



CITY of SWAN

MINUTES

ORDINARY MEETING OF COUNCIL

07 JULY 2021

CONFIRMED MINUTES

These minutes were confirmed as a true and accurate record of the meeting at the Ordinary Meeting of Council held on 28 July 2021.

Amended at the Ordinary Meeting of Council held on 6 April 2022.

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CITY of SWAN

**ORDINARY MEETING
OF COUNCIL**

PART A

OPENING PROCEDURES

07 JULY 2021

MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD AT MIDLAND TOWN HALL
ON WEDNESDAY 7 JULY 2021 COMMENCING AT 6.00PM

PART A - OPENING PROCEDURES

1. OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed those present and opened the meeting at 6.00pm.

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 K Bailey	Mayor, Pearce Ward (Presiding Member)
	Cr D Lucas	Deputy Mayor, Altone Ward
	Cr J Catalano	Altone Ward
	Cr A Kiely	Altone Ward
	Cr I Johnson	Midland/Guildford Ward
	Cr R Predovnik	Midland/Guildford Ward (from 6.03pm)
	Cr P Jones	Pearce Ward
	Cr C McCullough	Pearce Ward
	Cr T Richardson	Pearce Ward
	Cr R Henderson	Swan Valley/Gidgegannup Ward
	Cr C Zannino	Swan Valley/Gidgegannup Ward
	Cr M Congerton	Whiteman Ward
	Cr J McNamara	Whiteman Ward
	Cr B Parry	Whiteman Ward
Councillors: (electronic)	Cr C Scanlan	Midland/Guildford Ward
Staff:	Mr J Edwards	Chief Executive Officer
	Mr J Coten	Executive Manager Operations
	Mr G Fisher	Executive Manager Community Wellbeing
	Mrs K Leahy	Executive Manager Corporate
	Mr L van der Linde	Executive Manager Planning & Development
	Ms A Albrecht	Manager Governance and Strategy
	Ms A Arapovic	Manager Financial Services and Rates
	Mr P Russell	Manager Statutory Planning
	Miss M Dwyer	Governance Officer (Minute Clerk)
Leave of Absence:	Nil	
Apologies:	Nil	
Members of the Public:	10 (approximately)	
Media:	1	

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

Cr Richardson declared a financial interest in Item 13.6 - To Amend Aspects of Development Approval (DA234-18B) (Demolition, alterations and additions to the existing dwelling, including a loft conversion) - Lot 29 (No.77) James Street, Guildford (DA234-18C) as she is the home owner.

Note: The item is not for Council's consideration at this meeting but is listed in the agenda as business left over from a previous meeting.

Cr Johnson declared an impartiality interest in Item 4.2 – Demolition of the Existing House and Construction of Child Care Premises - Lots 33 & 34 (No.7) Fauntleroy Street, Guildford (DA594-20) as he lives nearby, but not so near to result in a proximity interest.

Cr Kiely declared an impartiality interest in Item 4.2 - Demolition of the Existing House and Construction of Child Care Premises - Lots 33 & 34 (No.7) Fauntleroy Street, Guildford (DA594-20) as he is an Executive of the Guildford Association and may have contributed to comments via a submission of the Guildford Association.

Cr Johnson declared an impartiality interest in Item 5.1 - Parking Control Signage - Water Street, Guildford as he lives nearby, but not so near to result in a proximity interest.

Cr Kiely declared an impartiality interest in Item 5.2 - Proposed Replacement of Streetlighting - James Street and Meadow Street, Guildford as he is an Executive of the Guildford Association and may have contributed to comments via a submission of the Guildford Association.

Cr Richardson declared an impartiality interest in Item 5.2 - Proposed Replacement of Streetlighting - James Street and Meadow Street, Guildford as the streetlighting is located in her street, but not directly in front of.

Cr Zannino declared an impartiality interest in Item C1.1 - Cr Johnson - Financial Reporting for the New Junction Project.

5. PUBLIC QUESTION TIME

Public question time commenced at 6.02pm.

Questions and answers recorded in the minutes of the meeting may be summarised, in accordance with the *Local Government (Administration) Regulations 1996*.

Questions and answers marked with an asterisk have been amended, either for the purpose of summarising (e.g. removing preambles, statements etc.) or editing.

5.1 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE

Ms Naomi Jenkin

Q1 The address for the Ellenbrook Leisure Centre in the minutes of 16 January 2019 was Lot 7199 (No.27) Maffina Parade, Ellenbrook. The location is still the same but the address on IntraMaps has changed to 11 Cashman Avenue, Ellenbrook. From screenshots I have taken previously, I can see that the size of the land for the Ellenbrook Leisure Centre has almost doubled. The northern boundary has moved up to the back door of the bowls club at 5 Cashman Avenue, Ellenbrook, and the land for the leisure centre now covers the southern carpark for the bowls club. Please advise when this change occurred and how much was paid in kind or funding to the bowls club?

A1 The City has management orders from the State of WA for both 5 Caversham Avenue, which is exclusively leased to the Ellenbrook Bowls Club, and 11 Caversham Avenue, the future site of the Ellenbrook Leisure Centre. The City requested that Department of Planning, Lands and Heritage amend the reserve boundaries which was enacted on 15 March 2021 in order to accommodate the Ellenbrook Leisure Centre. The City undertook works to the Ellenbrook Bowls Club facilities in order to enact this boundary change. No funding or contribution has been made to the Club.

**Q2 On 26 May 2021 the Tender Review Committee accepted a tender of \$49,427,000.14 excluding GST (for the construction of the Ellenbrook Aquatic Facility). What was the budget?*

A2 The total budget currently sits at \$59.4M, of which \$3.5M has been spent or is committed to the end of this financial year.

Q3 In the minutes of 28 September 2005, in item 2.5 Proposed Leisure Facilities for Ellenbrook an aquatic centre was mentioned. To date how much has been spent on the Ellenbrook Leisure Centre including all professional fees, design, research, travel costs for any Councillor / staff research?

A3 A total of \$3.5m has been spent (including commitments) to date on this capital project. There has been other expenditure related to this project though not exclusively focussed on this project, such as preparation of the Aquatic Strategy that has been booked to feasibility operational budgets.

Ms Karen Mowat

- *Q3 *The City has recently produced a pamphlet advising that properties in the Swan Valley are to receive Verge Collections during June 2021,*
- a) *Do residential properties in the area identified to receive these Verge Collections currently receive Pre-Booked Verge Collection or Tip Passes for Red Hill?*
 - b) *Do businesses or commercial properties in the area identified to receive these Verge Collections currently receive Pre- Booked Verge Collection or Tip Passes for Red Hill?*
 - c) *What amount has been budgeted in 2020/21 for:*
 - i. the provision of this service,*
 - ii. production of the pamphlet, and*
 - iii. delivery of the pamphlet?*
- A3
- a) Yes.
 - b) No, businesses or commercial properties don't receive a Pre-Booked Verge Collection or Tip Passes unless they have a habitable residential house located on the property.
 - c) An amount of \$100,000 has been included in the budget for all costs associated with this collection.

Mr Bob Becu

- Q1 *Referring to my Q5 at the March meeting of Council, the answer given outlined the drivers for the City's capital program but didn't answer the actual question, that being, why does the City consistently budget for capital programs that are much larger than its capacity to deliver?*
- Q2 *Referring to Q3 from Mrs Yvonne Becu at the May meeting, the answer given avoids the actual question. The answer given confirms that funds for the capital program come from a variety of sources. The question actually asked, however, was, if the Capital Works breakup in the 2020/21 budget had been based on the now projected full year capital spend, rather than on the original capital budget, by how much would the "Shortfall to be made up from General Rates" have been reduced?*
- A1-2 The CEO will take the question on notice. Responding to the question at this time will divert available resources away from performing essential functions of high priority i.e. implementing end of financial year processes and undertaking tasks in relation to the adoption of the City's 2021/22 Annual Budget.

Mr Terry Quaife

Questions relating to Item 4.5 - To Amend Aspects of Development Approval (DA234-18B) (Demolition, Alterations and Additions to the Existing Dwelling, Including a Loft Conversion) - Lot 29 (No.77) James Street, Guildford (DA234-18C)

Q1 Why has there not been a heritage impact assessment carried out on the renovations to 77 James Street, Guildford, either for the original application or the ongoing changes which are being made to this listed Category 3 building?

A1 The original application was referred to the State Heritage Office as with subsequent modifications. Effectively the SHO has considered the heritage impact of the proposed alterations to the building.

Q2 Why is the Development Application for an extension to No.1 Hill Street, Guildford being scrutinised so heavily by some Council members, who are also members of the Guildford Association, when the same scrutiny was not given to the house at 77 James Street? Both application concern heritage listed buildings and both are asking for 'Part demolition, alterations and additions to an existing house'.

A3 It is suggested that the application for 77 James Street is being closely scrutinised. It has been deferred to seek more public comment.

Q3 Does the Swan Planning department treat all development applications, including those from sitting Councillors, to the same level of scrutiny as everyone else?

A3 Yes.

Q4 Local Planning Policy C-106 states that one of the objectives is to provide improved certainty to landowners and the community about what is considered to be appropriate development within the Precinct. Does the Council feel that this objective is being met given the current level of frustration and confusion by some applicants with respect to DA's in the heritage precinct?

A4 Every application must be considered on its merits, inclusive of its compliance with extant heritage policy. Compliance with policy sometimes is subjective. The City has prepared a new draft heritage policy for public consideration and in due course the public will be able to express its views on this.

Q5 Can the Council provide a clear statement of the procedures to be followed with respect to Councillors declaring interests in planning applications to provide proper transparency, especially with respect to the influence of the Guildford Association when some of its members hold positions on Council?

A5 The Local Government Act and relevant Regulations detail the obligations of elected members to disclose interests (financial, proximity and impartiality) at meetings. The onus is on the elected member to determine whether they are affected by these provisions and make relevant disclosures. The key principle is that elected members bring an open and impartial mind to decision-making, and consider all of the information before them.

Generally, interests relating to associations with particular community groups (such as the Guildford Association), fall into the category of interests affecting impartiality. With an impartiality interest, whilst the interest must be declared, the Council member may still stay in the room, participate in the debate and vote on the matter.

The Department of Local Government, Sport, and Cultural Industries provides guidelines for Local Governments for managing 'Disclosure of interests affecting impartiality'. These can be found on the Department's website at:
<https://www.dlgsc.wa.gov.au/department/publications/publication/disclosure-of-interests-affecting-impartiality>

Ms Gabrielle Morgan

Questions relating to Item 4.5 - To Amend Aspects of Development Approval (DA234-18B) (Demolition, Alterations and Additions to the Existing Dwelling, Including a Loft Conversion) - Lot 29 (No.77) James Street, Guildford (DA234-18C)

Q1 Was there a Guildford Association assessment in line with POL-C-106 Local Planning Policy – Guildford Conservation Precinct completed and what was the outcome prior to submission and during these amendments over the 2 year period?

A1 No.

Q2 Last week deputations were given in regards to the application of 77 James Street additions regarding public consultation. Why was there no interest shown previously on all other deputations?

A2 Do not know.

Q3 Was there a deputation given from the adjacent neighbour to 77 James Street, being 75 James Street? If so was this the owner or tenant?

A3 The Notes of the Minutes Forum provide the names of those people that provided a deputation, either in person or written. The owners listed on file for 75 James Street do not appear to have provided a deputation. The City does not have any tenant records.

Q4 What is the outcome of unauthorised construction in regards to items and their non-compliance in reference to section 214(2) of the Planning and Development Act 2005?

A4 The outcome is that the applicant has lodged an application for modifications to the house and it is before Council.

Q5 At the Minutes Forum it was confirmed by Mr Russell that the Guildford Association did not make a submission to DA234/2018 at any time during the four consultation processes. This application concerns a heritage property. Can the Council establish why in this instance no objection was submitted?

A5 No.

Mr Peter Dolan

Questions relating to Item 4.5 - To Amend Aspects of Development Approval (DA234-18B) (Demolition, Alterations and Additions to the Existing Dwelling, Including a Loft Conversion) - Lot 29 (No.77) James Street, Guildford (DA234-18C)

**Q1 Prior to the application and additional amendment was their sufficient evidence provided in accordance with section 3.3.2 of the R-Codes?*

A1 Yes.

**Q2 In reference to section 4.1.1 of the R-Codes where a development proposal is deemed to comply with the R-Codes, it will not require advertising to adjoining owners and occupiers. Was this application deemed to comply or not?*

A2 Not with respect to overlooking of 75 James Street.

**Q3 In reference to section 4.2 of the R-Codes, at least 14 days public consultation is required. Why was only 2-3 days given to respond?*

A3 14 days was provided.

