



CITY OF SWAN

MINUTES

ORDINARY MEETING OF COUNCIL

**14 DECEMBER 2022 (ADJOURNED)
RECONVENED 15 DECEMBER 2022**

CONFIRMED MINUTES

These minutes were confirmed as a true and accurate record of the meeting at the Ordinary Meeting of Council held on 8 February 2023.

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

HELD AT MIDLAND TOWN HALL

ON WEDNESDAY 14 DECEMBER 2022 COMMENCING AT 6PM

PART A - OPENING PROCEDURES

1. OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed those present and opened the meeting at 6.00pm and made the following Acknowledgement of Country

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

2. DISCLAIMER (READ ALOUD BY THE PRESIDING MEMBER)

The Terms and Conditions of entry into this meeting are posted at the entry of the Public Gallery.

Members of the Public are advised to read them prior to attending this meeting.

3. ATTENDANCE AND APOLOGIES

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

Councillors: (electronic)	Cr B Parry	Whiteman Ward (from 6.20pm)
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Staff:	Mr S Cain	Chief Executive Officer
	Mr M Bishop	Executive Manager Community Wellbeing
	Mr J Coten	Executive Manager Operations
	Mrs Kym Leahy	Executive Manager Corporate
	Ms M Pickering	Executive Manager Place Stakeholder Engagement

Mr I Humphrey	A/ Executive Manager Planning & Development
Mr P Russell	Manager Statutory Planning
Ms V Hodgins	Manager Governance
Ms R Jahmeerbacus	Manager Financial Services and Rates
Mrs K Cameron	Governance Officer (Minute Clerk)

Leave of
Absence: Nil

Members of
the Public: 30(approximately)

Media: Nil

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

Cr Johnson declared an impartiality interest in Item 4.4 - State Administrative Tribunal - Request to Reconsider Refusal of Illuminated Signage (Existing) - Lot 100 (No.127) James Street, Guildford (DA463-21), as he is a regular customer of the Rusty Old Boat (the restaurant located at this site).

Cr Catalano declared an indirect financial interest and a proximity interest in Item 5.5 – Targeted Underground Power Program as she resides in the area affected.

Cr Howlett declared an indirect financial interest and a proximity interest in Item 5.5 – Targeted Underground Power Program as she resides in the area affected.

Cr Knight declared a direct financial interest and a proximity interest in Item 5.5 – Targeted Underground Power Program as he resides in the area affected.

Cr Catalano declared an impartiality interest in Items C1.1 - Cr Johnson - Revocation Motion - Sale of Proposed Lot 811 Junction Parade, Midland and Item C1.2 - Cr Johnson - Revocation Motion - Midland Oval Development as she was involved in taking out an article in the Echo Newspaper expressing her opinion of these 2 items.

Cr Howlett declared an impartiality interest in Items C1.1 - Cr Johnson - Revocation Motion - Sale of Proposed Lot 811 Junction Parade, Midland and Item C1.2 - Cr Johnson - Revocation Motion - Midland Oval Development as she was involved in taking out an article in the Echo Newspaper expressing her opinion of these 2 items.

Cr Johnson declared an impartiality interest in Items C1.1 - Cr Johnson - Revocation Motion - Sale of Proposed Lot 811 Junction Parade, Midland and Item C1.2 - Cr Johnson - Revocation Motion - Midland Oval Development as he was involved in taking out an article in the Echo Newspaper expressing his opinion of these 2 items.

Cr Knight declared an impartiality interest in Items C1.1 - Cr Johnson - Revocation Motion - Sale of Proposed Lot 811 Junction Parade, Midland and Item C1.2 - Cr Johnson - Revocation Motion - Midland Oval Development as he was involved in taking out an article in the Echo Newspaper expressing his opinion of these 2 items.

Cr Richardson declared an impartiality interest in Items C1.1 - Cr Johnson - Revocation Motion - Sale of Proposed Lot 811 Junction Parade, Midland and Item C1.2 - Cr Johnson - Revocation Motion - Midland Oval Development as she was involved in taking out an article in the Echo Newspaper expressing her opinion of these 2 items.

Cr Lucas, Presiding Member declared a direct financial interest in Item C1.6 – Cr Bowman - Land Rate as he owns vacant land in Beechboro.

Ms M Pickering, Executive Manager Place Stakeholder Engagement declared an impartiality interest in Item 3.2 - Ellenbrook Arts – Conditional Grant as she is a board member of the Ellenbrook Arts.

5. PUBLIC QUESTION TIME

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

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

Public question time commenced at 6.04pm.

5.1 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE

Nil

5.2 QUESTIONS RELATING TO REPORTS CONTAINED IN THE AGENDA

5.2.1 Questions of which due notice has been given

Ms Francesca Irwin

Q1 For the period between November 2, 2022 and December 7, 2022 (today) how many letters or emails has the Council received in regards to the motion and how may have supported the Midland Oval Redevelopment Masterplan (MORM) until a further review is undertaken?

A1 During the period of November 2, 2022 and December 7, 2022 we have received 13 in support of pausing the MORM and 2 not in support of pausing the MORM

5.2.2 Questions without due notice

Mr Kevin Bailey

Q1 Has council made a decision on the buildings or any of the options on page 19 of the New Junction Business Plan

A1 All options are for a future Council to decide, there has been no decisions made on public infrastructure, administration building or a multi deck carpark

Q2 Comment made that this council is going to spend 200 million dollars of ratepayer's money on the forementioned in the near future if at all at this point in time is not the case.

A2 There has been no decision made by this council at this time.

Mr James Pollard

Q1 Should the vote to revoke the MORM not proceed to council, are all councillors prepared to support the MORM as voted previously, to help it move ahead.

A1 As we live in a democracy, hopefully at the end of this meeting if it is accepted then the decision will be respected by all councillors.

5.3 OTHER QUESTIONS

5.3.1 Questions of which due notice has been given

Mr Simon Ashby

Regarding the City of Swan letter to the Midland Echo of November, 18, 2022

Q1 Who wrote the letter signed "City of Swan" in the Midland Echo dated November 18, 2022?

A1 The letter was written under the direction of and approved by the interim CEO and Mayor.

Q2 Was this letter endorsed by Council at the time of dispatch?

A2 No. It is not the Council's role to approve correspondence. The content of the letter is consistent with Council's current position on the development of New Junction.

Q3 Does the letter represent Council's current views?

A3 The Midland Oval Redevelopment Master (MORM) Plan was adopted by Council in April 2018 and the MORP Business Plan was subsequently adopted by Council in October 2018 following statutory consultation. The WAPC approved the adopted subdivision Plan for the north eastern section of the New Junction in November 2020. The contents of the Plans have been progressively implemented by decisions of Council and as funds have been made available. Neither Plan has been rescinded or suspended and as a result both documents and the approved subdivision are current.

Regarding the CEO letter to the Midland Echo of November 25, 2022

Q1 Does the CEO understand the significance of Net Present Value, NPV, in project decision making? Wikipedia simplifies it as "A positive NPV results in profit, while a negative NPV results in a loss."

A1 Yes

Q2 The positive cash returns mentioned in the CEO's letter do not consider the value in real terms of capital spent in earlier years; a dollar now is worth a lot more than one in 20 years' time and total cash return does not confirm a good investment as he implies.

A2 The MORM was not initiated with making a development profit as an outcome. The Master Plan was developed to enhance Midland as a Strategic Regional Centre.

Q3 Why are the CEO and Council promoting a project shown by Treasury to be loss making in 3 of the 4 scenarios considered?

A3 The principal objectives of the MORM includes to further develop Midland into a thriving Strategic Regional Centre by strengthening the local economy through provision of new commercial developments, increasing population and jobs, planting more trees and providing more social opportunities.

Q4 Has the financial modelling been revised to reflect "actuals" over the last 5 years?

A4 No

Q5 Which of the four Scenarios is the City of Swan implementing and why?

A5 The Council has adopted the MORM in its entirety and the Plan is progressively being implemented as and when funds are made available to proceed. There are public elements of the Master Plan that have not yet been considered which include construction of a new Administration Centre, Multi storey car park and Community facilities.

Q6 Whilst there are considerations other than financial do Council believe ratepayers want the City of Swan to embark on, or continue, with a loss-making, high-risk project such as the MORM without completing the review that was in place?

A6 The Council is aware of the issues involved in implementing the MORM.

Mr Shaun Hughes

Q1 Does the City of Swan have a grants officer who job is to source and apply for external grant opportunities?

A1 The City of Swan employs one full-time Senior Grants Officer responsible for managing all elements of the centralised grants administration process. One element of this role is to identify funding opportunities and support staff from across the organisation to apply for grant funding.

Q2 If yes to the above, in the 21/22 financial year how many applications for external grant funding did this position apply for and how many were successful?

A2 In the 2021/22 financial year, 34 grant applications were made. Of these, 28 were successful, none were unsuccessful, and 6 were pending an outcome, so have not been included in any of the calculations.

Q3 Over the last 6 financial years what CSRFF grant funding or any grant funding has the City of Swan applied for and for what projects?

A3 The City has made 143 grant applications in the past 6 financial years. Of these, 12 were Unsuccessful, 76 related to Capital (Road/Infrastructure) Projects, and 55 to Operating (Program/Activity) Projects. However, it should be noted that this is not the total number of individual projects that received grant funding, as many road and infrastructure programs are structured in such a way that multiple projects are funded under the umbrella of one grant allocation.

Q4. Of those applied for in Q3 how many have been successful and how have those funds been allocated- what projects?

A4 Of the 143 grant applications submitted, 131 (92%) have been successful, (representing 97.6% of the overall dollar value), and 12 (8%) have been declined, (representing 2.4% of the overall dollar value) of all applications submitted.

Details of the grant applications submitted is below for reference, but please note that this list is not exhaustive, for the reasons described in question 3.

Successful Grant Applications 2016-22	Category	Amount	Year Ending
Federal Government's Financial Assistance Grants program	Road/Infrastructure	\$7,844,319	2022
Dept of Infrastructure, Transport, Regional Development and Communications – Local Road and Community Infrastructure (LRCI) Phase 3	Road/Infrastructure	\$3,442,760	2022
Main Roads WA - Beechboro Rd North/Marshall Rd	Road/Infrastructure	\$2,500,000	2022
Commonwealth Department of Health - Swan Community Care Services	Program/Activity	\$2,344,789	2022
Main Roads WA - Hepburn Avenue/Bellefin Drive	Road/Infrastructure	\$1,900,000	2022
Main Roads WA - Shady Hills Rd	Road/Infrastructure	\$1,900,000	2022
Department of Local Government, Sport and Cultural Industries - Ellenbrook Youth Hub	Road/Infrastructure	\$1,860,000	2022
Roads to Recovery	Road/Infrastructure	\$1,684,564	2022
Main Roads WA MRRG 2021/22 Road Project Improvement Program - Henley Brook Avenue	Road/Infrastructure	\$1,080,309	2022
Main Roads WA Black Spot 2022/23 - Malaga Dr & Victoria Road	Road/Infrastructure	\$953,861	2022

Main Roads WA MRRG 2021/22 Road Project Rehabilitation Program	Road/Infrastructure	\$877,546	2022
Main Roads WA MRRG 2021/22 Direct Grant Program	Road/Infrastructure	\$685,150	2022
Department of Local Government, Sport and Cultural Industries - Election Commitments - Charlotte's Vineyard Sports Pavilion	Road/Infrastructure	\$630,000	2022
Commonwealth Department of Health - Swan Community Transport	Program/Activity	\$604,575	2022
Department of Transport - Gnangara Shared Path Election Commitment	Road/Infrastructure	\$355,000	2022
Department of Local Government, Sport and Cultural Industries - Election Commitments - Turkich Pde Oval - Aveley Football Club Lighting Upgrade	Road/Infrastructure	\$300,000	2022
Lord Mayor's Distress Relief Fund - BAL Grant Woorloo and Hills Bushfire Appeal	Program/Activity	\$206,000	2022
Department of Fire and Emergency Services MAFGP 2021-22 bushfire risk mitigation activities	Program/Activity	\$123,000	2022
Water Corporation and WALGA 2021/22 Local Government Urban Canopy Grant Program R2 – Dayton Tree Planting Project	Program/Activity	\$42,038	2022
Department of Communities - Swan Volunteer Resource Centre	Program/Activity	\$51,549	2022
Healthway Healthy Partnership Program - Hyper Series - Grant agreement	Program/Activity	\$40,000	2022
National Day Council Ltd - Australia Day 2022	Program/Activity	\$29,471	2022
State Library of Western Australia towards the ServiceWA Assistance Grant for Libraries	Program/Activity	\$18,000	2022
Lotterywest - Hyperfest	Program/Activity	\$15,000	2022
Department of Local Government, Sport and Cultural Industries - 2021-22 Every Club	Program/Activity	\$10,000	2022
Federal Member for Cowan - Planting Trees for the Queen's Jubilee Program	Program/Activity	\$7,500	2022
State Library of Western Australia - Better Beginnings Family Literacy Community Grant	Program/Activity	\$5,000	2022
Children's Book Council of Australia - Children's Book Week - 2021/22	Program/Activity	\$1,980	2022
Public Libraries of Western Australia for the Covid Digital Certificate Library Support initiative Stage 2	Program/Activity	\$1,455	2021
\$25m from the Commonwealth Department of Health towards the Ellenbrook Pool and Recreation Centre project	Road/Infrastructure	\$25,000,000	2021
\$11.3m from State and Federal Government agencies for road related works	Road/Infrastructure	\$11,300,000	2021
\$5.8m through the Federal Government's Financial Assistance Grants Program	Road/Infrastructure	\$5,800,000	2021

\$5m from the Department of Infrastructure, Transport, Regional Development and Communications towards the Local Roads and Community Infrastructure Program, Phase 2	Road/Infrastructure	\$5,000,000	2021
\$2.9m from the Commonwealth Department of Health, towards the Commonwealth Home Support Program	Program/Activity	\$2,900,000	2021
\$2.5m from State Government to replace the signalised intersection at Beechboro Road North and Marshall Road	Road/Infrastructure	\$2,500,000	2021
\$2.1m from Lotterywest towards the Ellenbrook Youth Centre	Road/Infrastructure	\$2,100,000	2021
\$2m from the Department of Infrastructure, Transport, Regional Development and Communications towards the Benara Road Bridge renewal project	Road/Infrastructure	\$2,000,000	2021
\$1.9m from State Government towards the installation of a roundabout at the intersection of Hepburn Avenue and Bellefin Drive	Road/Infrastructure	\$1,900,000	2021
\$1.7m from the Department of Infrastructure, Transport, Regional Development and Communications towards the Local Roads and Community Infrastructure Program, Phase 1	Road/Infrastructure	\$1,700,000	2021
\$907k from the Department of Water and Environmental Regulation towards the Better Bins Plus: Go FOGO Kerbside Collection Program	Road/Infrastructure	\$907,000	2021
\$500k from the Department of the Premier and Cabinet towards the Wooroloo Bushfire Grant Relief	Program/Activity	\$500,000	2021
\$275k through the Commodity Route Fund for Raphael Road	Road/Infrastructure	\$275,000	2021
\$387k from the Department of Fire and Emergency Services to support the Bush Fire Brigades and State Emergency Services under the Local Government Grants Scheme	Road/Infrastructure	\$387,000	2021
\$152k from the Department of Communities towards the Midland Men's Shed workshop extension	Road/Infrastructure	\$152,000	2021
\$150k from the Department of Local Government, Sport and Cultural Industries towards the upgrade of the baseball infrastructure at North Swan Park and update of the cricket infrastructure at Ron Jose Oval	Road/Infrastructure	\$150,000	2021
\$150k from the Department of Local Government, Sport and Cultural Industries towards the Guildford Lighthouse	Road/Infrastructure	\$150,000	2021

