



MINUTES

Annual Meeting of Electors

February 5, 2024

ATTENTION

These minutes are subject to confirmation.

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the minutes of the following Annual Meeting of Electors to ensure that there has not been a correction made to the resolution.

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**MINUTES OF THE ANNUAL MEETING OF ELECTORS
HELD AT BALLAJURA COMMUNITY COLLEGE'S PERFORMING ARTS CENTRE
ON MONDAY FEBRUARY 5, 2024 COMMENCING AT 6.00PM**

1 OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member, Mayor Tanya Richardson, welcomed those present and opened the meeting at 6:11pm.

Acknowledgement of Country

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

2 ATTENDANCE AND APOLOGIES

All attendees were 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.

Elected	Mayor T Richardson	Presiding Member
Members:	Cr I Johnson	Deputy Mayor, Midland/Guildford Ward
	Cr J Catalano	Altone Ward
	Cr J Singh	Altone Ward
	Cr S Howlett	Midland/Guildford Ward
	Cr R Predovnik	Midland/Guildford Ward (6.06PM)
	Cr E Aringo	Pearce Ward (6.06PM)
	Cr A Bowman	Pearce Ward
	Cr C McCullough	Pearce Ward
	Cr R Henderson	Swan Valley/Gidgegannup Ward
	Cr C Zannino	Swan Valley/Gidgegannup Ward
	Cr D Knight	Whiteman Ward
	Cr H Miles	Whiteman Ward
Elected	Nil	
Members:		
(electronic)		
Staff:	Mr S Cain	Chief Executive Officer
	Mr M Bishop	Executive Director Community Wellbeing
	Mr M Southern	Acting Executive Director Operations
	Mr D Trevaskis	Executive Director Corporate
	Ms M Pickering	Executive Director Place Stakeholder Engagement
	Mr L van der Linde	Executive Director Planning & Development
	Ms V Hodgins	Manager Governance
	Ms D Hindge	Governance Officer - Committees (Minute Clerk)

Leave Nil
of Absence:

Apologies: Cr A Dorn Altone Ward
Cr P Jones Pearce Ward

Members 86
of the
Public:

Media: Nil

3 RECEIVING OF THE ANNUAL REPORT 2022/23

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 2022/23 Annual Report which includes the annual financial statements and the auditor's report.

The 2022/23 Annual Report is available on the City's website and hardcopies were available at the meeting.

The CEO made a presentation on the Annual Report and a video played on the achievements for the 2022/23. The Mayor invited questions from the floor on the Annual Report and the following question was asked and responded.

Smadar Turner, Swan View

Q1. There is quite a gap in operational income and operational outgoings. What is the City doing with those several millions, almost \$30 million dollars? Last year you said it is healthy for the City to have this gap.

A1. *The CEO advised that when you run a household budget, to save for the future, you have to generate more income than you spend. In your household budget you probably have a mortgage to pay which is like the debt obligation of the City. With what we raise in rates, unless you've had some surplus you're unable to generate sufficient capital funding to pay for new facilities. The depreciation charge, around \$50 million dollars in our budget, doesn't equate to anywhere near the capital funds that we spend. So, in addition to what we set aside for depreciation and what we bring in from state and federal and other grants, you need to generate some surplus to be able to provide the facilities for the future.*

4 GENERAL BUSINESS

4.1 MOTIONS FROM ELECTORS

Motions received in writing by the deadline were considered in the order they were received.

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.

As Mr Greg Roos was not present at the meeting this motion was not moved.

Reason: Refer Attachment 1.

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).

Reason: Holding the Annual Meeting of Electors in early February makes it difficult for electors to be prepare and attend so soon after the festive season.

Mover: Francesca Irwin
Seconder: Marilena Stimpfl
LOST (12/30)

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.

Reason: The Railway Workshops would provide a world-class Railway Heritage Centre, and could accommodate the Collection of The Railway Historical Society, currently in the open air at Bassendean.

Mover: Francesca Irwin
Seconder: Patrick Irwin
CARRIED (59/0)

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 four scenarios in the business plan will likely be adopted.

Reason: The public have not been updated about the MORM although there is still considerable public interest in the outcome of, and need for, the project.

Mover: Francesca Irwin
Seconder: Patrick Irwin
CARRIED(45/17)

Smadar Turner, Swan View

Motion 5:

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

Reason: The Eastlink project has collected several road development projects to one huge undertaking. It spans from Tonkin Highway all the way to Northam - through Gidgegannup and farmland.

Mover: Smadar Turner
Seconder: Patrick Irwin
CARRIED (45/11)

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 for sale to date is set aside as green Public Open Space.

Reason: Midland lacks green public open space and it is vital to have green amenity to attract high density development in the future. The 60% residential component of Midland should have 10% public open space (POS) according to Liveable Cities. The percentage of POS in Midland under the MORM proposals will only be approx. 0.6%.

Mover: Patrick Irwin
Seconder: Francesca Irwin
CARRIED (46/16)

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.

Reason: The old town centre of Midland is an important reminder of the railway and transport heritage of Western Australia, with the original railway crossing at the junction of Helena Street and Great Eastern Highway. The old town centre retains many of its early 20th century buildings which can become a

vibrant built asset for the future of Midland Heritage can be a great commercial asset for Midland as James Street is in Guildford, and as Hannan Street is in Kalgoorlie.

Mover: Patrick Irwin
Seconded: William (Bill) Karoll
CARRIED (46/17)

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.

