Officer Recommendation is that the City of Swan needs to balance the amount of business / decisions that must be undertaken at each meeting together with ensuring that it can get through the amount of business whilst also not restricting being able to receive information and the views from residents and ratepayers on matters important to them.



The Presiding Member gave notice to the meeting of the purpose and effect of the Meeting Procedures Local Law as follows:

<b>Purpose:</b>	The purpose of this local law is to provide for the proper conduct of Council meetings, Committee meetings, agenda forums and briefing sessions.
<b>Effect:</b>	The effect of this local law is intended to result in: <ul style="list-style-type: none"><li>• better decision making by the Council and its committees;</li><li>• orderly and efficient conduct of meetings dealing with business of the Council;</li><li>• increased community participation and understanding of the business of the Council;</li><li>• greater public awareness of the decision-making process; and</li><li>• a more transparent and accountable local government.</li></ul>

**7.7 ANNUAL MEETING OF ELECTORS MOTION 25 - REQUEST TO WITHDRAW SUPPORT FOR EASTLINK WA**

**Ward:** (All Wards) (Asset Management)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Operations)

**RECOMMENDATION**

That the Council resolve to:

- 1) Continue to support the EastLink project.
- 2) Write to Main Roads Western Australia requesting that the City of Swan and community are formally invited to make submissions as part of the regulatory environmental processes.

**MOTION** that the Council resolve to:

- 1) Not support the EastLink Project
- 2) Write to Main Roads WA accordingly.
- 3) Record the reason for changing the Officer Recommendation is that the EastLink project is an outdated Perth/Adelaide freight project.

(Cr Catalano – Cr Knight)

**MOTION WAS PUT TO THE VOTE AND LOST (4/9)**

For: Crs Catalano, Johnson, 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 Parry – Cr Zannino)

Cr Congerton left the Chamber at 9.02pm.

**RESOLVED (9/3) TO:**

- 1) Continue to support the EastLink project.
- 2) Write to Main Roads Western Australia requesting that the City of Swan and community are formally invited to make submissions as part of the regulatory environmental processes.

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

Against: Crs Catalano, Johnson and Knight

Cr Congerton entered the Chamber at 9.03pm.

## **PART C - OTHER BUSINESS AND CLOSING PROCEDURES**

### **1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

#### **C1.1 CR MCCULLOUGH - BLACK COCKATOO WATER STATIONS AND NESTING BOXES**

**Ward:** (All Wards) (Strategic Planning)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Planning and Development)

Cr McCullough submitted the following Notice of Motion:

That the Council resolve to:

- 1) Request City Officers prepare a report investigating options in regards to supporting the long term protection and sustainability of the Carnaby's Black Cockatoo across the City of Swan. Aspects of the report to include but not limited to:
  - a) Potential watering stations at appropriate sites within the City of Swan including:
    - The identification of strategic sites beneficial to birds (in consultation with Birdlife WA suggested sites) and visible to the public for educational purposes
    - The part purchase of the Bird Watering Station for Ki-It Monger Brook in partnership with Kingsford Estate (installation costs), North Swan Landcare (part contribution for purchase of watering station) & other community group investment (to be confirmed)
  - b) Strategic and purposed plantings of food sources for the species across the City of Swan including:
    - Consideration around established food sources along roads detrimental to the Carnaby's Black cockatoo
    - Food sources in new residential developments
    - Food sources in existing parks and recreational areas
  - c) Potential nesting sites for the Carnaby's Black Cockatoo in partnership with private property owners including:
    - Potential City co-contribution to nesting boxes that private property owners wish to establish on their property

- d) Potential community and stakeholder partnerships and collaborations with local Landcare, Conservation & Friends Groups that facilitates increased monitoring, education and awareness of the species and including:
- The installation of signs along busy roadways where Black Cockatoo's forage
  - An education and awareness campaign for residents
  - Exploring options for a school education campaign to design posters and/or bin stickers that promote the awareness of Carnaby's Cockatoo

Reason for Motion (provided by Cr McCullough)

The City of Swan as a large local government (urban/semi rural/rural) area plays a vital, significant and leading role in supporting Black Cockatoo populations. With increased support mechanisms, the existing lack of data for this endangered bird could be improved as to where Black Cockatoo's are currently feeding, roosting and nesting.

An ongoing commitment to supporting the long term protection of our Black Cockatoo's could raise awareness of the potential threats faced by the birds, identify critical Black Cockatoo habitat and empower our local communities to engage in conservation activities in their local area and on their own properties to greatly improve habitat.

**OFFICER COMMENT**

These installations are relatively new within the Perth metropolitan area and there are questions to be clarified about the associated costs, maintenance and impact of these installations. This includes:

- The mapped areas suitable for black cockatoo watering stations in the City of Swan (based on available feeding habitat and the risk of bird strike along roads) may not coincide with where water and electricity can be supplied at a reasonable cost in the City of Swan
- Resource implications for maintenance of watering stations including cleaning schedule, OH&S (working at heights) and maintenance of pumps etc.
- It is questioned whether they constitute "supplementary" watering of wildlife requiring a license from the Department of Biodiversity, Conservation and Attractions.