Statue - Stirling Square			
\$136k from the Department of Local Government, Sport and Cultural Industries towards the revitalisation of John Stone Park including play equipment and BBQ	Road/Infrastructure	\$136,000	2021
\$120k from the Department of Local Government, Sport and Cultural Industries towards the installation of exercise equipment at Koongamia Oval, Swan View Oval and Sherlock Park	Road/Infrastructure	\$120,000	2021
\$106k from the Department of Local Government, Sport and Cultural Industries towards the upgrade to floodlighting at Charlotte's Vineyard Playing Field, Ellenbrook	Road/Infrastructure	\$106,000	2021
\$51k from the Department of Communities towards the Swan Volunteer Resource Centre	Road/Infrastructure	\$51,000	2021
\$50k from the Department of Local Government, Sport and Cultural Industries towards the Kamarang Festival	Program/Activity	\$50,000	2021
\$50k from the Department of Local Government, Sport and Cultural Industries towards the construction of shade sails at Woodbridge Regional Park	Road/Infrastructure	\$50,000	2021
\$40k from the Department of Local Government, Sport and Cultural Industries towards the installation of exercise equipment and community facilities at Bennett Springs Sportsfield Oval	Road/Infrastructure	\$40,000	2021
\$40k from Healthway towards the Hyper Series events	Program/Activity	\$40,000	2021
\$39k from the Department of Biodiversity, Conservation and Attractions towards the Bells Rapids Concept Plan project	Road/Infrastructure	\$39,000	2021
\$38k from the Department of Biodiversity, Conservation and Attractions towards the Kings Meadow Redesign and Consultation project	Road/Infrastructure	\$38,000	2021
\$37k from the Department of Biodiversity, Conservation and Attractions towards the coordination of community led projects in the north-sub region	Program/Activity	\$37,000	2021
\$30k from the Department of Fire and Emergency Services towards 2020/21 bushfire risk mitigation activities	Program/Activity	\$30,000	2021
\$30k from the Department of Fire and Emergency Services through the Caring for Our Communities program (\$10k to West Gidgegannup Bush Fire Brigade, \$10k to East Swan Bush Fire Brigade and \$10k to East	Road/Infrastructure	\$30,000	2021

Gidgegannup Bush Fire Brigade)			
\$27k from the Department of Local Government, Sport and Cultural Industries towards the Milk Carton Confessions project	Program/Activity	\$27,000	2021
\$25k from the Department of Local Government, Sport and Cultural Industries to administer the KidSport program	Program/Activity	\$25,000	2021
\$21k from the National Australia Day Council towards the 2021 COVID Safe Australia Day event	Program/Activity	\$21,000	2021
\$20k from Tourism Western Australia towards the Aboriginal Recovery Program: Local Aboriginal Cultural Food and Art Experience	Program/Activity	\$20,000	2021
\$15k from Lotterywest towards three Hyperfest events to engage young people in volunteering and music activities	Program/Activity	\$15,000	2021
\$15k from Healthway towards the Healthy Venues project	Program/Activity	\$150,000	2021
\$10k from the National Motor Vehicle Theft Reduction Council towards the Stop Sneak Theft initiative	Program/Activity	\$10,000	2021
\$5k from the Department of Industry, Science, Energy and Resources through the Stronger Communities Programme for the Bullsbrook Library Futures Lab Fitout	Program/Activity	\$5,000	2021
\$3k from Inspiring Australia WA towards the Midland STEM Extravaganza project	Program/Activity	\$3,000	2021
\$2k from the Children's Book Council of Australia WA towards Children's Book Week 2020	Program/Activity	\$2,000	2021
\$2k from the Children's Book Council of Australia WA towards Children's Book Week 2021	Program/Activity	\$2,000	2021
\$6.2m through the Federal Government's Financial Assistance Grants Program	Road/Infrastructure	\$620,000	2020
\$5.2m from State and Federal Government agencies for road related works	Road/Infrastructure	\$5,200,000	2020
\$4.9m from the Eastern Metropolitan Regional Council to support the implementation of the Food Organics and Garden Organics (FOGO) Waste Recovery Program	Program/Activity	\$4,900,000	2020
\$3.2m from the Commonwealth and State Departments' of Health for the Commonwealth Home Support Program (\$2.8m), the Home	Program/Activity	\$3,200,000	2020

Care Package Program (\$332k) and the Home and Community Care Program (\$33k)			
\$3.1 million from the Department of Infrastructure, Transport, Regional Development and Communications towards The Broadway upgrade, Ellenbrook	Road/Infrastructure	\$3,100,000	2020
\$1.9m from the Department of Water and Environmental Regulation for the Better Bins Kerbside Collection Program	Program/Activity	\$1,900,000	2020
\$1.6 million from the Department of Infrastructure, Transport, Regional Development and Communications towards the Gngara Road Upgrade	Road/Infrastructure	\$1,600,000	2020
\$1.3m from Lotterywest towards the Outdoor Youth Space and Children's Play Area – Midland Oval Redevelopment	Road/Infrastructure	\$1,300,000	2020
\$1 million from Lotterywest towards the Midvale Skate Park	Road/Infrastructure	\$1,000,000	2020
\$752k from the Department of Fire and Emergency Services for support under the Local Government Grants Scheme (\$378k operating allocation to the Bush Fire Brigades (BFB) and State Emergency Services, and \$374k capital allocation for two light tankers - one for the East Swan BFB and one for the West Swan BFB)	Road/Infrastructure	\$752,000	2020
\$500k from the Department of Local Government, Sport and Cultural Industries towards the Ron Jose Oval Pavilion	Road/Infrastructure	\$500,000	2020
\$500k from the Commonwealth Department of Health towards the Whiteman Regional Sporting Complex Project	Road/Infrastructure	\$500,000	2020
\$500k from the Department of Infrastructure, Transport, Regional Development and Communications towards The Broadway – The Promenade intersection upgrade, Ellenbrook	Road/Infrastructure	\$500,000	2020
\$300k from the Commonwealth Department of Health towards the Ron Jose Oval Floodlight Project	Road/Infrastructure	\$30,000	2020
\$200k from the Department of Transport towards the West Swan Road Dual Use Path	Road/Infrastructure	\$200,000	2020
\$150k from the Department of Transport towards the Helena River Footbridge	Road/Infrastructure	\$150,000	2020

\$150k from the Department of Infrastructure, Transport, Regional Development and Communications towards the Mobile CCTV Altone and Ballajura project	Road/Infrastructure	\$1,500,000	2020
\$100k from the Department of Infrastructure, Transport, Regional Development and Communications towards the Ellenbrook Mobile CCTV project	Road/Infrastructure	\$50,000	2020
\$50k from the Department of Communities towards the Swan Volunteer Resource Centre	Program/Activity	\$37,000	2020
\$37k from the Department of Biodiversity, Conservation and Attractions towards the coordination of community led projects in the north-sub region	Program/Activity	\$37,000	2020
\$35k from the Department of Fire and Emergency Services towards bushfire risk mitigation activities	Program/Activity	\$35,000	2020
\$30k from the Department of Biodiversity, Conservation and Attractions towards the Bennett Brook Water Quality Improvement Plan – Smallbrook Drain Revegetation Project	Program/Activity	\$30,000	2020
\$15k from Lotterywest towards Hyper On The House event (cancelled due to COVID-19)	Program/Activity	\$15,000	2020
\$15k from the Water Corporation towards the Lanius Street Park Living Stream project	Program/Activity	\$15,000	2020
\$20k from the Department of Industry, Innovation and Science towards the Chittering Road, Bullsbrook Understorey Revegetation Project	Program/Activity	\$20,000	2020
\$15k from the Department of Biodiversity, Conservation and Attractions for the Restoring Waugal Lagoon Project	Program/Activity	\$15,000	2020
\$9k from the Good Things Foundation towards implementing the Be Connected Community Engagement Program, a digital literacy initiative for seniors	Program/Activity	\$9,000	2020
\$14.8 million from the Department of Infrastructure, Regional Development and Cities towards the construction of the Stock Road Extension, Bullsbrook	Road/Infrastructure	\$14,800,000	2019
\$6 million through the Federal Government's Financial Assistance Grants program	Road/Infrastructure	\$6,000,000	2019

\$5 million from the Department of the Premier and Cabinet towards the construction of the Brockman Community Centre	Road/Infrastructure	\$5,000,000	2019
\$5 million from State and Federal Government agencies for road related works	Road/Infrastructure	\$5,000,000	2019
\$3.3 million from the Commonwealth and State Department of Health for the Commonwealth Home Support program, the Home Care Package program and the Home and Community Care program	Program/Activity	\$3,300,000	2019
\$1.7 million from the Department of Fire and Emergency Services for support under the Local Government Grants Scheme (\$368k operating allocation to the Bush Fire Brigades and State Emergency Services, \$1.3 million capital allocation to the West Gidgegannup Bush Fire Brigade and \$78k to the Swan State Emergency Services)	Road/Infrastructure	\$1,700,000	2019
\$350k from the Department of Local Government, Sport and Cultural Industries towards the construction of change rooms at Lilac Hill	Road/Infrastructure	\$350,000	2019
\$120k from Healthway towards 2019/2022 Hyper Series, which includes HyperFest, Hyper Miniseries and HyperVision	Program/Activity	\$120,000	2019
\$91k from the Department of Transport for the construction of traffic calming devices along Meadowview Drive in Ballajura and Losino Boulevard in Henley Brook	Road/Infrastructure	\$91,000	2019
\$49k from the Department of Communities towards the Swan Volunteer Resource Centre	Program/Activity	\$49,000	2019
\$37k from the Department of Biodiversity, Conservation and Attractions towards the coordination of community led projects in the north-sub region	Program/Activity	\$37,000	2019
\$25k from the Department of Local Government, Sport and Cultural Industries towards the Swan Sustainable Club Development program	Program/Activity	\$25,000	2019
\$12k from the Good Things Foundation towards implementing 'Be Connected,' a digital literacy initiative for seniors	Program/Activity	\$12,000	2019

\$7k from the Department of Industry, Innovation and Science towards the purchase of new equipment for the Ellenbrook Sports Hub	Road/Infrastructure	\$7,000	2019
\$7 million from the Department of Local Government, Sport and Cultural Industries towards the construction of Ellenbrook Leisure Centre, of which \$2 million was received in 2017/18	Road/Infrastructure	\$7,000,000	2018
\$7.2 million from State and Federal Government agencies for road related works	Road/Infrastructure	\$7,200,000	2018
\$5.6 million through the Federal Government's Financial Assistance Grants program	Road/Infrastructure	\$5,600,000	2018
\$3.1 million from the Federal Government's Building Better Regions Fund towards the Ellenbrook Bridge, of which \$1.7 million was received in 2017/18;	Road/Infrastructure	\$3,100,000	2018
\$2.8 million from the Department of Health for Home and Community Care (HACC) programs	Program/Activity	\$2,800,000	2018
\$1.7 million from Lotterywest towards the construction costs of the Midland Youth Service Hub	Road/Infrastructure	\$1,700,000	2018
\$818,443 from the Department of Local Government, Sport and Cultural Industries through the Local Projects, Local Jobs program for upgrades to community and sporting facilities;	Road/Infrastructure	\$818,443	2018
\$495,950 from the Department of Biodiversity, Conservation and Attractions for Middle Swan and Woodbridge Reserve Foreshore Restoration projects, of which \$310,750 was received in 2017/18	Road/Infrastructure	\$495,950	2018
\$362,760 from the Department of Fire and Emergency Services for support under the Local Government Grants Scheme and \$184,030 for the East Gidgegannup Fire Station	Road/Infrastructure	\$362,760	2018
\$300,000 from Tourism WA for tourism development in Guildford and the Swan Valley area, of which \$150,000 was received in 2017/18.	Program/Activity	\$300,000	2018
Federal Government Financial Assistance Grants program;	Road/Infrastructure	\$5,100,000	2017
\$2,814,632 from the Department of Health for Home and Community Care (HACC) programs	Program/Activity	\$2,814,632	2017

\$860,000 from the Department of Innovation Industry and Science for the Midland CBD and Altona Hub CCTV and Lighting Project	Road/Infrastructure	\$860,000	2017
\$400,000 from the Department of Transport for the Gnangara Road Shared Path WA Bicycle Network (WABN);	Road/Infrastructure	\$400,000	2017
\$354,723 from the Department of Fire and Emergency Services for support under the Local Government Grants Scheme	Road/Infrastructure	\$354,723	2017
\$300,000 from the Department of Local Government, Sport and Cultural Industries for the KidSport 2016-17 program	Program/Activity	\$300,000	2017
\$154,380 from the Department of Fire and Emergency Services to progress works at the East Gidgegannup Bush Fire Brigade	Road/Infrastructure	\$154,380	2017
\$100,000 from the Department of Infrastructure and Regional Development to deliver the Percy Cullen Oval Floodlights	Road/Infrastructure	\$100,000	2017
\$96,802 from the Department of Health towards the City's Commonwealth Home Support program	Program/Activity	\$96,802	2017
\$5 million of grants from State and Federal Government agencies for road related works;	Road/Infrastructure	\$5,000,000	2017

Unsuccessful Grant Applications 2016-2022	Category	Amount	FY end
Department of Transport - Recreational Boating Facilities Scheme - Round 25	Road/Infrastructure	\$204,880.00	2021
DLGSC - Healthway - Hyper Presents	Program/Activity	\$9,396.00	2020
Main Roads WA - Black Spot Funding 2020/21 - Intersection of Marshall Rd & Beechboro Rd North	Road/Infrastructure	\$1,666,667.00	2020
DLGSC - CSRFF - Baseball Cages at North Swan Park	Road/Infrastructure	\$120,386.00	2019
Dept of Industry, Innovation & Science - Mobile CCTV upgrade	Road/Infrastructure	\$158,140.00	2019
Dept of Industry, Innovation & Science - SmartPark The Grandstand Midland	Road/Infrastructure	\$1,700,000.00	2019
Dept of Transport - Gnangara Rd Shared Use Path	Road/Infrastructure	\$400,000.00	2019
Sport Australia - Refurbishment and extensions to Midland Guildford/Lilac Hill Pavilion	Road/Infrastructure	\$500,000.00	2019
Dept of Industry, Innovation & Science - Building Better Regions Fund - Swan Valley Bus Shelters	Road/Infrastructure	\$200,000.00	2019
WA Police - State Graffiti Fund	Program/Activity	\$18,600.00	2018

Dept of Health - Aged Care Approvals Round (ACAR)	Program/Activity		2017
Mental Health Commission - Suicide Prevention Grants	Program/Activity	\$1,716.00	2017

Q5 There are a number of projects in the City of Swans planning, which includes but not limited to; Ballajura Oval flood lighting upgrade, Swan park netball toilet/ change room upgrades, Baskerville Pavillon, Ellenbrook District Open Space (North) Upgrades, all of which appear to be eligible projects for CSRFF grant funding - did the City submit an application in the closed annual program? Why not, if the answer is no?

A5 The City did not submit an application for CSRFF this financial year because the projects were not at the appropriate stage of planning. The City aims to apply for grants when the design has been advanced to an appropriate stage, cost estimates are available, the City's funding contribution can be provided, and the work can be completed within the grant funding timeframes.

Q6 Is the Council planning to apply for grants to assist in the financials for these projects? If not, why not?

A6 The City intends to apply to the Club Night Light Program for the Ballajura Oval lighting upgrade, as well as future Baskerville Oval Lighting Upgrade. Staff intend to apply for CSRFF funding for Baskerville Pavilion during the annual grant round in 2023/24.

Mr Bob Becu

Q1 How many Conservation Category wetlands, other than the bodies and floodplains of watercourses, are situated on land managed by the City?

Q2 In my Q3 at the 5 October meeting I asked if the City sees any transferable opportunities from the City of Wanneroo's very successful program of rehabilitating and protecting the nearby Koondoola Regional Bushland.

The answer indicated that the City views Emu Swamp as being in a different (i.e. lower) priority for management to the Koondoola Regional Bushland.

At the same time the City has a sign at Emu Swamp which says:

"Emu Swamp is a Conservation Category Wetland and an important refuge for native animals including frogs, reptiles and birds.

The site forms part of an ecological corridor encompassing Koondoola Regional Bushland, Lightning Swamp and Beach Road Swamp.

The City of Swan and the community are working together to restore this valuable wetland."

Further, the sign points out the aboriginal significance of Emu Swamp as part of the chain of lakes and creeks leading from Lake Goollelal through to Bennett Brook and Upper Swan, that chain being one of five major routes used by Aboriginal people in the territory around Perth.

Lastly, the sign asks members of the community to assist in the caring for of Emu Swamp, saying "Please show respect for the area and don't damage this fragile bushland."