**Q4 Any new application, including fence, would fall under Main Roads law (James Street being a primary regional road). Does this application fall under the same truncation law?*

A4 This application does not propose any development within that corner proportion of the lot that is reserved Primary Regional Road.

**Q5 How many amendments can be made to a primary application?*

A5 As many as an applicant wishes to make.

Mr Aaron Bowman

**Q3 In regard to the Election Sign Policy, it is my opinion that the policy breaches the extent of what the City can do when consideration is given to previous Supreme Court and High Court decisions. Why? There is still election signage located around the City and many examples of other signage. There appears to be little done by the City in regard to the proliferation of signage. Will the City staff be targeting only political signs or will we see the removal of all other signs immediately?*

A3 Council adopted a revised policy on election signs (POL-C-161) at the Ordinary Meeting of Council on 9 June, 2021. This policy recognises that decisions of the High Court of Australia and the Supreme Court of Western Australia, which protects the rights to display electoral signage as an appropriate exercise of free political speech. Notwithstanding this, the policy requires all election signs to be removed by the relevant candidate within 3 days of polling day. Failure to meet this requirement may result in signs being removed and destroyed. Any election signs remaining in public thoroughfares after an election can be reported to the City on 9267 9267 and City Community Safety Advocates are removing signs when found.

All other forms of signage, whether on private land or public thoroughfares, are subject to a range of planning and local law requirements depending on circumstance. All forms of signage are subject to control, not just political signs. Should anyone have concerns about a particular sign, these can be reported to the City for review of compliance.

**Q4 Will the Council consider a 1% cut to the expenditure budget without reducing the level of service provided to the residents and ratepayer and bring forward much needed funding on community and sporting infrastructure?*

A4 The annual budget is aligned to the Strategic Community Plan (SCP), which sets the City's vision, aspirations and objectives for the Swan Community over the next 10 years. The clear direction is set by the Council and ensures asset and service provision is focussed on meeting the requirements of the community as articulated in the Corporate Business Plan (CBP). This means that it governs all of the work that the City undertakes. In setting the 2021/22 budget, the City has aligned the expenditure budget to the level of service articulated in the SCP and the CBP. Therefore, reducing the expenditure budget by 1% will result in the service requirements not being met.

**Q5 In regard to an Item 5.1 – Bulk Waste Collection Service at the 12 May 2021 Council Meeting, Cr Congerton moved an amendment to the officer recommendation to “Implement a system that would allow up to two passes per annum for commercial properties in the City to dispose of a limited amount of material to the City’s Bullsbrook and Malaga Recycling Centres, commencing 1 December 2021 (conditions will apply).” This should have been ruled out of order as it did not relate to the item. A separate report should have been provided to provide Councillors all the relevant information before making a decision.*

a) Did the Councillors have the full financial information implications for the amendment?

b) What was the amount?

c) Will an increase in commercial rates cover this or will residential ratepayers be expected to fund this? If not, what other community or sporting projects will now not go ahead due to the increased cost?

d) Does any Councillor not own a commercial property and if so why were no financial interests raised?

A5 a-c) The exact cost of the amendment cannot be determined as it depends on the volume of material delivered to the City's facilities by commercial properties, which is unknown. However, the amendment includes that “Conditions will apply” and it is intended that restrictions are placed on the volume of material delivered by commercial properties to minimise the impact. The cost of the City's waste and recycling operations are recovered through the City's Waste Charge and therefore will not impact on any community or sporting projects.

- d) The Local Government Act and relevant Regulations detail the obligations of elected members to disclose interests (financial, proximity and impartiality) at meetings. The onus is on the elected member to determine whether they are affected by these provisions and make relevant disclosures. Breaches of these requirements can be reported to the Local Government Standards Panel or the Department of Local Government, Sport and Cultural Industries. <https://www.dlgsc.wa.gov.au/local-government/local-governments/compliance-and-governance/breaches-of-the-local-government-act>.

Gabe, Callum and Jirus

**Q1 Can the City provide some land and sand for kids to build their own bike jumps in or near Viveash?*

A1 The City recently constructed some BMX jumps at Stewartby Park in Viveash at the request of the community. Staff will contact the person who asked the question and discuss the proposal in more detail to determine if the City can assist.

Ms Samantha Burton

**Q1 Is there anything that can be done to assist victims of domestic violence to pay their rates?*

A1 The City offers a range of payment options to assist people to pay their rates. Any people struggling to pay their rates are encouraged to contact the City on 9267 9267 to discuss a payment arrangement.

5.2 QUESTIONS RELATING TO REPORTS CONTAINED IN THE AGENDA

5.2.1 Questions of which due notice has been given

Nil

Cr Predovnik entered the Chamber at 6.03pm.

5.2.2 Questions without due notice

Mr Rad Dickerson

*Q1 *In regard to the Development Contribution Plan for the Henley Brook Urban Precinct. There is a lot of concern regarding this Plan. When will the Plan be announced for public submissions?*

A1 Executive Manager Planning and Development advised that the City is currently waiting the approval of the Environment Protection Authority and the Department of Planning for advertising. The City has a meeting with the Department of Planning tomorrow (July 8). As soon as permission is received, the Plan will be put out to the public.

Mr Aaron Bowman

*Q1 *In regard to Cr Scanlan's notice of motion requesting a report on changing the method of electing the Mayor.*

If Council conducts a poll/referendum (non-binding) of electors at the 2021 local government elections and the results indicate overwhelming support for changing the method of electing the Mayor, will Council give their commitment to make the change?

A1 The Mayor advised that would be a matter for a Council vote.

*Q2 *In regard to the railway crossing on Apple Street, Upper Swan (close to Railway Parade), was it a condition of the Clementine Estate development that boom gates be installed and when will they be installed?*

A2 Executive Manager Operations advised that the exact time is currently not available. There is some contribution from the developer of the Clementine Estate. Design has been undertaken and there are a few issues being worked through.

*Q3 *In regard to Item 4.1 - Responsible Authority Report - Proposed Large Format Retail, Fast Food Outlets, Gym and Liquor Store - Lot 7385 The Promenade, Ellenbrook (DA336-21).*

The reports uses expressions such as "has not been finalised" and "current plans indicate". The independent design review also raises concerns with expressions such as "not clear", "no analysis" and "not addressed".

Have staff undertaken an in-depth and proper review of the application? Can we be sure that Westbrook Parade and Brookmount Drive will not be impacted, and we do not see cars spilling out on the road when queuing, gridlock in the shopping centre carpark or cars lined up at the roundabout?

A3 The Mayor took the question on notice.

*Q4 *In regard to Item 2.4 - Policy Review - Councillor Allowances, Expenses and Recognition, will Council review the following sections before adopting the revised policy*

1.3.1 – *Provision of a cab charge. There should be limited need for Councillors to use a taxi, unless at an interstate conference. Is should not be considered a reasonable use to a taxi after consuming alcoholic beverages at a Council function.*

1.3.2 – *Reimbursement of clothing expenses. Unless a City of Swan crested uniform is provided, is it not reasonable to expect Councillors would pay for their own clothing?*

1.3.3 – *Supply of paper and replacement printer cartridges. Councillors already receive the maximum ICT Allowance. Is this not double-dipping?*

6.2b – *Is for retiring Councillors only. It should not apply to any Councillor who contests an election and then loses. They are not a retiring Councillor and therefore not entitle to the gift.*

A4 The Mayor took the question on notice.

*Q5 *The Upper Swan Football Club has 480 kids playing and 17 teams and this anticipated to increase next year. When are upgrades to this facility planned? Ward Councillors are invited to visit on Sunday, July 18 and inspect the conditions of the facilities and see how large the club is.*

A5 The Mayor took the question on notice.

5.3 OTHER QUESTIONS

5.3.1 Questions of which due notice has been given

Mr Rob Howes

Q1 *In December 2019 and again in December 2020 the group coordinating the Christmas Elfenbrook Parade, marked stall locations in Main Street and parts of Ellen Stirling Parade, with permanent white paint. On both occasion no effort was made to clean up immediately after the event and were removed several months later after public complaint.*

a) *Who cleaned the area?*

b) *Were the costs of the clean-up paid by the ratepayers?*

c) *What action will be taken to prevent further occurrences?*

A1 It is assumed that this relates to two complaints about painted numbers on the kerb made by Mr Howes in early 2020 and early 2021. These numbers were removed by a City contractor at the City's expense. The City will raise this matter with the organisers of the event to prevent reoccurrence.

Ms Dianne Arvino

Q1 Answer to previous question of ratio of wins at SAT defending Council decisions in last two years was 1 win of 7 appeals. Can you give DA details and date of minutes when refused for the seven which were appealed?

A1 DA-442/2015 - 1-3/157 Park Street, Henley Brook – Community Purpose – OCM 26/9/2018

DA-715/2016 – 52 Forest Road, Henley Brook – Community Purpose - OCM 26/9/2018

DA-204/2017- 1056 Great Northern Highway, Baskerville - Restaurant, Rural Pursuit, and Food & Beverage Production – OCM 21/1/2018

DA-861/2016 - 402 Jenkins Road, Bullsbrook; Site Rehabilitation - Extractive Industry – OCM 4/7/2018

DA-66/2016 - 1201 Chittering Road Bullsbrook - Site remediation – Extractive Industry – OCM 6/6/2018

DA-32/2020 - 136 Swan Street, Guildford, Security Poles – OCM 6/5/2020

DA-200/2018 - 1728 (Lots 5 & 6) Great Northern Highway, Bullsbrook; Extractive Industry – OCM 11/12/2019

Q2 What was cost of defending the seven Council decisions in past two years?

A2 Costs incurred in defending these decisions for the last two financial years (19/20 and 20/21) was \$501,749.8 (excluding GST) and is to date at 23 June 2021.

Q3 Do the City lawyers get paid more if they win, or same whether win or lose?

A3 No, same.

Q4 Do the Planners get a bonus/reward/incentive payment in relation to number or value of DA's that are approved?

A4 No.

Ms Karen Mowat

Q1 Is the Chief Executive Officer a member of Council?

A1 No. Only a Councillor elected by the community can be a member of Council. The CEO is an employee and is the only employee directly appointed by Council.

Q2 Following on from my Q2 on 9 June 2021, can the City advise of the final cost of the Mayoral Dinner held in April 2021 with a breakdown included in respect of food, beverages, entertainment etc.? If the final cost is not available at present, when does the City expect to be in a position to release these details?

- A2 Reconciliation of the Mayoral Dinner budget has been undertaken and the final cost for the Mayoral dinner, held on the 17 April 2021, is \$59,598. The breakdown as requested is provided below, the catering invoice did not provide a breakdown of the alcoholic and non-alcoholic beverages so a total has been provided.

Description	Cost \$
Equipment hire	4,601
Decorations	1,046
Gifts/awards	0
Mayoral Chains cleaning	455
AV and Lighting	7,985
Entertainment	6,845
Flowers	2,000
Photography	600
Facilities Management	998
Printing	3,082
Catering	25,531
Beverages	6,455
TOTAL EVENT EXPENSES	59,598

Following on from my Q3 on 9 June 2021, which is answered in Item 5.1 Questions Taken on Notice:

- Q3 *Do these rural residential properties receive either tip passes for Red Hill or pre-booked verge collections?*
- Q4 *What was the reason for the City to decide to provide this service to only these properties in the Swan Valley?*
- Q5 *Is there a process to enable other rural areas within the City of Swan to receive this additional service?*

- A3-5 The CEO will take the questions on notice.

5.3.2 Questions without due notice

Mrs Naomi Jenkin

- Q1 For the benefit of Candidates for the local government elections in October 2021, are Councillors required to deliver bread or provide food and assistance to people in need?*
- A1 The role of a Councillor is set in legislation and the delivery of bread and providing food and assistance to those in need is not a specific requirement. However, as leaders and active members of their community, many Councillors volunteer their time and resources to the vulnerable and those most in need within our community. The City will be conducting three prospective Councillor seminars in August. These seminars will provide valuable information not only on the election process but also on the role and time commitment of Councillors. All prospective candidates in the City of Swan are encouraged to attend one of these sessions. Further information will be available on the City's website shortly.
- Q2 How many Targa West events have been in the City of Swan and how much in kind or funding has been provided each year including any traffic management?*
- A2 The CEO will take the question on notice.
- Q3 How many and please name if any Councillors are involved or participate with Targa West from the City of Swan or other local government councils?*
- A3 The City is only aware of one Councillor, Cr Bailey participating in last year's event. Any Councillor involvement is in their personal capacity and the City does not keep records of their involvement or that of other local government Councillor participants.
- Q4 When did Shanks' Pony Tours first start operating Ghost Tours in the Midland Town Hall and what are the details of any contract / tenders with the City of Swan since that date please?*
- Q5 As Shanks' Pony Tours, run by a City of Swan Councillor, has not operated for more than a year from the Midland Town Hall will the tours go out to tender once again?*
- A4-5 The CEO will take the questions on notice.
- Q6 My question from the last two months has not been answered yet.*
- The Mayoral Dinner was held on 17th April 2021. Can you please provide a total cost for the Mayoral Dinner and a breakdown of the costs for this event including food, alcohol, other drinks, gifts/awards, flowers, decorations, entertainment, any photography services and any other charges?*
- A6 Reconciliation of the Mayoral Dinner budget has been undertaken and the final cost for the Mayoral dinner, held on the 17 April 2021, is \$59,598. The breakdown as requested is provided below, the catering invoice did not provide a breakdown of the alcoholic and non-alcoholic beverages so a total has been provided.