Reason: Annually, it is difficult to know the status of motions and questions at electors meeting -so our people are confused over what is done and what is not. This information is not freely available nor clearly accessible, time consuming to locate and often staff cannot locate answers (turnover etc).

For example: Last year Elector matters were raised at the March meeting, however the remainder of motions were randomly raised at various meetings throughout the year. The result is the status is unclear and outcomes not transparent. Making it both difficult and impossible to identify the status of the items. We make this request to reflect transparency, build trust, respect and professionalism. Staff turnover results in lack of follow through and Councillors miss the priority put in the motions and questions. We request that details and information how to locate decisions arising out of the electors meeting be included on the website and reinforced throughout the decision-making process.

This is to demonstrate to the electors that the City of Swan will respond to the input from their electors and validate electors' effort and input.

It is requirement of the Act however we wish to streamline making it simple for all both parties and better communicated to the electorate - who the CoS are trying to engage.

Example of other websites: (run a sausage sizzle prior to the meeting) Leederville, Stirling, Fremantle

We know and understand this is stated legislation.

Decisions made at the AGM of Electors in accordance with section 5.33 of the *Local Government Act 1995* all decisions made at an AGM of Electors meeting are to be considered at the next Ordinary Meeting of Council or, if that is not practicable –

- At the first Ordinary Meeting of Council after that meeting or
- At a Special Meeting called for that purpose.

If at a meeting of the Council a Local Government decides in response to a decision made at an AGM of Electors meeting, the reasons for the decision are to be recorded in the minutes of the Council meeting.

Mover: Lynn Deering
Seconded: Simon Ashby
CARRIED (50/0)

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.

Reason: In 2023, the City of Swan included changes to the annual review of meeting procedures and protocols specific changes to time in which public deputations can be delivered, format of information provided. These changes effectively, reduce input of the electorate in decision making and their exchange of ideas, views and perspectives upon the Councils activities. This does not improve communication.

Reduction of the public deputation time from 5 to 3 minutes is unnecessary, inequitable, restricts communication and is disrespectful to the electorate. Delegations and other changes have reduced the time and improved meetings- deputations are important for exchange and discourse enable better decision making. Reducing public participation is not acceptable - other councils have 5 minutes and up to 10 minutes, this change was not a requirement under the new changes proposed for local government nor viewed as complimentary by WALGA

Mover: Lynn Deering
Seconded: Smadar Turner
CARRIED (62/0)

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.

Reason: With separate proposals by Metronet, Main Roads WA and the City of Swan on effectively the same portion of land there appears to the Community to be little co-ordination. None of the concerned parties have offered an overall explanation, instead there was an element of buck passing. We therefore ask to be informed as to how a sensible proposal, if justified, will be obtained.

Mover: Simon Ashby
Seconded: Chris Davis
CARRIED (50/0)

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.

Reason: Members of the community have become frustrated with how long it has taken to upgrade the Benara Road and Daviot Road roundabout. We haven't received any reasonable detailed explanation as to why this has occurred.

This frustration is further exacerbated by drops in the speed limit in the vicinity of the project remaining in place during these delays, contributing to an unsafe and inefficient road network over an extended period of time.

For example, on Fridays, when the adjacent Swan Valley Mosque and Islamic Centre is in use the roundabout has become unsafe for all road users. These issues have contributed to significant cost overruns at the expense of ratepayers, in areas such as construction, administration and traffic management.

In conclusion, the City should implement more efficient processes to inform ratepayers of any delays or cost overruns in all major projects.

Mover: Joseph Sawka
Seconded: Patricia Leslie
CARRIED (47/0)

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.

Reason: Members of the community have become frustrated with how long it has taken to upgrade the Benara Road and Daviot Road roundabout. We haven't received any reasonable detailed explanation as to why this has occurred.

This frustration is further exacerbated by drops in the speed limit in the vicinity of the project remaining in place during these delays, contributing to an unsafe and inefficient road network over an extended period of time.

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In conclusion, the City should implement more efficient processes to inform ratepayers of any delays or cost overruns in all major projects.

Mover: Joseph Sawka
Seconded: Patricia Leslie
CARRIED (59/0)

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.

Reason: Residents on Bennett Springs Drive during 2020 successfully arranged with the COS to plant 27+ trees on the verge of Bennett Springs Drive due to a mass unauthorised clearing of trees on Temple land by the Bennett Brook.

The new trees have 2 years growth and this week the City of Swan Team Manager Jodie Roser instructed an employee to cut all of the trees to ruin the hedging. We have photographic evidence the Trees were perfectly healthy within the last 2 weeks however the COS report they were covered in snails (this was true last year but we messaged the COS and they treated accordingly).

The purpose of the trees was intended and agreed with the COS they would grow and shield our homes from the thousands of people who attend Temple Events. These Trees are Aruba Tiliaceus - Native plants to Australia and planted all over WA including Midland.

These trees were dramatically cut back in this week's heat and all cuttings were left lying on the verge as a potential fire hazard.

In addition the RAC confirms we pay higher insurance premiums due to living across the road from the bush, however the COS allows the Temple to hold firework displays less than 100 metres from our homes - historically the verge has caught on fire during firework displays, firework rubbish has littered our homes, the latest display was held during a heat wave in 2023 during a Total Fire Ban, a neighbour's dog was killed , escaped their yard due to the noise and was killed by a moving MV.

Numerous cars sped into Bennett Springs Drive during last year's Firework display blocking driveways and the contractor Fire Truck was blocked in and useless if an emergency occurred.

