



Schedule

Annual Meeting of Electors

The Annual Meeting of Electors will be held at Ballajura Community College's Performing Arts Centre.

On **Monday, February 5, 2024**
Commencing at **6.00pm**

The business of the meeting will be:

1. Receiving of the Annual Report 2022/23
2. General Business

Concluding at the latest 9.00pm

Disclaimer

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

If you choose to participate in the meeting 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.

1. OPENING

Mayor Richardson will open the Annual Meeting of Electors at 6.00pm and preside at the meeting in accordance with section 5.30 of the *Local Government Act 1995* and regulation 18 of the *Local Government (Administration) Regulations 1996*.

Acknowledgement of Country

Housekeeping

Evacuation Plans are displayed next to each door. In the event of an emergency, please listen carefully to staff instructions and move in an orderly fashion to the emergency exits.

Toilet facilities are available via the exit at the front right of the Performing Arts Centre stage, please follow the signs.

Bottled water is provided at the registration desk and light refreshments will be available after the meeting.

Please see City staff at the registration desk or security if you require assistance.

Procedure for the Meeting

Please refer to the attached Annual Electors Meeting Information sheet which outlines the procedures for the meeting.

2. ATTENDANCE AND APOLOGIES

All attendees are required to sign-in at the registration table located in the Performing Arts Centre. Those who wish to participate as a verified elector must either register online or at the registration table prior to the commencement of the meeting.

Nil apologies have been received for the meeting.

3. RECEIVING OF THE ANNUAL REPORT 2022/2023

Consistent with section 5.27 of the *Local Government Act 1995* and regulation 15 of the *Local Government (Administration) Regulations 1996* the matters to be discussed at a general electors' meeting are, firstly the contents of the annual report for the previous financial year.

At the Ordinary Meeting of Council held December 13, 2023, Council adopted the 2022/2023 Annual Report (including financial statements and the auditor's report).

The Mayor and CEO will make a presentation on the Annual Report.

Electors will be invited to raise any matter concerning the content of the City of Swan Annual Report 2022/23.

4. GENERAL BUSINESS

Motions presented to the last annual meeting of electors have been provided with an update which is available on the City's website. Additional copies are available at the registration desk.

4.1 Motions from Electors

Electors of the City are entitled to move a motion and vote on motions. In accordance with s.5.26 of *the Local Government Act 1995*, an elector at an electors meeting includes ratepayers as well as a person who is eligible to be enrolled to vote at an election for the City of Swan.

Proposed motions received in writing by the deadline will be considered in the order they were received.

"Motions from the Floor" will be accepted at the discretion of the Presiding Member's, time permitting.

Greg Roos, Ellenbrook

Motion 1:

That the City of Swan reduce the speed limit on the Parkway to 40km per hour between Pinaster Parade and Main Street. In addition to this measure the City of Swan lobby main roads for approval to install adequate traffic calming measures on the Parkway to improve safe crossing and accessibility.

Francesca Irwin, Woodbridge

Motion 2:

I propose that subsequent City of Swan Annual Electors Meeting are to be held between March and December (not the first week of February).

Francesca Irwin, Woodbridge

Motion 3:

I move that the CEO report to Council on the feasibility of Midland Railway Workshops' City Square as an event space and advocate for a Midland Railway Heritage Museum at the Workshops.

Francesca Irwin, Woodbridge

Motion 4:

The City of Swan advertise and conduct an open public information session about the current status of the Midland Oval, including;

- i) what land has been sold or is subject to a Heads of Agreement.
- ii) subdivision plans completed.
- iii) works to be completed and time frames.
- iv) which of the 4 scenarios in the business plan will likely be adopted.

Smadar Turner, Swan View

Motion 5:

Council to remove the Eastlink project from the City's priority list.

Patrick Irwin, Woodbridge

Motion 6:

I move that all land in the MORM precinct owned by the City of Swan, not sold or subject to Heads of Agreement to date is set aside as green Public Open Space.

Patrick Irwin, Woodbridge

Motion 7:

I move that The Midland Town Centre, comprising the State heritage listed Crown triangle including the Town Hall, the old Post Office, Carnegie Gardens, the Connolly Building Shops and the Ascension Church, and extending down old Great Northern Highway, as far as The Avenue, along Great Eastern Highway to MJAC and along Helena Street to the railway, be assessed as a Heritage or Conservation Place or Precinct for inclusion on the City's Heritage List.

Lynn Deering – Woodbridge Ratepayers Association, Woodbridge

Motion 8:

Regarding the motions endorsed at the Annual Electors meeting (AEM) the CEO report to Council about the following;

- a) within 6 months of the (AEM) how the electors' motions are to be completed including;
 - i) how the AEM motions will come to Council
 - ii) the timeline for completion
- b) once a motion is decided by Council that the outcome should appear on the City of Swan website and the person who put the motion, notified.
- c) a report with details about the status and outcome, of the AEM motions on the City of Swan (website)
 - i) at least one month before the next annual electors meeting and
 - ii) at the next annual electors meeting.