How does the City reconcile the opposite words on its sign, including the recognized ecologic connection of Emu Swamp with the Koondoola Regional Bushland, with the answer given to my earlier question?

Q3 With the current dismal state of Emu Swamp and the degradation caused by the fire risk reduction work carried out earlier this year, does the City seriously believe that it is making meaningful progress in the restoration of Emu Swamp?

Q4 The answer given to my Q4 at the 5 October meeting failed to say why the management plan for Emu Swamp is not published on the City's website, which is what I actually asked. Making the plan only available on request is not sensible because (i) most community members would not know that the plan exists and would therefore not know to ask for it, and (ii) it is inefficient in that it requires the City to have to deal with each request individually. So I again ask the reason for the City not publishing the plan, and other similar management plans, on its website.

Q5 The answer given to my Q5 at the 5 October meeting identifies the objectives of the current Emu Swamp management plan per se, but my question was really intended to ask what is the overarching objective that the City is trying to achieve through actioning that plan.

For example:

Is the City's objective, as seems to be the case, to manage Emu Swamp with a relatively low priority, with the management plan viewed essentially as a set of suggestions for the land manager, all subject to final decisions by the land manager on whether and when to implement any of them?

or

Does the City recognise the Conservation Category status as a reflection of the importance of this wetland as one of the few remaining of its type on the Swan Coastal Plain, with the City as land manager accepting consequent responsibility and having the objective of (i) rehabilitating the wetland, with a high priority and as far as is practicable, to a condition replicating what it would have been prior to European settlement, and (ii) protecting the wetland against the impacts of further development?

Q6 The answer given to my Q6 at the 5 October meeting correctly says that the area along Sunset Drive is currently completely degraded. That is obvious and indisputable. Given that the management plan identifies the area as located within Zones 2 and 3 and says that it is important those Zones be rehabilitated as part of the main buffer to the wetland, isn't the current degraded condition of the area itself reason to follow that recommendation and commence rehabilitation by planting of appropriate flora species?

Q7 Will the findings from the current geotechnical investigations at Paradise Quays be made available to the public? If not, why not?

A1-7 All questions will be taken on notice

5.3.2 Questions without due notice

Ms Christine Hughes

Q1 In 2011 four Councillors three of which are currently still on council supported the decision to sell the Bellevue Oval to a developer, despite a 96% of submitters opposing that sale. Have any of you returned to that Oval to see if the infrastructure has been built?

Q2 Do any of you know what over the last 12 years, has that oval been used for?

A1-2 These questions have been taken on notice.

Public question time concluded at 6:34pm as there were no further questions.

6. PUBLIC STATEMENT TIME

- 6.1 Cheryl Kickett-Tucker – Koya - in regard to Item 3.1 Binar Future
- 6.2 Donna Nelson – Pioneers - in regard to Item 3.1 Binar Future
- 6.3 Mr Gavin Farmer - in regard to Item 3.1 Binar Future
- 6.4 Andrew Vlahov (Binar Chairperson) in regard to Item 3.1 Binar Future
- 6.5 Francesca Irwin - in regards to Midland Oval Redevelopment
- 6.6 Mr Kevin Bailey in regards to Midland Oval Redevelopment
- 6.7 John Gangell - in regards to Midland Oval Redevelopment
- 6.8 Christine Hughes - in regards to Midland Oval Redevelopment

7. PETITIONS

7.1 Petition containing 8 signatures in regard to rezoning of residential redevelopment to residential development as per similar residential areas in Hazelmere.

Tabled by Cr Predovnik

7.2 Petition containing 22 signatures regarding Aviary Creek, Aveley.

Tabled by Cr McCullough

RESOLVED UNANIMOUSLY:

That the above petitions be referred to the Chief Executive Officer and a report be presented to a future Council meeting.

(Cr Johnson – Cr Catalano)

7.3 Mr Irwin presented a Petition with 230 signatures in regard to Rethinking the Midland Oval – Save Millions

The Presiding Member accepted the petition to form part of the Councils deliberations on item C1.2 – Cr Johnson - Revocation Motion - Midland Oval Development.

8. DEPUTATIONS

Deputations for items on the agenda were heard at the Agenda Forum held on 07 December 2022.

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Announcement by the Deputy Mayor Mr Congerton

I am pleased to announce that the City of Swan has recently received an award from the University of Western Australia.

The UWA “Work Integrated Learning Award” was presented to the City for continually providing internships to students from the University. This program enables students to get experience in the workforce while also increasing their understanding of local government. The program also promotes the City of Swan as an employer of choice. Several students who completed internships at the City have been successful in gaining permanent employment with us upon graduation.

The University advised that feedback from the students who have undertaken an internship at the City of Swan consistently indicates that we are making a profound impact on their professional development and their placements at the City have been a highlight of their studies.

Well done to all the staff who have assisted with this program by providing mentoring to students and highlighting the opportunities of a career in local government.

Announcements by the Presiding Member Mayor D Lucas

I would like to welcome Councillor Singh, new elected Altone Ward councillor as this is his first official council meeting

The holiday season will shortly be upon us and I would like to wish all of those that celebrate Christmas a happy and safe Christmas and for those who don't, have a great holiday season and we expect to see everyone back in 2023.

10. MEMBERS QUESTIONS

10.1 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE

Nil

10.2 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Cr Bowman

Q1 *Does the use of a City of Swan sporting oval by one club / sport on certain days preclude the oval being used on other days by another club / sport?*

A1 No, this is subject to availability and suitability of certain facilities for various sporting codes.

Q2 *Does one sporting club have priority over another sporting club for the use of City of Swan Ovals?*

A2 Priority is given for existing clubs based at a facility to book from year to year for seasonal bookings.

Q3 *Is a sporting club / sport that refuses to allow another sporting club / sport the use of a City of Swan oval required to book and pay for the use of the oval for all 7 days?*

A3 No, the sporting clubs are invoiced on a per player per season basis and also for pavilion use where applicable.

Q4 *Is it possible and is it done at other sporting clubs in other local governments whereby two sports are marked on the same oval (in different colour) so two different sports can use the same oval on different days?*

A4 Yes, subject to facility suitability and configuration of grounds meeting both clubs requirements.

Q5 *With a large number of the City of Swan ovals in Aveley and Ellenbrook not being used on a Sunday during the summer sport season why has the City not been able to provide the use of an oval to the Ellenbrook Eastern Tee ball and softball club for Sunday mornings?*

A5 City staff are currently working with the Tee ball club on possible options.

Q6 *What ovals are not being used / have a regular booking on a Sunday in the summer season?*

A6 Aveley Playing Field is available from 12.30pm (Utilised by cricket before 12:30pm), Coolamon is available, Charlottes Vineyard availability from 12.30pm (utilised by Rugby and Cricket before 12:30pm), Woodlake Oval is available, we do have casual bookings at Woodlake from time to time on Sundays e.g. Swap Meets.

Q7 *What is the revenue that the City is missing out on by not allowing the Ellenbrook Eastern Tee ball and softball club to book and use a City of Swan oval for their Sunday games?*

A7 The City would require accurate player numbers to calculate this revenue.

Cr Johnson

Q1 *When did Robinson Road, Bellevue close?*

A1 The road was closed on 30 November 2022.

Q2 *Council has previously been advised that the road closure will come to Council as it is a local road. Why has the closure of Robinson Road not come to Council?*

A2 Typically local road closures are determined by the Local Government in accordance with the *Local Government Act 1995* and the *Land Administration Act 1997*. In order to process a proposal to close a road, an application is submitted to the City which is then publicly advertised and presented to Council if there are comments or objections to the proposal. In relation to Robinson Road, an application was lodged by the Public Transport Authority (PTA) in September 2020 to the City to close the road. However, the City requested traffic modelling so that the traffic implications were demonstrated prior to public advertising. The PTA did not submit traffic modelling to the City and therefore the road closure application was not publicly advertised for comment nor presented to Council.

Q3 *Has the proper process been followed?*

A3 Whilst the above mentioned process has not been followed, it is noted that there are certain legislative powers that can be utilised by the State Government to achieve the closure of the road without Council endorsement. The City has not been advised of the mechanism that has been used to close Robinson Road although has requested further information on this matter.

Q4 *Is the City aware of the increased rail noise in Swan View as a result of the Movida noise abatement wall currently under construction?*

Q5 *Can anything be done to reduce the increase in rail noise in Swan View*

A4-5 The provision of a noise wall to the eastern perimeter of the Movida Estate abutting the freight rail line is a requirement of the WAPC approved Farrall Road Local Structure Plan.

The noise wall is required to ensure that residential lots within the estate are provided with mitigation of noise from the freight rail line in accordance with the requirements of State Planning Policy 5.4: Road and Rail Transport Noise.

The placement and specification of the noise wall is set out in the Road and Rail Acoustic Assessment May 2016 that accompanied the Local Structure Plan.

The implementation of the noise wall by the estate subdivider – Peet Limited – has been required under conditions imposed on 6 subdivision approvals for the estate.

The City is receiving some complaints from surrounding residents but not aware that the City has received any acoustic assessment reports from these complainants.

At this stage we have not verified that there is a problem. I think that this would need to be ascertained before consideration of any potential remedial solutions could occur.

Cr Knight

Q1 How much did the Christmas Councillor luncheon at Sittella winery cost?

A1 The Mayor personally invited all Councillors and Executives to Sittellas at his own cost to show appreciation for the work done during the year. As a consequence, there was no cost to Council for this event.

Q2 How were the Altone Ward ratepayers advised that the extraordinary election on 3 December 2022 was not a postal vote?

A2 The following is a summary of the promotion of the Altone Ward extraordinary election:

- Paid geo-targeting social media
- Posts on the City's social media pages
- YouTube
- City's Website
- Printed posters and flyers, include some printed material in three languages in addition to English.
- Print advertising (monthly advertorial in The Echo)
- Swan Scoop (front page on Altone version)

In addition:

- The WAEC also placed all statutory notices on their website and social media page.
- The Echo covered the decision to hold an in-person election following the Council meeting.

This excludes any information that was provided by the 4 candidates which typically includes, letter drops, street advertising, telephone calls etc.

Q3 If there was no mail out to inform ratepayers, why not and what would have been the estimated cost for a mail out?

A3 There was no mail out to electors. Given that the decision was made by Council to hold an 'in-person' election on the grounds of cost, it would not make sense to spend the 'savings' on a mail-out advising that the method of election had changed to an 'in-person' election.

Q4 *Regarding Emu Swamp, Ballajura, can you be specific about why a track was needed?*

Q5 *The track does not "enable access" as it was not un accessible to begin with, so why was it necessary?*

Q6 *Why did no planting take place on the track this year, as part of the progressive retreat, as works finished well before the planting season?*

A4-6 The proposal for the access track was to allow the Friends Group at the site to easily access the reserve for planting and maintenance activities without damaging the existing plantings. Maintenance visits to the site from City staff have focused on weed removal, with the intention that the Friends Group was going to assist with planting. However, the activities from the Friends Group have been extremely limited over recent months due to the resignation of key members.

In regard to Item 13.1 - Commercial Lease - Lot 11 and Lot 12 (No.37) Old Great Northern Highway, Midland

Q7 *Who are the potential tenants (consortia of organisations) and who is the broker for them in the sentence below?*

"The City has been approached on behalf of the potential tenants "

A7 The five (5) organisations are the Collective Alliance who are building the Midland Metronet, which includes PTA.

The City expects to be informed who will be signing the lease documents, if approved, on December 7, 2022. The lease is expected to be solely signed by the lead agency (PTA) which is a Government Agency, therefore making the advertising of the lease exempt as per *F&G Regulations s30(2)*.

Q8 *How much per annum does the maintenance of the building in its current state cost the City?*

A8 There are currently no maintenance costs to the building, only operational costs of approximately \$1000p/a excluding loan repayments.

In regard to Item C1.2 - Cr Johnson - Revocation Motion - Midland Oval Development

Q9 *I was not on Council when the sunset clause was invoked, so what was the advice- legal or otherwise, to council on the viability of the MORM?*

A9 The sunset clause contained in clause 5.3 of the Midland Oval Redevelopment Business Plan has not been invoked by Council. Rather, Council has adopted a position of facilitating required transactions on a needs basis and by inclusion in the annual budget and Long term Financial Plan processes.

10.3 QUESTIONS OF WHICH DUE NOTICE HAS NOT BEEN GIVEN

Cr Johnson

- Q1 *Can you advise the ownership status of 3 and 7 Junction Parade, Midland i.e. fully owned, option, right of refusal?*
- A1 *The ownership status of No.3 Junction Parade is that it is owned by Demol Investments Pty Ltd.*
- Q2 *Can you advise planning status of 3 and 7 Junction Parade, Midland. Is there an application or approval for either?*
- A2 *No.7 Junction Parade is owned by the City of Swan. It is subject of a Sale and Development Agreement with Demol Investments Pty Ltd (as buyer) and Robert Steven de Mol (as Guarantor) which sets out terms and conditions of sale.*
- Q3 *Is there a building approval for 3 and 5 Junction Parade, Midland?*
- A3 *No.7 Junction Parade currently is not subject of any Planning Approval or Building Permit.*

Cr Bowman

- Q1 *Has the City of Swan received a development application from the Vines WA for a two storey driving range?*
- A1 *We have not received an application as yet, although it may be lodged prior to end of this year*
- Q2 *Will the Application go to Council or will it a decision be made under delegated Authority?*
- A2 *It will be presented to Council*

Cr Congerton

- Q1 *Can the Councillors that placed the advertisement in the Echo newspaper advised if they paid for the advertisement or did someone else pay for it?*
- A1 *Yes, those Councillors paid for the Advertisement*
- Q2 *Are those Councillors intending to put in Impartially Declarations?*
- A2 *If the CEO believes it necessary for them to do so they will.*

11. LEAVE OF ABSENCE

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

Cr Jones January 15 2023 – 31 January 2023 (inclusive)
Pearce Ward

(Cr Henderson – Cr Zannino)

Cr Parry joined the meeting electronically at 6.20pm, he declared that he was able to maintain confidentiality during the meeting in accordance with the Local Government (Administration) Regulations 1996.

12. CONFIRMATION OF MINUTES

RESOLVED UNANIMOUSLY that the minutes of the Ordinary Meeting of Council held on 02 November 2022 be confirmed subject to:

- 1) The answers from Cr Bowman questions published in section 10.2 being removed from the unconfirmed Minutes (to be published in the Minutes of the December 14 2022 meeting).

(Cr McCullough – Cr Bowman)

SUSPENSION OF MEETING PROCEDURE LOCAL LAWS 2019

MOTION that the Council resolve to:

- 1) In accordance with Part 11 of the *Meeting Procedures Local Law 2019*, suspend clause 6.6 'Duration of Speeches' for the duration of the Ordinary Council Meeting of 14 December 2022, including any adjourned and reconvened meeting.
- 2) Note that where a provision of the local law has been suspended, the Presiding Member is to decide questions relating to the conduct of the meeting.