A child was almost run over due to a car reversing after the display in front of our homes. The COS addressed this by stating a COS councillor assured them that Road Traffic management had been arranged, if so it may have been on Marshall Road but definitely not where people live and not in such a small area for multiple vehicles including emergency vehicles.

This is causing regular distress to people living in the area and the COS should be addressing these issues as a matter of Public Safety.

We asked the COS to mow the verge in Oct 2023 as we had Tiger snakes coming across from the Brook - we have photos but the COS said they are too busy so the grass remained long until a neighbour paid a contractor to mow the verge with her personal funds due to the risk of fire and snakes.

We would like a contact at the COS, not just a faceless messaging system to ask for support when required.

Mover: Veronica Hughes
Secunder: Andrew Hughes
CARRIED (65/0)

William (Bill) Karoll, Gidgegannup

Motion 14:

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

Reason: Many local governments have a significant tree register. COS does not?

Mover: William (Bill) Karoll
Secunder: Smadar Turner
CARRIED (63/2)

Motion 15:

That the City of Swan have a dedicated environmental officer / natural assets manager to oversee the biodiversity that exists and implement the local biodiversity strategy.

Reason: Somebody who will utilise the City of Swan Local Biodiversity Strategy, liaise with Main Roads, government departments, developers, strategic planning, railways etc.

Mover: William (Bill) Karoll
Secunder: Humphrey Boogaardt
CARRIED (58/0)

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.

Reason: This protocol is instituted to establish a process for evaluating proposed motions that directly impact the aforementioned projects to safeguard prudent financial management, expeditious project execution, and the maximisation of benefits for the community and the fiscal well-being of the City of Swan.

Mover: William Pollard
Seconder: Craig Hollett
LOST (10/45)

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
3. 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.

Reason: This request is for the City of Swan to consider the merits of potential rationalisation of the south-western boundary and suburbs of the City, so as to provide improved local government representation that aligns more closely to those communities and their values.

Currently the City of Swan, with a population of over 165,000 represents 42 suburbs and the Swan Valley. There is no doubt that as the largest metropolitan local government area with some of the fastest growing suburbs in WA, that such high growth poses challenges for this council to meet the needs and expectations of rapidly expanding urban areas, for example Ellenbrook and Brabham, verses established communities such as Guildford and Woodbridge for example. Extreme diversity in demographics and the variable needs of old verses new suburbs often leads to disparity in revenue distribution. Without limiting the factors that can be taken into consideration, assessment of areas for inclusion in a possible boundary change should consider the following:

- community of interest.

- physical and topographical features.
- demographic trends.
- economic factors.
- the history of the area.
- transport and communication.
- matters affecting the viability of local governments.
- the effective delivery of government services.

At the same time, we are requesting the City of Swan to engage with the Town of Bassendean to ascertain their receptiveness to collaborate with the City to initiate a boundary proposal realignment and what that may look like. In practical terms this Motion seeks to address the needs of communities more closely aligned to the Town of Bassendean geographically and/or historically, and with similar demographics, urban density and activity. Seeking unification of those communities of interest makes sense in terms of targeted delivery of services for residential and industrial urban areas more closely aligned to the Town of Bassendean demographic and locality than the City of Swan.

It would be appropriate to have an analysis of communities in close geographic location to the Town of Bassendean, including but not limited to Guildford, Woodbridge, Midland, South Guildford, Hazelmere, Kiara, Lockridge, and Beechboro where some or all could potentially be incorporated into the Town of Bassendean via a change in the boundary between the two Local Authorities.

On a final note, the Town of Bassendean currently has seven elected representatives i.e. two less than the maximum permitted under recent Local Government Reforms. Augmenting the overall population of the Town via Ministerial approval of a boundary change would likely be the catalyst to increase the number of elected representatives to nine (at least) for the Town of Bassendean, whilst the City of Swan could retain their existing number of elected representatives. This would facilitate broader and more targeted representation for the populations of both these Local Authorities.

The process of analysis and collaboration between the two local authorities that may culminate in assessment of a possible boundary realignment by the Local Government Advisory Board, and consultation with affected communities, is undoubtedly a long process. There are advantages in commencing this process now having due regard for long term forecasts and competing priorities confronting the City of Swan that are presenting ever increasing challenges to servicing our vastly diverse communities and localities.

Mover: Marilena Stimpfl
Seconder: John Considine
CARRIED (31/9)

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 into groundwater. Failure to achieve this condition will result in the closure of the development until the cause of the pollution is identified and rectified.

Reason: There are an increasing number of ad hoc developments taking place within the Ellenbrook catchment within sewerage sensitive areas. The utmost care needs to be taken with developments which have the potential to negatively impact groundwater quality.

Mover: Richard Janes
Seconder: Anne Janes
CARRIED (58/0)

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.

Reason: We do appreciate the efforts that the City of Swan and DFES put in to educating the public with regards to fire preparedness but it's still not enough. The fire season puts terrific responsibility on our Volunteer Fire Fighters and Emergency support, not to mention affects to the whole Community. We rely on our Volunteer Fire Fighters to be available at all times and the costs associated with Fire Fighting such as bringing in Air Support is a burden for the State. We appreciate that accidents happen. However many fires begin by lack of understanding, carelessness and panic.

I live in Bullsbrook and each December, our Fires and local Residents have to contend with bush fires. Many of which have been started by Landowners who have received their non-compliance letters from the City of Swan when conditions are no longer conducive to spray vegetation or safe to use machinery such as slashing where there is a lot of rock. We now live in a drying climate. The seasons and conditions are changing. I live in Clarkson Road, Bullsbrook. We experienced two fires within 10 days of one another. One on Clarkson Road, which thankfully was put out quickly and one on Taylor Road which required significant Air support to bring under control.