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Facilities Management	998
Printing	3,082
Catering	25,531
Beverages	6,455
TOTAL EVENT EXPENSES	59,598

Ms Alison Marshall

- Q1 *How will the outcomes of Cr Tanya Richardson's multiple apologies to Pearce Ward Councillors and local Pearce Ward residents be demonstrated?*
- Q2 *Given the need for three public apologies on three separate occasions, and a monetary sanction being the penalty for Cr Tanya Richardson's opinion and behaviour towards Councillors Jones, McCullough and Bailey and her behaviour towards local Pearce Ward residents (as determined by the Finding of the Local Government Standards Panel), how will, or how has, Cr Richardson change(d) her attitude to those Councillors and residents?*
- Q3 *Following these the public apologies, will Cr Tanya Richardson engage with Crs Jones, Bailey and McCullough in a more productive, civil and polite manner having regard to the motions and discussions that they bring to Council meetings?*
- Q4 *Please give a specific example of how the public apologies and monetary sanction that Cr Tanya Richardson has been ordered to pay has changed Cr Richardson's attitude to Councillors Jones, McCullough and Bailey and Pearce Ward local residents.*
- A1-4 The learnings from Local Government Standards Panel findings are for those individual Councillors to consider.
- Q5 *Has the monetary sanction that Cr Tanya Richardson was require to pay for her fifth Standards Panel breach (when she sent residents an email disparaging other Pearce Ward Councillors) been paid?*

- A5 The City is yet to receive an invoice from the Local Government Standards Panel relating to their fees and charges for the 2020/2021 financial year. As soon as the costs are known, the City will raise an invoice to Cr Richardson for payment.

Mrs Veronica Ryan

- Q1 *Given Cr Claire Scanlan's comments in regards to certain male Elected Members behaviour and comments at the City of Swan in recent months, why has Cr Scanlan not called out other male Elected Members inappropriate and poor treatment of other female Councillors at the City of Swan over the past years?*
- A1 The City is unaware of the instance where Cr Scanlan's comments specifically named male Councillors for their behaviour and comments.
- Q2 *Why has Cr Scanlan not spoken out at these other male Councillors treatment of Cr Cate McCullough in regards to their poor behaviour and comments towards her?*
- Q3 *Why has Cr Claire Scanlan not spoken out in regards to a certain male Councillor on at least two occasions in a public forum during meetings that are available online for anyone to view, referring to Cr McCullough as just 'the Mayor's wife' when she is in fact a Councillor elected in her own right?*
- A2-3 It is understood Cr Scanlan was speaking for herself and her personal experiences.

Mr Aaron Bowman

- *Q6 *Are Councillors aware of The Vines proposal which involves selling of nine golf holes for more housing and the creation of a senior village on the existing driving range?*
- A6 The Mayor advised that is the commentary on social media. The City has not received an application.
- *Q7 *Did Council try to raise a specified area rate for a bridge in Upper Swan and where these rates to be charged to numerous surrounding suburbs, then found to have not been done in accordance with the appropriate legislation?*
- A7 The Mayor advised, that is correct.
- *Q8 *How can the Mayor remain impartial when presiding over meetings when his wife is also a Councillor, particularly when needing to rule on Part 4 (Conduct of Members) of the City of Swan Meeting Procedures?*
- A8 The Mayor responded that he does and will act impartially. His wife is a Councillor, elected in her own right, serving in her second term. She is treated no different to other Councillors.

*Q9 *The Department of Government state that “wherever possible questions asked during public question time should be responded to at the meeting”. People expect an immediate response and where this is not possible the person should be advised that the question be taken on notice, the question recorded and written response provided to the questioner as soon as possible.” Do you think waiting to the next Council agenda is as soon as possible? Why can't staff provide answers to questions in the first instance, and not wait until the next Council agenda is prepared and published?*

A9 The CEO took the question on notice.

Public question time concluded at 6.14pm as there were no further questions.

6. PUBLIC STATEMENT TIME

6.1 Ms Christine Hughes in regard to the Mayor's leadership style.

7. PETITIONS

Nil

8. DEPUTATIONS

Written depositions for items on the agenda were received for the Agenda Forum held on 30 June 2021.

9. ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

Welcome to Cr Karlo Perkov, Councillor from the City of Stirling.

This week is NAIDOC week. I would like to pay respects to our indigenous elders past, present and emerging and recognise we meet on the land of the Whadjuk Noongar people. This is a time where we celebrate and acknowledge the ancient and unbroken heritage of indigenous Australians.

Unfortunately, a number of events planned for this week had to be postponed or cancelled due to the COVID restrictions, however there are still events planned for next week and I encourage you to jump online and find an event near you.

Today we also released our draft Reconciliation Action Plan. This document outlines our ongoing commitment to building a just, equitable and reconciled Australia. This plan represents years of working alongside Aboriginal and Torres Strait Islander people, non-Indigenous community, Council and staff, to articulate our vision for reconciliation: a community that works together with all people to foster a culture of respect, empowerment and inclusion. You can view the plan and make comment through the City's Website.

10. MEMBERS' QUESTIONS

10.1 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE

Cr Johnson

Q8 Can the City advise the total value of capitalised staff time and consultant time on this New Junction project?

A8 The CEO will take the question on notice. Responding to the question at this time will divert available resources away from performing essential functions of high priority i.e. implementing end of financial year processes and undertaking tasks in relation to the adoption of the City's 2021/22 Annual Budget.

10.2 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Cr Johnson

Q1 Can the City advise if there were any accidents at the junction of Chiraz Street and Croydon Street, Bellevue in the last two years?

A1 There have been no crashes reported in the five years from 1 January 2015 to 31 December 2020 at the crossroad intersection of Stuart Street, Croydon Street and Chiraz Street in Bellevue. This intersection is located within the Shire of Mundaring.

Q2 When will Cleanaway resume its recycling contract with the City?

A1 The City has not ceased the recycling Contract with Cleanaway although the materials were being processed at a different facility. The City's recycling is currently being taken to the new Cleanaway facility in South Guildford.

Q3 Does the City have any information about the likely destination and use of recycled materials that will be collected by Cleanaway?

A3 The Contract requires that the recyclables are disposed of to appropriate facilities or markets for processing or reprocessing although the City is not provided with detailed information as to the exact destinations.

Q4 The City did not advertise the development application for sheltered accommodation at 40 John Street, Midland. Why was this, and how would the delegations register need to change to allow developments of sheltered accommodation to be advertised?

A4 The application was for 6 grouped dwellings not for a "hostel". The application was compliant with the requirements of the Residential Design Codes of WA and hence did not require public advertising.

Q5 Can the City require external CCTV to be installed as a condition of consent for a hostel for people with mental health issues?

A5 The City would have to establish there was a planning need for such CCTV that was directly related to the development and so reasonable to impose.

- Q6 *What are the laws about drinking alcohol on the City owned street?*
- A6 This is regulated under the *Liquor Control Act 1988*.
- Q7 *Does the operator of a hostel for people with mental health issues have a duty of care to the surrounding neighbours?*
- A7 Yes. A hostel operator needs to ensure that its hostel is fit for purpose and meets the needs of its residents which would include taking all reasonable steps not to cause foreseeable harm to another person or their property (this is a duty all neighbours owe to each other, not just the hostel operator). It should be noted that hostels are licensed and monitored.
- Q8 *If the residents in a hostel for people with mental health issues are repeatedly knocking on doors and asking for money or cigarettes, what action shown local residents take?*
- A8 The neighbours should advise the hostel operator about what is occurring.
- Q9 *Would it be possible to install a small culvert bridge at the end of May Street, Bellevue to allow for families with small children to access the Railway reserve playground to more easily access the playground?*
- A9 There is a major water main running parallel to the open drain and a standard culvert bridge will be difficult to construct at this point. There would likely be minimal separation between the culvert base and the water main and the Water Corporation may not approve the construction so close to the water main. This option would require further investigation and would cost approximately \$20,000 if it was approved. Alternatively a suspended concrete slab path could be constructed across the open drain at a lower cost.

10.3 QUESTIONS OF WHICH NOTICE HAS NOT BEEN GIVEN

Cr Johnson

- Q10 *Can you advise if there are any plans to restrict parking on the verge at the new skateboard park in Midvale?*
- A10 The City does not have any plans in place to restrict verge parking next to the skate park. To date, the City has not received any complaints regarding verge parking at this location.
- Q11 *Can you advise the plans for the connection of Gngara Road to West Swan Road?*
- A11 The City is still within the investigation stage for the design of Gngara Road and its connection to West Swan Road, with many variables still to be explored. Community consultation will occur as the design is progressed.

The proposed alignment, which can be seen below, was adopted as part of the Metropolitan Region Scheme (MRS).



Q12 *In what zones in Local Planning Scheme No. 17 (LPS No. 17) can a recycling facility be approved?*

Q13 *Would it be possible to change the LPS No. 17 to ensure that new recycling facilities are located away from residential areas?*

A12-13A recycling facility is an industrial use, more specifically "Industry-General" under the City of Swan Local Planning Scheme 17 and is a permitted "P" use in a General Industrial Zone, provided it complies with the relevant development standards and requirements of the Scheme. It can also be considered in an Industrial Development zone where the final permissibility is determined by a Structure Plan.

These zones are generally located away from residential areas and where a structure plan applies it will consider the impact on residential areas where required.

Cr Congerton

Q1 *Can CEO please provide some criteria in regard to questions to Council members or a briefing session?*

**Note: Following a further question from Cr Johnson, Cr Congerton clarified this was in regard to public questions.*

A1 The CEO advised he can do so and will schedule it for an upcoming briefing session.

Cr Henderson

Q1 What zoning exists, with the Metropolitan Region Scheme (MRS) and Local Planning Scheme (LPS) for the land proposed to be developed at The Vines Resort?

A1 Manager Statutory Planning took the question on notice.

11. LEAVE OF ABSENCE

Nil

12. CONFIRMATION OF MINUTES

12.1 Confirmation of Minutes of Ordinary Meeting of Council held on 9 June 2021.

RESOLVED UNANIMOUSLY that the Minutes of the Ordinary Meeting of Council held on 9 June 2021 be confirmed.

(Cr Parry – Cr Jones)

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 AREA 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 MODIFICATION TO CONDITION NO.6 OF APPROVED DA-55/2019 - TRANSPORT DEPOT - LOT 22 (NO.1370) GREAT NORTHERN HIGHWAY, UPPER SWAN (DA055-19/A)

This matter was deferred at the Ordinary Council Meeting held on 12 May 2021 to allow further consultation with the applicant and adjoining neighbours.

13.4 USE A PORTION OF THE LAND FOR A CAFE/RESTAURANT - LOT 17 (NO.703) GNANGARA ROAD, LEXIA (DA932-20)

This matter was deferred at the Ordinary Council Meeting held on 12 May 2021 to allow the applicant and owner to meet with the Department of Water and Environmental Regulation.

13.5 REQUEST APPROVAL FOR PUBLIC ADVERTISING - GUILDFORD HERITAGE AREA LOCAL PLANNING POLICY

This matter was deferred at the Ordinary Council Meeting held on 9 June 2021 for a period of three months.

13.6 TO AMEND ASPECTS OF DEVELOPMENT APPROVAL (DA234-18B) (DEMOLITION, ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING, INCLUDING A LOFT CONVERSION) - LOT 29 (NO.77) JAMES STREET, GUILDFORD (DA234-18C)

This matter was deferred at the Ordinary Council Meeting held on 9 June 2021 to allow interested Councillors to meet with affected neighbours and the landowners to resolve some of the issues raised and provide the Guildford Association and the Guildford Historical Society a further opportunity to respond to the item.

13.7 POLICY - DEBT COLLECTION RATES AND SERVICES CHARGES

This matter was deferred at the Ordinary Council Meeting held on 9 June 2021 to undertake additional review, conduct a Council Briefing Session and report back to Council on 17 November 2021.

13.8 SALE OF LAND - RATES AND CHARGES OUTSTANDING FOR MORE THAN THREE YEARS

This matter was deferred at the Ordinary Council Meeting held on 9 June 2021 until the Ordinary Meeting of Council to be held on 25 August 2021 to enable ratepayers more time to discuss payment options with the City of Swan and organise finances.