Lynn Deering - Woodbridge Ratepayers Association, Woodbridge

Motion 9:

That the City of Swan reinstate public deputation time to 5 minutes at Council meetings, by amending the meeting procedures and protocols, by mid 2024.

Simon Ashby – Woodbridge Ratepayers Association, Woodbridge

Motion 10:

That the City of Swan hold a public information session to update residents of Woodbridge and Midland and outline the details of the forthcoming four lane highway development and interchange at Morrison Road and Great Eastern Highway.

Phillip Woods – Lockridge Progress Association, Lockridge

Motion 11:

1. That the City immediately release all costs and time delays relating to the Daviot and Benara Road roundabout.
2. In future all information relating to projects that have commenced within the Altone Ward be released to ratepayers of the city, including costs, delays and an explanation provided if these projects are delayed for any reason.

Phillip Woods – Lockridge Progress Association, Lockridge

Motion 12:

1. That the City of Swan urgently address the problem of traffic congestion on Lord Street, Caversham and Lockridge, and this is placed on the Cities Advocacy list of projects to receive priority funding to alleviate the congestion, additionally, that some form of traffic mitigation be put in place between Benara Road and Morley Drive until a permanent solution can be found.
2. That the City of Swan immediately undertake a traffic study between Benara Road and Morley Drive to determine the volume and type of vehicles utilising this section of the road and to release a report to the electors for their information.
3. Release to ratepayers any concept designs that have been undertaken previously to address any traffic issues.

Veronica Hughes, Bennett Springs

Motion 13:

Council to implement better communication with residents on Bennett Springs Drive across the road from the Jay Shree Swamiyaram Temple due to the constant destruction of land and trees around our homes.

William (Spud / Bill) Karroll, Gidgegannup

Motion 14:

That the City of Swan introduce a significant tree register. This will encourage a greater appreciation and respect for trees.

William (Spud / Bill) Karroll, Gidgegannup

Motion 15:

That the City of Swan have a dedicated environmental officer / natural assets manager officer.

William Pollard, Jane Brook

Motion 16:

Comprehensive Evaluation Protocol for Proposed Motions Impacting Previously Sanctioned Substantial Projects. I move that where there exists a previously sanctioned motion pertaining to a substantial project encompassing infrastructure, land, buildings, and multiple requisite contracts; That:

1. In the event of a proposed motion impacting a previously sanctioned motion concerning the substantial project described above, a comprehensive evaluation shall be initiated.
2. The evaluation shall weigh the costs and benefits associated with the enactment of the proposed motion in consideration of the efficiency of the previously sanctioned motion, the implications for the community and the financial ramifications for the City of Swan.
3. The assessment shall yield one of the following outcomes:
 - a. If the determined detriment outweighs the discerned benefits, the proposed motion shall be disallowed.
 - b. In instances where the proposed motion is found to be frivolous to an extent that it presents no substantial prospect of augmenting the efficacy of the original motion or conferring any tangible benefits to the ratepayers of the community, and where the most probable consequence of its approval is the introduction of unnecessary delays to the previously sanctioned major project, the proposed motion shall be disallowed.

Marilena Stimpfl, South Guildford

Motion 17:

Noting that the Local Government Advisory Board established by the Local Government Act 1995 evaluates proposals for changes to local government boundaries; and can accept proposals for change from the Minister for Local Government, local governments themselves, or from electors; the eligible electors at this Annual Meeting of Electors of the City of Swan hereby request this Council to progress the following;

1. That the City of Swan Council, in the interests of good governance, reviews the south-western boundaries and suburbs of the district to consider whether there are synergies for some or all of those urban communities to be represented by adjoining Local Authority, the Town of Bassendean; and
2. That the City of Swan engage with the Town of Bassendean Council to ascertain receptiveness for collaboration with the City to develop a joint proposal in relation to potential boundary changes for consideration by the Local Government Advisory Board; and

Notes that the Local Government Advisory Board can assess the merits or otherwise of any boundary realignment proposal either formally or informally; and should the City of Swan and Town of Bassendean councils wish to proceed, the Local Government Advisory Board will undertake targeted consultation with affected communities and stakeholders for due consideration prior to making any recommendations to the Minister.

Richard Janes, Bullsbrook

Motion 18:

All Development Applications within Sewerage Sensitive Areas, and where Aerobic Treatment Units (ATU) are required, conditions must include:

- a. a Groundwater Level Monitoring Bore to be installed to ensure the required separation between the ATU waste outlet and groundwater. Failure to achieve this separation at all times will result in the closure of the Development until such time as the separation is achieved.
- b. Groundwater Quality Monitoring Bores (minimum 1 per 50 meters downgradient boundary) be installed downgradient of the development, and monitored on a quarterly basis to ensure no nutrients or contaminants are flowing in to groundwater. Failure to achieve this condition will result in the closure of the development until the cause of the pollution is identified and rectified.