All Landowners must be educated to accept that if they choose to live in rural areas, the responsibility is on them to prepare their properties for Fire. Absent Landowners are often a problem. Individual Preparedness affects other Landowners in the vicinity. Waiting to receive a non-compliance letter is too late. The City of Swan would hopefully be contacting problem Landowners early in the piece as we know that there are repeat offenders. Whilst much is already being done to educate, there is always more that can be done. With the changing climate perhaps timelines should be adjusted accordingly to prevent future catastrophe.

Mover: Anne Janes
Seconder: Geoff Liddle
CARRIED (66/0)

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.

Reason: 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.

Mover: Claire Scanlan
Seconder: Deanna Rockich
CARRIED (54/11)

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.

1. My husband and I are the registered proprietors of 67 Sayer Street, Midland which is a 120 year old single storey historic residence (our premises). We have lived at our premises for over 20 years and we are raising our two children there.
2. Our premises is currently an adjacent property to a development application for a 3 storey multiple dwelling which proposes to overshadow our premises by almost 100% in the middle of winter, giving me, my family and our premises no direct access to natural sunlight during the cold winter months, basically rendering it uninhabitable during that time.
3. Pursuant to A3.2.3 of the Residential Design Codes Volume 2 development in climate zones 4, 5 and 6 where the adjoining property is coded R50-60, 50% of the adjacent site area is an acceptable outcome.
4. Upon contacting the relevant City of Swan Planning Officer to discuss the development application and proposed overshadowing variation, I was advised as follows:-
5.
 - (a) the proposed 100% overshadowing was only for a few months;
 - (b) we could demolish our 120 year old historic house and build a 3 storey multiple dwelling at our premises if we wanted to;
 - (c) three storey multiple dwellings in areas coded R50 and above are the future vision of residential development in the Residential Zone in Midland; and
 - (d) the development application had reached the final stages and would most likely be approved under delegated authority regardless of the proposed overshadowing being 50% more than the Acceptable Development Criteria, as the applicant had already reduced the height of the

proposed building by 600mm and there were “no triggers” to refer the application to Council for determination.

6. An important objective of town planning is the preservation of amenity. By allowing development applications that propose variations to either the Acceptable Development Criteria or Deemed-to-Comply requirements of the Residential Design Codes Volumes 1 and 2 which significantly impact the amenity of existing adjacent properties to be approved under delegated powers, fails to achieve this objective.
7. The cumulative result of these continued approvals without Council knowledge will not only be the widespread loss of amenity to houses throughout Midland and the City of Swan, but will encourage the sale and demolition of existing housing stock and the depreciation of that which remains.

Mover: Cherie Fazio-Giffen
Seconded: Patrick Irwin
CARRIED (64/0)

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.

Reason: The reason for this motion is that there is a large number of pedestrians trying to cross this section of James Street daily, including school children trying to dodge traffic. There is no safe crossing on James Street from Meadow Street all the way to Great Eastern Highway, a stretch of 1.5km. It is unreasonable to expect that children will walk 750m away from their direction of travel, and a safe crossing is urgently needed.

Mover: Claire Scanlan
Seconded: Deanna Rockich
CARRIED (49/0)

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.

Reason: There are multiple reasons to support this motion:

1.0 The Environment

The construction of Henley Brook Avenue will have a significant adverse effect on the “**Bush Forever site 200**” near Caversham Airfield and the “**Pannage Wetlands**” located just south of Park Street. The trajectory of this proposed road goes through both sites which will cause increased fragmentation of the bushland that should be retained for local flora and fauna protection (Figure 1). Both of these sites are very important ecologically providing for flora and fauna diversity as well as a critical wild-life corridor between Whiteman Park and the Swan River valley.

The rationale for the preservation of these sites is well understood and preservation of such sites should be paramount in all development considerations.

Map at attachment 2

2.0 Traffic

Our own independent research with traffic modelling (which we would be very pleased to present to City of Swan Councillors and executive) demonstrates that Henley Brook Avenue is superfluous and by any measure, is no longer needed. It is a relic of past thinking being designed in the early 1990s for access to and from Ellenbrook, long before the modern transport points of Drumpellier Drive, Ellenbrook railway and Tonkin Highway were constructed.

Community pressure lead the City of Swan Council to adopt in March 2021 a motion to stop development of Henley Brook Avenue south of Park Street to give Main Roads time to carry out traffic modelling that incorporated the above mentioned new infrastructure. Nearly 3 years later the report has not been made public. The SVRRA is very concerned that this has occurred when the City of Swan prides itself on transparency and accountability.

3.0 Costing

If the development proceeds, the City of Swan will have the financial burden for the construction and maintenance of a road that is totally unnecessary and superfluous to traffic requirements. It is the City of Swan's fiduciary duty to carry out the best financial practices. Has lifetime financial modelling and a cost benefit analysis been completed for this proposed road development and if so the SVRRA requests that it be made available for independent financial analysis.

Note

The Swan Valley Ratepayers and Residents Association is about to release a full report on traffic modelling regarding the Swan Valley of which a copy will be sent to Council and as said we would be pleased to discuss it.

Mover: Humphrey Boogaerdt
Seconder: Jeff Williams
CARRIED (51/1)

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.