The above questions are being investigated as a part of discussions regarding the installation of a water station within the Kingsford development. Depending on how these questions resolve, this specific project may or may not proceed.

It may be prudent to only proceed with the investigations into the identification of suitable locations for this infrastructure once the City has a fuller understanding of the resource implications of these installations.

This motion also has potential implications for the City's Urban Forest approach with regards to species selection in urban areas. It also has implications for the City's Biodiversity approach with regards to the retention of roosting habitat and the City's environmental education approach in regards to the effective use, siting and potential subsidy of roosting boxes within the community. On this point it should be noted that while the City does not currently co-fund/subsidise these installations, the topic of nesting boxes has been extensively covered within the City's "Thinking Green/Nature KnowHow" program in recent years.

Research into, installation of and maintenance of Cockatoo watering stations does not form part of any current or 22/23 business plan within the City and no budget exists for this activity. The identification of key locations suitable for watering and nesting stations will require detailed surveys which will have to be conducted at a substantial cost not yet determined.

Reporting back to Council on all these matters will therefore require scoping and planning for such work as part of the City's 23/24 business planning and budgetary processes.

#### **AMENDED NOTICE OF MOTION**

Cr McCullough advised of amendments to the Notice of Motion published in the Agenda as follows.

That the Council resolve to:

- 1) Approve the current proposed Bird Watering Station for Ki-It Monger Brook to be progressed as a Pilot project, whereby the learnings from the project be used to inform further investigations to support the long term protection and sustainability of the Carnaby's (Ngolyenok) and Red Tailed (Karrak) Black Cockatoo populations across the City of Swan.
- 2) The approval of the pilot project to include:
  - a) Part funding of \$3500 from the City of Swan and \$500 from North Swan Landcare for the purchase of the Bird Watering Station for Ki-It Monger Brook in partnership with Kingsford Estate (installation costs).
  - b) Partnering with Kingsford Estate in regards to ongoing maintenance required by the Bird Watering Station at Ki-It Monger Brook.
- 3) Request City Officers prepare a report investigating options in regards to supporting the long term protection and sustainability of the Carnaby's Black Cockatoo across the City of Swan. Aspects of the report to include but not limited to:
  - a) Potential watering stations at appropriate sites within the City of Swan including:
    - The identification of strategic sites beneficial to birds (in consultation with Birdlife WA suggested sites) and visible to the public for educational purposes. Report to include costs involved in the purchase, installation and ongoing support required for each watering station.

- b) Strategic and purposed plantings of food sources for the species across the City of Swan including:
- Consideration around established food sources along roads detrimental to the Carnaby's Black cockatoo
  - Food sources in new residential developments
  - Food sources in existing parks and recreational areas
  - An estimation of the amount/area of current food sources that will be cleared for future residential development and the impact to the Black Cockatoo populations they currently support
- c) Potential nesting sites for the Carnaby's Black Cockatoo in partnership with private property owners including:
- Potential City co-contribution to nesting boxes that private property owners wish to establish on their property
  - Work with local environmental groups to donate suitable natural nesting hollows retrieved from trees felled in the process of land clearing for residential developments.
- d) Potential community and stakeholder partnerships and collaborations with local Landcare, Conservation & Friends Groups that facilitates increased monitoring, education and awareness of the species and including:
- The installation of signs along busy roadways where Black Cockatoo's forage
  - Ongoing education and awareness campaign for residents, businesses and road users
  - Exploring options for a school education campaign to design posters and/or bin stickers that promote the awareness of Carnaby's Cockatoo

#### **MODIFIED OFFICER COMMENT**

These installations are relatively new within the Perth metropolitan area and there are uncertainties to be clarified about the associated costs, maintenance and impact of these installations, which could be done through the investigation proposed in the motion. This includes:

- The mapped areas suitable for black cockatoo watering stations in the City of Swan (based on available feeding habitat and the risk of bird strike along roads) may not coincide with where water and electricity can be supplied at a reasonable cost in the City of Swan
- Resource implications for maintenance of watering stations including cleaning schedule, OH&S (working at heights) and maintenance of pumps etc.

- It is questioned whether they constitute “supplementary” watering of wildlife requiring a license from the Department of Biodiversity, Conservation and Attractions.

The above questions are being investigated as a part of discussions regarding the installation of a water station within the Kingsford development, which is intended to be approved through Parts 1 and 2 of the Motion. The learnings from the Pilot project could be used to inform further investigations to support the long term protection and sustainability of the Carnaby’s populations across the City of Swan. A decision could then be made by Council in regards the identification of other suitable locations for this infrastructure with a fuller understanding of the resource implications of these installations.