Anne Janes - Bullsbrook Residents and Ratepayers Association Inc, Bullsbrook

Motion 19:

On behalf of the Bullsbrook Residents and Ratepayers Association Inc, we ask that the City of Swan bring their Fire Preparedness Education and Active Monitoring forward to educate landowners to prepare their properties BEFORE the ground and vegetation dries out rather than when the ground and vegetation is tinder dry. The arrival of the Compliance letter is now too late to begin preparation. We ask the City of Swan to amend their timelines accordingly with regards to Fire Preparedness and Compliance.

Claire Scanlan, Guildford

Motion 20:

I move a motion to decrease the CEOs delegated powers in planning matters by reducing the need of 11 objections required before an issue becomes an agenda item to 3 objections. The requirement for 11 objections is unreasonable and is resulting in decisions being made without affected residents having the right to give a public deputation at Council meetings and without Councillors even being aware of what has happened.

Cherie Fazio-Giffen, Midland

Motion 21:

I move that where a development application proposes to adversely impact the amenity of an adjacent property by seeking to vary the Deemed-to-Comply or Acceptable Development Criteria requirements of the Residential Design Codes Volumes 1 & 2 by a significant degree, it should not be approved under Delegated Authority and should instead be referred Council for determination at an Ordinary Meeting of Council.

Claire Scanlan, Guildford

Motion 22:

I raise the motion that the City of Swan advocate for a safe pedestrian crossing to be installed as a matter of urgency on James Street, near Attfield Street. This point is identified in the cycle strategy previously adopted by council and is the missing link for residents to access East Guildford Train station, the PSP, schools and school bus services.

**Humphrey Boogaardt – Swan Valley Ratepayers and Residents Association,
Henley Brook**

Motion 23:

That the City of Swan ceases all works, land acquisitions, planning and construction of Henley Brook Avenue south of Park St, Henley Brook / Brabham, to the intersection of West Swan Road and the Reid Highway.

Deanna Rockich, Guildford

Motion 24:

The City of Swan cease the removal of healthy, mature trees on all City of Swan owned land given Perth's tree canopy crisis that is compounded by the Shot-Hole Borer/Beetle, which is illustrated by the well-documented tree losses in Kings Park and Hyde Park.

Deanna Rokich, Guildford

Motion 25:

The City of Swan to increase tree planting and improve tree sapling care across all suburbs, with a holistic approach in mind, and employ tree species not susceptible to the Shot-Hole Borer/Beetle, which is leading to the well-documented tree losses in Kings Park and Hyde Park.

Phil Cloran, Midland

Motion 26:

That the proposed demolition of Arthur Cooper's house at 29 The Crescent, Midland, be considered by Council and is not to be made by delegated authority.

Phil Cloran, Midland

Motion 27:

For all proposed demolitions of pre-1946 houses in the City of Swan to be decided by Council rather than delegated authority.

**Ann Winchester – Upper Swan District Ratepayers and Residents Association,
Upper Swan**

Motion 28:

That the list of Statutory Planning Approvals under Delegated Authority for any month be uploaded to the relevant website page within the second week of the following month.

Ann Winchester – Upper Swan District Ratepayers and Residents Association, Upper Swan

Motion 29:

That ratepayers and residents associations (and such like) within the City of Swan be given access to any advertised Development Applications relevant to their specific areas free of charge and without having to complete an FOI form.

Ann Winchester – Upper Swan District Ratepayers and Residents Association, Upper Swan

Motion 30:

That advertised Development Applications and other relevant documents be uploaded on the Swan engage website for Planning consultations to be available for public viewing.

Ann Winchester – Upper Swan District Ratepayers and Residents Association, Upper Swan

Motion 31:

That the number of objections be reduced to five or more instead of ten or more, therefore any Development Applications with less than five objections would be treated through the Statutory Planning Approvals under Delegated Authority processes. Any DA with five or more objections should be included in the agenda for the relevant Council meeting for discussions/decisions.

Simon Ashby – Woodbridge Ratepayers Association Inc, Woodbridge

Motion 32:

That the City of Swan hold a public information session to update residents on their position on the freight line realignment; preferred route, has land been reserved, pros and cons of their selection and time frame.

We also request a report on the current status of the freight line realignment position with respect to Federal and State Governments as the lack of information is preventing progress within the City of Swan.

Mark Richards – Bellevue Residents and Ratepayers Association Inc, Bellevue

Motion 33:

The City of Swan should promptly and permanently allocate water from the bore in Todd Park, Bellevue, to restore and maintain Station Park and Todd Park as usable public open spaces for the Bellevue Community

Gurdip Maan, Dayton

Motion 34:

For issues in regard to illegal parking on footpaths on streets of Dayton, Caversham and Bennett Springs be rectified so users can safely access the path, for example wheelchair users, carers with prams, pedestrians.

Dianne Arvino, Bellevue

Motion 35:

The City of Swan employ a dedicated co-ordinator of the Urban Tree Canopy programme for plantings and maintenance, and maintain a register of plantings and survival rates by suburb.