Reason: Perth's extremely high summer temperatures are exacerbated by climate change. Trees play a significant role to mitigate this by cooling the air temperatures in our neighbourhoods and providing shade and shelter for us, birds and fauna. Further, trees provide food and habitat for local birds and fauna, and contribute to our improved mental health. However, Perth has the least tree canopy of all Australian cities and very poor tree protection policies and together, this forms a tree canopy crisis across Perth suburbs. And now, Perth can add Shot-Hole Borer/Beetle to its ever expanding tree canopy crisis. The borer/beetle is effectively eating its way through our large, mature, majestic trees. Kings Park is losing 20 large fig trees and Hyde Park will lose 180 large fig and plane trees. Far more losses will occur throughout Perth. Now, more than ever, we need our leaders and representatives to take serious drastic action to protect our trees, given that we will lose many trees to the shot-hole borer/beetle. I am

requesting and putting forward a motion for City of Swan to stop felling healthy, mature trees on all CoS owned land, given the tree canopy crisis, which is compounded by the shot-hole borer/beetle.

Mover: Deanna Rockich
Seconder: Claire Scanlan
CARRIED (57/0)

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.

Reason: Trees play a significant role to mitigate climate change by cooling the air temperatures in our neighbourhoods and providing shade and shelter for us, birds and fauna. Further, trees provide food and habitat for local birds and fauna, and contribute to our improved mental health. However, Perth has the least tree canopy of all Australian cities and very poor tree protection policies and together, this forms a tree canopy crisis across Perth suburbs. And now, Perth can add Shot-Hole Borer/Beetle to its ever expanding tree canopy crisis. The borer/beetle is effectively eating its way through our large, mature, majestic trees. Kings Park is losing 20 large fig trees and Hyde Park will lose 180 large fig and plane trees. Far more losses will occur throughout Perth. We need our leaders and representatives to take serious drastic action to not only protect our trees, but to also significantly increase tree planting efforts. A holistic approach is required with careful consideration to the appropriate tree species that are planted, particularly those not susceptible to the shot-hole borer/beetle.

Mover: Deanna Rockich
Seconder: Claire Scanlan
CARRIED (56/0)

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.

Reason: There has not been a specific decision of Council to demolish 29 The Crescent. The public were informed that because of the 4 scenarios proposed in the business plan that every stage of the MORM would be subject to a Council decision.

Mover: Phil Cloran
Seconder: Patrick Irwin
CARRIED (50/0)

Motion 27:

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

Reason: Too many heritage buildings from this period have been demolished in recent years without due consideration of heritage value and more scrutiny is needed given the public interest.

Mover: Phil Cloran
Seconder: Patrick Irwin
CARRIED (49/1)

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.

Reason: Whilst our association fully agrees that Council meetings should be efficient and effective, we believe some of the changes to the Meeting Procedures Local Law 2023 has reduced transparency with relevant community information not being readily available as it was previously.

Previous to the changes to the Meeting Procedures Local Law 2023 any development approvals given under delegated authority were listed on the agenda for the relevant monthly meeting. This was very helpful for our association to see what development applications were being submitted / approved / rejected. We considered this as an appropriate way for the City to display transparency in the least.

It has also become noticeable that the list of Statutory Planning Approvals under Delegated Authority is not uploaded to the website until some months following the relevant monthly Council meeting.

Mover: Ann Winchester
Seconder: Kerry Rowe
CARRIED (47/0)

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.

Reason: Whilst our association fully agrees that Council meetings should be efficient and effective, we believe some of the changes to the Meeting Procedures Local Law 2023 has reduced transparency with relevant community information not being readily available as it was previously.

A further concern is that we are now required to pay for an FOI if we wish to view any development applications processed through Statutory Planning approvals under Delegated Authority processes (to view any conditions imposed on the DA). This is a financial burden to our association, and we believe also lacks transparency.

Mover: Ann Winchester
Seconder: Kerry Rowe
CARRIED (54/0)

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.

Reason: Whilst our association fully agrees that Council meetings should be efficient and effective, we believe some of the changes to the Meeting Procedures Local Law 2023 has reduced transparency with relevant community information not being readily available as it was previously.

Lack of documentation uploaded to the Swan Engage site is a further concern. Previously a copy of the actual DA was available for public viewing along with any other relevant documents such as maps,

diagrams, plans etc. These are no longer uploaded for the majority of the planning consultations listed on Swan Engage, rather in most cases, only a very brief precis is available. This is not transparent and makes it harder to prepare informed submissions.

Mover: Ann Winchester
Seconded: Kerry Rowe
CARRIED (56/0)

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.

Reason: Whilst our association fully agrees that Council meetings should be efficient and effective, we believe some of the changes to the Meeting Procedures Local Law 2023 has reduced transparency with relevant community information not being readily available as it was previously.

According to the Meeting Procedures Local Law 2023 any DA, which does not have ten or more objections, is to be treated through the Statutory Planning Approvals under Delegated Authority processes.

Population and density in some areas (for example Upper Swan) is much lower than others therefore those areas would be penalised by this requirement. The lower the population/density, the less likelihood of achieving the 10 objections. This is discriminatory.

Motion withdrawn by Ann Winchester as this matter was addressed in Motion 20.

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.

Reason: Not provided.

Mover: Simon Ashby
Seconded: Chris Davis
CARRIED (48/0)

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.

Reason: Helen Street, Bellevue serves as the central gathering place / hub for the suburb, with Station Park and Todd Park situated in this area. However, these parks are currently unusable due to a lack of watering. Despite the presence of a bore in Todd Park, the water is directed to Koongamia and does not benefit Bellevue. The absence of functional public open spaces in Bellevue hinders community development and diminishes our sense of belonging.