The reasons for the motion are:

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

(Cr Parry - Cr Congerton)

RESOLVED (10/5) TO:

- 1) In accordance with Part 11 of the *Meeting Procedures Local Law 2019*, suspend clause 6.6 'Duration of Speeches' for the duration of the Ordinary Council Meeting of 14 December 2022, including any adjourned and reconvened meeting.
- 2) Note that where a provision of the local law has been suspended, the Presiding Member

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

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

SUSPENSION OF MEETING PROCEDURE LOCAL LAWS 2019

Motion that the Council resolves to:

- 1) In accordance with Part 11 of the *Meeting Procedures Local Law 2019*, suspend clause 2.2 'Order of Business' for the duration of the Ordinary Council Meeting of 14 December 2022, including any adjourned and reconvened meeting.
- 2) Adoption of Those Recommendations Contained in Items Not Withdrawn
- 3) Consider the remaining parts of the Agenda in accordance with the sequence below
 - 6.2 – Shady Hills Second Access Road
 - 4.4 - State Administrative Tribunal - Request to Reconsider Refusal of Illuminated Signage (Existing) - Lot 100 (No.127) James Street, Guildford (DA463-21)
 - 4.3 - Responsible Authority Report - Proposed Warehouse - Lot 59 Bushmead Road, Hazelmere (DA484-22)
 - 4.2 - Responsible Authority Report - Proposed Industrial Warehouse and Ancillary Uses - Lot 152 & 153 Talbot Road, Hazelmere (DA961-22)
 - 3.1 – Binar Futures
 - C1.2 - Cr Johnson - Revocation Motion - Midland Oval Development
 - C1.1 - Cr Johnson - Revocation Motion - Sale of Proposed Lot 811 Junction Parade, Midland
 - C3.1 - Acquisition by Agreement - Portion Lot 187 Stock Road, Bullsbrook (Stock Road Upgrade and Extension)
 - C3.2 - Acquisition by Agreement - Portion of Lot 186 (No 2261) Great Northern Highway, Bullsbrook (Stock Road Upgrade and Extension)

- C3.3 - Acquisition by Agreement - Portion of Lot 184 Stock Road, Bullsbrook (Stock Road Upgrade and Extension)
- C3.4 - Acquisition by Agreement - Portion of Lot 300 Almeria Parade, Bullsbrook (Stock Road Upgrade and Extension)
- 13.1 - Commercial Lease - Lot 11 and Lot 12 (No.37) Old Great Northern Highway, Midland
- 5.5 - Targeted Underground Power Program
- 5.3 - Jack Williamson Oval Proposal
- 13.3 - Proposed Demolition of Single House and Removal of Native Vegetation and Two (2) New Replacement Single Houses – Lots 33 & 34 (No.7) Fauntleroy Street, Guildford (Da1069-21) (pg.16)
- 4.5 - Single House and Animal Establishment (Dog Kennel) - Lot 12 (No. 50) Seaford Road, Bullsbrook (DA-636-22)
- 4.6 - Proposed Convenience Store, Fast Food Outlet, Shop, Restaurant, Showroom and Signage - Lot 3 (No.3) Marvel Entrance, Brabham (DA501-22)
- 4.7 - Proposed Telecommunications Infrastructure - Lot 1 (No.131) Sacramento Avenue, Beechboro (DA020-22)
- 7.3 – Council Committee Matter
- 2.1 - New Policy - Electronic Attendance at Meetings
- 7.1 - Proposed Local Law - Bush Fire Brigades
- C1.3 - Cr Predovnik - Weeip Park Playground Equipment
- C1.4 - Cr McCullough - Cassius Turvey Memorial
- C1.5 - Cr Predovnik - Streetscaping in Midland
- C1.6 - Cr Bowman - Vacant Land Rate

(Cr Parry – Cr Congerton)

RESOLVED UNANIMOUSLY TO:

- 1) In accordance with Part 11 of the *Meeting Procedures Local Law 2019*, suspend clause 2.2 'Order of Business' for the duration of the Ordinary Council Meeting of 14 December 2022, including any adjourned and reconvened meeting.
- 2) Adoption of Those Recommendations Contained in Items Not Withdrawn
- 3) Consider the remaining parts of the Agenda in accordance with the sequence below:

- 6.2 – Shady Hills Second Access Road
- 4.4 - State Administrative Tribunal - Request to Reconsider Refusal of Illuminated Signage (Existing) - Lot 100 (No.127) James Street, Guildford (DA463-21)
- 4.3 - Responsible Authority Report - Proposed Warehouse - Lot 59 Bushmead Road, Hazelmere (DA484-22)
- 4.2 - Responsible Authority Report - Proposed Industrial Warehouse and Ancillary Uses - Lot 152 & 153 Talbot Road, Hazelmere (DA961-22)
- 3.1 – Binar Futures
- C1.2 - Cr Johnson - Revocation Motion - Midland Oval Development
- C1.1 - Cr Johnson - Revocation Motion - Sale of Proposed Lot 811 Junction Parade, Midland
- C3.1 - Acquisition by Agreement - Portion Lot 187 Stock Road, Bullsbrook (Stock Road Upgrade and Extension)
- C3.2 - Acquisition by Agreement - Portion of Lot 186 (No 2261) Great Northern Highway, Bullsbrook (Stock Road Upgrade and Extension)
- C3.3 - Acquisition by Agreement - Portion of Lot 184 Stock Road, Bullsbrook (Stock Road Upgrade and Extension)
- C3.4 - Acquisition by Agreement - Portion of Lot 300 Almeria Parade, Bullsbrook (Stock Road Upgrade and Extension)
- 13.1 - Commercial Lease - Lot 11 and Lot 12 (No.37) Old Great Northern Highway, Midland
- 5.5 - Targeted Underground Power Program
- 5.3 - Jack Williamson Oval Proposal
- 13.3 - Proposed Demolition of Single House and Removal of Native Vegetation and Two (2) New Replacement Single Houses – Lots 33 & 34 (No.7) Fauntleroy Street, Guildford (Da1069-21) (pg.16)
- 4.5 - Single House and Animal Establishment (Dog Kennel) - Lot 12 (No. 50) Seaford Road, Bullsbrook (DA-636-22)
- 4.6 - Proposed Convenience Store, Fast Food Outlet, Shop, Restaurant, Showroom and Signage - Lot 3 (No.3) Marvel Entrance, Brabham (DA501-22)
- 4.7 - Proposed Telecommunications Infrastructure - Lot 1 (No.131) Sacramento Avenue, Beechboro (DA020-22)
- 7.3 – Council Committee Matter
- 2.1 - New Policy - Electronic Attendance at Meetings

- 7.1 - Proposed Local Law - Bush Fire Brigades
- C1.3 - Cr Predovnik - Weeip Park Playground Equipment
- C1.4 - Cr McCullough - Cassius Turvey Memorial
- C1.5 - Cr Predovnik - Streetscaping in Midland
- C1.6 - Cr Bowman - Vacant Land Rate

13. ANY BUSINESS LEFT OVER FROM PREVIOUS MEETING

13.1 COMMERCIAL LEASE - LOT 11 AND LOT 12 (NO.37) OLD GREAT NORTHERN HIGHWAY, MIDLAND

Item to be dealt with during Confidential Items

13.2 POLICY REVIEW - PROVISION OF PUBLIC ART

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

13.3 PROPOSED DEMOLITION OF SINGLE HOUSE AND REMOVAL OF NATIVE VEGETATION AND TWO (2) NEW REPLACEMENT SINGLE HOUSES – LOTS 33 & 34 (NO.7) FAUNTLEROY STREET, GUILDFORD (DA1069-21) (PG.16)

To be considered after item 5.3 Jack Williamson Oval Proposal.

13.4 SOUTH GUILDFORD REPLACEMENT BMX TRACK

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

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

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

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

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

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

PART B - REPORTS

ADOPTION OF THOSE RECOMMENDATIONS CONTAINED IN ITEMS NOT WITHDRAWN

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

Part B

- 3.2 - Arts in Ellenbrook - Conditional Grant
- 3.3 - Swan Community Funding Scheme Annual Recipient Listing 2021 - 2022
- 3.4 - Citizenship Ceremony Venues 2023
- 4.1 - Responsible Authority Report - Proposed Mixed Commercial Development - Lot 100 (No. 83) Farrall Road and Lot 2 (No. 231) Morrison Road, Midvale (DA495-22)
- 5.1 - Proposed Permanent Road Closure - Portions of Lot 14332 Pine Street, Henley Brook
- 5.2 - Brabham District Community Centre - 15% Schematic Design
- 5.4 - Defibrillator Audit
- 6.1 - Change in Basis of Valuation
- 6.3 - 2021/2022 Annual Report
- 6.4 - Financial Management Report for Period Ended 31 October 2022
- 6.5 - List of Accounts Paid - October 2022
- 7.2 - Consolidated Amendment Local Law (Horse Exercise Area)
- 8.1 - WALGA Best Practice Governance Review

Part C

- C3.5 - Acquisition by Agreement - Portion of Lot 5 (391) Stirling Crescent, Hazelmere (Stirling Crescent Upgrade)
- C3.6 - Acquisition by Agreement - Portion of Lot 54 (2) Miller Street, Bellevue (Miller & Albert Street Intersection - Sightline Improvement)
- C3.7 - Community Citizen of the Year Awards 2022-23

(Cr Bowman – Cr Congerton)

3.2 ARTS IN ELLENBROOK - CONDITIONAL GRANT

Ward: (Pearce Ward) (Community and Libraries)

Disclosure of Interest:

Ms M Pickering, Executive Manager Place Stakeholder Engagement declared an impartially interest in Item 3.2 - Ellenbrook Arts – Conditional Grant as she is a board member of the Ellenbrook Arts.

Authorised Officer: (Executive Manager Community Wellbeing)

RECOMMENDATION

That the Council resolve to:

- 1) Endorse the Year 2 Ellenbrook Arts Performance Report for 2021/22 and publish on the City's website a summary of this Year 2 performance report;
- 2) Authorise the CEO to undertake a formal written Request For Proposal seeking a suitably qualified Not-for-Profit arts organisation to deliver art and culture services in Ellenbrook, with new KPI's and performance measures to be determined by the CEO but outlined in the Council report recommending the contract award;
- 3) Approve the associated funding model to be a 3 + 3 year agreement.

CARRIED EN BLOC

3.3 SWAN COMMUNITY FUNDING SCHEME ANNUAL RECIPIENT LISTING 2021 - 2022

Ward: (All Wards) (Community and Libraries)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Community Wellbeing)

Please note that Cash Donation and Access All Areas applications are partly assessed on hardship or personal needs of a private nature. Therefore the names of individuals are not made public in the interest of privacy. This information is provided as a separate and **confidential** attachment to this report.

RECOMMENDATION

That the Council resolve to:

- 1) Note as per POL-C-028, the list of recipients awarded a grant under the Swan Community Funding Scheme in the 2021 – 2022 financial year.

CARRIED EN BLOC

3.4 CITIZENSHIP CEREMONY VENUES 2023

Ward: (All Wards) (Communications and Engagement)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Place Stakeholder Relations)

RECOMMENDATION

That the Council resolve to:

- 1) Endorse Option 2b with full food service throughout event, with no alcohol.
- 2) Endorse the Citizenship Ceremony dates for 2023 as:
 - Tuesday, January 26 (Weeip Park)
 - Tuesday, February 21
 - Saturday, March 18 (fast-track, Altone Comes Alive)
 - Tuesday, April 18
 - Tuesday, May 23
 - Tuesday, June 20
 - Tuesday, July 18
 - Tuesday, August 22
 - Tuesday, September 10 (fast-track, if required)
 - Tuesday, September 19
 - Tuesday, October 17
 - Tuesday, November 21
 - Tuesday, December 12

CARRIED EN BLOC

4.1 RESPONSIBLE AUTHORITY REPORT - PROPOSED MIXED COMMERCIAL DEVELOPMENT - LOT 100 (NO.83) FARRALL ROAD AND LOT 2 (NO.231) MORRISON ROAD, MIDVALE (DA495-22)

Ward: Midland/Guildford Ward (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

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

CARRIED EN BLOC

**5.1 PROPOSED PERMANENT ROAD CLOSURE - PORTIONS OF LOT 14332
PINE STREET, HENLEY BROOK**

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Support the closure of approximately 23,701m² of Lot 14332 on Deposited Plan 28585, Henley Brook, in accordance with section 58 of the *Land Administration Act 1997*,
- 2) Request the Department of Planning, Lands and Heritage to consider and grant the request for closure of the subject portions of road reserve in accordance with the provisions of sections 58 and 87 of the *Land Administration Act 1997*.
- 3) Advise the applicant accordingly.

CARRIED EN BLOC

5.2 BRABHAM DISTRICT COMMUNITY CENTRE - 15% SCHEMATIC DESIGN

Ward: (Whiteman Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Endorse the schematic design of the Brabham District Community Centre in order to progress the project to detailed design.
- 2) Delay the construction by 18 - 24 months in response to the funding shortfall and market conditions.
- 3) Note that grant funding applications will be submitted to reduce the funding shortfall.

CARRIED EN BLOC

5.4 CITY PROVISION OF DEFIBRILLATORS

Ward: (All Wards) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Endorse the proposed criteria for the provision of defibrillators in City owned and managed facilities and the ongoing maintenance of City managed defibrillators be conducted by St John Ambulance.
- 2) Reallocate \$112,000 from the current budget, opening balance to provide for the purchase and installation of 28 new defibrillators as detailed on the schedule attached.

CARRIED EN BLOC

6.1 CHANGE IN BASIS OF VALUATION

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

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

A. Lot 103 on Diagram 72172 - 261 Henley Street, HENLEY BROOK WA 6055

B. Lot 6 on Diagram 63742 - 35 Robert Street, HENLEY BROOK WA 6055

CARRIED EN BLOC

6.3 2021/2022 ANNUAL REPORT

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Accept the Audit Committee recommendation to adopt the Annual Financial Report for the year ended 30 June 2022 and note that OAG will not issue a management letter given the unqualified opinion;
- 2) Adopt the Annual Report for the year ended 30 June 2022, subject to design and authorise the CEO to approve any minor changes that may be required before the document is finalised for printing;
- 3) Convene the Annual Meeting of Electors for 6.00pm on 6th February 2023 at a location to be determined by the CEO and give public notice in accordance with the *Local Government Act 1995*.

CARRIED EN BLOC

6.4 FINANCIAL MANAGEMENT REPORT FOR PERIOD ENDED 31 OCTOBER 2022

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

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

CARRIED EN BLOC

6.5 LIST OF ACCOUNTS PAID - OCTOBER 2022

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

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

CARRIED EN BLOC

7.2 ADOPTION OF CONSOLIDATED AMENDMENT LOCAL LAW (HORSE EXERCISE AREA)

Ward: (Whiteman Ward) (Governance)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Make the *City of Swan Consolidated Amendment Local Law 2023*, as attached.
- 2) Complete the local law making process in accordance with the *Local Government Act 1995*.
- 3) Authorise the CEO to write to the Minister for Lands to request the revocation of the Management Order pursuant to section 50 of the *Land Administration Act 1997*.

CARRIED EN BLOC

8.1 WALGA BEST PRACTICE GOVERNANCE REVIEW

Ward: (Not Applicable) (Chief Executive Office)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

RECOMMENDATION

That the Council resolve to:

- 1) Advise WALGA that the City of Swan supports Option 2 - Board, Regional Bodies, as preferred option that the Council ranks option as the following:

Preference: 1 - Option 2

Preference: 2 - Option 3

Preference: 3 - Option 5

Preference: 4 - Option 1

Preference: 5 - Option 4

CARRIED EN BLOC

PART C – CONFIDENTIAL ITEMS

C3.5 ACQUISITION BY AGREEMENT - PORTION OF LOT 54 (2) MILLER STREET, BELLEVUE (MILLER & ALBERT STREET INTERSECTION - SIGHTLINE IMPROVEMENT)

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

REASON FOR CONFIDENTIALITY

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

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

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

RECOMMENDATION

That the Council resolve to:

- 1) Accept the landowner's compensation claim for the amount specified in the report, as settlement in full for the acquisition of approximately a 10m² portion of Lot 54 on Deposited Plan 413223, also known as 2 Miller Street, Bellevue, as depicted on the attached Land Requirement Plan marked Drawing No: 22106-LRP01 B and shown in red hatching.
- 2) Authorise the CEO to approve variances up to a value of 5% to allow for changes regarding land area or costs associated with the land acquisition.
- 3) Authorise the CEO to finalise the land acquisition in accordance with section 168 of the *Land Administration Act 1997*.

CARRIED EN BLOC

C3.6 ACQUISITION BY AGREEMENT - PORTION OF LOT 5 (391) STIRLING CRESCENT, HAZELMERE (STIRLING CRESCENT UPGRADE)

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

REASON FOR CONFIDENTIALITY

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

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

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

RECOMMENDATION

That the Council resolve to:

- 1) Accept the landowner's compensation claim for the amount specified in the report, as settlement in full for the acquisition of approximately a 204m² portion of Lot 5 on Diagram 27196, also known as 391 Stirling Crescent, Hazelmere, as depicted on the attached Land Requirement Plan marked Drawing No: 987-18/19-LRE-0004 Rev No. 4 and shown in black hatching identified as 'Future Road Widening' in Detail 'A'.
- 2) Authorise the CEO to approve variances up to a value of 5% to allow for changes regarding land area or costs associated with the land acquisition.
- 3) Request the Minister for Lands to cease the compulsory acquisition process of the subject portion of Lot 5 (391) Stirling Crescent, Hazelmere.
- 4) Authorise the CEO to finalise the land acquisition in accordance with section 168 of the *Land Administration Act 1997*.