13.9 THE KALEIDOSCOPE INITIATIVE - PROPOSED FUNDING OPTIONS

Ward: (All Wards) (Community and Place)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Community Wellbeing)

RECOMMENDATION

That the Council resolve to:

- 1) Approve the re-allocation from an existing budget of \$30,000 in the 2021/2022 budget (by budget adjustment), and include \$30,000 in the draft budget for 2022/2023 to join the Kaleidoscope Initiative as an Innovation Partner.
- 2) Advocate the needs of our culturally and linguistically diverse community to the State and Federal Government to secure more long-term funding for the program.

MOTION that the Council resolve to:

- 1) Save \$60,000 over the next two (2) years by not commencing funding for the Kaleidoscope Initiative, and instead provide information, support and encouragement for Councillors and staff to volunteer as mentors with the Kaleidoscope Initiative.
- 2) Record the reasons for changing the officer recommendation as the following:
 - a) Migration is a Commonwealth government responsibility not a local government responsibility.
 - b) Kaleidoscope Initiative is already funded by the Commonwealth and state governments.
 - c) City of Swan ratepayers expect Council to reduce operational expenses, not increase them.
 - d) The \$30,000 proposed for Kaleidoscope is not in the budget for 2021/2022.
 - e) Councillors and staff can contribute individually through volunteering with Kaleidoscope as a mentor.
 - f) Motions of which previous notice has been given should originate in section C1.1 of the agenda.

(Cr Johnson – Cr Catalano)

FORESHADOWED MOTION

In the event of the motion being defeated Cr Lucas foreshadowed that he would move the officer recommendation, with an amendment (report on program after two years).

MOTION WAS PUT TO THE VOTE AND LOST (1/14)

For: Crs Bailey, Catalano, Congerton, Henderson, Jones, Kiely, Lucas, McCullough, McNamara, Parry, Predovnik, Richardson, Scanlan and Zannino

Against: Cr Johnson

MOTION that the Council resolve to adopt the staff recommendation with the following amendment, inserted as Part 3.

- 3) Review the Kaleidoscope Initiative after two years, and any funding from the City of Swan, prior to any subsequent decision.

(Cr Lucas – Cr McCullough)

RESOLVED UNANIMOUSLY TO:

- 1) Approve the re-allocation from an existing budget of \$30,000 in the 2021/2022 budget (by budget adjustment), and include \$30,000 in the draft budget for 2022/2023 to join the Kaleidoscope Initiative as an Innovation Partner.
- 2) Advocate the needs of our culturally and linguistically diverse community to the State and Federal Government to secure more long-term funding for the program.
- 3) Review the Kaleidoscope Initiative after two years, and any funding from the City of Swan, prior to any subsequent decision.

13.10 CONSTRUCTION OF FOOTPATH - SOPHIA STREET, BELLEVUE (ALBERT STREET TO THE END OF THE CUL DE SAC)

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Not proceed with the construction of a footpath along Sophia Street from Albert Street to the end of the cul de sac, Bellevue.
- 2) Advise submitters of Council's decision.

MOTION that the Council resolve to:

- 1) Not proceed with the construction of a footpath along Sophia Street from Albert Street to the end of the cul de sac, Bellevue.
- 2) Redirect \$30,000 in funding (already allocated in the 21/22 financial year for the footpath on Sophia Street) to a footpath along May Street, Bellevue instead.
- 3) Provide a report to Council as soon as possible on the feasibility and cost of this alternative proposal that investigates the installation of a footpath on the west side of May Street instead of Sophia Street.
- 4) Include, in that report, the cost of providing a suspended concrete slab which can be constructed across the open drain at the end of May Street, to enable access to a playground and walk trail for residents with prams and small bikes.
- 5) Record the reasons for changing the officer recommendation as the following:
 - a) The original footpath plan for Sophia Street supported access to a proposed playground; but the location of the playground changed to May Street, so the location of the footpath should change as well.
 - b) Funding has already been allocated for a footpath in Bellevue.
 - c) The need for footpaths has been on the Bellevue East Land Use Study 'to do' list for the past eight years.
 - d) A footpath on May Street will alleviate a number of safety issues, including a high-risk of tripping, and create a safe walkable surface to the playground and heritage trail.
 - e) The proposed work is consistent with the City's Strategic Community Plan 2021-2031 regarding infrastructure.

(Cr Predovnik – Cr Johnson)

AMENDMENT TO THE MOTION

Cr Congerton requested the following amendment:

Part 2) be removed (and subsequently renumber).

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

THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION

RESOLVED UNANIMOUSLY TO:

- 1) Not proceed with the construction of a footpath along Sophia Street from Albert Street to the end of the cul de sac, Bellevue.
- 2) Provide a report to Council as soon as possible on the feasibility and cost of this alternative proposal that investigates the installation of a footpath on the west side of May Street instead of Sophia Street.
- 3) Include, in that report, the cost of providing a suspended concrete slab which can be constructed across the open drain at the end of May Street, to enable access to a playground and walk trail for residents with prams and small bikes.
- 4) Record the reasons for changing the officer recommendation as the following:
 - a) The original footpath plan for Sophia Street supported access to a proposed playground; but the location of the playground changed to May Street, so the location of the footpath should change as well.
 - b) Funding has already been allocated for a footpath in Bellevue.
 - c) The need for footpaths has been on the Bellevue East Land Use Study 'to do' list for the past eight years.
 - d) A footpath on May Street will alleviate a number of safety issues, including a high-risk of tripping, and create a safe walkable surface to the playground and heritage trail.
 - e) The proposed work is consistent with the City's Strategic Community Plan 2021-2031 regarding infrastructure.

13.11 ADOPTION OF ALTONE LOCAL AREA PLAN

Ward: (Altone Ward) (Strategic Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Adopt the Altone Local Area Plan; and authorise the CEO to approve any minor changes that may be required before the document is finalised for printing.
- 2) Advise those who lodged submissions to the Altone Local Area Plan of the Council's decision accordingly.

MOTION that the Council resolve to adopt the Officer recommendation.

(Cr Lucas - Cr Kiely)

RESOLVED UNANIMOUSLY TO:

- 1) Adopt the Altone Local Area Plan; and authorise the CEO to approve any minor changes that may be required before the document is finalised for printing.
- 2) Advise those who lodged submissions to the Altone Local Area Plan of the Council's decision accordingly.

CITY of SWAN

**ORDINARY MEETING
OF COUNCIL**

PART B

REPORTS

07 JULY 2021

PART B - REPORTS

1. ADOPTION OF THOSE RECOMMENDATIONS CONTAINED IN ITEMS NOT WITHDRAWN

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

Part B

2.1 - Corporate Business Plan 2021/22 - 2024/25

2.3 - Policy Review - Related Party Disclosures

3.1 - Midland Sports Complex Operating Model

4.1 - Responsible Authority Report - Proposed Large Format Retail, Fast Food Outlets, Gym and Liquor Store - Lot 7385 The Promenade, Ellenbrook (DA336-21)

4.2 - Demolition of the Existing House and Construction of Child Care Premises - Lots 33 & 34 (No.7) Fauntleroy Street, Guildford (DA594-20)

4.3 - Childcare Premise (Including Associated Development, Car Parking Area, Access, Landscaping & Civil Works) - Lot 56 (No.62) North Avenue & Lot 57 (No.43) Bowman Street, Bullsbrook (DA782-20)

4.5 - Horse Arena, Solar Tracker and Shipping Container - Lot 4 (No.7380) West Swan Road, West Swan (DA505-20)

4.6 - Proposed Expansion of the Reception Centre and Non-Conforming Uses Restaurant and Tavern including incidental building works at Mallard Duck - Lot 17 (No.10) John Street, Henley Brook (DA070-21)

4.7 - Proposed Shed - Lot 7812 (No.14) Packwood Link, The Vines (RCP004-21)

4.8 - Proposed Ancillary Dwelling - Lot 10 (No.6) Amur Close, Beechboro (DA142-21)

4.9 - Proposed Alterations to the Non-Conforming Use (Screen Walls) - Lots 52, 53 & 54 Great Northern Highway, Middle Swan (DA291-21)

4.10 - Non-Conforming Use (Truck Depot) and Unapproved Sea Containers (10), Dongas (2) and Proposed Crushing of Rubble - Lot 100 (No.55) Barrett Street, Herne Hill (DA840-20)

4.11 - Statutory Planning Decisions Under Delegated Authority

5.2 - Proposed Replacement of Streetlighting - James Street and Meadow Street, Guildford

6.1 - Differential Rating 2021/22 Submissions

6.2 - Adoption of Annual Budget 2021/22

6.3 - List of Accounts Paid - May 2021

6.4 - Financial Management Report for Period Ended May 2021

6.5 - Change in Basis of Valuation

7.1 - Appointment of Independent Audit Committee Member

Part C

C3.1 - Acquisition By Agreement - Portions Lot 42 & Lot 44 Stock Road and Lot 45 (2199) Great Northern Highway, Bullsbrook (Stock Road Upgrade and Extension)

(Cr Kiely – Cr Congerton)

2. CORPORATE PLANNING AND POLICY

2.1 CORPORATE BUSINESS PLAN 2021/22 - 2024/25

Ward: (Not Applicable) (Governance and Strategy)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

RECOMMENDATION

That the Council resolve to:

- 1) Adopt the Corporate Business Plan (2021/22 - 2024/25); and authorise the CEO to approve any minor changes that may be required before the document is finalised for printing.
- 2) Give public notice that the Corporate Business Plan (2021/22 - 2024/25) has been adopted.

CARRIED EN BLOC

2.2 POLICY REVIEW - INVESTMENT OF SURPLUS FUNDS

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Adopt revised policy POL-C-018 Investment of Surplus Funds.

MOTION that the Council resolve to:

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

2.8 Non Fossil Fuel & Ethical Investments

Subject to the policy objectives and risk management guidelines as outlined in this document, the City will ensure its financial investments consider the reduction of fossil fuel, by investing with non-fossil fuel lending banks and ensure its financial investments consider avoidance of unethical investments that involve the clearing of global native forests, promotion of tobacco products, gambling and armaments and experimentation on animals. The City and its investment advisors will refer to the research of third party bank monitoring services to determine eligible non fossil fuel lending banks and ethical investment products.

- 2) Record the reason for changing the staff recommendation is that the City should leadership in how we invest our money so it is used for good as well as profit.

(Cr Catalano – Cr Kiely)

MOTION WAS PUT TO THE VOTE AND LOST (7/8)

For: Crs Catalano, Johnson, Kiely, McCullough, Predovnik, Richardson and Scanlan

Against: Crs Bailey, Congerton, Henderson, Jones, Lucas, McNamara, Parry and Zannino

MOTION that the Council resolve to adopt the Officer recommendation.

(Cr Parry - Cr Congerton)

RESOLVED (13/2) TO:

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

~~2.8 Non Fossil Fuel & Ethical Investments~~

~~Subject to the policy objectives and risk management guidelines as outlined in this document, the City will ensure its financial investments consider the reduction of fossil fuel, by investing with non-fossil fuel lending banks and ensure its financial investments consider avoidance of unethical investments that involve the clearing of global native forests, promotion of tobacco products, gambling and armaments and experimentation on animals. The City and its investment advisors will refer to the research of third party bank monitoring services to determine eligible non fossil fuel lending banks and ethical investment products.~~

- ~~2) Record the reason for changing the staff recommendation is that the City should leadership in how we invest our money so it is used for good as well as profit.~~

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

Against: Crs Catalano and Kiely

~~Amended at the Ordinary Meeting of Council held on 6 April 2022 (Governance Officer).~~

2.3 POLICY REVIEW - RELATED PARTY DISCLOSURES

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Adopt revised policy POL-C-165 Related Party Disclosures.

CARRIED EN BLOC

2.4 POLICY REVIEW - COUNCILLOR ALLOWANCES, EXPENSES AND RECOGNITION

Ward: (Not Applicable) (Governance and Strategy)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

RECOMMENDATION

That the Council resolve to:

- 1) Adopt policy POL-C-141 Councillor Allowances, Expenses and Recognition.