Gurdip Maan, Dayton

Motion 36:

To have one or two 24/7 ranger for the city that can deal with general noise, building noise construction, construction rubbish, parking issues on the spot and not weeks/months later.

Gurdip Maan, Dayton

Motion 37:

For more canopy trees in the middle of roads of Dayton and at the entrances to Dayton, for example Arthur Street to look like Main Street in Ellenbrook, non-invasive root trees that do not affect the roads. Currently has paving in the middle of the road, if some blocks of pavers can be removed to add trees that would be fabulous.

Gurdip Maan, Dayton

Motion 38:

For rangers/patrollers to monitor builder's bins on rounds and if they are full/overflowing to alert/fine the builder instead of waiting for the bins to overflow and for litter to be everywhere and residents to complain and only to deal with it months later.

Gurdip Maan, Dayton

Motion 39:

For streets in Dayton to be swept at least fortnightly to avoid health and safety issues.

Gurdip Maan, Dayton

Motion 40:

Push for vacant lands (especially commercial) to be built with urgency to finish the development of the suburb.

Gurdip Maan, Dayton

Motion 41:

Road on Arthur Street in Dayton very bumpy, and near community centre roundabouts, elbow of road drops, it has been refilled with gravel once but have seen Transperth bus dip when tyre is on edge of elbow, road isn't necessarily wide enough. Elbow of road should be developed and not refilled with gravel (once in 3.5 years).

Tenielle Doutré, Brabham

Motion 42:

That the City of Swan initiates an amendment to its Local Planning Scheme to achieve tree protection on private property through the insertion of the following into Schedule A: Supplemental Provisions to the Deemed Provisions Clause 60A:

No person shall remove a tree (which includes ring barking, cutting down, topping, lopping, removing, pruning, transplanting, filling or excavating around, injuring, or willful destruction) that meets the following criteria unless development approval has been granted in accordance with Part 8 of the Deemed Provisions:

- Tree height of 8m or greater; or
- Canopy width of 6m or greater; or
- A total trunk circumference of 1.5m, and where the tree has multiple trunks average trunk circumferences of 625mm, measured at 1.4m above ground level; or
- On a Significant Tree Register.

Tenielle Doutré, Brabham

Motion 43:

That the City of Swan commit to a tree canopy target of 30% by 2035 supported by appropriate planning, policy changes, funding, monitoring and annual reporting.

Tenielle Doutré, Brabham

Motion 44:

That the City of Swan investigate potential options to incentivise property owners to:

- i) retain mature trees on their private property; and
- ii) plant shade trees that have the potential to grow to over 8 metres at maturity on their private property.

Smadar Turner, Swan View

Motion 45:

The CEO and delegates, along with the Council will not be able to overturn any of the city's planning regulations.

4.2 Questions from Electors

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

Questions received in writing by the deadline were provided an answer prior to the meeting, where possible. These questions and answers will be read out by the Presiding Member.

“Questions from the Floor” relating to matters that affect the local government will be accepted at the Presiding Member’s discretion, time permitting.

Any questions taken on notice at the meeting will be responded to in the Minutes.

Please refer to the attached Annual Electors Information sheet for further guidance on the procedures.

Michael Wainwright, Beechboro

Q1 Is the City still constructing a Roundabout at the corner of Altone and Marshall Rd and if so when will construction commence?

A1. Yes, a roundabout is still planned for the intersection of Altone Rd and Marshall Rd. Council adopted a concept design for the duplication of Marshall Road on August 21, 2021 and construction will be staged over several years commencing with the Marshall Road/Beechboro Road intersection in 2025/26 and heading east.

Q2. What is the City doing to improve the traffic congestion in the Midland Area?

A2. The City is commencing the design of the Lloyd street duplication in 2024/25, which will improve regional connections and access routes to the Midland Town Centre from the Urban Growth Corridor. It is also expected alleviate current pressure on Great Northern Highway.

There are a number of major State infrastructure projects underway/planned for the Midland area which will impact traffic patterns in the area. Some examples are the new Midland Train Station, the Morrison Rd level crossing removal, Lloyd St bridge, Cale St level crossing installation and Great Eastern Hwy/Ferguson St traffic signals. City staff are continuing to work with Main Roads around these impacts on the community.

Q3. What is the current situation with the Lloyd Street bridge?

A3. Following concerns raised by community and stakeholder groups, the project is currently on hold whilst environmental and heritage approvals are obtained by Main Roads WA who are delivering the project. As part of this process, they are also investigating alternative alignment for the bridge, which will have additional cost and time implications. Further investigation and feasibility study will be required and at this stage no clear date has been given for detailed design or construction.

Q4. Is the City proceeding with construction and if so when?

A4. As above the project will be delivered by Main Roads WA

Q5. Does the city have the funds to complete the bridge?

A5. *The project is currently under the control of MRWA and the City has made all requested contributions to the project.*

Lynn Deering, Woodbridge

Vacant property and unused buildings within Midland Town Centre and City of Swan:

Q1 What are the present penalty's which apply to buildings that are sitting idle?