CARRIED EN BLOC

C3.7 COMMUNITY CITIZEN OF THE YEAR AWARDS 2022-23

Ward: (All Wards) (Communications and Engagement)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Place Stakeholder Relations)

REASON FOR CONFIDENTIALITY

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

- (b) the personal affairs of any person

REVISED RECOMMENDATION

That the Council resolve to:

- 1) Select the following Award winners for each category of the Community Citizens of the Year as follows:
 - Community Citizen of the Year
 - Senior Community Citizen of the Yea
 - Active Citizenship Award (Community Group or Event) Club
- 2) Keep the names of the award recipients confidential until they have been announced.

CARRIED EN BLOC

The following reports from Part B and Part C have been withdrawn for debate (in accordance with the *Meeting Procedures Local Law 2019*) and will be dealt with by Council individually:

Part B

- 2.1 - New Policy - Electronic Attendance at Meetings
- 3.1 – Binar Future
- 4.2 - Responsible Authority Report - Proposed Industrial Warehouse and Ancillary Uses - Lot 152 & 153 Talbot Road, Hazelmere (DA961-22)
- 4.3 - Responsible Authority Report - Proposed Warehouse - Lot 59 Bushmead Road, Hazelmere (DA484-22)
- 4.4 - State Administrative Tribunal - Request to Reconsider Refusal of Illuminated Signage (Existing) - Lot 100 (No.127) James Street, Guildford (DA463-21)
- 4.5 - Single House and Animal Establishment (Dog Kennel) - Lot 12 (No. 50) Seaford Road, Bullsbrook (DA-636-22)
- 4.6 - Proposed Convenience Store, Fast Food Outlet, Shop, Restaurant, Showroom and Signage - Lot 3 (No.3) Marvel Entrance, Brabham (DA501-22)
- 4.7 - Proposed Telecommunications Infrastructure - Lot 1 (No.131) Sacramento Avenue, Beechboro (DA020-22)
- 5.3 - Jack Williamson Oval Proposal
- 5.5 - Targeted Underground Power Program
- 6.2 - Shady Hills Second Access road
- 7.1 - Proposed Local Law - Bush Fire Brigades
- 7.3 - Council Committee Matters

Part C

- C3.1 - Acquisition by Agreement - Portion Lot 187 Stock Road, Bullsbrook (Stock Road Upgrade And Extension)
- C3.2 - Acquisition by Agreement - Portion of Lot 186 (No 2261) Great Northern Highway, Bullsbrook (Stock Road Upgrade And Extension)
- C3.3 - Acquisition by Agreement - Portion Of Lot 184 Stock Road, Bullsbrook (Stock Road Upgrade And Extension)
- C3.4 - Acquisition by Agreement - Portion Of Lot 300 Almeria Parade, Bullsbrook (Stock Road Upgrade And Extension)

PART B - REPORTS

6.2 SHADY HILLS SECOND ACCESS ROAD

Ward: (Pearce Ward) (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

This item has been withdrawn in order for Cr Catalano to vote against it. The Deed of Agreement requires an initial payment of \$100,000 for the design and tender process to be made on 15 December 2022

RECOMMENDATION

That the Council resolve to:

- 1) Approve the adjustment to the 2022/2023 Annual Budget to include \$450,000 of the prepaid State Government Contribution for the design and tender process, in accordance with section 6.8(1) of the Local Government Act 1995.
- 2) Establish a Shady Hills Second Access Road Reserve for the purpose of funding all costs associated with the ceding of land, design and construction of Lage Road connecting to Clarkson Road, and collecting Contribution Cost from the landowners of Lot 301 Stock Road and Lot 302 Lage Road, and the State Government.
- 3) Request the CEO to write to the State Government to increase their contribution to \$2.66M in light of increased costs to maintain the two thirds / one third arrangement.

(Cr Parry – Cr Bowman)

RESOLVED (13/2) TO:

- 1) Approve the adjustment to the 2022/2023 Annual Budget to include \$450,000 of the prepaid State Government Contribution for the design and tender process, in accordance with section 6.8(1) of the Local Government Act 1995.
- 2) Establish a Shady Hills Second Access Road Reserve for the purpose of funding all costs associated with the ceding of land, design and construction of Lage Road connecting to Clarkson Road, and collecting Contribution Cost from the landowners of Lot 301 Stock Road and Lot 302 Lage Road, and the State Government.
- 3) Request the CEO to write to the State Government to increase their contribution to \$2.66M in light of increased costs to maintain the two thirds / one third arrangement.

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

Against: Crs Catalano and Knight.

4.4 STATE ADMINISTRATIVE TRIBUNAL - REQUEST TO RECONSIDER REFUSAL OF ILLUMINATED SIGNAGE (EXISTING) - LOT 100 (NO.127) JAMES STREET, GUILDFORD (DA463-21)

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

Cr Johnson declared an impartiality interest in Item 4.4 - State Administrative Tribunal - Request to Reconsider Refusal of Illuminated Signage (Existing) - Lot 100 (No.127) James Street, Guildford (DA463-21), as he is a regular customer of the Rusty Old Boat (the restaurant located at this site).

RECOMMENDATION

That the Council resolve to:

- 1) Reiterate its decision made at the Ordinary Meeting of Council on 1 June 2022 to:
 - a) Approve that part of the application for the existing Illuminated Signage at Lot 100 (No.127) James Street, Guildford that comprises the two (2) existing under awning signs and the one (1) existing circular wall sign subject to the following conditions:
 1. The illumination of the signs must not exceed 300cd.m² (candela per square metre) between sunset and sunrise.
 2. The signs shall not flash, pulsate or chase.
 3. The signs shall not be electronic/digital format.
 4. The signs must not contain fluorescent, reflective or retro reflective colours or materials.
 - b) Refuse that part of the application for the existing Illuminated Signage at Lot 100 (No.127) James Street, Guildford that comprises the existing above awning 'Rusty Old Boat' sign for the following reason:
 1. As a large illuminated sign, it is designed in a manner that sets it apart from other signage on commercial properties along James Street and thereby renders it incongruous with the existing builtform character.

MOTION that the Council resolve to:

- 1) Approve that part of the application for the existing Illuminated Signage at Lot 100 (No.127) James Street, Guildford that comprises the existing above awning 'Rusty Old Boat' sign.
- 2) Record the reason for motion is that there is a precedent for illuminated signage in this subject place's era of development as the building next door, which was the Regent Theatre in 1926, is known to have an internally light electric sign in 1949 and possibly as early as 1926.

(Cr Johnson – Cr Howlett)

RESOLVED (12/3) TO:

- 1) Approve that part of the application for the existing Illuminated Signage at Lot 100 (No.127) James Street, Guildford that comprises the existing above awning 'Rusty Old Boat' sign.
- 2) Record the reason for motion is that there is a precedent for illuminated signage in this subject place's era of development as the building next door, which was the Regent Theatre in 1926, is known to have an internally light electric sign in 1949 and possibly as early as 1926.

For: Crs Catalano, Congerton, Henderson, Howlett, Johnson, Jones, Knight, Lucas, McCullough, Parry, Singh and Zannino,

Against: Crs Bowman, Predovnik and Richardson.

4.3 RESPONSIBLE AUTHORITY REPORT - PROPOSED WAREHOUSE - LOT 59 BUSHMEAD ROAD, HAZELMERE (DA484-22)

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

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

MOTION That the Council resolve to:

- 1) Endorse the Officers recommendation to the Metro-outer Joint Development Assessment Panel to approve the development application subject to conditions but with the following recommended modification to condition 11:

11. Prior to submission for a Building Permit the applicant/owner shall submit to the satisfaction of the City of Swan a modified Landscape Plan that:

1. Provides for an area of 2,905m² for landscaping purposes, this being 10.1% of the site area of 28, 696m²; and
 2. Incorporates *Corymbia callophylla* trees as opposed to the Illawarra Flame Tree (*Brachychiton acerifolius*) and *Corymbia ficifolia* as depicted in the submitted Landscape Plan.
 3. The approved Landscape Plan must be implemented within the first available planting season after the initial occupation of the development and maintained thereafter to the satisfaction of the City of Swan. Where *Corymbia callophylla* trees fail to establish within the first (2) planting seasons following implementation they must be replaced, any other plantings must be replaced in consultation with the City of Swan.
- 2) Record the reason for changing the staff recommendation is that:
 1. Marris or *Corymbia callophylla* are the large tree species endemic to the area which play a critical role in protecting and enhancing the biodiversity of the area through provision of food and shelter to endangered and non-endangered species of birds and reptiles.
 2. Particular provision of this tree species more broadly through the landscaping area of this site can assist in provision of shade and in offsetting the rapid rate of loss of such vegetation caused by development and the adverse consequences this presents to the existing natural environment.

(Cr Catalano – Cr Knight)

RESOLVED (10/5) TO:

- 1) Endorse the Officers recommendation to the Metro-outer Joint Development Assessment Panel to approve the development application subject to conditions but with the following recommended modification to condition 11:
 11. Prior to submission for a Building Permit the applicant/owner shall submit to the satisfaction of the City of Swan a modified Landscape Plan that:
 1. Provides for an area of 2,905m² for landscaping purposes, this being 10.1% of the site area of 28, 696m²; and
 2. Incorporates *Corymbia callophylla* trees as opposed to the Illawarra Flame Tree (*Brachychiton acerifolius*) and *Corymbia ficifolia* as depicted in the submitted Landscape Plan.
 3. The approved Landscape Plan must be implemented within the first available planting season after the initial occupation of the development and maintained thereafter to the satisfaction of the City of Swan. Where *Corymbia callophylla* trees fail to establish within the first (2) planting seasons following implementation they must be replaced, any other plantings must be replaced in consultation with the City of Swan.

For: Crs Catalano, Congerton, Knight Predovnik, Johnson, Howlett, Lucas Zannino McCullough and Parry

Against: Crs Bowman, Henderson, Jones, Richardson and Singh

4.2 RESPONSIBLE AUTHORITY REPORT - PROPOSED INDUSTRIAL WAREHOUSE AND ANCILLARY USES - LOT 152 & 153 TALBOT ROAD, HAZELMERE (DA961-22)

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

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

MOTION that the Council resolve to:

- 1) Endorse the Officers recommendation to the Metro-outer Joint Development Assessment Panel to approve the development application subject to conditions but with the following recommended modification to condition 11:

11. Prior to submission for a Building Permit the applicant/owner shall submit to the satisfaction of the City of Swan a modified Landscape Plan that:

1. Provides for an area of 3,755m² for landscaping purposes, this being 10% of the site area of 37,550m²; and
2. Incorporates *Corymbia callophylla* trees as opposed to the *Magnolia 'Teddy Bear'*, *Callistamon* and *Corymbia ficifolia* as depicted in the submitted Landscape Plan.
3. The approved Landscape Plan must be implemented within the first available planting season after the initial occupation of the development and maintained thereafter to the satisfaction of the City of Swan. Where *Corymbia callophylla* trees fail to establish within the first (2) planting seasons following implementation they must be replaced, any other plantings must be replaced in consultation with the City of Swan.

- 2) Record the reason for changing the staff recommendation is that:

1. *Marris* or *Corymbia callophylla* are the large tree species endemic to the area which play a critical role in protecting and enhancing the biodiversity of the area through provision of food and shelter to endangered and non-endangered species of birds and reptiles.
2. Particular provision of this tree species though an expanded landscaping area for this development site can assist in offsetting the rapid rate of loss of such vegetation caused by development and the adverse consequences this presents to the existing natural environment.

(Cr Catalano – Cr Knight)

RESOLVED (8/7) TO:

- 1) Endorse the Officers recommendation to the Metro-outer Joint Development Assessment Panel to approve the development application subject to conditions but with the following recommended modification to condition 11:
 11. Prior to submission for a Building Permit the applicant/owner shall submit to the satisfaction of the City of Swan a modified Landscape Plan that:
 1. Provides for an area of 3,755m² for landscaping purposes, this being 10% of the site area of 37,550m²; and
 2. Incorporates *Corymbia callophylla* trees as opposed to the *Magnolia 'Teddy Bear'*, *Callistamon* and *Corymbia ficifolia* as depicted in the submitted Landscape Plan.
 3. The approved Landscape Plan must be implemented within the first available planting season after the initial occupation of the development and maintained thereafter to the satisfaction of the City of Swan. Where *Corymbia callophylla* trees fail to establish within the first (2) planting seasons following implementation they must be replaced, any other plantings must be replaced in consultation with the City of Swan.

For: Crs Catalano, Howlett, Johnson, Knight, Lucas, Predovnik, Richardson and Zannino.

Against: Crs Bowman, Congerton, Henderson, Jones, McCullough, Parry and Singh.

3.1 BINAR FUTURES

Ward: (Midland/Guildford Ward) (Leisure Services)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Community Wellbeing)

RECOMMENDATION

That the Council resolve to:

1. Endorse Binar Futures proposal to establish a basketball program at Swan Active Midland
2. Authorise the CEO to enter into an agreement with Binar Futures, with the following conditions:
 - a. The agreement will be for an initial term of no more than two years to allow a trial period of the program
 - b. Non-exclusive priority of court use on Saturdays
 - c. A court hire rate of 20% subsidy of the peak court hire gazetted fee
 - d. Sunday court access subject to Binar Futures successfully obtaining a WABL licence from Basketball WA
 - e. No additional subsidy, fixed signage, office space, infrastructure and/or equipment costs will be provided or approved by the City

MOTION that the Council resolve to:

- 1) Defer the item, to be determined at the February 8 2023 Ordinary Meeting of Council.
- 2) Record the reason for the deferral is so Koya and Pioneer are seeking to engage with Binar and the directors of these two well-established Aboriginal Community Controlled Organisations say they want to support this initiative and help create a program that is culturally safe for Aboriginal kids. A deferral will provide an opportunity for Binar to work with these major stakeholders to develop a more organised program and structure.

Pioneers has players from Midvale, Caversham, Ellenbrook, Ballajura, and Koya has worked with families in Midland for 18 years: this deferral will enable Binar to increase engagement, collaboration and participation with the community, which aligns with the City's Reconciliation Action Plan.

A deferral until the February OCM will not stop Binar's ability to apply for a full, multi-year Service User Agreement with the City of Swan Leisure Services by March 2023.

(Cr Predovnik – Cr Catalano)

FORESHADOWED MOTION:

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

Cr Lucas entered debate. Cr Congerton assumed the role of Presiding Member
Cr Lucas resumed as Presiding Member.

MOTION WAS PUT TO THE VOTE AND LOST (5/10)

For: Crs Catalano, Lucas, Predovnik, Richardson and Singh.

Against: Crs Bowman, Congerton, Henderson, Howlett, Jones, Johnson, Knight, McCullough, Parry and Zannino.

MOTION to adopt the Officers Recommendation

(Cr Bowman – Cr Knight)

RESOLVED (12/3) TO:

1. Endorse Binar Futures proposal to establish a basketball program at Swan Active Midland
2. Authorise the CEO to enter into an agreement with Binar Futures, with the following conditions:
 - a. The agreement will be for an initial term of no more than two years to allow a trial period of the program
 - b. Non-exclusive priority of court use on Saturdays
 - c. A court hire rate of 20% subsidy of the peak court hire gazetted fee
 - d. Sunday court access subject to Binar Futures successfully obtaining a WABL licence from Basketball WA
 - e. No additional subsidy, fixed signage, office space, infrastructure and/or equipment costs will be provided or approved by the City

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

Against: Crs Catalano, Lucas, and Singh

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

The Presiding Member resumed the meeting at 8.15pm.

C1.2 CR JOHNSON - REVOCATION MOTION - MIDLAND OVAL DEVELOPMENT

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

Cr Johnson declared an impartiality interest in Item C1.2 - Cr Johnson - Revocation Motion - Midland Oval Development as he was involved in taking out an article in the Echo Newspaper expressing his opinion of this item.

Cr Catalano declared an impartiality interest in Item C1.2 - Cr Johnson - Revocation Motion - Midland Oval Development as she was involved in taking out an article in the Echo Newspaper expressing her opinion of this item.