Research into, installation of and maintenance of Cockatoo watering stations does not form part of any current or 22/23 business plan within the City and no budget exists for this activity. The identification of key locations suitable for watering and nesting stations will require detailed surveys which will have to be conducted at a substantial cost to be determined through the investigation report proposed in Part 3.

The current discussions with regards to the proposed installation at Kit Monger Brook in Kingsford Estate could be facilitated as part of usual business by staff to facilitate that part to progress separately from the greater volume of work for which resources have not yet been provided. Although the \$3,500 proposed for the purchase of the Bird Watering Station for Ki-It Monger Brook has not specifically been identified in any budget, that amount could be facilitated through savings.

**MOTION** that the Council resolve to:

- 1) Approve the current proposed Bird Watering Station for Ki-It Monger Brook to be progressed as a Pilot project, whereby the learnings from the project be used to inform further investigations to support the long term protection and sustainability of the Carnaby’s (Ngolyenok) and Red Tailed (Karrak) Black Cockatoo populations across the City of Swan.
- 2) The approval of the pilot project to include:
  - a) Part funding of \$3500 from the City of Swan and \$500 from North Swan Landcare for the purchase of the Bird Watering Station for Ki-It Monger Brook in partnership with Kingsford Estate (installation costs).
  - b) Partnering with Kingsford Estate in regards to ongoing maintenance required by the Bird Watering Station at Ki-It Monger Brook.
- 3) Request City Officers prepare a report investigating options in regards to supporting the long term protection and sustainability of the Carnaby’s Black Cockatoo across the City of Swan. Aspects of the report to include but not limited to:
  - a) Potential watering stations at appropriate sites within the City of Swan including:



- The identification of strategic sites beneficial to birds (in consultation with Birdlife WA suggested sites) and visible to the public for educational purposes. Report to include costs involved in the purchase, installation and ongoing support required for each watering station.
- b) Strategic and purposed plantings of food sources for the species across the City of Swan including:
- Consideration around established food sources along roads detrimental to the Carnaby's Black cockatoo
  - Food sources in new residential developments
  - Food sources in existing parks and recreational areas
  - An estimation of the amount/area of current food sources that will be cleared for future residential development and the impact to the Black Cockatoo populations they currently support
- c) Potential nesting sites for the Carnaby's Black Cockatoo in partnership with private property owners including:
- Potential City co-contribution to nesting boxes that private property owners wish to establish on their property
  - Work with local environmental groups to donate suitable natural nesting hollows retrieved from trees felled in the process of land clearing for residential developments.
- d) Potential community and stakeholder partnerships and collaborations with local Landcare, Conservation & Friends Groups that facilitates increased monitoring, education and awareness of the species and including:
- The installation of signs along busy roadways where Black Cockatoo's forage
  - Ongoing education and awareness campaign for residents, businesses and road users
  - Exploring options for a school education campaign to design posters and/or bin stickers that promote the awareness of Carnaby's Cockatoo

(Cr McCullough – Cr Jones)

### **AMENDMENT TO THE MOTION**

Cr Henderson requested the following amendment:

That the report also include assessment of any use of nesting boxes by Rainbow Lorikeets.

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

### **THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION**

#### **RESOLVED UNANIMOUSLY TO:**

- 1) Approve the current proposed Bird Watering Station for Ki-It Monger Brook to be progressed as a Pilot project, whereby the learnings from the project be used to inform further investigations to support the long term protection and sustainability of the Carnaby's (Ngolyenok) and Red Tailed (Karrak) Black Cockatoo populations across the City of Swan.
- 2) The approval of the pilot project to include:
  - a) Part funding of \$3500 from the City of Swan and \$500 from North Swan Landcare for the purchase of the Bird Watering Station for Ki-It Monger Brook in partnership with Kingsford Estate (installation costs).
  - b) Partnering with Kingsford Estate in regards to ongoing maintenance required by the Bird Watering Station at Ki-It Monger Brook.
- 3) Request City Officers prepare a report investigating options in regards to supporting the long term protection and sustainability of the Carnaby's Black Cockatoo across the City of Swan. Aspects of the report to include but not limited to:
  - a) Potential watering stations at appropriate sites within the City of Swan including:
    - The identification of strategic sites beneficial to birds (in consultation with Birdlife WA suggested sites) and visible to the public for educational purposes. Report to include costs involved in the purchase, installation and ongoing support required for each watering station.
  - b) Strategic and purposed plantings of food sources for the species across the City of Swan including:
    - Consideration around established food sources along roads detrimental to the Carnaby's Black cockatoo
    - Food sources in new residential developments
    - Food sources in existing parks and recreational areas

- An estimation of the amount/area of current food sources that will be cleared for future residential development and the impact to the Black Cockatoo populations they currently support
- c) Potential nesting sites for the Carnaby's Black Cockatoo in partnership with private property owners including:
- Potential City co-contribution to nesting boxes that private property owners wish to establish on their property
  - Work with local environmental groups to donate suitable natural nesting hollows retrieved from trees felled in the process of land clearing for residential developments.
- d) Potential community and stakeholder partnerships and collaborations with local Landcare, Conservation & Friends Groups that facilitates increased monitoring, education and awareness of the species and including:
- The installation of signs along busy roadways where Black Cockatoo's forage
  - Ongoing education and awareness campaign for residents, businesses and road users
  - Exploring options for a school education campaign to design posters and/or bin stickers that promote the awareness of Carnaby's Cockatoo
- e) Assessment of any use of nesting boxes by Rainbow Lorikeets.