A1. *None. There is no requirement under the Planning and Development Act 2005 nor the Local Government Act 1995 for a building to be occupied.*

Q2 What is required of owners who have vacant unkept blocks within the town centre to maintain, beautify and fence off from the public vacant land?

A2. *Section 3.25 of the Local Government Act 1995 empowers Council to issue a notice to an owner or occupier of land to do a certain thing as set out in Schedule 3.1 of the same which includes rectifying land unsightly/untidy. This would include keeping vegetation mown, the land free from rubbish and disused material.*

Q3 Why aren't there requirements placed upon owners of homes and buildings sitting idle to maintain external street facades in a tidy / kept manner?

A3. *Council from time to time does issue notices to owners requiring them to tidy up their property.*

Q4 How many penalties have been applied to owners who use demolition by neglect to heritage buildings?

A4. *There have been no instances in recent times where the Council has taken action against an owner for failure in upkeep of a heritage building.*

Q5 Does Council know how many buildings are sitting idle within the City of Swan?

A5. *If by sitting idle what is meant is unoccupied - no.*

Q6 Has Council undertaken research into ways to stimulate or incentivise disused buildings or vacant land?

A6. *Other than incentives for the conservation of heritage buildings, the City's local Planning Scheme No.17 contains no provisions to encourage development of disused buildings or vacant land.*

Lee Syminton, Woodbridge

Q1 Kings Meadow Reserve Update - (Hill Street Guildford) Revegetation and Conservation: Please can you provide an update on works to Kings Meadow Reserve on Hill Street Guildford. With works and revegetation planned for the adjacent Fish Market Reserve, it seems a good time to also proceed with works, planting and upgrades to Kings Meadow Reserve, which it seems is in great need. Currently there are not many trees to provide shade and little amenity at the park, with large areas of the river bank still fenced off. The oval grass is not watered and there is a distinct lack of native vegetation for the community and native fauna. The park could become a more attractive place for dog walkers, joggers, families, fishermen and general recreation, alleviating some of the pressure at Fish Market Reserve. This space is waiting to be upgraded to provide important heritage and

recreational space for the community - including another perfect place for dogs to be off leash. I understand there are plans for this important heritage reserve, please can you provide an update. I urge the City of Swan to move forward on this important project.

A1. The City continues to work with the Department of Biodiversity, Conservation and Attractions (DBCA) to finalise a masterplan for the Kings Meadow Reserve and Foreshore area. The masterplan is required to guide future Capital works at this location, to ensure community needs are met. Once the masterplan is finalised, it will go to City Councillors for endorsement and, if endorsed, it will be implemented in the future through the City's Capital Works program. The masterplan considers a range of feedback obtained through consultation with the local community, as well as Traditional Land Owners. The City expects that the masterplan will go to an Ordinary Meeting of Council in the first half of 2024.

Smadar Turner, Swan View

Q1 Two and a half years ago the State ordered the City to rewrite Scheme 17 due to too many changes. In the Electors meeting two years ago I was told this task will take two years (!!). Has the document been updated and released? If not, when will it happen? and, what is the name of the new document?

A1. At its Statutory Planning Committee meeting on 22 September 2020, the Western Australian Planning Commission (WAPC) considered the City's report of review of Local Planning Scheme No. 17 and resolved that the City should prepare a revised local planning scheme.

Following the WAPC's determination, the City has prepared Draft Local Planning Scheme No. 18 (Draft LPS No. 18).

Council has been briefed on Draft Local Planning Scheme No. 18 (Draft LPS No. 18) and is scheduled to consider a report in the first quarter of 2024. The report will seek Council's consent to adopt Draft LPS No. 18 for advertising.

Should it be adopted, it will be referred to both the Environmental Protection Authority and Western Australian Planning Commission (WAPC) for examination.

Pending the WAPC's support for advertising, Draft LPS No. 18 will be advertised for public comment for 90 days. At the conclusion of advertising, submissions and any proposed modifications will be considered by Council at a future meeting.

The preparation, advertising and approval of a new Local Planning Scheme is a statutory process. Further information about this process is available on the WAPC's website: [Link](#)

Mark Church, The Vines

Q1. The City of Swan developed a Biodiversity Strategy - has this now been implemented as a policy and if not why not. If so, is it being used to assist in the decision making process by COS officers and councilors.

A1. The Biodiversity Strategy was adopted in June 2016 and is reflected in the City Local Planning Strategy (Part 2, section 3.1.3) approved by the WAPC in 2020. Local Planning Strategies are used in conjunction with the Local planning Scheme when undertaking planning assessments. The Strategy has been used to inform various planning decisions

since its adoption and the City is continuously looking at ways to protect the City's biodiversity through the planning framework.

The principles being addressed in the current review of the Biodiversity Strategy were shared with representatives of the VRRRA in a meeting held on 29 June 2023. Mr Rob Bradbury agreed to a further follow-up meeting to be arranged for after 23 February 2024 when the Executive team of the City will be briefed on proposals contained in the reviewed document.