MOTION that the Council resolve to:

- 1) Adopt policy POL-C-141 Councillor Allowances, Expenses and Recognition, subject to the following amendments:
 1. Change clause 1.1.1 Tablets and smartphone to be changed over "Every four (4) years coinciding with the Councillors Term".
 2. Change clause 1.3.1 to read as follows: "Office supplies i.e. replacement printer cartridges for City supplied multifunction device and up to 12 reams of printer paper per annum will be reimbursed upon lodgement of tax invoices/tax receipts accompanying the reimbursement claim form or provided on request through the CEO."
 3. Remove clause 1.3.2 – *"Reimbursement of clothing expenses for the cost of buying, hiring, repairing and cleaning clothing to carry out Councillor duties. Reimbursement of these expenses is capped at the following limits:*
 - a. Councillors - \$500 per annum*
 - b. Deputy Mayor - \$750 per annum*
 - c. Mayor - \$1,000 per annum."*
- 2) Record the reasons for changing the officer's recommendation are:
 - a) The City needs to save on its operational expenses where it can.
 - b) Councillors' reimbursements need to pass the test of public opinion.
 - c) iPhones are supported by Apple for a period of seven years from the time when the last of the model was sold. Replacement every two years is therefore not justified.
 - d) Councillors do not need a clothing allowance.

- e) The total budget savings through these changes is up to a maximum of approximately \$20,000 per year, noting that many Councillors do not use the clothing allowance.

(Cr Johnson – Cr Catalano)

MOTION WAS PUT TO THE VOTE AND LOST (3/12)

For: Crs Catalano, Johnson and Scanlan

Against: Crs Bailey, Congerton, Henderson, Jones, Kiely, Lucas, McCullough, McNamara, Parry, Predovnik, Richardson and Zannino

MOTION that the Council resolve to adopt the officer recommendation with the following amendment:

Clause 1.3.1 to read as follows: "Office supplies i.e. replacement printer cartridges for City supplied multifunction device and up to 12 reams of printer paper per annum will be reimbursed upon lodgement of tax invoices/tax receipts accompanying the reimbursement claim form or provided on request through the CEO."

(Cr Lucas - Cr McCullough)

RESOLVED UNANIMOUSLY TO:

- 1) Adopt policy POL-C-141 Councillor Allowances, Expenses and Recognition with following amendment:

Clause 1.3.1 to read as follows: "Office supplies i.e. replacement printer cartridges for City supplied multifunction device and up to 12 reams of printer paper per annum will be reimbursed upon lodgement of tax invoices/tax receipts accompanying the reimbursement claim form or provided on request through the CEO."

2.5 POLICY REVIEW - LIVE STREAMING AND RECORDING MEETINGS

Ward: (Not Applicable) (Governance and Strategy)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

RECOMMENDATION

That the Council resolve to:

- 1) Adopt policy POL-C-166 Live Streaming and Recording Meetings.

MOTION that the Council resolve to adopt the staff recommendation.

(Cr Parry – Cr Congerton)

AMENDMENT TO THE MOTION

Amend clause 2.3 (b) of the Policy to require recordings to be retained as part of the City's records for at least seven (7) years, or in accordance with the *State Records Act 2000* (whichever is the longer period of time).

Record the reasons for amendment are:

- a) Recordings of live streaming should be retained for a longer period than one year for reasons of transparency.
- b) Long term digital storage costs are relatively low and decreasing.

(Cr Johnson – Cr Kiely)

RESOLVED (14/1) TO:

- 1) Amend clause 2.3 (b) of the Policy to require recordings to be retained as part of the City's records for at least seven (7) years, or in accordance with the *State Records Act 2000* (whichever is the longer period of time).
- 2) Record the reasons for amendment are:
 - a) Recordings of live streaming should be retained for a longer period than one year for reasons of transparency.
 - b) Long term digital storage costs are relatively low and decreasing.

For: Crs Bailey, Catalano, Congerton, Johnson, Jones, Henderson, Kiely, McCullough, McNamara, Parry, Predovnik, Richardson, Scanlan and Zannino

Against: Cr Lucas

THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION

AMENDMENT TO THE MOTION

- 1) Amend clause 2.5(e) of the Policy to read "Following any meeting, the Chief Executive Officer, in concurrence with the Presiding Member, may mute/exclude all or part of any meeting recording considered inappropriate to be published. The muting/excluding of any part of the meeting recording must be reported and confirmed to the Council at the next available Ordinary Council Meeting whereby the Council may revoke or change the decision."
- 2) Record the reasons for the amendment is that it is in the interests of full transparency to our ratepayers that it should be the full Council that makes the decision to mute/exclude the official record and that decision to mute/exclude should itself also be on the public record.

(Cr Catalano – Cr Kiely)

RESOLVED UNANIMOUSLY TO:

- 1) Amend clause 2.5(e) of the Policy to read "Following any meeting, the Chief Executive Officer, in concurrence with the Presiding Member, may mute/exclude all or part of any meeting recording considered inappropriate to be published. The muting/excluding of any part of the meeting recording must be reported and confirmed to the Council at the next available Ordinary Council Meeting whereby the Council may revoke or change the decision."
- 2) Record the reasons for the amendment is that it is in the interests of full transparency to our ratepayers that it should be the full Council that makes the decision to mute/exclude the official record and that decision to mute/exclude should itself also be on the public record.

THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION

THE SUBSTANTIVE MOTION WAS PUT TO THE VOTE

RESOLVED (14/1) TO:

- 1) Adopt the staff recommendation with the following amendments:
 1. Amend clause 2.3 (b) of the Policy to require recordings to be retained as part of the City's records for at least seven (7) years, or in accordance with the *State Records Act 2000* (whichever is the longer period of time).
 2. Amend clause 2.5(e) of the Policy to read "Following any meeting, the Chief Executive Officer, in concurrence with the Presiding Member, may mute/exclude all or part of any meeting recording considered inappropriate to be published. The muting/excluding of any part of the meeting recording must be reported and confirmed to the Council at the next available Ordinary Council Meeting whereby the Council may revoke or change the decision."

For: Crs Bailey, Catalano, Congerton, Henderson, Johnson, Jones, Lucas, McCullough, McNamara, Parry, Predovnik, Richardson, Scanlan and Zannino

Against: Cr Kiely

2.6 POLICY REVIEW - PROVISION OF PUBLIC ART

Ward: (Not Applicable) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Adopt local planning policy POL-LP-1.10 Provision of Public Art.

MOTION that the Council resolve to:

- 1) Defer consideration of this item to investigate opportunities for improvement of the Policy.

(Cr Henderson – Cr Kiely)

RESOLVED UNANIMOUSLY TO:

- 1) Defer consideration of this item to investigate opportunities for improvement of the Policy.

3. COMMUNITY PLANNING AND DEVELOPMENT

3.1 MIDLAND SPORTS COMPLEX OPERATING MODELS

Ward: (Swan Valley/Gidgegannup Ward) (Leisure Services)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Community Wellbeing)

RECOMMENDATION

That the Council resolve to:

- 1) Endorse a category 2 approach whereby the City relinquishes the current "Special Facility Licence".
- 2) Endorse an approach where the Midland Morrison Bowling Club are supported in applying for a Full Club Liquor Licence for the complex all year round (excluding the function room and the bar area that services the function room, kitchen and toilets connecting to the function room from the licenced area).
- 3) Endorse a transitional approach over a 6-12 month period whereby the City, Clubs WA and Bowls WA work together to build capacity and provide support to the Midland Morrison Bowling Club particularly for the transition of the liquor licence and associated operational requirements.
- 4) Provide a copy of the ClubsWA Midland Sports Complex Report to the Midland Morrison Bowling Club and the Midland Lawn Tennis Club, and consult with the clubs on the proposed approach.
- 5) Request a final report and recommendation be provided to Council following consultation with the relevant clubs on the proposed approach going forward.

CARRIED EN BLOC

3.2 NOONGAR ARTWORK COMMISSION FOR COUNCIL CHAMBERS

Ward: (All Wards) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Allocate \$35,000 of the City's public art funding in 2022/23 for the commission of a Noongar art work in the Council Chamber.
- 2) Advise the Reconciliation Action Plan Committee accordingly.

MOTION that the Council resolve to:

- 1) Defer consideration of this item until the Ordinary Meeting of Council to be held on 25 August 2021.
- 2) The reasons for the deferral are:
 - a) The proposed resolution is not in keeping with the original motion nor the amended motion. In the amended motion the proposed artwork will not be visible from live streaming and only partially visible from the Gallery.
 - b) To request the Reconciliation Action Plan Advisory Committee to revisit the officer's report based on the information provided below.

On the 21 October 2020 Council had a motion to:

- 1) *Direct the CEO to Commission a lasting art work/creation, specifically for the purpose of hanging on the rear of the Council Chambers wall, to the left of where the Mayor sits, (left of the projection screen) and above the existing un-used doorway.*
- 2) *Permit the CEO to decide on a cost, oversee the procurement process, delivery, installation and unveiling.*
- 3) *Ensure that the art-work is representative, and respectful of many thousands of years decision making by Noongar elders in this district, that preceded the construction of this Council Chamber, but occurred (and continues to occur) in the district and ensured the good governance and prosperity of its people, the land, it's waterways and its flora and fauna; to this very day.*

This was revised by an amended version and resolved unanimously to:

- 1) *Agree to commissioning a lasting Noongar art work/creation, that will be highly visible within and created specifically for the Council Chambers.*
- 2) *Request the City of Swan RAP (Reconciliation Action Plan) committee consider the process to achieve this end and prepare a submission back to Council specifically to consider the cost, procurement process, delivery, installation and unveiling.*
- 3) *Ensure that the art-work is representative, and respectful of many thousands of years decision making by Noongar elders in this district, that preceded the construction of this Council Chamber, but occurred (and continues to occur) in the district and ensured the good governance and prosperity of its people, the land, it's waterways and its flora and fauna; to this very day.*

(Cr Kiely - Cr Congerton)

(Cr Congerton – Cr Parry)

RESOLVED UNANIMOUSLY TO:

- 1) Defer consideration of this item until the Ordinary Meeting of Council to be held on 25 August 2021.
- 2) The reasons for the deferral are:
 - a) The proposed resolution is not in keeping with the original motion nor the amended motion. In the amended motion the proposed artwork will not be visible from live streaming and only partially visible from the Gallery.
 - b) To request the Reconciliation Action Plan Advisory Committee to revisit the officer's report based on the information provided below.

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- 2) *Permit the CEO to decide on a cost, oversee the procurement process, delivery, installation and unveiling.*
- 3) *Ensure that the art-work is representative, and respectful of many thousands of years decision making by Noongar elders in this district, that preceded the construction of this Council Chamber, but occurred (and continues to occur) in the district and ensured the good governance and prosperity of its people, the land, it's waterways and its flora and fauna; to this very day.*

This was revised by an amended version and resolved unanimously to:

- 1) *Agree to commissioning a lasting Noongar art work/creation, that will be highly visible within and created specifically for the Council Chambers.*
- 2) *Request the City of Swan RAP (Reconciliation Action Plan) committee consider the process to achieve this end and prepare a submission back to Council specifically to consider the cost, procurement process, delivery, installation and unveiling.*
- 3) *Ensure that the art-work is representative, and respectful of many thousands of years decision making by Noongar elders in this district, that preceded the construction of this Council Chamber, but occurred (and continues to occur) in the district and ensured the good governance and prosperity of its people, the land, it's waterways and its flora and fauna; to this very day.*

(Cr Kiely - Cr Congerton)

4. STATUTORY PLANNING

**4.1 RESPONSIBLE AUTHORITY REPORT - PROPOSED LARGE FORMAT RETAIL,
FAST FOOD OUTLETS, GYM AND LIQUOR STORE - LOT 7385 THE
PROMENADE, ELLENBROOK (DA336-21)**

Ward: (Pearce Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Endorse the staff recommendation on the application to the Metro Outer Joint Development Assessment Panel.

CARRIED EN BLOC

4.2 DEMOLITION OF THE EXISTING HOUSE AND CONSTRUCTION OF CHILD CARE PREMISES - LOTS 33 & 34 (NO.7) FAUNTLEROY STREET, GUILDFORD (DA594-20)

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 4.2 – Demolition of the Existing House and Construction of Child Care Premises - Lots 33 & 34 (No.7) Fauntleroy Street, Guildford (DA594-20) as he lives nearby, but not so near to result in a proximity interest.

Cr Kiely declared an impartiality interest in Item 4.2 - Demolition of the Existing House and Construction of Child Care Premises - Lots 33 & 34 (No.7) Fauntleroy Street, Guildford (DA594-20) as he is an Executive of the Guildford Association and may have contributed to comments via a submission of the Guildford Association.

RECOMMENDATION

That the Council resolve to:

- 1) Refuse the application for the Demolition of the existing Single House and construction of a new Child Care Premises at Lots 33 and 34 (No.7) Fauntleroy Street, Guildford for the following reason:
 - a. The provision of only 18 onsite car parking bays, a shortfall of five (5) bays below the relevant parking standard under Local Planning Policy POL-TP-129 Vehicle Parking Standards, is considered likely to cause parking on Fauntleroy street, to the detriment of the functionality of this road and the convenience and amenity of local residents.