## **PART B – REPORTS**

### **9. URGENT BUSINESS**

**MOTION** that the Council resolve to:

- 1) Deal with the notice of motion to revoke the decision of Council made at the 1 June Ordinary Meeting of Council in regard to Item C3.3 - Ellenbrook Arts Conditional Grant 2020/21 (Year 1) Performance Report.
- 2) Meet behind closed doors, having regard to the provisions of s.5.23(2) of the *Local Government Act 1995*.

(Cr Parry – Cr Congerton)

### **MOTION WAS PUT TO THE VOTE AND LOST (6/7)**

For: Crs Congerton, Jones, Lucas, McCullough, Parry and Predovnik

Against: Crs Bowman, Catalano, Henderson, Johnson, Knight, Richardson and Zannino

*Note:*

*Although the motion was lost, the Council moved onto the notice of motion to revoke the decision of Council made at the 1 June Ordinary Meeting of Council in regard to Item C3.3 - Ellenbrook Arts Conditional Grant 2020/21 (Year 1) Performance Report.*

*Council did not meet behind closed doors.*

## **9.1 ELLENBROOK ARTS CONDITIONAL GRANT 2020/21 (YEAR 1) PERFORMANCE REPORT (SUPP CONF)**

### **PART A - REVOCATION MOTION**

Cr McCullough gave notice of a motion to revoke the decision in regard to Item C3.3 - Ellenbrook Arts Conditional Grant 2020/21 (Year 1) Performance Report.

A notice of a motion to revoke the decision needs to be signed by at least 1/3 of the number of offices of Councillor inclusive of the mover. The following Councillors signed the revocation motion:

Councillors Congerton, Johnson, Jones, McCullough and Predovnik

**MOTION** that the Council resolve to:

Revoke the decision in regard to Item C3.3 - Ellenbrook Arts Conditional Grant 2020/21 (Year 1) Performance Report:

- 1) *Endorse the Year 1 Performance Report for 2020/21 as detailed in this report.*
- 2) *Not support the requested funding increase for the third year of the current grant, as requested by Ellenbrook Arts.*
- 3) *Note that a report to Council before December 2022 will be required, to consider the Year 2 performance report and whether to tender for community art services in Ellenbrook from July 2023 onwards.*
- 4) *Provide feedback to Ellenbrook Arts:*
  - a) *that Council is concerned on the sustainability of the business model due to the proportion of funding supporting the lease,*
  - b) *that Council wishes to support Ellenbrook Arts in seeking State Government funding to support their business model and reduce reliance on City funding,*
  - c) *that Council requests an increase focus on community art outreach programs, including via the Grapevine Community Art Centre,*
  - d) *that Council provides feedback on their Year 1 performance report against the 9 KPIs as detailed in this report, and*
  - e) *on the reasoning for not providing the requested additional funding for Year 3 of the current funding contract as detailed in this report.*
- 5) *Publish on the City's website, a summary of the Year 1 performance report.*

- 6) *Record the reasons for changing the Officer Recommendation are:*
1. *The business model does not appear to be sustainable. The significant costs for the leasing of the facility are drawing away funding from service delivery, there is inadequate funding being received from other sources and there is inadequate funding from the State Government. To provide additional funding to enable the leasing of more floor space is not an appropriate use of City funding, especially when there is competition from other high priority activities.*
  2. *There needs to be an increased focus on community art outreach programs, instead of the gallery as this can increase the amount of engagement with City of Swan residents and ratepayers, whilst also planning for the possibility of reduced future funding from the City in future years.*

The reasons for the revocation motion are:

1. No debate took place on this important decision.
2. There is a risk that Ellenbrook Arts may become insolvent.
3. Additional information in regards to Ellenbrook Arts second year of reporting shows considerable growth. Additional part-funding will assist with momentum to ensure sustainability.

(Cr McCullough – Cr Johnson)

Cr Jones left the Chamber at 9.15pm.

Cr Jones entered the Chamber at 9.16pm.