Mover: Mark Richards
Seconder: Dianne Arvino
CARRIED (59/0)

4.2 QUESTIONS FROM ELECTORS

The following questions were received in writing prior to the meeting and by the deadline. These answers were provided to individuals prior to the meeting:

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 at: www.wa.gov.au/system/files/2021-07/PD_LPS_Flow_charts_simplified_LPS.pdf (a copy is provided at Attachment 3):

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 Councillors.

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 VVRA 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 VVRA 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 VVRA 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 over-width 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.*

The following questions were received in writing prior to the meeting and the deadline, answers are provided in the Minutes of this meeting.

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. It is an offence under the City's current Parking Local Law 2023 to park a vehicle within 10 metres of an intersection with previous legislation allowing vehicles to park within 6 metres of a property boundary. It is also the case that for a T-intersection, you can park within 10 metres of the intersection on the continuous kerb side of the continuing carriageway. This may partially explain some of the confusion on this matter and we apologise for the confusion caused.

In terms of footpath parking, the City's new Parking Local Law 2023 allows for the enforcement of vehicles parked on the footpath only. There is no provision for parking over a footpath under the new offence code, i.e. tow bar sticking out, however enforcement action can be still be taken under Section 8.8. Offence descriptions have been included below for your information.

With regard to the matter concerning weed clearing, if further information is provided we are happy to investigate how the matter was handled further.

City of Swan Consolidated Local Laws 2005

8.16 Parking & Stopping on a Carriageway

- (1) No person shall stop a vehicle on a carriageway so that any portion of the vehicle is –
- (i) within 6 metres of the projection of the nearer boundary line of any thoroughfare intersecting the thoroughfare on the side of which the vehicle is stopped.

8.15 Stopping and Parking on Thoroughfares and Parking Stations Generally

- (3) No person shall within a thoroughfare -
- (g) park a vehicle so that any portion of the vehicle is on or over a footpath so as to cause an obstruction of any pedestrian or cyclist accessing the footpath.

City of Swan Parking Local Law 2023

4.2 Stopping at intersections

- (2) a person must not stop any portion of a vehicle on a thoroughfare so that any portion of the vehicle is within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic control signs) intersecting the carriageway on the side of the road on which the vehicle is stopped, unless the person stops –
- (a) at a place on the thoroughfare, or in an area, to which a sign applies and the person is permitted to stop at that place under the local law; or
 - (b) if the intersection is a T-Intersection – along the continuous side of the continuing carriageway at the intersection.

3.5 General prohibitions on parking

- (2) A person must not park a vehicle so that any portion of the vehicle is –
- (f) on any path or pedestrian crossing.

8.8 Vehicles not to obstruct a public place

- (1) A person must not park a vehicle or permit a vehicle to remain parked in a public place so that any part of that vehicle obstructs the use of any part of that public place without the written permission of the local government or unless authorised under any written law.

It should also be noted the City does try and educate in the first instance so whilst infringement notices may not be issued, officers can often resolve the matter with a verbal or written caution notice.

Simon Ashby, Woodbridge

Further to 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.

Reason: With separate proposals by Metronet, Main Roads WA and the City of Swan on effectively the same portion of land there appears to the Community to be little co-ordination. None of the concerned parties have offered an overall explanation, instead there was an element of buck passing. We therefore ask to be informed as to how a sensible proposal, if justified, will be obtained.

- Q1. How will grade separation of the freight and passenger railways be achieved?**
- Q2. How will the ramp/decline of Morrison/Amherst Road avoid the Woodbridge Primary School?**
- Q3. How will the ramp/decline of Morrison/Amherst Road interface with the Great Eastern Highway interchange?**
- Q4. Why is Morrison Road proposed as 4 lanes when it is not going to be connected to the Reid Highway and proposed orange route?**
- Q5. What size of vehicle is Morrison Road to be designed for, freight or 'domestic' vehicles?**
- Q6. Will there be an increase in traffic on Amherst Road?**
- Q7. Will the CoS release traffic studies on which the proposed development of Morrison Road was based?**
- Q8. Will the CoS insist pedestrian access to cross the railway be maintained throughout the construction or will they be forced to use the Woodbridge Station underpass?**

A1- 8. This project is still under development by Main Roads WA, so the City does not have the information available to provide the community. Stakeholders will be provided this information as soon as appropriate to do so.

5 CLOSURE

Those motions submitted by the deadline but not able to be heard at this meeting will receive a response from the City of Swan administration.

Mayor Richardson thanked all those in attendance and closed the meeting at 9:19pm.



**Deputy Premier
Treasurer; Minister for Transport; Tourism**

Our ref: 72-45655

Cr A Bowman
Pearce Ward Councillor
City of Swan
aaron.bowman@swan.wa.gov.au

Dear Cr Bowman

THE PARKWAY – ELLENBROOK

Thank you for your letter dated 15 August 2023 regarding pedestrian safety on The Parkway, in Ellenbrook

As The Parkway is a local road under the care and control of the City of Swan, the City is responsible for the safe operation of its local road network. This includes investigating the need for, and installation of any traffic calming measures. Main Roads will provide the necessary regulatory signage and pavement markings on these roads should the City request assistance in this regard.

I understand that Main Roads met with the City in December 2022 to discuss the safety of the crossing. A site visit was undertaken where it was noted that the existing signage was not to the latest standard. In January 2023, Main Roads changed the existing signage to more visible pedestrian warning signs cautioning drivers and installed new "Keep Left" signs on the median refuge.