Cr Howlett declared an impartiality interest in Item C1.2 - Cr Johnson - Revocation Motion - Midland Oval Development as she was involved in taking out an article in the Echo Newspaper expressing her opinion of this item.

Cr Knight declared an impartiality interest in Item C1.2 - Cr Johnson - Revocation Motion - Midland Oval Development as he was involved in taking out an article in the Echo Newspaper expressing his opinion of this item.

Cr Richardson declared a impartiality interest in Item C1.2 - Cr Johnson - Revocation Motion - Midland Oval Development as she was involved in taking out an article in the Echo Newspaper expressing her opinion of this item.

PART A - REVOCATION MOTION

Councillor Johnson gave notice of a motion to revoke the decision of Council made at the November 2, 2022 Ordinary Meeting of Council on C1.7 - Midland Oval Development.

1. *Acknowledge:*
 - a. *the approved Midland Oval Redevelopment Masterplan (MORM) as adopted by Council in April 2018 and the WAPC approved November 2020 subdivision*
 - b. *the results of the Midland Oval Redevelopment Precinct Business Plan survey showing overall community support for the plan of 65%.*
 - c. *the Council decision of 15/12/2021 and confirm the requirement to retain the following buildings as identified in the City's Local Heritage Survey and their front setbacks:*
 - i. *Lot 81 No 26 Junction Parade, Midland*
 - ii. *Lot 218 No 22 Junction Parade, Midland*
 - iii. *Lot 2 No 25 Junction Parade, Midland*
 - iv. *Lot 1 No 27 Junction Parade, Midland*
2. *Approve the CEO to:*

- a. *commence any regulatory advertising to progress the development and construction of the MORM.*
 - b. *proceed with the clearance of conditions for lots on the WAPC's November 2020 approved subdivision plan dated 31 August 2020.*
 - c. *progress with actions required to further implement subdivisions consistent with the adopted MORM.*
3. *Approve the 2022/23 budget being amended to provide for the clearance of conditions outlined in 2 above as follows:*
- a. *Western Power Headworks charge at a cost of \$100,000 funded from the Strategic Development Reserve, and any shortfall to be met with Municipal funds to be recouped at such a time when sufficient sales revenue is received.*
 - b. *An amount of \$25,000 to provide funds for costs associated with the implementation of 2.a and 2.c above and 5.a below, funded from the Budget closing position.*
4. *Approve the Long Term Financial Plan being changed to include all other costs associated with clearing conditions of the approved sub-division plan relating to:*
- a. *Construction of Grandstand Way, Verde Lane and part of Hillview Vista;*
 - b. *Construction of Residential park (if required); and*
 - c. *Future plans for houses being Lot 43 and Lot 45 Sayer Street can be determined subject to development plans either in agreement with a developer of Council agreeing to retain them within the POS design.*
5. *Approve the CEO to prepare:*
- a. *an investment attraction campaign to attract further investment in the New Junction Precinct.*
 - b. *an updated funding plan for the delivery of the MORM project to Council as part of the 2023/24 Budget process.*
 - c. *a report on the actions taken to implement the MORM since its adoption in 2018 detailing the reasons why it has not been implemented as planned.*

The reason for the the notice of motion to revoke is:

1. The Council has not concluded the series of workshops that examined options for balancing more community open space with commercial return with a final workshop to present the results of the options analysis.
2. The motion acknowledges the previous resolution to retain heritage buildings but does not protect them.

3. The percent of people who supported the Midland Oval Redevelopment Masterplan (MORM) in the business plan survey was not 65% but was only 9% of those who were sent a survey.
4. The financial analysis undertaken by staff of Option 5 was incorrect and the correct analysis was provided after consideration of the other options by a number of Councillors had been submitted. Councillors were also provided with no opportunity to further digest and discuss Option 5.
5. It was expected that the CEO would have placed a report on the agenda about the outcome of the work shops together with a recommendation to Council.
6. A Notice of Motion by a Councillor should not be considered whereby it attempts to change a council agreed process before that process is concluded.
7. The Midland community wishes to retain the as much as is possible of the area within the outer perimeter of the Midland Oval Velodrome as a simple park with trees. An option to satisfy this expectation should be debated by Council.

REQUIRMENTS FOR REVOCATION MOTIONS

Section 5.25(1)(e) of the *Local Government Act 1995* and regulation 10 of the Local Government (Administration) Regulations 1996 (Administration Regulations) sets out the requirements for revoking or changing a decision of Council. Further guidance is set out in the City of Swan Meeting Procedures Local Law 2019 (Part 9 refers).

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

Councillors Catalano, Howlett, Johnson, Knight and Richardson signed the Notice and is therefore effective.

An Absolute majority of Council is required to revoke a decision of Council.

MOTION that the Council resolve to:

1. *Acknowledge:*
 - a. *the approved Midland Oval Redevelopment Masterplan (MORM) as adopted by Council in April 2018 and the WAPC approved November 2020 subdivision*
 - b. *the results of the Midland Oval Redevelopment Precinct Business Plan survey showing overall community support for the plan of 65%.*
 - c. *the Council decision of 15/12/2021 and confirm the requirement to retain the following buildings as identified in the City's Local Heritage Survey and their front setbacks:*
 - i. *Lot 81 No 26 Junction Parade, Midland*
 - ii. *Lot 218 No 22 Junction Parade, Midland*
 - iii. *Lot 2 No 25 Junction Parade, Midland*

iv. Lot 1 No 27 Junction Parade, Midland

2. Approve the CEO to:
 - a. *commence any regulatory advertising to progress the development and construction of the MORM.*
 - b. *proceed with the clearance of conditions for lots on the WAPC's November 2020 approved subdivision plan dated 31 August 2020.*
 - c. *progress with actions required to further implement subdivisions consistent with the adopted MORM.*
3. Approve the 2022/23 budget being amended to provide for the clearance of conditions outlined in 2 above as follows:
 - a. *Western Power Headworks charge at a cost of \$100,000 funded from the Strategic Development Reserve, and any shortfall to be met with Municipal funds to be recouped at such a time when sufficient sales revenue is received.*
 - b. *An amount of \$25,000 to provide funds for costs associated with the implementation of 2.a and 2.c above and 5.a below, funded from the Budget closing position.*
4. Approve the Long Term Financial Plan being changed to include all other costs associated with clearing conditions of the approved sub-division plan relating to:
 - a. *Construction of Grandstand Way, Verde Lane and part of Hillview Vista;*
 - b. *Construction of Residential park (if required); and*
 - c. *Future plans for houses being Lot 43 and Lot 45 Sayer Street can be determined subject to development plans either in agreement with a developer of Council agreeing to retain them within the POS design.*
5. Approve the CEO to prepare:
 - a. *an investment attraction campaign to attract further investment in the New Junction Precinct.*
 - b. *an updated funding plan for the delivery of the MORM project to Council as part of the 2023/24 Budget process.*
 - c. *a report on the actions taken to implement the MORM since its adoption in 2018 detailing the reasons why it has not been implemented as planned.*

The reason for the the notice of motion to revoke is:

1. The Council has not concluded the series of workshops that examined options for balancing more community open space with commercial return with a final workshop to present the results of the options analysis.
2. The motion acknowledges the previous resolution to retain heritage buildings but does not protect them.
3. The percent of people who supported the Midland Oval Redevelopment Masterplan (MORM) in the business plan survey was not 65% but was only 9% of those who were sent a survey.
4. The financial analysis undertaken by staff of Option 5 was incorrect and the correct analysis was provided after consideration of the other options by a number of Councillors had been submitted. Councillors were also provided with no opportunity to further digest and discuss Option 5.
5. It was expected that the CEO would have placed a report on the agenda about the outcome of the work shops together with a recommendation to Council.
6. A Notice of Motion by a Councillor should not be considered whereby it attempts to change a council agreed process before that process is concluded.
7. The Midland community wishes to retain the as much as is possible of the area within the outer perimeter of the Midland Oval Velodrome as a simple park with trees. An option to satisfy this expectation should be debated by Council.

(Cr Johnson – Cr Howlett)

Cr Lucas entered debate Cr Congerton assumed the role of Presiding Member

Cr Lucas resumed as Presiding Member.

Cr Singh informed the Council that he wished to enter the debate, Cr Lucas informed him that he is not able to enter debate after the presiding member has entered debate. Cr Johnson put a motion forward so as Cr Singh may enter the debate.

MOTION that the Council resolve to:

- 1) Suspend local law 6.5 "order of debate" to allow Cr Singh to enter debate.

(Cr Johnson – Cr Bowman)

RESOLVED UNANIMOUSLY

- 1) To allow Cr Singh to enter the debate.

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

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

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

PART C - OTHER BUSINESS AND CLOSING PROCEDURES

3. CONFIDENTIAL ITEMS

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

(Cr Zannino – Cr Bowman)

All members of the public and media left the Chamber at 9.11pm and did not return.

C1.1 CR JOHNSON - REVOCATION MOTION - SALE OF PROPOSED LOT 811 JUNCTION PARADE, MIDLAND (PG 603)

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

REASON FOR CONFIDENTIALITY

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

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

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

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

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

(Cr Johnson- Cr Catalano)

Cr Lucas entered debate Cr Congerton assumed the role of Presiding Member

Cr Lucas resumed as Presiding Member.

MOTION WAS PUT TO THE VOTE AND LOST (5/10)

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

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

MOTION that the Council resolves:

- 1) That the reports C3.1, C3.2, C3.3 and C3.4 be debated concurrently.
- 2) Record the reason for the motion is that as all reports relate to the Stock Road Upgrade and Extension and Councillors may debate all four items concurrently

(Cr Bowman – Cr Congerton)

RESOLVED UNANIMOUSLY TO:

- 1) That the reports C3.1, C3.2, C3.3 and C3.4 be debated concurrently.

C3.1 ACQUISITION BY AGREEMENT - PORTION LOT 187 STOCK ROAD, BULLSBROOK (STOCK ROAD UPGRADE AND EXTENSION)

Ward: (Pearce Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

REASON FOR CONFIDENTIALITY

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

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting
- (h) such other matters as may be prescribed
(Regulation 4A of the *Local Government (Administration) Regulations 1996* - The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter)

RECOMMENDATION

That the Council resolve to:

- 1) Accept the landowner's compensation claim for the amount specified in the report, as settlement in full for the acquisition of an approximate 6m² portion of Lot 187 on Diagram 6225, Stock Road, Bullsbrook as depicted on the attached Land Requirement Plan marked MNG Ref: 100829ap-045a, shown hatched and identified as Additional Widening.
- 2) Authorise the CEO to approve variances up to a value of 5% to allow for changes regarding land area or costs associated with the land acquisition.
- 3) Authorise the CEO to finalise the land acquisition in accordance with section 168 of the Land Administration Act 1997.

RESOLVED (10/5) TO:

- 1) Accept the landowner's compensation claim for the amount specified in the report, as settlement in full for the acquisition of an approximate 6m² portion of Lot 187 on Diagram 6225, Stock Road, Bullsbrook as depicted on the attached Land Requirement Plan marked MNG Ref: 100829ap-045a, shown hatched and identified as Additional Widening.
- 2) Authorise the CEO to approve variances up to a value of 5% to allow for changes regarding land area or costs associated with the land acquisition.
- 3) Authorise the CEO to finalise the land acquisition in accordance with section 168 of the Land Administration Act 1997.

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

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

**C3.2 ACQUISITION BY AGREEMENT - PORTION OF LOT 186 (NO 2261)
GREAT NORTHERN HIGHWAY, BULLSBROOK (STOCK ROAD UPGRADE
AND EXTENSION)**

Ward: (Pearce Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

REASON FOR CONFIDENTIALITY

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

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

(h) such other matters as may be prescribed

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

RECOMMENDATION

That the Council resolve to:

- 1) Accept the landowner's compensation claim for the amount specified in the report, as settlement in full for the acquisition of an approximate 11,538m² portion of Lot 186 on Diagram 6225, 2261 Great Northern Highway, Bullsbrook as depicted on the attached Land Requirement Plan marked MNG Ref: 100829ap-023n, shown hatched and identified as Road Widening.
- 2) Authorise the CEO to approve variances up to a value of 5% to allow for changes regarding land area or costs associated with the land acquisition.
- 3) Authorise the CEO to finalise the land acquisition in accordance with section 168 of the *Land Administration Act 1997*.

RESOLVED (10/5) TO:

- 1) Accept the landowner's compensation claim for the amount specified in the report, as settlement in full for the acquisition of an approximate 11,538m² portion of Lot 186 on Diagram 6225, 2261 Great Northern Highway, Bullsbrook as depicted on the attached Land Requirement Plan marked MNG Ref: 100829ap-023n, shown hatched and identified as Road Widening.
- 2) Authorise the CEO to approve variances up to a value of 5% to allow for changes regarding land area or costs associated with the land acquisition.
- 3) Authorise the CEO to finalise the land acquisition in accordance with section 168 of the *Land Administration Act 1997*.

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

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

C3.3 ACQUISITION BY AGREEMENT - PORTION OF LOT 184 STOCK ROAD, BULLSBROOK (STOCK ROAD UPGRADE AND EXTENSION)

Ward: (Pearce Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

REASON FOR CONFIDENTIALITY

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

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

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

RECOMMENDATION

That the Council resolve to:

- 1) Accept the landowner's compensation claim for the amount specified in the report, as settlement in full for the acquisition of an approximate 63m² portion of Lot 184 on Plan 4804, Stock Road, Bullsbrook as depicted on the attached Land Requirement Plan marked MNG Ref: 100829ap-020g, shown hatched and identified as Road Widening.
- 2) Authorise the CEO to approve variances up to a value of 5% to allow for changes regarding land area or costs associated with the land acquisition.
- 3) Authorise the CEO to finalise the land acquisition in accordance with section 168 of the *Land Administration Act 1997*.

RESOLVED (10/5) TO:

- 1) Accept the landowner's compensation claim for the amount specified in the report, as settlement in full for the acquisition of an approximate 63m² portion of Lot 184 on Plan 4804, Stock Road, Bullsbrook as depicted on the attached Land Requirement Plan marked MNG Ref: 100829ap-020g, shown hatched and identified as Road Widening.
- 2) Authorise the CEO to approve variances up to a value of 5% to allow for changes regarding land area or costs associated with the land acquisition.
- 3) Authorise the CEO to finalise the land acquisition in accordance with section 168 of the *Land Administration Act 1997*.

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

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

C3.4 ACQUISITION BY AGREEMENT - PORTION OF LOT 300 ALMERIA PARADE, BULLSBROOK (STOCK ROAD UPGRADE AND EXTENSION)

Ward: (Pearce Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

REASON FOR CONFIDENTIALITY

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

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

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

RECOMMENDATION

That the Council resolve to:

- 1) Accept the landowner's compensation claim for the amount specified in the report, as settlement in full for the acquisition of an approximate 55,459m² portion of Lot 300 on Deposited Plan 33215, Almeria Parade, Bullsbrook as depicted on the attached Land Requirement Plan marked MNG Ref: 100829ap-018g, shown hatched and identified as Road Widening.
- 2) Authorise the CEO to approve variances up to a value of 5% to allow for changes regarding land area or costs associated with the land acquisition.
- 3) Authorise the CEO to finalise the land acquisition in accordance with section 168 of the *Land Administration Act 1997*.

RESOLVED (10/5) TO:

- 1) Accept the landowner's compensation claim for the amount specified in the report, as settlement in full for the acquisition of an approximate 55,459m² portion of Lot 300 on Deposited Plan 33215, Almeria Parade, Bullsbrook as depicted on the attached Land Requirement Plan marked MNG Ref: 100829ap-018g, shown hatched and identified as Road Widening.
- 2) Authorise the CEO to approve variances up to a value of 5% to allow for changes regarding land area or costs associated with the land acquisition.
- 3) Authorise the CEO to finalise the land acquisition in accordance with section 168 of the *Land Administration Act 1997*.

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

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

PART A - OPENING PROCEDURES

13. ANY BUSINESS LEFT OVER FROM PREVIOUS MEETING

13.1 COMMERCIAL LEASE - LOT 11 AND LOT 12 (NO.37) OLD GREAT NORTHERN HIGHWAY, MIDLAND

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

REASON FOR CONFIDENTIALITY

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

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

(h) such other matters as may be prescribed -

(Regulation 4A of the *Local Government (Administration) Regulations 1996* –

The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter).