**RESOLVED (8/5) TO:**

Revoke the decision in regard to Item C3.3 - Ellenbrook Arts Conditional Grant 2020/21 (Year 1) Performance Report:

- 1) *Endorse the Year 1 Performance Report for 2020/21 as detailed in this report.*
- 2) *Not support the requested funding increase for the third year of the current grant, as requested by Ellenbrook Arts.*
- 3) *Note that a report to Council before December 2022 will be required, to consider the Year 2 performance report and whether to tender for community art services in Ellenbrook from July 2023 onwards.*
- 4) *Provide feedback to Ellenbrook Arts:*
  - a) *that Council is concerned on the sustainability of the business model due to the proportion of funding supporting the lease,*

- b) *that Council wishes to support Ellenbrook Arts in seeking State Government funding to support their business model and reduce reliance on City funding,*
  - c) *that Council requests an increase focus on community art outreach programs, including via the Grapevine Community Art Centre,*
  - d) *that Council provides feedback on their Year 1 performance report against the 9 KPIs as detailed in this report, and*
  - e) *on the reasoning for not providing the requested additional funding for Year 3 of the current funding contract as detailed in this report.*
- 5) *Publish on the City's website, a summary of the Year 1 performance report.*
- 6) *Record the reasons for changing the Officer Recommendation are:*
- 1. *The business model does not appear to be sustainable. The significant costs for the leasing of the facility are drawing away funding from service delivery, there is inadequate funding being received from other sources and there is inadequate funding from the State Government. To provide additional funding to enable the leasing of more floor space is not an appropriate use of City funding, especially when there is competition from other high priority activities.*
  - 2. *There needs to be an increased focus on community art outreach programs, instead of the gallery as this can increase the amount of engagement with City of Swan residents and ratepayers, whilst also planning for the possibility of reduced future funding from the City in future years.*

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

Against: Crs Bowman, Knight, Lucas, Parry and Richardson

## **PART B - NEW MOTION**

**MOTION** that the Council resolve to:

- 1) Endorse the Year 1 Performance Report for 2020/21 as detailed in this report.
- 2) Provide an increase of \$40,000 for the third year of the current grant. This is 50% of the amount requested by Ellenbrook Arts.
- 3) Note that a report to Council before December 2022 will be required, to consider the Year 2 performance report and whether to tender for community art services in Ellenbrook from July 2023 onwards.
- 4) Provide feedback to Ellenbrook Arts:
  - a) That the decision to extend the leased space appears to have been taken without consultation with the City of Swan who are the major funder of Ellenbrook Arts.
  - b) To request that the City of Swan CEO or his delegate be invited to be a member of the Ellenbrook Arts board to enable the City to have an earlier input into financial decisions.
  - c) To request Ellenbrook Arts to reach out to a broader demographic that is representative of the City of Swan population.
- 5) Publish on the City's website, a summary of the Year 1 performance report.
- 6) The reason for changing the officer's recommendation is that:
  - a) There is a risk that if additional funding is not provided that Ellenbrook Arts may not continue as a going concern.
  - b) It appears from the Ellenbrook Arts submission that savings can be made.
  - c) Public art funding should be to be benefit of all the residents, electors and ratepayers in the City of Swan.

(Cr Johnson – Cr McCullough)

## **AMENDMENT TO THE MOTION**

Cr Henderson requested the following amendment:

That the word 'his' be amended to 'their' in Part 4b.

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

## **THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION**



**RESOLVED (8/5) TO:**

- 1) Endorse the Year 1 Performance Report for 2020/21 as detailed in this report.
- 2) Provide an increase of \$40,000 for the third year of the current grant. This is 50% of the amount requested by Ellenbrook Arts.
- 3) Note that a report to Council before December 2022 will be required, to consider the Year 2 performance report and whether to tender for community art services in Ellenbrook from July 2023 onwards.
- 4) Provide feedback to Ellenbrook Arts:
  - a) That the decision to extend the leased space appears to have been taken without consultation with the City of Swan who are the major funder of Ellenbrook Arts.
  - b) To request that the City of Swan CEO or his delegate be invited to be a member of the Ellenbrook Arts board to enable the City to have an earlier input into financial decisions.
  - c) To request Ellenbrook Arts to reach out to a broader demographic that is representative of the City of Swan population.
- 5) Publish on the City's website, a summary of the Year 1 performance report.
- 6) The reason for changing the officer's recommendation is that:
  - a) There is a risk that if additional funding is not provided that Ellenbrook Arts may not continue as a going concern.
  - b) It appears from the Ellenbrook Arts submission that savings can be made.
  - c) Public art funding should be to be benefit of all the residents, electors and ratepayers in the City of Swan.

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

Against: Crs Bowman, Knight, Lucas, Parry and Richardson

## **PART C - OTHER BUSINESS AND CLOSING PROCEDURES**

### **1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

#### **C1.2 CR KNIGHT - LIST OF ACCOUNTS PAID**

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Corporate)

Cr Knight submitted the following Notice of Motion:

That the Council resolve to:

- 1) Provide the List of Accounts Paid in Microsoft Excel format to all Councillors, from the July Ordinary Meeting of Council.