- Q2.** The VRRRA have previously written letter(s) to which they have had no reply. Could the responsible officer to whom this correspondence was sent provide a reply as a matter of urgency.
- Q3.** The VRRRA have requested to meet with the City of Swan on the matter of redevelopment of The Vines Golf Course to which we have had no reply. Could the responsible officer to whom this meeting request was sent provide a reply as a matter of urgency.

A2 & A3 The only correspondence received from VRRRA to which a response is outstanding is a letter from 4 December 2023. Senior City staff met with a representative of the VRRRA, Mr Dixon Lowe in company with Mr Gavin Troy, on 5 January 2024. At that meeting City staff requested the VRRRA to provide further correspondence pertaining to compliance matters raised in that meeting to which the City would provide a consolidated written response. The requested supplementary information from the VRRRA has not been supplied to date.

Anne Janes, Bullsbrook

- Q1.** City of Swan Councillors are elected by Residents of the City of Swan. Councillors represent the City of Swan and their Electorates in varying capacities and on Committees and Panels. Where does the duty of a Councillor lie when representing their Electorates on Panels such as JDAP?
- Q2.** Is it their duty to support City of Swan Staff and Officers recommendations or as an elected Councillor is it their duty to support and take in to account the well informed views and information provided to them from the Residents and Electorate of the City of Swan which relates to relevant topics?

A1 & A2. Councillors are appointed by the Minister to a JDAP in order to bring local knowledge to the panel and to represent community interests. They are obliged to consider planning applications on their relative planning merits having regard to both expert advice and community submissions.

Nicole Jarvis, Bullsbrook

- Q1** Could the City of Swan please provide a break down on how much money has been paid to Ellenbrook Community Collective over the past 5 years.
- A1.** *Total amount of funds transferred to the 'Ellenbrook Community Collective' from January 2019 to present is \$194,857.41.*

Frances Stephens, Middle Swan

Q1 Long grass on rural properties. Please tell me why so many properties have grass much higher than 100mm at this time of year. Perhaps the ruling to cut grass to a minimum height before December should be extended to smaller properties over 2000 square metres and policed. It is a serious fire risk for other properties.

A1. *The City of Swan has in response to a changing climate, the Wooroloo bushfire, and on request by the Bush Fire Advisory Committee reviewed the fire hazard reduction requirements for private land during 2023. The review included an analysis of grassland management practices in the City of Swan, research conducted by the Australian Fire Danger Rating System project and community consultation. The aim was to find a balance between risk reduction and what is practically achievable by private landholders.*

The recommendation of this review was for:

- *No change to the current Fire Hazard Reduction Notice requirements.*
- *City inspection officers to have an increased focus during inspections on grassland and be provided with additional training, to better identify and address high risk grassland.*
- *The new Fire Hazard Inspection Officer position to work directly with landowners where grassland management is an ongoing concern.*

The reasons for this recommendation are:

- *It is considered that a 3m mineral earth + 3m low fuel zone provides, in 'City of Swan typical grassland' is a safe working space for firefighters. It will remain effective on Moderate and High FDR days.*
- *Community consultation showed a very strong preference for the current requirements. The most common reasons being economic dependence on stock feed, increased costs and practicality of conducting additional works.*
- *Fairness compared to requirements for (higher hazard) bush properties.*
- *It has also been identified that there is significant disparity of risk due to different grass characteristics, stocking rates and the surrounding context. Higher risk properties can be targeted by inspections, education, and enforcement.*

From November 1, 2023, to January 8, 2024, the City of Swan conducted 4,447 fire hazard assessments. These assessments are ongoing, the outcome from these inspections so far is:

- *3,478 properties have been deemed compliant (78.21 per cent)*
- *Abatement notices were issued to 632 properties (14.21 per cent) and of these, 228 properties received a follow-up after the initial notice (5.13 per cent)*
- *Infringements have been issued to 62 properties (1.39 per cent). In 13 of these cases, the City entered the property to conduct fire hazard reduction works (20.9 per cent of infringements or 0.29 per cent of inspections)*
- *Two assessments resulted in residents receiving more education about Asset Protection Zone requirements (0.04 per cent).*

Q2. Truck parking in the lower Swan Valley. Trucks seem to be popping up on lots of rural properties. In particular 76 Albert Rd Middle Swan is of concern because there are lots of

trucks parked there and overwidth and/or very long trucks are fairly frequently entering and exiting the property via Toodyay Rd. In the process they completely block intersections at James/Albert Rd, James/Toodyay Rd and at the entry to 76 Albert Rd where the width of the entry does not appear to be wide enough. How does the city of Swan control and police this?

A2. For land that is within the planning jurisdiction of the City of Swan – that is land that is not within the Swan Valley Planning Act 2020 area - the City controls truck parking through the development application process where the provisions of Local Planning Scheme No. 17 are applied, including in certain circumstances Clause 5.10 Parking of Commercial Vehicles.