CARRIED EN BLOC

4.3 CHILDCARE PREMISE (INCLUDING ASSOCIATED DEVELOPMENT, CAR PARKING AREA, ACCESS, LANDSCAPING & CIVIL WORKS) - LOT 56 (NO.62) NORTH AVENUE & LOT 57 (NO.43) BOWMAN STREET, BULLSBROOK (DA782-20)

Ward: (Pearce Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Approve the proposed Child Care Premises at Lot 56 (No.62) North Avenue and Lot 57 (No.43) Bowman Street, Bullsbrook subject to the following conditions:
 1. This approval is for a 'Child Care Premises' as defined under the City's 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 'Child Care Premises' is to 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. Prior to the lodgement of a Building permit for the development of the landowner/applicant is required to make a cost contribution in accordance with the Development Contribution Plan for Bullsbrook Townsite (DCA 7).
 4. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
 5. The 'Child Care Premises' is limited to a maximum number of 84 children and nine (9) staff at any given time.
 6. The hours of operation shall be limited to:
 - i. 6.00am to 9.00am (before school) and 3.00pm to 6.00pm (after school) Monday to Friday during the school term; and
 - ii. 6.00am and 6.00pm Monday to Friday during school holidays.
 7. Vehicle access onto the site shall be restricted to that shown on the approved site plan.
 8. Vehicle parking areas, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City, in accordance with the approved plans.

9. Prior to occupation or use of the development, a total of ten (10) on-site parking bays shall be provided. The access and design of these parking spaces must comply with AS 2890.1.
10. Provision must be made for access and facilities for use of people with disabilities in accordance with provisions of the Building Code of Australia and AS 1428.1.
11. Parking bay No.1 as annotated on the submitted site plan is for the parking of staff vehicles only.
12. All crossovers must be built and maintained in accordance with the City's specifications.
13. Prior to a Building Permit being issued, stormwater disposal plans, details and calculations must be submitted for approval by the City of Swan and thereafter implemented, constructed and maintained to the satisfaction of the City of Swan.
14. All noise attenuation measures, identified by the Herring Storer Acoustics Environmental Noise Assessment (Ref. 20025376-02, dated 10 June 2020) are to be implemented prior to occupancy of the development and the requirements of the Environmental Noise Assessment are to be observed at all times.
15. A Noise Management Plan is to be prepared by a suitably qualified consultant and submitted to the City for approval prior to a building permit being lodged. The Noise Management Plan shall address how all noise related mitigation measures detailed by the Acoustic Report prepared by Herring Storer Acoustics dated 10 June 2020 will be implemented to achieve compliance with the *Environmental Protection (Noise) Regulations 1997*. This plan is to be to the satisfaction of the City of Swan and shall be maintained in perpetuity.
16. An acoustic wall up to 2.4m high with minimum 15kg/sqm density and no gaps, slots or perforations to run the entirety of the northern and western boundaries of the property (as detailed in Figure 3 – Boundary Fencing in Herring Storer Acoustics in Environmental Acoustic Assessment [Document Reference – 25888-2-2013811 June 2020, Report Version 2]).
17. An acoustic wall at least 2m high with minimum 15kg/sqm density and no gaps, slots or perforations to run between the Office and the western boundary fence (as detailed in Figure 3 – Boundary Fencing in Herring Storer Acoustics in Environmental Acoustic Assessment [Document Reference – 25888-2-2013811 June 2020, Report Version 2]).
18. Air conditioner condensers for the development to be located in the Services area of the development (as detailed in Figure 2 – Boundary Fencing in Herring Storer Acoustics in Environmental Acoustic Assessment [Document Reference – 25888-2-2013811 June 2020, Report Version 2])
19. No children to be allowed in either Outdoor Activity area before 7.00am unless further acoustic work is undertaken to the satisfaction of the City of Swan's Manager of Health & Building Services.

20. A refuse bin area adequate to service the development and in compliance with the City of Swan Health Local Law 2002 (Part 4) shall be provided to the satisfaction of the City of Swan's Manager of Health & Building Services before the development is occupied or used.
 21. The development must be connected to Water Corporation sewer.
 22. No stormwater or deleterious matter shall be discharged from the property into or allowed onto other lands or reserves to the satisfaction of the City.
 23. Prior to a Building Permit being issued, a detailed landscaping and reticulation plan for that subject site and/or road verge(s) must be submitted to, and approved by, the City of Swan and must include the following:
 - i. The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
 - ii. Any lawns to be established;
 - iii. Any existing vegetation and/or landscaping areas to be retained;
 - iv. Any verge treatments; and
 - v. Evidence that the proposed landscaping will not, at maturity, negatively impact the development and adjoining properties.
 24. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.
- 2) Advise the applicant/owner of the resolution of Council accordingly.
 - 3) Advise all those who lodged a submission of Council's decision accordingly.

CARRIED EN BLOC

4.4 PROPOSED PARTIAL CHANGE OF USE TO FOOD AND BEVERAGE PRODUCTION AND ADDITIONS TO EXISTING WINERY AND RESTAURANT - LOT 123 (NO.38) SWAN STREET, HENLEY BROOK (DA967-20)

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) Not accept the advice of the Swan Valley Planning Committee and approve the proposed Partial Change of Use to Food and Beverage Production and Additions to Existing Winery and Restaurant at Lot 123 (No.38) Swan Street, Henley Brook subject to the following conditions:
 1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon or in this approval by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 2. This approval is for Food and Beverage Production 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.
 3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
 4. The maximum number of patrons permitted on the premises shall not exceed 250 persons at any one time.
 5. External colours, finishes and materials to be used in the construction of the building are to be in accordance with the approved development plans, as dated, marked and stamped, unless otherwise approved in writing by the City of Swan.
 6. All stormwater must be contained and disposed of on site at all times, to the satisfaction of the City of Swan.
 7. The approved landscaping plan (DWG A102 Rev No.F) must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of the City of Swan.
 8. Landscaping as depicted on the approved plans shall be maintained at all times to the satisfaction of the City.

9. Prior to occupation or use of the development, 135 vehicle parking bays inclusive of two (2) ACROD bays and two (2) dedicated bus bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). ACROD parking bays must comply with AS/NZ 2890.6 (as amended).
10. Car parking bays and areas designated for landscaping, shall not be used for the storage, display or selling of any goods or vehicles whatsoever.
11. All crossovers must be built and maintained in accordance with the City's specifications.
12. Provision must be made for access and facilities for use by people with disabilities in accordance with provisions of the Building Code of Australia and AS 1428.1.
13. No wall, fence or landscaping greater than 0.75m in height measured from the natural ground level at the boundary, shall be constructed within 3m of a vehicular accessway unless such wall, fence or landscaping is constructed with a 3m truncation, as depicted on the approved plan.
14. Use of the site for the purpose approved shall not commence until an Occupancy Permit is issued.
15. Refuse bin areas adequate to service the development shall be provided to the satisfaction of the City before the development is occupied or used.
16. Delivery vehicles are not permitted to enter the site outside of the hours 7.00am to 7.00pm Monday to Saturday, and 9.00am to 5.00pm Sundays and Public Holidays.
17. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
18. The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
19. a Site and Soil Evaluation (SSE) shall be submitted in accordance with the requirements of the Government Sewer Policy to inform the land capability for onsite sewerage management and the design of a disposal system required under Condition 20 below.
20. An on-site effluent disposal system must be of sufficient size to accommodate the wastewater volume produced by the maximum intended number of patrons and staff for the property. In accordance with the *Health Act 1911* and the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*, an application for an on-site effluent disposal system must be submitted and approved before a Building Permit or Occupancy Permit for the premises will be granted.

The application will need to be approved by the Department of Health (WA) which may increase the processing time. Failure to have adequately sized on-site effluent disposal system for the development may result in the delay or refusal of a Building Permit.

21. The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the City.
22. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.

Advice Note:

- a) Under Local Planning Scheme No.17:
"Food and Beverage Production" means a building in which food and beverages are manufactured or processed, and which in the opinion of the local government does not affect the amenity of the locality by the emission of noise, odours or other waste, the generation of vehicular traffic or visual intrusion."
- 2) Refer the application to the Western Australian Planning Commission for a determination pursuant to clauses 26 and 30B of the Metropolitan Region Scheme.
- 3) Advise the applicant/owner and submitters of the resolution of Council.

MOTION that the Council resolve to:

- 1) Not accept the advice of the Swan Valley Planning Committee and approve the proposed Partial Change of Use to Food and Beverage Production and Additions to Existing Winery and Restaurant at Lot 123 (No.38) Swan Street, Henley Brook subject to the following modifications:
 1. Proposed parking bays No.'s 1 to 52 situated along the western boundary of the lot are to be deleted;
 2. The proposed 23 overflow car bays between the vines are to be deleted;
 3. Forty two parking bays are to be provided along the southern side of the "new property access driveway";
 4. The extent of the western boundary from which the proposed 52 bays have been deleted is to be subject of a new landscaping plan that deletes the proposed 27 apple trees and provides for low level screen planting to a height of 1.5 metres.

and subject to all Conditions within the officer recommendation with Conditions 7, 8 and 9 modified as follows:

7. Prior to application for a Building Permit the applicant/owner is to submit to the satisfaction of the Chief Executive Officer a Landscaping Plan reflective of Council's required modifications that deletes the 27 proposed apple trees along the western boundary of the lot and provides low level screen planting to a height of 1.5 metres.
8. Landscaping as depicted on the approved Landscaping Plan shall be maintained at all times to the satisfaction of the City.

9. Prior to occupation or use of the development 125 vehicle parking bays inclusive of two (2) ACROD bays and two (2) dedicated bus bays must be provided on the lot in accordance with Council's required modifications to the parking layout. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). ACROD parking bays must comply with AS/NZ 2890.6 (as amended).

(Cr Zannino – Cr Henderson)

RESOLVED UNANIMOUSLY TO:

- 1) Not accept the advice of the Swan Valley Planning Committee and approve the proposed Partial Change of Use to Food and Beverage Production and Additions to Existing Winery and Restaurant at Lot 123 (No.38) Swan Street, Henley Brook subject to the following modifications:
 1. Proposed parking bays No.'s 1 to 52 situated along the western boundary of the lot are to be deleted;
 2. The proposed 23 overflow car bays between the vines are to be deleted;
 3. Forty two parking bays are to be provided along the southern side of the "new property access driveway";
 4. The extent of the western boundary from which the proposed 52 bays have been deleted is to be subject of a new landscaping plan that deletes the proposed 27 apple trees and provides for low level screen planting to a height of 1.5 metres.

and subject to the following Conditions:

1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon or in this approval by the City of Swan. The plans approved as part of this application form part of the development approval issued.
2. This approval is for Food and Beverage Production 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.
3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
4. The maximum number of patrons permitted on the premises shall not exceed 250 persons at any one time.
5. External colours, finishes and materials to be used in the construction of the building are to be in accordance with the approved development plans, as dated, marked and stamped, unless otherwise approved in writing by the City of Swan.
6. All stormwater must be contained and disposed of on site at all times, to the satisfaction of the City of Swan.

7. Prior to application for a Building Permit the applicant/owner is to submit to the satisfaction of the Chief Executive Officer a Landscaping Plan reflective of Council's required modifications that deletes the 27 proposed apple trees along the western boundary of the lot and provides low level screen planting to a height of 1.5 metres.
8. Landscaping as depicted on the approved Landscaping Plan shall be maintained at all times to the satisfaction of the City.
9. Prior to occupation or use of the development 125 vehicle parking bays inclusive of two (2) ACROD bays and two (2) dedicated bus bays must be provided on the lot in accordance with Council's required modifications to the parking layout. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). ACROD parking bays must comply with AS/NZ 2890.6 (as amended).
10. Car parking bays and areas designated for landscaping, shall not be used for the storage, display or selling of any goods or vehicles whatsoever.
11. All crossovers must be built and maintained in accordance with the City's specifications.
12. Provision must be made for access and facilities for use by people with disabilities in accordance with provisions of the Building Code of Australia and AS 1428.1.
13. No wall, fence or landscaping greater than 0.75m in height measured from the natural ground level at the boundary, shall be constructed within 3m of a vehicular accessway unless such wall, fence or landscaping is constructed with a 3m truncation, as depicted on the approved plan.
14. Use of the site for the purpose approved shall not commence until an Occupancy Permit is issued.
15. Refuse bin areas adequate to service the development shall be provided to the satisfaction of the City before the development is occupied or used.
16. Delivery vehicles are not permitted to enter the site outside of the hours 7.00am to 7.00pm Monday to Saturday, and 9.00am to 5.00pm Sundays and Public Holidays.
17. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
18. The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
19. a Site and Soil Evaluation (SSE) shall be submitted in accordance with the requirements of the Government Sewer Policy to inform the land capability for onsite sewerage management and the design of a disposal system required under Condition 20 below.