RECOMMENDATION

That the Council resolve to:

- 1) Authorise the CEO to enter into a lease for Lot 11 and Lot 12 (No.37) Old Great Northern Highway, Midland in accordance with the indicative terms contained in the report.
- 2) Amend the adopted 22/23 revenue budget for 37-39 Great Northern Highway, Midland from \$24,000 to \$43,000.
- 3) Approve additional expenditure of \$25,000 for the restoration of power to be funded by Municipal funds, which are to be increased as a result of the additional rental revenue to be received for 37-39 Great Northern Highway, Midland.

MOTION that the Council resolve to:

- 1) That, subject to compliance with the requirements of section 3.58(3) of the *Local Government Act 1995*, Council resolve to:
 1. Authorise the CEO to enter into a lease for Lot 11 and Lot 12 (No.37) Old Great Northern Highway, Midland in accordance with the indicative terms contained within the report if no submissions are received;
 2. Amend the adopted 22/23 revenue budget for 37-39 Great Northern Highway, Midland from \$24,000 to \$43,000;
 3. Approve additional expenditure of \$25,000 for the restoration of power to be funded by Municipal funds, which are to be increased as a result of the additional rental revenue to be received for 37-39 Great Northern Highway, Midland.
 4. Reason for changing the Officers Recommendation is to ensure recommendation is compliant with section 3.58(3) of the *Local Government Act 1995*.

(Cr Bowman – Cr Parry)

RESOLVED UNANIMOUSLY TO:

- 1) That, subject to compliance with the requirements of section 3.58(3) of the *Local Government Act 1995*, Council resolve to:
 - 1) Authorise the CEO to enter into a lease for Lot 11 and Lot 12 (No.37) Old Great Northern Highway, Midland in accordance with the indicative terms contained within the report if no submissions are received;
 - 2) Amend the adopted 22/23 revenue budget for 37-39 Great Northern Highway, Midland from \$24,000 to \$43,000;
 - 3) Approve additional expenditure of \$25,000 for the restoration of power to be funded by Municipal funds, which are to be increased as a result of the additional rental revenue to be received for 37-39 Great Northern Highway, Midland.
 - 4) Reason for changing the Officers Recommendation is to ensure recommendation is compliant with section 3.58(3) of the *Local Government Act 1995*.

RESOLVED UNANIMOUSLY

- 1) That the Council resolve to come out from behind closed doors at 9.43pm.

(Cr Bowman- Cr Jones)

5.5 TARGETED UNDERGROUND POWER PROGRAM

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

Cr Howlett declared an indirect financial interest and a proximity interest in Item 5.5 – Targeted Underground Power Program as she resides in the area affected.

Cr Knight declared a direct financial interest and a proximity interest in Item 5.5 – Targeted Underground Power Program as she resides in the area affected.

Cr Catalano declared an indirect financial interest and a proximity interest in Item 5.5 – Targeted Underground Power Program as she resides in the area affected.

Crs Catalano, Howlett, and Knight left the Chambers at 9.55pm

RECOMMENDATION

That the Council resolve to:

- 1) Authorise the CEO to enter into a Memorandum of Understanding with Western Power to proceed with the Targeted Underground Power Program in Midland and Woodbridge.
- 2) Note that detailed project planning and community engagement will be undertaken, after which time a report will be presented to a future Council meeting for a decision on the implementation of the program.
- 3)

MOTION That the Council resolve to:

- 1) Authorise the CEO to enter into a Memorandum of Understanding with Western Power to proceed with the Targeted Underground Power Program in Midland and Woodbridge.
- 2) Note that detailed project planning and community engagement will be undertaken, after which time a report will be presented to a future Council meeting for a decision on the implementation of the program.
- 3) Write to Western Power enquiring if WP can advise a date when Guildford will be part of the Targeted Underground Power Program
- 4) Record the reason for changing the Officer Recommendation is that Guildford Power infrastructure appears to be a similar age to that of Woodbridge and Midland and residents of Guildford have been asking for underground power for some time.

(Cr Johnson – Cr Predovnik)

AMENDMENT TO THE MOTION

Cr Parry requested the following amendment:

Replace item 2) with the following recommendation

- 2) *Note that detailed project planning and community engagement will be undertaken, after which time a report will be presented to a future Council meeting for a decision on the implementation of the program. The community engagement should include a survey of the affected Midland and Woodbridge ratepayers to determine if they are willing to participate and potentially fund the project.*

(Cr Parry – Cr Bowman)

The mover and seconder of the substantive motion did not agree to the amendment.

RESOLVED (9/3) TO:

- 2) Adopt the amendment as part of the substantive motion.

For: Crs Bowman, Congerton, Henderson Jones, McCullough, Richardson, Singh and Zannino.

Against: Crs Johnson, Lucas and Predovnik.

THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION

RESOLVED UNANIMOUSLY TO:

- 1) Authorise the CEO to enter into a Memorandum of Understanding with Western Power to proceed with the Targeted Underground Power Program in Midland and Woodbridge.
- 2) Note that detailed project planning and community engagement will be undertaken, after which time a report will be presented to a future Council meeting for a decision on the implementation of the program. The community engagement should include a survey of the affected Midland and Woodbridge ratepayers to determine if they are willing to participate and potentially fund the project.
- 3) Write to Western Power enquiring if WP can advise a date when Guildford will be part of the Targeted Underground Power Program

Cr Howlett, Cr Knight and Cr Catalano returned to the Chambers at 10.08pm

Ordinary Meeting of Council
14 December 2022

Adjournment

MOTION that the Council resolve to adjourn the Ordinary Meeting of Council until Thursday 15 December at 6pm.

(Cr Congerton – Cr Bowman)

RESOLVED UNANIMOUSLY:

- 1) To adjourn the Ordinary Meeting of Council until Thursday 15 December at 6pm.

THE MEETING WAS ADJOURNED AT 10.10PM

Meeting Reconvened

**MINUTES OF THE ADJOURNED ORDINARY MEETING OF COUNCIL
HELD AT MIDLAND TOWN HALL
ON THURSDAY 15 DECEMBER 2022 COMMENCING AT 6PM**

PART A - OPENING PROCEDURES

1. OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed those present and opened the meeting at 6pm and made the following Acknowledgement of Country

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

2. DISCLAIMER

The Terms and Conditions of entry into this meeting are posted at the entry of the Public Gallery.

Members of the Public are advised to read them prior to attending this meeting.

3. ATTENDANCE AND APOLOGIES

Councillors:	Cr D Lucas	Mayor, Altone Ward (Presiding Member)
	Cr M Congerton	Deputy Mayor, Whiteman Ward
	Cr J Catalano	Altone Ward
	Cr J Singh	Altone Ward
	Cr S Howlett	Midland/Guildford Ward
	Cr I Johnson	Midland/Guildford Ward
	Cr R Predovnik	Midland/Guildford Ward (6.05pm)
	Cr A Bowman	Pearce Ward
	Cr P Jones	Pearce Ward
	Cr C McCullough	Pearce Ward
	Cr T Richardson	Pearce Ward
	Cr R Henderson	Swan Valley/Gidgegannup Ward
	Cr C Zannino	Swan Valley/Gidgegannup Ward
	Cr D Knight	Whiteman Ward
	Cr B Parry	Whiteman Ward

Councillors:
(electronic) Nil

Staff:	Mr S Cain	Chief Executive Officer
	Mr M Bishop	Executive Manager Community Wellbeing
	Mr J Coten	Executive Manager Operations

Ordinary Meeting of Council
14 December 2022

Ms M Pickering	Executive Manager Place Stakeholder Engagement
Mr I Humphrey	A/ Executive Manager Planning & Development
Mr P Russell	Manager Statutory Planning
Ms V Hodgins	Manager Governance
Ms R Jahmeerbacus	Manager Financial Services and Rates
Mrs K Cameron	Governance Officer (Minute Clerk)

Leave of
Absence:

Nil

Members of
the Public:

2(approximately)

Media:

Nil

PART B - REPORTS

5.3 JACK WILLIAMSON OVAL PROPOSAL

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That Council resolve to:

- 1) Authorise the CEO to enter into an agreement with Hesperia to undertake the construction of Stage 1 and 2 of the Jack Williamson Oval masterplan, with the costs to be equally shared between parties.
- 2) Include \$2,157,500 on the Long Term Financial Plan across the 2023/24, 2024/25 and 2025/26 financial years for the City's contribution.

MOTION That the Council resolve to:

- 1) Authorise the CEO to enter into an agreement with Hesperia to undertake the construction of Stage 1 and 2 of the Jack Williamson Oval masterplan and fencing of the adjoining Eveline Reserve, with the costs to be equally shared between parties.
- 2) Include \$2,207,500 on the Long Term Financial Plan across the 2023/24, 2024/25 and 2025/26 financial years for the City's contribution.
- 3) Record the reason for changing the Officer Recommendation is that the community would like fencing to be undertaken around the adjoining Eveline Reserve to protect this important environmental area and also to delineate walk trails so the community can enjoy the amenity of this area. The developer has verbally indicated a willingness to contribute funds to this fencing. The fencing is estimated to cost approximately \$100,000 in total and can be split 50/50 between the City and the developer.

(Cr Catalano – Cr Johnson)

FORESHADOWED MOTION:

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

MOTION WAS PUT TO THE VOTE AND LOST (6/9)

For: Crs Catalano, Johnson, Predovnik, Singh, Lucas and Zannino

Against: Crs Bowman, Congerton, Henderson, Howlett, Jones, Knight, McCullough Parry and Richardson.

MOTION That the Council resolve to adopt the Officers Recommendation.

(Cr Parry – Cr Johnson)

RESOLVED (10/5) TO:

- 1) Authorise the CEO to enter into an agreement with Hesperia to undertake the construction of Stage 1 and 2 of the Jack Williamson Oval masterplan, with the costs to be equally shared between parties.
- 2) Include \$2,157,500 on the Long Term Financial Plan across the 2023/24, 2024/25 and 2025/26 financial years for the City's contribution.

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

Against: Crs Catalano, Bowman, Howlett, Knight and Parry.

PART A - ANY BUSINESS LEFT OVER FROM PREVIOUS MEETING

13.3 PROPOSED DEMOLITION OF SINGLE HOUSE AND REMOVAL OF NATIVE VEGETATION AND TWO (2) NEW REPLACEMENT SINGLE HOUSES – LOTS 33 & 34 (NO.7) FAUNTLEROY STREET, GUILDFORD (DA1069-21)

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

Disclosure of Interest: Nil.

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

1) Grant development approval for the Demolition of the existing Single House and Incidental Outbuildings at Lot 33 and Lot 34 (No.7) Fauntleroy Street, Guildford subject to the following conditions:

1. The applicant/owner is to submit to the satisfaction of the City of Swan an Archaeological Impact Statement prepared by a suitably qualified Archaeologist prior to any ground disturbing works commencing.
2. Prior to commencement of demolition works the applicant/owner is to submit to the satisfaction of the City of Swan an archival record of the existing house that shall include:
 - i. A site plan prepared at a 1:200 scale, a plan of the building and all four (4) elevations prepared at a 1:100 scale; and
 - ii. Digital photographs taken when the house is empty inside to include:
 - A general/overall photo of the dwelling to be demolished;
 - Photos of each of the four (4) elevations;
 - Internal photos of all rooms; and
 - Photos of any special architectural features.

The photos should be saved in JPEG file format and submitted to the City prior to the issue of a Demolition Permit. Any alternative form of photographic record is subject to the approval of the City of Swan.

2) Grant development approval for the two (2) single houses at Lot 33 and Lot 34 (No.7) Fauntleroy Street, Guildford subject to the following conditions:

1. The approved 'Single House's are to comply in all respects with the attached approved plans, as dated, marked and stamped. The plans approved as part of this application form part of the development approval issued.

2. The approved 'Single House's must incorporate noise insulation measures in accordance with the requirements of State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport and Australian Standard AS2021 – Building Site Acceptability based on the 25-30 ANEF zone.
 3. External colours, finishes and materials to be used in the construction of the building are to be in accordance with the approved Colour and Material Schedule, as dated, marked and stamped, attached with the approved plans, unless otherwise approved in writing by the City of Swan.
 4. Stormwater is to be disposed into the City's drainage system to the satisfaction of the City of Swan.
 5. The two (2) single houses are to be connected to the reticulated sewerage system prior to occupation.
 6. All building works to be carried out under this development approval are required to be contained within the lot boundaries.
 7. Vehicle access onto the site shall be restricted to that shown on the approved site plan.
 8. The crossover shall be constructed and maintained in accordance with the City's specifications.
 9. Any fixtures mounted to the roof are to be placed so as to be screened from view of the street.
 10. Any replacement front fencing is to be visually permeable wooden white pickets.
 11. Any additional development which is not in accordance with the application (the subject of this approval) or any condition of approval will require the further approval of the City.
- 3) Advise the Applicant, Owner and any submitters of Council's decision accordingly.

MOTION that the Council resolve to:

- 1) Defer consideration of the application for Proposed Demolition of Single House and Removal of Native Vegetation and Two (2) New Replacement Single Houses – Lots 33 & 34 (No.7) Fauntleroy Street, Guildford to a future Ordinary Meeting of Council to enable the City to engage, at the applicants cost, an independent structural condition assessment of the existing house.
- 2) Record the reason for changing the officer’s recommendation is that
 1. In the Guildford Heritage Area Planning Policy in section C8.1.1 there is a presumption against the demolition of Contributory built form in State Registered heritage Places. In the Guildford Heritage Area this includes all properties constructed up to and including 1945.
 2. In the Guildford Heritage Area Planning Policy in M8.1.2 Demolition of any building will not be permitted where there has been a demonstrable period of neglect leading to deterioration in the building’s condition.
 3. An independent report can be required and should be required in this case.
 4. The owner has stated that economic reasons are the motive for the demolition and this not a valid reason for demolition in Guildford.
 5. The owner does not intend to build the replacement buildings but instead intends to sell the property and there is no guarantee that a new owner will go ahead and construct the new buildings in the application.

(Cr Johnson – Cr Richardson)

FORESHADOWED MOTION:

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

Cr Lucas entered debate Cr Congerton assumed the role of Presiding Member.

Cr Lucas resumed as Presiding Member.

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

For: Crs Catalano, Johnson, Knight and Richardson

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

MOTION that the Council resolve to adopt the Officers Recommendation.

(Cr Bowman – Cr McCullough)

RESOLVED (11/4) TO:

- 1) Grant development approval for the Demolition of the existing Single House and Incidental Outbuildings at Lot 33 and Lot 34 (No.7) Fauntleroy Street, Guildford subject to the following conditions:
 1. The applicant/owner is to submit to the satisfaction of the City of Swan an Archaeological Impact Statement prepared by a suitably qualified Archaeologist prior to any ground disturbing works commencing.
 2. Prior to commencement of demolition works the applicant/owner is to submit to the satisfaction of the City of Swan an archival record of the existing house that shall include:
 - iii. A site plan prepared at a 1:200 scale, a plan of the building and all four (4) elevations prepared at a 1:100 scale; and
 - iv. Digital photographs taken when the house is empty inside to include:
 - A general/overall photo of the dwelling to be demolished;
 - Photos of each of the four (4) elevations;
 - Internal photos of all rooms; and
 - Photos of any special architectural features.

The photos should be saved in JPEG file format and submitted to the City prior to the issue of a Demolition Permit. Any alternative form of photographic record is subject to the approval of the City of Swan.
- 2) Grant development approval for the two (2) single houses at Lot 33 and Lot 34 (No.7) Fauntleroy Street, Guildford subject to the following conditions:
 1. The approved 'Single House's are to comply in all respects with the attached approved plans, as dated, marked and stamped. The plans approved as part of this application form part of the development approval issued.
 2. The approved 'Single House's must incorporate noise insulation measures in accordance with the requirements of State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport and Australian Standard AS2021 – Building Site Acceptability based on the 25-30 ANEF zone.
 3. External colours, finishes and materials to be used in the construction of the building are to be in accordance with the approved Colour and Material Schedule, as dated, marked and stamped, attached with the approved plans, unless otherwise approved in writing by the City of Swan.
 4. Stormwater is to be disposed into the City's drainage system to the satisfaction of the City of Swan.