The City installed grab rails to assist the elderly and increase the conspicuity of the crossing, and trimmed vegetation to increase visibility of pedestrians waiting to cross. The City also conducted a pedestrian survey which showed low pedestrian numbers and adequate gaps in traffic for people to cross safely. Notwithstanding this, Main Roads is happy to work with the City if they have further suggestions to improve this crossing location.

I am advised that the City has not approached Main Roads about reviewing the speed limit on The Parkway; however, to ensure that the appropriate speed limits are in place for the entire Ellenbrook Central Shopping Precinct Area, Main Roads will contact the City to discuss the matter further.

Thank you for writing on this matter.

Yours sincerely

**HON RITA SAFFIOTI MLA
DEPUTY PREMIER
MINISTER FOR TRANSPORT**

15 SEP 2023
13, Dumas House, 2 Havelock Street, West Perth, Western Australia, 6005
Telephone: +61 8 6552 5500 Facsimile: +61 8 6552 5501 Email: minister.saffioti@dpc.wa.gov.au



Motion to Cease all Work on Henley Brook Avenue South of Park Street

February 2024

The Swan Valley Ratepayers and Residents Association's submit the following motion:

"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".

There are multiple reasons to support this motion.

1.0 The Environment

The construction of Henley Brook Avenue will have a significant adverse effect on the **"Bush Forever site 200"** near Caversham Airfield and the **"Pannage Wetlands"** located just south of Park Street. The trajectory of this proposed road goes through both sites which will cause increased fragmentation of the bushland that should be retained for local flora and fauna protection (Figure 1). Both of these sites are very important ecologically providing for flora and fauna diversity as well as a critical wild-life corridor between Whiteman Park and the Swan River valley.

The rationale for the preservation of these sites is well understood and preservation of such sites should be paramount in all development considerations.



Figure 1. Location of Henley Brook Avenue in relation to Bush Forever 200 site and Pannage Wetlands

2.0 Traffic

Our own independent research with traffic modelling (which we would be very pleased to present to City of Swan Councillors and executive) demonstrates that Henley Brook Avenue is superfluous and by any measure, is no longer needed. It is a relic of past thinking being designed in the early 1990s for access to and from Ellenbrook, long before the modern transport points of Drumpellier Drive, Ellenbrook railway and Tonkin Highway were constructed.



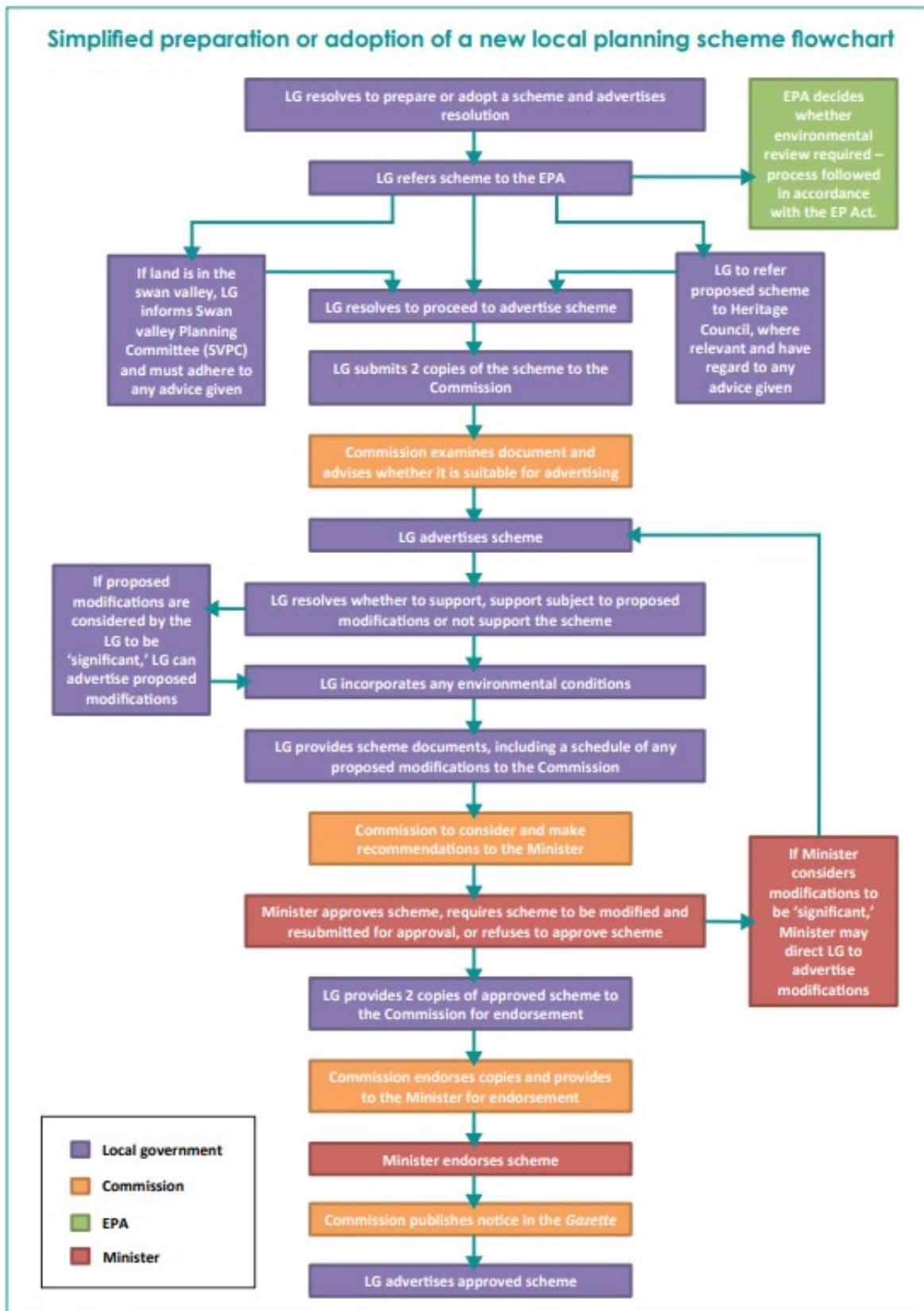
Community pressure lead the City of Swan Council to adopt in March 2021 a motion to stop development of Henley Brook Avenue south of Park Street to give Main Roads time to carry out traffic modelling that incorporated the above mentioned new infrastructure. Nearly 3 years later the report has not been made public. The SVRRA is very concerned that this has occurred when the City of Swan prides itself on transparency and accountability.