20. An on-site effluent disposal system must be of sufficient size to accommodate the wastewater volume produced by the maximum intended number of patrons and staff for the property. In accordance with the *Health Act 1911* and the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*, an application for an on-site effluent disposal system must be submitted and approved before a Building Permit or Occupancy Permit for the premises will be granted.

The application will need to be approved by the Department of Health (WA) which may increase the processing time. Failure to have adequately sized on-site effluent disposal system for the development may result in the delay or refusal of a Building Permit.

21. The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the City.
22. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.

Advice Note:

- a) Under Local Planning Scheme No.17:
"Food and Beverage Production" means a building in which food and beverages are manufactured or processed, and which in the opinion of the local government does not affect the amenity of the locality by the emission of noise, odours or other waste, the generation of vehicular traffic or visual intrusion."
- 2) Refer the application to the Western Australian Planning Commission for a determination pursuant to clauses 26 and 30B of the Metropolitan Region Scheme.
- 3) Advise the applicant/owner and submitters of the resolution of Council.

**4.5 HORSE ARENA, SOLAR TRACKER AND SHIPPING CONTAINER - LOT 4
(NO.7380) WEST SWAN ROAD, WEST SWAN (DA505-20)**

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) Support the proposed Horse Arena, existing Shipping Container and established Solar Tracker at Lot 4 (No.7380) West Swan Road, West Swan subject to the following conditions:
 1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 2. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
 3. The shed/shipping container must only be used for domestic and/or rural purposes associated with the approved use of the land, and not for human habitation.
 4. Use of the Horse Arena is limited to the private use of the owner(s)/occupier(s) of the subject lot and not for commercial purposes.
 5. The Shipping Container 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.

CARRIED EN BLOC

4.6 PROPOSED EXPANSION OF THE RECEPTION CENTRE AND NON-CONFORMING USES RESTAURANT AND TAVERN INCLUDING INCIDENTAL BUILDING WORKS AT MALLARD DUCK - LOT 17 (NO.10) JOHN STREET, HENLEY BROOK (DA070-21)

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) Support the proposed expansion of the Reception Centre and non-conforming Restaurant and Tavern land uses including incidental building works at Lot 17 (No.10) John Street, Henley Brook subject to the following conditions:
 1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 2. This approval is for Reception Centre, Restaurant and 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 the prior approval of the City.
 3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
 4. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
 5. The maximum number of patrons permitted on site at any one given time shall not exceed 120 patrons.
 6. Any additional development, which is not in accordance with the application (the 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.

CARRIED EN BLOC

**4.7 PROPOSED SHED - LOT 7812 (NO.14) PACKWOOD LINK, THE VINES
(RCP004-21)**

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Approve the variation to the deemed-to-comply provisions of Parts 5.1.3 and 5.4.3 of the Residential Design Codes of Western Australia with respect to the 1m setback to the north-western side boundary, 84.7m² floor area and 3.5m wall height of the proposed Outbuilding (Shed) at Lot 7812 (No.14) Packwood Link, The Vines, subject to the following condition:
 1. That the existing shed on the south-eastern side of the lot be demolished.
- 2) Advise the applicant/owner of the resolution of Council.
- 3) Advise those that lodged a submission of the Council's decision accordingly.

CARRIED EN BLOC

**4.8 PROPOSED ANCILLARY DWELLING - LOT 10 (NO.6) AMUR CLOSE,
BEECHBORO (DA142-21)**

Ward: (Altone Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Approve the proposed Ancillary Accommodation at Lot 10 (No.6) Amur Close, Beechboro subject to the following conditions:
 1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 2. This approval is for 'Ancillary Accommodation' as defined in the City of Swan Local Planning Scheme No.17 and associated driveway and the subject land may not be used for any other use without the prior approval of the City.
 3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
 4. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.
- 2) Notify the applicant, owner and any submitters of Council's decision accordingly.

CARRIED EN BLOC

4.9 PROPOSED ALTERATIONS TO THE NON-CONFORMING USE (SCREEN WALLS) - LOTS 52, 53 & 54 GREAT NORTHERN HIGHWAY, MIDDLE SWAN (DA291-21)

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Approve the proposed Alterations to Building used in conjunction with a non-conforming use, subject to the following Condition:
 1. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.
- 2) Advise the applicant of the resolution of Council accordingly.

CARRIED EN BLOC

4.10 NON-CONFORMING USE (TRUCK DEPOT) AND UNAPPROVED SEA CONTAINERS (10), DONGAS (2) AND PROPOSED CRUSHING OF RUBBLE - LOT 100 (NO.55) BARRETT STREET, HERNE HILL (DA840-20)

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) Not permit the extension of the Non-Conforming Use of the land to park trucks (Transport Depot), nor allow the land to be used for another Non-Conforming use of "Storage" for the following reasons:
 1. The proposed extension of the "Transport Depot" and change to use as "Storage" will have an adverse visual impact on the prevailing rural character of this part of the Herne Hill locality; and
 2. The proposed extension of the "Transport Depot" and change to use as "Storage" are likely to generate dust that would have a detrimental impact on adjoining grape growing properties in a manner contrary to the intent of the Swan Valley Rural zoning to protect viticulture.
- 2) Advise the applicant/owner and submitters of the Council decision.

CARRIED EN BLOC

4.11 STATUTORY PLANNING DECISIONS UNDER DELEGATED AUTHORITY

Ward: (All Wards) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Note the list of Statutory Planning decisions made under delegated authority for the period 26 May to 21 June 2021.

CARRIED EN BLOC

5. OPERATIONAL MATTERS

5.1 PARKING CONTROL SIGNAGE - WATER STREET, GUILDFORD

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

Cr Johnson declared an impartiality interest in Item 5.1 - Parking Control Signage - Water Street, Guildford as he lives nearby, but not so near to result in a proximity interest.

RECOMMENDATION

That the Council resolve to:

- 1) Proceed with the installation of "No Stopping" parking control signage along Water Street, Guildford, from East Street (Great Eastern Highway) to the Helena River.
- 2) Write to the Woodbridge Hotel requesting consideration of additional private parking facilities for patrons.
- 3) Advise submitters accordingly.

MOTION that the Council resolve to:

- 1) Proceed with the installation of "No Stopping" parking control signage along Water Street, Guildford, from East Street (Great Eastern Highway) to the Helena River.
- 2) Write to the Woodbridge Hotel requesting consideration of additional private parking facilities for patrons.
- 3) Request the CEO to seek submissions from the residents of Water Street about their views on the possible provision of seven new parking bays within the verge on the north side of Water Street, and report back to Council.
- 4) Advise submitters accordingly.
- 5) Record the reason for changing the officer's recommendation is that if this parking is removed from Water Street for safety reasons, replacement parking will be needed for Woodbridge Hotel patrons. Both the City and the Woodbridge Hotel should look for options to provide replacement parking.

(Cr Johnson – Cr Kiely)

RESOLVED UNANIMOUSLY TO:

- 1) Proceed with the installation of “No Stopping” parking control signage along Water Street, Guildford, from East Street (Great Eastern Highway) to the Helena River.
- 2) Write to the Woodbridge Hotel requesting consideration of additional private parking facilities for patrons.
- 3) Request the CEO to seek submissions from the residents of Water Street about their views on the possible provision of seven new parking bays within the verge on the north side of Water Street, and report back to Council.
- 4) Advise submitters accordingly.
- 5) Record the reason for changing the officer’s recommendation is that if this parking is removed from Water Street for safety reasons, replacement parking will be needed for Woodbridge Hotel patrons. Both the City and the Woodbridge Hotel should look for options to provide replacement parking.

5.2 PROPOSED REPLACEMENT OF STREETLIGHTING - JAMES STREET AND MEADOW STREET, GUILDFORD

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

Cr Kiely declared an impartiality interest in Item 5.2 - Proposed Replacement of Streetlighting - James Street and Meadow Street, Guildford as he is an Executive of the Guildford Association and may have contributed to comments via a submission of the Guildford Association.

Cr Richardson declared an impartiality interest in Item 5.2 - Proposed Replacement of Streetlighting - James Street and Meadow Street, Guildford as the streetlighting is located in her street, but not directly in front of.

RECOMMENDATION

That the Council resolve to:

- 1) Proceed with the street light replacement along James Street and Meadow Street, Guildford with a Decorative ETSA design and Parkerville lamp in the Heritage Red colour.
- 2) Advise submitters accordingly.

CARRIED EN BLOC

6. FINANCIAL AND LEGAL MATTERS

6.1 DIFFERENTIAL RATING 2021/22 SUBMISSIONS

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Receive and note the information contained in the submissions.

CARRIED EN BLOC

6.2 ADOPTION OF ANNUAL BUDGET 2021/22

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve:

1) ADOPTION OF 2021/22 BUDGET

That the draft 2021/22 Annual Budget including the following be adopted:

1.1. Statements of Comprehensive Income

That both the Comprehensive Income Statement by Nature/Type and the Comprehensive Income Statement by Program in the draft 2021/22 Annual Budget for the financial year ending 30 June 2022 be adopted.

1.2 Rate Setting Statement and Statement of Cash Flows

That the Rate Setting Statement and Statement of Cash Flows in the draft 2021/22 Annual Budget be adopted.

1.3 Capital and Infrastructure Works Program

That the Capital and Infrastructure Works Program of the draft 2021/22 Annual Budget be adopted.

1.4 Notes to and Forming Part of the Annual Budget

That the Notes to and forming part of the draft 2021/22 Annual Budget be adopted.

1.5 2021/22 Operating Budget Summary by Organisational Business Units

That the Budget by Organisational Business Units of the draft 2021/22 Annual Budget be adopted.

1.6 New Loan Approvals

That the New Loans of the draft 2021/22 Annual Budget be adopted.

1.7 Ellenbrook Community Budget and the Aveley Community Budget

That the Ellenbrook Municipal Funding and Aveley Community Reserve budgets for the draft 2021/22 Annual Budget be adopted.

1.8 Schedule of Fees and Charges

That the Schedule of Fees and Charges for the draft 2021/22 Annual Budget be adopted.

1.9 Reserve Funds

That the Reserve accounts including Restricted Contributions of the draft 2021/22 Annual Budget be adopted.

1.10 Financial Reporting and Materiality

As per Local Government (Financial Management) Regulations 1996 Section 34 (5) each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS (Australian Accounting Standards), to be used in statements of financial activity for reporting material variances. For the purpose of materiality in monthly financial reports for the 2021/22 financial year, variances shall be those greater than 10 percent (10%) of the original adopted Annual Budget and a value greater than \$50,000.

2) ADOPTION OF VALUATIONS

That the valuations supplied by the Valuer General and totalling as listed below be adopted and recorded in the Rate Book for use in the 2021/22 financial year.

Gross Rental Valuations (GRV) \$1,299,190,769

Unimproved Valuations (UV) \$2,515,663,860

It should be noted that the two valuation systems are calculated differently and they are not directly comparable.

3) ADOPTION OF RATES AND MINIMUM RATES

That the Rates and Minimum Rates to be levied on all rateable property within the municipality of the City of Swan for the financial year ending 30 June 2022 be as follows:

Gross Rental Value

Rating Category	2021/22	Minimum Rate
	Rate-cents/dollar	(\$)
Residential	8.5499c	890
Commercial/Industrial	9.8247c	1,420
Heavy Industry	16.1131c	1,710

Unimproved Value

Rating Category	2021/22	Minimum Rate
	Rate-cents/dollar	(\$)
UV General	0.37146c	890
UV Commercial	0.55950c	890
Farmland	0.28801c	890

4) ADOPTION OF SPECIFIED AREA RATES

4.1 Specified Area Rate – Drainage

That Specified Area Rates be levied to properties in the Midland Drainage District (including parts of Woodbridge and Viveash) and Hazelmere/Guildford Drainage District (including South Guildford, parts of Woodbridge and Hazelmere) to fund the cost of construction and maintenance of drainage infrastructure.

Specified Area Rate – Drainage Cents per Dollar (of GRV)

Midland Drainage District 0.6578c

Hazelmere/Guildford Drainage District 0.6657c

Specified Area Rates Hazelmere Industrial Area Infrastructure GRV and Hazelmere Industrial Area Infrastructure UV are to be levied on rateable properties within the Hazelmere Industrial Area. This is for the construction and maintenance of the roads and drainage within this area.

Specified Area Rate – Hazelmere Industrial Area Infrastructure Cents per Dollar

Hazelmere Industrial Area Infrastructure - GRV 3.896277c

Hazelmere Industrial Area Infrastructure - UV 0.107720c

5) ADOPTION OF CONCESSIONAL RATES

In accordance with section 6.47 of the Local Government Act 1995, Council grant the following rate concessions:

- Heritage Listed residential properties on the City of Swan register can receive a 50 percent (50%) concession upon application each year;
- Recreational and Sporting Associations can receive a 75 percent (75%) concession upon application each year;
- Strata Titled Storage Units for commercial/industrial properties to receive a 58 percent (58%) concession on Commercial / Industrial minimum rates;

- Whiteman Park - privately leased and licensed agreements receive 100 percent (100%) concession; and
- Swan Valley Properties - that are eligible for the Farmland differential rating category can receive a 30 percent (30%) concession upon application each year. New criteria to include tree farming and nurseries as endorsed by Council on 14 April 2021.