Lee Syminton, Woodbridge

Vacant property and unused buildings within Midland Town Centre and City of Swan. Under the Local government Act 1995 there is provision for Council to take action to ensure rubbish, disused material or vegetation is removed. Midland has many vacant buildings, which are not maintained and vacant land which is left idle. This present regulation does not address nor put onus upon owners it allows neglect and forces Council to adopt a "building order" approach after an issue has arisen. At present this approach is not conducive to safe spaces, activation nor reflective of our "Strategic Regional Hub" we are moving toward described in the annual report.

Q1 Does Council know how many buildings are sitting idle within the City of Swan? Does it know how many buildings or sites are sitting idle in Midland. If so, how many?

A1. If by sitting idle what is meant is unoccupied - no

Q2. What is the council doing to address this problem?

A2. Council from time to time does issue notices to owners requiring them to tidy up their property.

Q3. Why does the council not adopt an active approach toward these investment by neglect owners?

A3. There is no requirement under the Planning and Development Act 2005 nor the Local Government Act 1995 for a building to be occupied.

Q4. Has Council undertaken research into ways to stimulate or incentivise disused buildings or vacant land? Using ratepayer incentives?

A4. Other than incentives for the conservation of heritage buildings, the City's local Planning Scheme No.17 contains no provisions to encourage development of disused buildings or vacant land.

Q5. What is required of owners who have vacant unkept blocks within the town centre to maintain, beautify and fence off front access from the public vacant land?

A5. Section 3.25 of the Local Government Act 1995 empowers Council to issue a notice to an owner or occupier of land to do a certain thing as set out in Schedule 3.1 of the same which includes rectifying land unsightly/untidy. This would include keeping vegetation mown, the land free from rubbish and disused material.

Q6. Why aren't there requirements placed upon owners of homes and buildings sitting idle beyond 3 years to provide a plan of intent, Why are not penalties applied to owners of properties?

A6. There is no requirement under the Planning and Development Act 2005 nor the Local Government Act 1995 for a building to be occupied.

Q7. How many penalties have been applied to owners who use demolition by neglect to heritage buildings?

A7. There have been no instances in recent times where the Council has taken action against an owner for failure in upkeep of a heritage building.

John Day, Woodbridge

Q1. Is the Council aware of the amount of traffic congestion which frequently occurs in the Clayton Street, Military Road, Bushmead Road and Stirling Crescent areas in Midland and Hazelmere?

A1. Yes.

Q2. What action is being taken by the Council to achieve completion of the project to construct the Lloyd St bridge and link, which would in part relieve the above congestion? (Noting that construction is under the management of Main Roads WA and is part of the Great Eastern Highway Bypass Interchanges Project.)

A2. As the project is being Main Roads WA, City of Swan staff are working productively with the project team as required.

Gurdip Maan, Dayton

Q1. For staff to be on the same page in regards to the rules of the Council, to have uniform rules. One staff mentioned parking at an intersection was allowed until I questioned how can it supersede the state law which is no parking within 10 metres of an intersection, I was then told the rules will change as of 1 July 2023 but cars are still not getting fined when parked within 10 metres of an intersection. Second example, someone I know got a warning that their tow bar was sticking out onto the footpath. When I logged a report against another vehicle with its towbar sticking out completely onto the footpath, I was told there's no issue unless their tyres were on the footpath, this doesn't make sense as the footpath becomes no longer accessible. Another staff said they can't remove the weeds as the specific area belonged to the state government but when I followed up with the state government, they said it definitely belonged to the council. Until I brought that up with a councillor, it was pushed aside.

A1. This question has been taken on notice.

5. CLOSURE

The meeting will conclude at the latest 9.00pm, some light refreshments will be provided.

Thank you for attending this year's Annual Meeting of Electors.

Annual Electors Meeting Information

February 5, 2024

In accordance with the *Local Government Act 1995* (the Act) and Regulation 15 of the *Local Government (Administration) Regulations 1996* (the Regulations), a general meeting of electors is to be held once every financial year to firstly consider the contents of the annual report for the previous year, and then any other general business.

Regulation 18 of the Regulations states that the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

In accordance with section 5.30 of the Act, the Mayor is to preside at electors' meetings.

The Mayor has determined the procedure to be followed.

Procedure for the Annual Electors' General Meeting

Part 1 – Attendance at an Electors' Meeting

All attendees must:

- a. register their attendance including name and address, on the attendance register provided by the City of Swan staff. The attendance register is for internal record purposes only and will not be published or distributed;
- b. remain seated at all times during the meeting, unless invited by the Presiding Person to address the meeting at the lectern;
- c. not cause any disturbance or disrupt the meeting proceedings in any way;
- d. must be fair and respectful before, during and after the meeting; and
- e. comply with this Procedure and the direction of the Presiding Person at all times.

Attendees who do not adhere to this Procedure, may be requested by the Presiding Person to leave the meeting and/or the building, and that person (or persons) are required to comply with the direction of the Presiding Person.

Part 2 – Participants at an Electors' Meeting (*ref Act clauses 5.26*)

All participants at an Electors' Meeting must be verified electors of the City of Swan.