3.0 Costing

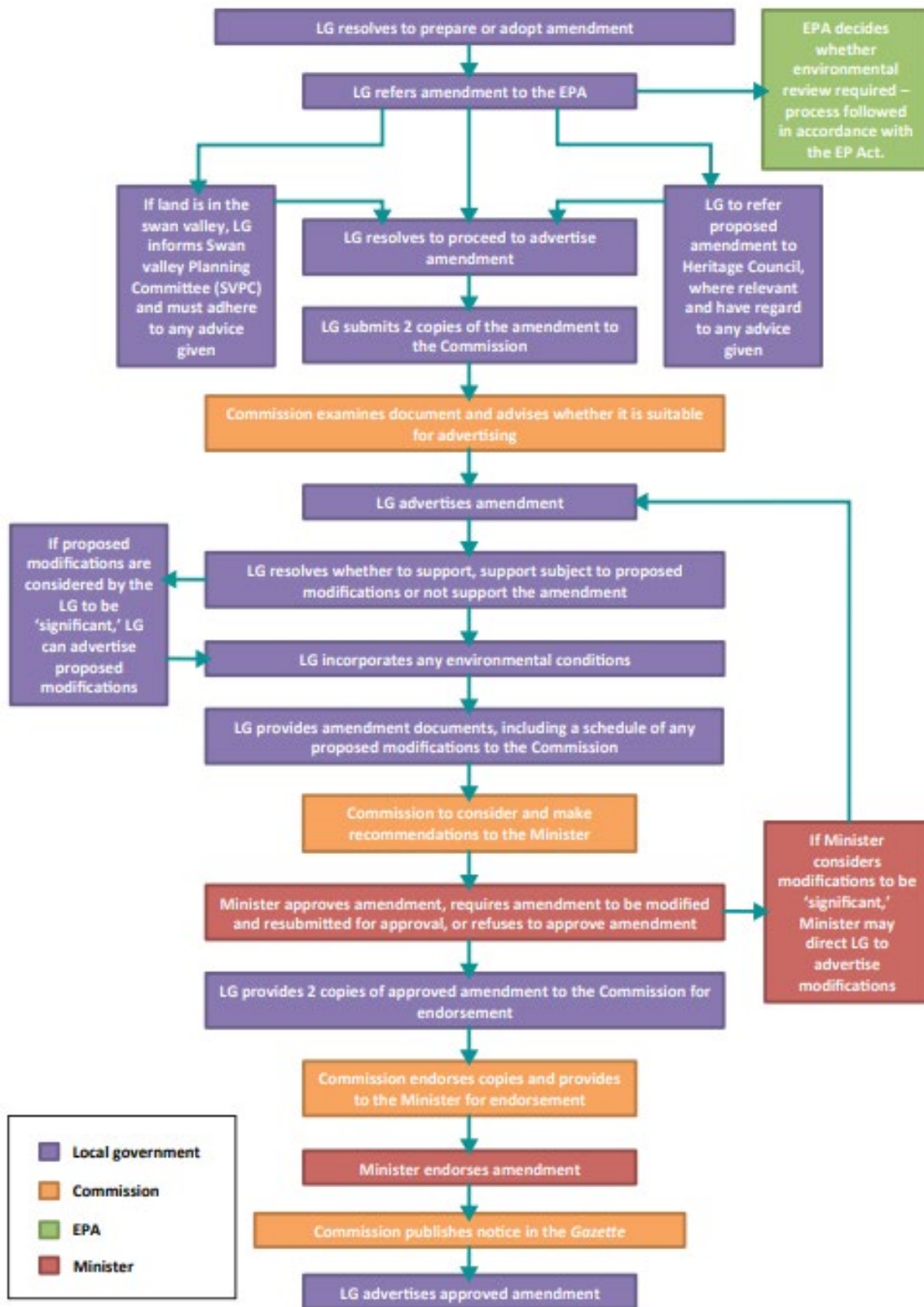
If the development proceeds, the City of Swan will have the financial burden for the construction and maintenance of a road that is totally unnecessary and superfluous to traffic requirements. It is the City of Swan's fiduciary duty to carry out the best financial practices. Has lifetime financial modelling and a cost benefit analysis been completed for this proposed road development and if so the SVRRA requests that it be made available for independent financial analysis.

Note

The Swan Valley Ratepayers and Residents Association is about to release a full report on traffic modelling regarding the Swan Valley of which a copy will be sent to Council and as said we would be pleased to discuss it.



Simplified process for complex amendments to local planning schemes flowchart



Simplified process for standard amendments to local planning schemes flowchart