Note: Full details of concessions are provided in the Notes to the Annual Budget report

6) **ADOPTION OF COVID-19 FINANCIAL HARDSHIP POLICY**

That the COVID-19 Financial Hardship Policy continues in 2021/22.

7) **ADOPTION OF PAYMENT OPTIONS**

7.1 **Instalment options**

That in accordance with sections 6.45 and 6.50 of the Local Government Act 1995 and Regulation 64 (2) of the Local Government (Financial Management) Regulations 1996, the due dates of instalments under the formal rate instalment program is confirmed as follows:

Rates Payment Method	Due Date
Payment in Full	3 September 2021
Four Instalments	
1st payment	3 September 2021
2nd payment	5 November 2021
3rd payment	14 January 2022
4th payment	18 March 2022

That the Objects and Reasons for adopting differential rates and minimum rates be endorsed.

7.2 **Early payment incentive**

That in accordance with section 6.46 of the Local Government Act 1995 and regulation 26 of the Local Government (Financial Management) Regulations 1996, no discount will be allowed for payment of rates in full within 35 days from the date of issue of the rate notice.

7.3 Interest

No interest and no administration charge for ratepayers entering into the formal rates instalment program. (Section 6.45).

In accordance with sections 6.13 and 6.51 of the Local Government Act 1995 and Regulations 19A and 70 of the Local Government (Financial Management) Regulations 1996 (the Regulations), a three percent (3%) penalty interest charge will be levied on all overdue rates and, if applicable, outstanding Specified Area Rates.

Penalty interest will be levied on all overdue Emergency Services Levy at the rate declared and gazetted by the Minister, which is seven percent (7%).

8) ADOPTION OF RUBBISH REMOVAL CHARGES

8.1 Rateable Properties

That the Rubbish Removal Charge for applicable land be set at \$436 per 240 litre bin per annum for a weekly removal service, including recycling service, where applicable. The State Government landfill levy remained the same at \$70 per tonne.

8.2 New and Additional Bin Levy

That a "one off" bin levy of \$67.00 per 240 litre or 360 litre bin for each new and/or additional bin (refuse and/or recycling) be charged to all properties provided with a refuse and/or recycling service, except when it is a replacement bin. That a "one off" bin levy of \$405.00 per 660 litre bin for each new and/or additional bin (refuse and/or recycling) be charged to all properties provided with a refuse and/or recycling service, except when it is a commercial replacement bin.

8.3 Non Rateable Properties

That the rubbish charge for non-rateable land be set at \$818.00 per 240 litre bin per annum for a weekly removal service including a 240 or 360 litre bin recycling service, where applicable.

9) ENDORSE THE LONG TERM FINANCIAL PLAN 2021/22 – 2021/2022

That the 2021/22– 2030/31 Long Term Financial Plan be endorsed.

This plan addresses the operating and capital needs placed on the City over the next 10 years and becomes the basis on which the City's Annual Budget is developed. It also shows the linkages between specific plans and strategies, enhancing the transparency and accountability of the City to the community.

ADDITIONAL INFORMATION

The Schedule of Fees and Charges includes fees for two Midland Redevelopment Authority locations i.e. Power House and Midland Square (page 78 of the City of Swan Annual Budget refers). It has been identified that these fees should be removed from the Annual Budget as these assets have not been handed over to the City.

AMENDED RECOMMENDATION

Part 1.8 (only) of the staff recommendation is amended as follows:

1.8 Schedule of Fees and Charges

That the Schedule of Fees and Charges for the draft 2021/20 budget be adopted, **subject to the removal of the fees listed for two Midland Redevelopment Authority locations i.e. Power House and Midland Square (page 78 of the City of Swan Annual Budget).**

CARRIED EN BLOC

6.3 LIST OF ACCOUNTS PAID - MAY 2021

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 May 2021, in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996.

CARRIED EN BLOC

6.4 FINANCIAL MANAGEMENT REPORT FOR PERIOD ENDED MAY 2021

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Note the financial statements and report for the month ended 31 May 2021 in accordance with regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

CARRIED EN BLOC

6.5 CHANGE IN BASIS OF VALUATION

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

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

A. Lot 22 on Plan 4473, 37 Lefroy Avenue, HERNE HILL WA 6056

CARRIED EN BLOC

7. GOVERNANCE

7.1 APPOINTMENT OF INDEPENDENT AUDIT COMMITTEE MEMBER

Ward: (Not Applicable) (Governance and Strategy)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

RECOMMENDATION

The Audit Committee recommends that the Council resolve to:

- 1) Re-appoint Mr Phillip Draber as the Independent Member of the City's Audit Committee for a further two year term commencing 19 October 2021 and concluding 13 October 2023 and that the reimbursement of expenses incurred by the Independent Member of up to \$2,000 per annum remain.

CARRIED EN BLOC

8. REPORTS OF THE CHIEF EXECUTIVE OFFICER

Nil

9. URGENT BUSINESS

Nil

Cr Congerton left the Chamber at 7.36pm.

CITY of SWAN

**ORDINARY MEETING
OF COUNCIL**

PART C

**OTHER BUSINESS
AND CLOSING PROCEDURES**

07 JULY 2021

PART C - OTHER BUSINESS AND CLOSING PROCEDURES

1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C1.1 CR JOHNSON - FINANCIAL REPORTING FOR THE NEW JUNCTION PROJECT

Ward: (Midland/Guildford Ward) (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

Cr Zannino declared an impartiality interest in Item C1.1 - Cr Johnson - Financial Reporting for the New Junction Project.

Councillor Johnson submitted the following Notice of Motion:

That the Council resolve to:

- 1) Request the CEO prepare a financial year 2020/2021 annual report on the New Junction/Midland Oval Redevelopment Plan including:
 - a. A profit and loss statement
 - b. A cash flow statement
 - c. A balance sheet
- 2) To audit the financial year 2020/2021 annual report.
- 3) To provide a quarterly New Junction project report to Council.

Reason for Motion (provided by Councillor Johnson)

To allow Councillor to fulfil their fiduciary duty.

OFFICER COMMENT

More detailed financial project management reporting (special purpose reporting) is possible however it will require appropriate project management resourcing and should be considered in light of the broader review being undertaken as per Council resolution (9 June 2021 Ordinary Meeting of Council – item 4.10 New Junction - Desirability and Capability for the City to Invoke the Sunset Clause).

Given the need for further definition around the proposal and the need for further review and scoping, staff recommend that the proposed reporting be considered in the Program Review of the New Junction Implementation Program, and the need therefore/or the definition thereof be reviewed at that time. This will align to Council's resolution from the 9 June 2021 Ordinary Meeting of Council – item 4.10 New Junction - Desirability and Capability for the City to Invoke the Sunset Clause. This review is holistic in nature and will address project management (including financial reporting) requirements going forward.

MOTION that the Council resolve to:

- 1) Request the CEO prepare a financial year 2020/2021 annual report on the New Junction/Midland Oval Redevelopment Plan including:
 - a. A profit and loss statement
 - b. A cash flow statement
 - c. A balance sheet
- 2) To audit the financial year 2020/2021 annual report.
- 3) To provide a quarterly New Junction project report to Council.

(Cr Johnson – Cr Richardson)

Cr Congerton entered the Chamber at 7.38pm.

RESOLVED (8/7) TO:

- 1) Request the CEO prepare a financial year 2020/2021 annual report on the New Junction/Midland Oval Redevelopment Plan including:
 - a. A profit and loss statement
 - b. A cash flow statement
 - c. A balance sheet
- 2) To audit the financial year 2020/2021 annual report.
- 3) To provide a quarterly New Junction project report to Council.

For: Crs Catalano, Congerton, Johnson, Kiely, Predovnik, Richardson, Scanlan and Zannino

Against: Crs Bailey, Henderson, Jones, Lucas, McCullough, McNamara and Parry

Cr Parry left the Chamber at 7.40pm.

C1.2 CR SCANLAN - CHANGING THE METHOD OF ELECTING THE MAYOR

Ward: (All Wards) (Governance and Strategy)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

Councillor Scanlan submitted the following Notice of Motion:

That the Council resolve to:

- 1) Request that the CEO prepare a report for Council on the process and the implications of changing the method of electing the Mayor from Council selected to popularly elected.

Reason for Motion (provided by Councillor Scanlan)

A motion for the Mayor to be publicly elected was raised at the Annual Electors Meeting held 9 March 2021. It is something that the community has expressed an interest in, and that Council should give further consideration to.

A detailed officer report would allow the Council to understand the process for changing the method of electing the Mayor, as well as the implications of such a decision.

OFFICER COMMENT

The process for changing the method for electing the Mayor is set out in the *Local Government Act 1995*. The Act states that a decision must be made at least 80 days prior to the Ordinary election day i.e. prior to Wednesday, 28 July 2021.

A change of this nature has complex implications that Council would need to understand before making such a decision. These implications include the requirement to undertake a ward boundary and elected member representation review, as the Council will need to ensure compliance with Councillor numbers and appropriate ongoing representation within the ward structure. It would be unlikely that the administration would be able to perform these functions prior to 28 July 2021 as a comprehensive analysis would need to be conducted that would incorporate community consultation.

A more detailed report could be presented at a future Council meeting for consideration that would outline the process and implications and provide a timeline for Council consideration and possible implementation for the October 2023 Ordinary local elections.

MOTION that the Council resolve to:

- 1) Request that the CEO prepare a report for Council on the process and the implications of changing the method of electing the Mayor from Council selected to popularly elected, including the option to hold a referendum to seek electors' views on this matter at the Ordinary Council Election October 2021.

(Cr Scanlan – Cr Predovnik)

Reason for Motion (as amended)

A motion for the Mayor to be publicly elected was raised at the Annual Electors Meeting held 9 March 2021. It is something that the community has expressed an interest in, and that Council should give further consideration to.

A detailed officer report would allow the Council to understand the process for changing the method of electing the Mayor, as well as the implications of such a decision. Council may also consider it appropriate to seek electors' views on this matter, and should consider options for undertaking community consultation, including the possibility of holding a referendum.

Cr Parry entered the Chamber at 7.41pm.

MOTION WAS PUT TO THE VOTE AND LOST (4/11)

For: Crs Johnson, Predovnik, Richardson and Scanlan

Against: Crs Bailey, Catalano, Congerton, Henderson, Jones, Kiely, Lucas, McCullough, McNamara, Parry and Zannino

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

Nil

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 Jones)

All members of the public and media left the Chamber at 8.10pm and did not return.

C3.1 ACQUISITION BY AGREEMENT - PORTIONS LOT 42 & LOT 44 STOCK ROAD AND LOT 45 (2199) GREAT NORTHERN HIGHWAY, BULLSBROOK (STOCK ROAD UPGRADE AND EXTENSION)

Ward: (Pearce Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

REASON FOR CONFIDENTIALITY

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

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

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

RECOMMENDATION

That the Council resolve to:

- 1) [Confidential]
- 2) Determine Part 1) of the resolution be confidential until acquisition is completed.
- 3) Authorise the CEO to finalise the land acquisition in accordance with section 168 of the *Land Administration Act 1997*.

CARRIED EN BLOC

C3.2 RECOVERY CENTRE - USE OF PERCY CULLEN FUNCTION CENTRE, GIDGEGANNUP

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

REASON FOR CONFIDENTIALITY

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

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

RESOLVED (13/2) TO:

- 1) Waive all lease fees for the Gidgegannup Recreation Club from the period of 1 February 2021 to 30 June 2021.
- 2) Accept the recalculated rental arrears for the Gidgegannup Recreation Club from October 2020 to June 2021 as \$1,833.33 (including GST).
- 3) Write off the Gidgegannup Recreation Club's debt to the amount of [Confidential] (including GST) for the following reasons:
 - a. In lieu of the Gidgegannup Recreation Club providing use of the building as a Recovery Centre, and
 - b. In accordance with the intent of Council's previous resolution in regards to the lease agreement.
- 4) Keep the value of the Gidgegannup Recreation Club's debt confidential.

For: Crs Bailey, Congerton, Henderson, Johnson, Jones, Kiely, Lucas, McCullough, McNamara, Parry, Predovnik, Scanlan, Zannino

Against: Crs Catalano and Richardson

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

(Cr Kiely - Cr Johnson)

4. CLOSURE

There being no further business, the Presiding Member, Cr Bailey, thanked those present for their attendance and declared the meeting closed at 8.30pm.