#### Reason for Motion (provided by Cr Knight)

With the Excel program, Councillors are able to sort, order, compile, organise and track data sets with formulas and functions. Councillors will be able to scrutinise the List of Accounts Paid in Excel format with greater ease, and this will help provide openness, transparency and accountability.

#### **OFFICER COMMENT**

This notice of motion is considered an administrative function and not the role of a Councillor. As outlined in Councillor Induction, the role in this regard is a watching brief, not a doing brief, and Council provides direction and policy, and must understand or inquire.

Council has delegated to the CEO the exercise of its power to make payments from its municipal and trust funds, and in accordance with reg 13(1) of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the CEO is prepared for each month and presented to Council at the next Ordinary Meeting of Council after the list is prepared for noting. The question is whether what has been provided enables Council to perform their function and it is considered that this requirement is fulfilled.

Through the Council led business planning process, Council sets the range of services and projects to be delivered through adoption of the Corporate Business Plan and adopts the Annual Budget to resource these services and projects. Council also sets procurement thresholds within POL-C-116 Procurement to guide consistent and robust controls over City procurement activities. If Council would like to test procurement controls it is suggested that this be raised via the Audit Committee.

**MOTION** that the Council resolve to:

- 1) Provide the List of Accounts Paid in Microsoft Excel format to all Councillors, from the July Ordinary Meeting of Council onward.

(Cr Knight – Cr Johnson)

**MOTION WAS PUT TO THE VOTE AND LOST (6/7)**

For: Crs Bowman, Catalano, Johnson, Knight, Predovnik and Richardson

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

### **C1.3 CR ZANNINO - REVIEW OF THE MANAGEMENT OF THE WOOROLOO FIRE RECOMMENDATION - MULTI-AGENCY INCIDENT CONTROL CENTRE**

**Ward:** (All Wards) (Community Safety)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Community Wellbeing)

Cr Zannino submitted the following Notice of Motion:

That the Council resolve to:

- 1) Note that Recommendation 1. of the AFAC Independent Operational Review – A Review of the Management of the Wooroloo Fire of February 2021, recommends that DFES lead the development of a dedicated purpose-built, appropriately equipped Multi-Agency Incident Control Centre to be built in or around the Perth Hills to deal with fires and other emergency incidents in that area.
- 2) Write to the Minister for Emergency Services, Hon Reece Whitby MLA, advocating for the development and construction of the Incident Control Centre within the City of Swan on the basis that the siting of such a facility within the City will ideally place the facility in a position to service the region with rapid transport connections north, south, east and west and in particular the Perth Hills.

#### Reason for Motion (provided by Cr Zannino)

The development of a dedicated purpose-built Multi-Agency Incident Control Centre, in or around the Perth Hills, is a recommendation of the review of the management of the Wooroloo Fire. Locating such a facility within the City of Swan would allow rapid transport connections to the north, south, east and west, and in particular the Perth Hills, to help deal with fires and other emergency incidents in the area.

#### **OFFICER COMMENT**

Local Government's emergency management responsibilities and activities are a key component of Western Australia's emergency management system, with Local Governments often being a conduit between state government agencies, local communities, not-for-profit organisations and service providers. Whilst Local Governments have an essential role in emergency management planning, community engagement and in leading relief and recovery efforts at the local level, the risks and consequences of emergencies are ultimately shared across all levels of government and the community.

The Wooroloo Bushfire caused extensive damage to residential properties within the City of Swan and Shire of Mundaring in February 2021. An independent review of the 2021 Wooroloo Bushfire was undertaken as an opportunity for continuous learning and improvement with thirteen recommendations being identified. Recommendation one was as follows:

*“That DFES lead the development of a dedicated purpose-built, appropriately equipped Multi-Agency Incident Control Centre to be built in or around the Perth Hills to deal with fires and other emergency incidents in that area”*

The City of Swan is located on the periphery of the metropolitan area, and is the northern and eastern gateway to the State, with major road and rail transport routes running through the City's local government area. This importance is demonstrated by the designation of Midland as a “strategic metropolitan centre” in State planning documents. The City's location as an outer metropolitan gateway makes it the ideal location for a dedicated purpose-built multi-agency Incident Control Centre. The West and East Swan Volunteer Bush Fire Brigades have also commenced an assessment of their future facility requirements. Any synergies between this project and the requirement for a Level 3 Incident Control Centre within the Perth Hills District will also be explored.

City officers can write to the Minister for Emergency Services, advocating for the development and construction of an Incident Control Centre within the City of Swan if resolved by Council.