A verified elector is:

An elector whose name and address is recorded on the –

- i. City of Swan district electoral roll from the last ordinary Council election held;
- ii. City of Swan Owner and Occupier electoral roll; or
- iii. Western Australian Electoral Commission or Australian Electoral Commission website at 'check your enrollment eligibility' which confirms electoral eligibility for the district of Swan; or
- iv. a ratepayer of the City of Swan.



All attendees who wish to participate as a verified elector must be registered by the City staff as a verified elector. Proof of identity or other evidence may be requested.

All verified electors will be provided a coloured 'Voting Card' to indicate a 'for' (green) or 'against' (red) vote. Upon request, the 'Voting Card' must be shown to evidence a person is a verified elector.

For clarity, a person who is not a verified elector may not participate in an Electors' Meeting.

Part 3 – Recording and Live Broadcast of an Electors' Meeting

The proceedings will be video and audio recorded and streamed live to the City of Swan's YouTube channel. The live stream will commence at the scheduled time and date of the Electors' Meeting.

The use of any electronic visual or audio recording or transmitting device or instrument to record or transmit the proceedings of a meeting is prohibited unless the person has been given permission to do so by the Presiding Member.

Part 4 – Order of Proceedings

The Annual Electors' Meeting will commence at 6.00pm on Monday, February 5, 2024. Doors open from 5.00pm for registration and conclude at the latest 9.00pm.

The order of the proceedings will first be reference to these procedures by the Presiding Person followed by Attendances, Apologies and Leave of Absence, presentation of the contents of the 2022/2023 Annual Report by the Mayor and CEO, and General Business.

During General Business, questions may only relate to matters that affect the local government and will be accepted at the discretion of the Presiding Person.

Part 5 – Putting a Motion to an Electors' Meeting

Proposed motions are be provided in writing to Administration by COB Friday, February 2, 2024. [Forms are available on the City's website.](#)

"Motions from the Floor" will be accepted at the discretion of the Presiding Member, time permitting.

Motions will be presented to the meeting in the order they have been received by the City.

Motions from electors will be read aloud by the Presiding Person and displayed on the public screen, to ensure everyone is clear about what they are voting on.

The Presiding Person will request a mover and a seconder for a motion.

No motion is open to debate until it has been seconded.

Upon a motion being proposed, the Presiding Person will call for speakers to address the meeting.

Part 6 – Asking a Question at an Electors' Meeting

Questions must be provided in writing to Administration by 5.00pm Friday, February 2, 2024. [Forms are available on the City's website.](#)

"Questions from the Floor" will only be accepted at the Presiding Person's discretion, time permitting. All questions must be submitted in writing.



Part 7 – Speakers at an Electors’ Meeting

Only verified electors may address an Electors’ Meeting.

When speaking at the meeting, a speaker must:

- a. Rise and move to where the microphone is presented by staff, unless unable to do so by reason or sickness or disability;
- b. Use the microphone provided;
- c. State his or her name and suburb for recording in the minutes;
- d. Address the meeting through the Presiding Person;
- e. Limit statements to fact, not opinion or suppositions;
- f. Not reflect adversely on Council Members or City employees; and
- g. Refrain from making repetitive comment on matters that have already been discussed, to ensure the meeting can progress effectively.

A speaker will have a maximum of three minutes to make their statement.

The mover of a motion will be invited to speak first, and the seconder will be provided the opportunity to speak next. The Presiding Member will then call for other verified electors who wish to speak with a maximum of three speakers for and three speakers against the motion.

The mover of a motion has the right of reply, and this closes the debate. All other speakers may speak once on a motion.

The right of reply is limited to a maximum of three minutes.

A verified elector may rise and move without discussion, “That the motion be now put”, which, on being duly seconded and carried by a simple majority, will result in submission of the motion at once to the meeting.

If the Presiding Person determines that sufficient and fair debate has occurred on a motion then the Presiding Person, after inviting the mover to exercise the right of reply, will put that motion to the vote.

Part 8 – Voting at an Electors’ Meeting (ref Regulation 17)

The Presiding Person will ask for a vote on the motion.

Each verified elector is entitled to one vote on each matter to be decided at the meeting. An elector does not have to vote.

Voting is determined by raising the Voting Card either for or against a motion, at the time the Presiding Member calls for the vote.

Voting at a general or special meeting of electors are to be made by a simple majority of votes.



Part 9 – Minutes and Decisions of an Electors’ Meeting (ref Act sections 5.32 and 5.33)

The Presiding Person is to determine questions of order and procedure not stated above.

Minutes of this meeting will be available for inspection for members of the public as soon as is practicable after the meeting and before the Council meeting at which decisions made at the Electors’ Meeting are considered.

All decisions made at an Electors’ meeting are to be considered at the next Ordinary Meeting of Council.

The decisions of an Electors’ Meeting are not binding on the Council, but as required by the Act, the reasons for any Council decision on a decision of this meeting are to be recorded in the minutes of the Council meeting.