**This Notice of Motion was not considered at this meeting and will carry over to the Ordinary Meeting of Council to be held on 6 July 2022.**

#### **C1.4 CR ZANNINO - REALIGNMENT OF NATIONAL FREIGHT ROUTE**

**Ward:** (All Wards) (Strategic Planning)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Planning and Development)

Cr Zannino submitted the following Notice of Motion:

That the Council resolve to:

- 1) Request the Minister for Transport; Planning and Ports; the Hon Rita Saffioti to ensure that:
  - a) Review of the 2018 MRS Amendment 1313/14 Decision in regard to the Realignment of the National Rail Freight Route, as currently proposed, is undertaken as a matter of urgency to alleviate traffic problems evident in the Town of Midland.
  - b) Review reconsider the impact on the overall Vehicular Traffic Flows now occurring in Midland, and planned for the future.
  - c) due consideration is given to a potential realignment of the National Rail Freight Route to a position east of the Roe Highway, and housing development within the Shire of Mundaring, so that disruption to all areas south of the existing rail route are fully considered, including the new growth areas that have emerged south of the current rail route, and were not included/foreseen in the earlier inputs to the 2018 Amendment Decision.
  - d) recognition is given to these requests by the City of Swan is part of the City's desire to address the historically long-standing problems associated with Traffic Flows within the Midland Town and Guildford in serving the multiple interests of a successful Metropolitan Centre.

Reason for Motion (provided by Cr Zannino)

To alleviate long-standing traffic congestion problems within the Midland Town and Guildford area.

## **OFFICER COMMENT**

A need to address traffic congestion issues in the locality is well understood and has, at the time also informed the current alignment's positioning.

It has been a long standing ambition of the Western Australian Planning Commission (WAPC), the Metropolitan Redevelopment Authority (MRA) and the City of Swan, to see the existing freight rail realigned out of the Midland strategic metropolitan centre in the long term. A number of alternative alignments were considered prior to the alignment shown in the 2018 MRS Amendment 1313/14 being selected.

Although the growth assumptions underpinning assessment of the MRS Amendment have not substantially changed since 2018, it is agreed that traffic movements in the area are changing as a result of developments progressing in the area. It should also be noted that traffic movements are expected to further change once Robinson Road is closed and Lloyd Street has been extended southwards to join Abernethy Road.

The City's ambition to address traffic issues in the locality is a matter also acknowledged in the City's adopted Local Planning Strategy, approved by the WAPC in August 2020.

**This Notice of Motion was not considered at this meeting and will carry over to the Ordinary Meeting of Council to be held on 6 July 2022.**

## **C1.5 CR KNIGHT - WALKING AND BIKING TRAIL - GUILDFORD TO BELLEVUE**

**Ward:** (Midland/Guildford Ward) (Strategic Planning)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Planning and Development)

Cr Knight submitted the following Notice of Motion:

That the Council resolve to:

- 1) Authorise staff to work on finding a suitable track for walking and mountain biking, that is scenic, interesting and will link the Guildford Road bridge in Guildford to the Railway Reserve track in Bellevue, in order to link the northern terminus of the Bibbulmun track and the Munda Biddi mountain bike trail to the Swan River walking trail and on to Kings Park.

### Reason for Motion (provided by Cr Knight)

Currently, there is no sign posted route through Guildford, Midland and Bellevue and we need this section to complete the trail from Kings Park to the northern terminus of the Bibbulmun and Munda Biddi tracks.

The completed trail will bring tourism opportunities and business to Midland and Guildford.

### **OFFICER COMMENT**

The City has investigated a possible river walk along the Helena River linking Guildford, Midland as part of the City's Tracks and Trails Plan, however the majority of the land that adjoins the Helena River is not under the management of the City. Most of the land is managed by the State Government (mainly the Western Australian Planning Commission) with a few existing private landowners holding key lots along the corridor thus stopping a fully continuation of the river corridor being created.

Previous discussions with the Western Australian Planning Commission have also highlighted management concerns should such a path/trail be created, with that there would be an expectation that should the City wish to progress such a project that they would also undertake the required maintenance including potentially for the wider river corridor.



## **AMENDED NOTICE OF MOTION**

Cr Knight advised of amendments to the Notice of Motion published in the Agenda as follows.

That the Council resolve to:

- 1) Request the City to report to Council no later than December 2022 on the feasibility and desirability of linking and sign-posting existing scenic walking and mountain biking tracks through the Helena River Valley between the Guildford Road/James Street bridge over the River Swan in Guildford and the Railway Reserve track in Bellevue. The report to include consultation with traditional owners, landowners, WAPC, Bibbulmun Track Foundation and local environmental and community groups. The report should consider which organisation should fund and execute the next stage of the project.

### Reasons for the Motion:

1. The purpose of the proposed signposted track is to link the northern terminus of the Bibbulmun track and the Munda Biddi mountain bike trail to the Swan River walking trail and on to Kings Park. This would add the missing section of an otherwise continuous walking and cycling track from Kings Park in Perth to Albany.
2. Currently, there is no sign posted scenic route through Guildford, Midland and Bellevue and we need this section to complete the trail from Kings Park to the northern terminus of the Bibbulmun and Munda Biddi tracks, and also the Kep track to Northam and the golden pipeline trail.

## **MODIFIED OFFICER COMMENT**

The City has investigated a possible river walk along the Helena River linking Guildford, Midland as part of the City's Tracks and Trails Plan, however the majority of the land that adjoins the Helena River is not the management of the City. Most of the land is managed by the State Government (mainly Western Australian Planning Commission) with a few existing private landowners holding key lots along the corridor thus stopping a fully continuation of the river corridor and thus a trail being created.

Previous discussions with the WAPC has also highlighted management concerns in that should such a path/trail be developed by the City, there would be an expectation that the City would also undertake the required trail maintenance and including potentially the wider river corridor.

Depending on the availability of consultants and the level of detail required it may cost in the order of \$25,000 to get the feasibility investigated. This has not been budgeted for in the 22/23 budget, but should the funds be available the feasibility work could be done within six (6) months from commencement.

In regards to the desirability this would depend on the definition, i.e. desirable to Council and/or to the wider community. Officers could present the feasibility and likely costs back to Council, and if it gains support it could then go through a public consultation process to ascertain the desirability.

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A riverside trail and an improved connection along the Helena River has been highlighted previously by the community through the Local Area Planning process. It was also flagged as a possible trail in the City's previous Tracks and Trails project.

**This Notice of Motion was not considered at this meeting and will carry over to the Ordinary Meeting of Council to be held on 6 July 2022.**

## **C1.6 CR KNIGHT - AMENDMENT TO LOCAL PLANNING SCHEME PARKING PROVISIONS**

**Ward:** (All Wards) (Statutory Planning)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Planning and Development)

Cr Knight submitted the following Notice of Motion:

That the Council resolve to:

- 1) Amend the local planning scheme to make it a requirement that every car park which forms part of a commercial or industrial development application to include: that in addition to the 10% landscaping, the applicant is to plant a City approved shade canopy tree, evenly spaced throughout the car park at a ratio of one tree to 6 car spaces or less, to ensure the majority of the car park is shaded.

### Reason for Motion (provided by Cr Knight)

Car parks are great big black heat sinks. We need the City approved definition of a shade canopy tree to ensure that unsuitable trees not be planted as they may not provide adequate shading.

### **OFFICER COMMENT**

Parking and landscaping are design matters which are addressed through Local Planning Policies rather than the Local Planning Scheme.

The City's Local Planning Policy – Vehicle Parking Standards (POL-TP-129) is due to be reviewed later in this financial year, upon release of expected State policy currently under preparation by the Department of Planning Lands and Heritage, which is believed to impact the City's Policy.

The inclusion of a requirement to provide trees in parking areas can be considered through this review.

### **AMENDED NOTICE OF MOTION**

Cr Knight advised of amendments to the Notice of Motion published in the Agenda as follows.

That the Council resolve to:

- 1) Request City officers prepare a report for Council on the implications, costs and benefits of amending the Local Planning Scheme (and/or Local Planning Policies) to make it a requirement that every car park which forms part of a residential, commercial or industrial development application to include: that in addition to the 10% landscaping, the applicant is to plant a City approved shade canopy tree, evenly spaced throughout the car park at a ratio of one tree to 6 car spaces or less, to ensure the majority of the car park is shaded.

### **MODIFIED OFFICER COMMENT**

Parking and landscaping are design matters which are addressed through Local Planning Policies rather than the Local Planning Scheme.

The review of the City's Local Planning Policy – Vehicle Parking Standards (POL-TP-129) is due to commence later in this financial year, upon release of expected State policy currently under preparation by the Department of Planning Lands and Heritage, which is believed to impact the City's Policy.

The inclusion of a requirement to provide trees in parking areas can be considered through this review. However, a separate report on the matter could also be provided.

**This Notice of Motion was not considered at this meeting and will carry over to the Ordinary Meeting of Council to be held on 6 July 2022.**

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

Nil

#### **4. CLOSURE**

**MOTION** that the Council resolve to:

- 1) Continue with the business of the meeting listed on the agenda.

(Cr Johnson -)

**MOTION LAPSED** due to the lack of a seconder.

**MOTION** that the Council resolve to adjourn the Ordinary Meeting of Council until 6pm, Wednesday, 8 June 2022.

(Cr Henderson - Cr Johnson)

#### **MOTION WAS PUT TO THE VOTE AND LOST (6/7)**

For: Crs Bowman, Henderson, Jones, Johnson, McCullough and Zannino

Against: Crs Catalano, Congerton, Knight, Lucas, Parry, Predovnik and Richardson

**RESOLVED UNANIMOUSLY** that the Council resolve to:

- 1) The business outstanding on the agenda be listed on the agenda for the Ordinary Meeting of Council to be held on 6 July 2022.

(Cr Congerton - Cr Bowman)

There being no further business, the Presiding Member, Cr Lucas, thanked those present for their attendance and declared the meeting closed at 9.59pm on Tuesday, 7 June 2022.