5. The two (2) single houses are to be connected to the reticulated sewerage system prior to occupation.
 6. All building works to be carried out under this development approval are required to be contained within the lot boundaries.
 7. Vehicle access onto the site shall be restricted to that shown on the approved site plan.
 8. The crossover shall be constructed and maintained in accordance with the City's specifications.
 9. Any fixtures mounted to the roof are to be placed so as to be screened from view of the street.
 10. Any replacement front fencing is to be visually permeable wooden white pickets.
 11. Any additional development which is not in accordance with the application (the subject of this approval) or any condition of approval will require the further approval of the City.
- 3) Advise the Applicant, Owner and any submitters of Council's decision accordingly.

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

Against: Crs Catalano, Johnson, Knight and Richardson.

PART B - REPORTS

4.5 SINGLE HOUSE AND ANIMAL ESTABLISHMENT (DOG KENNEL) - LOT 12 (NO. 50) SEAFORD ROAD, BULLSBROOK (DA-636-22)

Ward: (Pearce Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Approve the development application for a 'Single House' and 'Animal Establishment' (Dog Kennel) at Lot 12 (No.50) Seaford Road, Bullsbrook subject to the following conditions:
 1. This approval is for a 'Single House' and 'Animal Establishment' as defined under the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City of Swan.
 2. The 'Single House' and 'Animal Establishment' must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 3. No more than 50 dogs are permitted on the property at any one time.
 4. No more than two (2) dogs are permitted in any of the training fields at any one time.
 5. The kennel building is to be constructed so as to achieve the noise levels as per the Acoustic Assessment prepared by Herring Storer Acoustics (August 2022).
 6. All dogs on-site are to be kept in the kennel building and not permitted outside the kennel building and into the exercise areas or training fields before 7.00am Monday to Saturday or before 9.00am on Sundays and Public Holidays and after 10.00pm daily.
 7. Prior to commencement of operation the applicant/owner is to install around the perimeter of each of the two (2) training areas a 1.8m tall colourbond fence so as to achieve the noise levels estimated to be received from noise generated by dogs outside as per the Acoustic Assessment prepared by Herring Storer Acoustics (August 2022).
 8. Prior to commencement of operation the applicant/owner is to install around the perimeter of the lot, a fence of post and wire construction to a standard and height sufficient to detain any dog.

9. Prior to the commencement of operation, the applicant/owner is to submit to the satisfaction of the City of Swan an Operational Management Plan that:
 - a. Provides Noise Management details in regard to how the operation of the 'Animal Establishment' and the handling of dogs outside of the kennel building will achieve the noise levels estimated to be received from noise generated by dogs outside as per the Acoustic Assessment prepared by Herring Storer Acoustics (August 2022); and
 - b. Provides Waste Management details in regard to how the collection, temporary storage and transport off site of all dog excrement will be managed.
10. The operation of the 'Animal Establishment' must be in accordance with the Approved Operational Management Plan.
11. Prior to occupation or use of the development, the vehicle parking bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).
12. All crossovers must be built and maintained in accordance with the City of Swan's specifications.
13. Vehicle parking areas, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
14. A refuse bin area adequate to service the development and in compliance with the City of Swan Health Local Law 2002 (Part 4) shall be provided to the satisfaction of the City of Swan before the development is occupied or used.
15. Prior to commencement of operation the 'Animal Establishment' is to have installed an onsite effluent disposal system approved by the Health Department of Western Australia.
16. The sheds must only be used for domestic and/or purposes associated with the approved use of the land, and not for human habitation.
17. Prior to the occupation of the 'Single House' a 120,000 litre rainwater tank or alternative portable water supply must be provided for the development to the satisfaction of the City of Swan.
18. The kennel building, sheds and solid fencing must be clad in a material, or painted in a colour of natural or earth tones to complement the surroundings and/or adjoining developments, in which it is located to the satisfaction of the City of Swan.
19. External lighting shall comply with the requirements of AS 4282 - Control of Obtrusive Effects of Outdoor Lighting.

20. Prior to a building permit being issued, the applicant/owner is to submit to the satisfaction of the City of Swan a Landscaping Plan for the subject site that:
 - Provides screening via native planting around the perimeter of the training field fences.
21. All landscaping must be completed in accordance with the approved detailed landscaping plan, prior to the occupation of the building. All landscaping is to be maintained on-site to the satisfaction of the City of Swan.
22. The carrying on of the development must not cause dust nuisance to neighbours. Where appropriate such measures as installation of sprinklers, use of water tanks, mulching or other land management systems should be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and in the manner directed by the City of Swan if it is considered that a dust nuisance exists.
23. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.
24. Stormwater discharge (if any) shall not be discharged to the Tonkin Highway Road Reserve.
25. No works are permitted within the Tonkin Highway Road Reservation unless Main Roads WA has issued a Working on Roads Permit.
26. All building works to be carried out on-site under this development approval are required to be contained within the boundaries of the subject lot.
27. The 'Single House' shall be constructed in accordance with the 'Quiet House B' construction package requirements of State Planning Policy 5.4 - Road and Rail Noise. Details demonstrating compliance with this requirement shall be provided with the building permit to the satisfaction of the City. Alternative acceptable noise insulation measures will be considered acceptable where such measures have been certified by a noise control specialist.
28. Prior to a building permit being issued, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the Certificate of Title of the proposed development. The notification is to state:

"The lot is situated in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise."
29. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.
30. Should irrigation of the exercise areas occur, a groundwater licence will be required.
31. The proposed development is located within the Swan Groundwater Area, proclaimed under the *Rights in Water and Irrigation Act (1914)*, where there may be a requirement to obtain a licence for the use of

groundwater. The issue of a licence is not guaranteed but if issued will contain a number of conditions including the quantity of water that can be pumped each year. The proponent is encouraged to contact the Department of Water and Environmental Regulation's Swan Avon Region office on (08) 6250 8000 to discuss water management options.

32. This lot is within a sewage sensitive area due to its close proximity to the Ellen Brook and as such, the Government Sewerage Policy needs to be applied to both the current proposal and any future development applications. The Government Sewerage Policy (2019) states that a 1.5m separation to the highest groundwater level is required in sewage sensitive areas along with secondary treatment systems.
 33. In accordance with the Department's Water Quality Protection Note 70: Wastewater treatment and disposal – domestic systems (March, 2016), on-site sewage systems should be set back at least 100m from waterways and secondary treatment systems with nutrient removal are required in sewerage sensitive areas.
- 2) Advise the applicant of the resolution of Council accordingly.
 - 3) Advise all those who lodged a submission of Council's decision accordingly.

MOTION that the Council resolve to:

- 1) Adopt the Officer Recommendation subject to modifications to the recommended conditions and further conditions as follows:
 - (i) Condition 6. Dog training outside of the kennel building shall be restricted to the hours of 7am to 6pm on the days Monday to Saturday and 9am to 6pm on Sunday.
 - (ii) Condition 20. Prior to a building permit being issued, the applicant/owner is to submit to the satisfaction of the City of Swan a Landscaping Plan for the subject site that:
 - Provides screening via native planting around the perimeter of the training field fences and around the perimeter of the lot boundary fencing subject to condition 8.
 - (iii) Condition 34. Subsequent to the installation of any approved on-site effluent disposal system, the applicant/owner is to supply annually to the City of Swan, to the satisfaction of the Chief Executive Officer, certification that the system is operating adequately to prevent nutrients from contaminating groundwater and the adjoining Ellen brook.
- 2) Record the reason for changing the officers recommendation to lessen the effect on the amenities and to the neighbours.

(Cr Bowman – Cr Knight)

AMENDMENT TO THE MOTION

Cr McCullough requested the following amendment to the Motion:

- ~~(i) Condition 6. Dog training outside of the kennel building shall be restricted to the hours of 7am to 6pm on the days Monday to Saturday and 9am to 6pm on Sunday.~~
- (ii) Condition 20. Prior to a building permit being issued, the applicant/owner is to submit to the satisfaction of the City of Swan a Landscaping Plan for the subject site that:
 - Provides screening via native planting around the perimeter of the training field fences ~~and around the perimeter of the lot boundary fencing subject to condition 8.~~
- (iii) Condition 34. Subsequent to the installation of any approved on-site effluent disposal system, the applicant/owner is to supply annually to the City of Swan, to the satisfaction of the Chief Executive Officer, certification that the system is operating adequately to prevent nutrients from contaminating groundwater and the adjoining Ellenbrook.

(Cr McCullough – Cr Jones)

The Mover of the substantive motion did not agree to the amendment.

RESOLVED (10/5)

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

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

THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION

RESOLVED (14/1) TO:

- 1) Adopt the Officer Recommendation subject to modifications to the recommended conditions and further conditions as follows:
 - (i) Condition 20. Prior to a building permit being issued, the applicant/owner is to submit to the satisfaction of the City of Swan a Landscaping Plan for the subject site that:
 - Provides screening via native planting around the perimeter of the training field fences.
 - (ii) Condition 34. Subsequent to the installation of any approved on-site effluent disposal system, the applicant/owner is to supply annually to the City of Swan, to the satisfaction of the Chief Executive Officer, certification that the system is operating adequately to prevent nutrients from contaminating groundwater and the adjoining Ellenbrook.

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

Against: Crs Catalano.

4.6 PROPOSED CONVENIENCE STORE, FAST FOOD OUTLET, SHOP, RESTAURANT, SHOWROOM AND SIGNAGE - LOT 3 (NO.3) MARVEL ENTRANCE, BRABHAM (DA501-22)

Ward: (Whiteman Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Approve the application for a Proposed Convenience Store, Fast Food Outlet, Shop, Restaurant, Showroom and Signage at Lot 3 (No.3) Marvel Entrance Brabham subject to the following conditions:
 1. This approval is for a Convenience Store, Fast Food Outlet, Shop, Restaurant and Showroom as defined in the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without the prior approval of the City.
 2. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot
 3. Prior to a building permit being issued, a revised detailed landscaping and reticulation plan for the subject site/and or road verge(s) must be submitted to, and approved to, the satisfaction of the City of Swan and must include the following:
 - a) The eight (8) parking bays located in the south-west corner adjacent to Youle-Dean Road and Mayfield Drive being removed and replaced with landscaping showing a minimum of three (3) mature shade trees;
 - b) The location, number and type of proposed trees and shrubs including planter and/or pit sizes and planting density;
 - c) Any existing vegetation and/or landscaped areas to be retained;
 - d) Any verge treatments;
 - e) Evidence that the proposed landscaping will not, at maturity negatively impact the development and adjoining properties.
 4. The approved landscaping and reticulation plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of, the City.
 5. Prior to occupation or use of the development, a minimum of six (6) bicycle spaces must be provided adjacent to the waiting bay for the

southern building to the satisfaction of the City of Swan. The design and construction of the bicycle spaces must be in accordance with AS/NZ 2890.3:2015 Parking Facilities Part 3: Bicycle Parking.

6. Prior to the submission of a Building Permit application revised plans are to be submitted to, and approved by, the City which show the following changes:
 - The zebra crossing located adjacent to the southern building relocated to the west so that it aligns directly with the pedestrian footpath abutting the Convenience Store and Fast Food Outlet;
 - The fill point and mountable kerb located next to the fuel canopy being truncated to ensure a minimum distance of 6m from the loading bay to allow for two-way access.
 - The awning for the northern building to be extended to the western edge of the building and covering the internal pedestrian footpath;
 - A window with a minimum area of 2m² located on the southern boundary of the southern building.
7. Prior to the submission of a building permit application a revised signage plan is to be submitted and approved by the City showing the removal of the following signs onsite:
 - The 8.8m secondary price board sign located in the landscaping area adjacent to Wanderer Way;
 - The Oporto directional sign located adjacent to Mayfield Drive; and
 - The internal signage board located adjacent to the drive-through lane for the northern building
8. Prior to the submission of the Building Permit Application an ecologically sustainable strategy prepared by an ecologically sustainable development professional must be submitted to and approved by the City of Swan.
9. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
10. All crossovers must be built and maintained in accordance with the City's specifications.
11. All service vehicles including fuel tankers must enter and exit via Mayfield Drive.
12. No wall, fence or landscaping greater than 0.75m in height measured from the natural ground level at the boundary, shall be constructed within 3m of a vehicular accessway unless such wall, fence or landscaping is constructed with a 3m truncation, as depicted on the approved plan.
13. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan. Stormwater discharge (if any)

shall not be discharged onto the Perth to Darwin National Highway (Drumpellier Drive) Road Reserve or the widened road reservation.

14. No fluid other than uncontaminated stormwater is to enter any stormwater drain without prior approval from the City of Swan and the Environmental Protection Authority.
15. Refuse bin areas adequate to service the development must be provided to the satisfaction of the City of Swan prior to occupation or use of the development.
16. External lighting shall comply with the requirements of AS 4282 - Control of Obtrusive Effects of Outdoor Lighting.
17. The approved development is to operate in accordance with the approved Noise Management Plan authored by Reverberate Consulting dated 20 May 2022.
18. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimize any visual and noise impact on the occupants of nearby properties and screened from view of the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Swan prior to the issue of a building permit.
19. All areas of outdoor storage must be screened from public view, design plans for the location, materials and construction of proposed screening are to be included on the development plans to the satisfaction of the City of Swan prior to the issue of a building permit.
20. The development must be connected to the Water Corporation's sewer where available.
21. Prior to a building permit being issued, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy POL-LP-1.10 Provision of Public Art, by either:
 - a) Payment to the City of a cash-in-lieu amount equal to the sum of the 1% contribution amount (\$29, 000). This must be paid to the City prior to the date specified in an invoice issued by the City, or prior to the issuance of a building permit for the approved development, whichever occurs first; or
 - b) Provision of Public Art on-site to a minimum value of the 1% contribution amount (\$29,000). The following is required for the provision of Public Art on-site:
 - i. The landowner or applicant on behalf of the landowner must seek approval from the City for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-LP-1.10 and the Developer's Handbook for Public Art (as amended). The City may apply further conditions in regard to the proposed Public Art;

- ii. No part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City; and,
 - iii. The approved Public Art must be maintained in compliance with the approval granted by the City and any conditions thereof, to the satisfaction of the City.
- 22. Signage illumination must not flash or pulsate to the satisfaction of the City of Swan.
- 23. Any proposed illumination of signage must not exceed 300 candela per square metre between sunset and sunrise.
- 24. The signs, earthworks and footings associated with the approved development must be located entirely within the subject lot and must not encroach upon road reserves or any other land.
- 25. No works are permitted within the Perth to Darwin National Highway (Drumpellier Drive) Road Reservation unless Main Roads WA has issued a working on Roads Permit.
- 26. No bunting is to be erected on the site (including streamers, streamer strips, banner strips or decorations of similar kind).
- 2) Advise the applicant/owner of the resolution of Council
- 3) Advise those that lodge a submission of Council's decision.

MOTION That the Council resolve to:

- 1) Adopt the staff recommendation subject to modifications to the recommended conditions as follows:
 - (i) 3. a) Eight parking bays located in the north-east corner adjacent to Wanderer Way being removed and replaced with landscaping showing a minimum of three mature shade trees.
 - (ii) 6. Delete the following – The zebra crossing located adjacent to the southern building relocated to the west so that it aligns directly with the pedestrian footpath abutting the convenience store and Fast Food Outlet.
 - (iii) 11. All articulated service vehicles, including fuel tankers, shall access the site via the crossover to Wanderer Way and egress the site via the crossover to Mayfield Drive.
- 2) Record the reason for changing the officer recommendation is to achieve a design outcome that balances improved amenity with the functional needs of the development.

(Cr Congerton – Cr Parry)

RESOLVED UNANIMOUSLY TO:

- 1) Adopt the staff recommendation subject to modifications to the recommended conditions as follows:
 - (i) 3. a) Eight parking bays located in the north-east corner adjacent to Wanderer Way being removed and replaced with landscaping showing a minimum of three mature shade trees.
 - (ii) 6. Delete the following – The zebra crossing located adjacent to the southern building relocated to the west so that it aligns directly with the pedestrian footpath abutting the convenience store and Fast Food Outlet.
 - (iii) 11. All articulated service vehicles, including fuel tankers, shall access the site via the crossover to Wanderer Way and egress the site via the crossover to Mayfield Drive.

**4.7 PROPOSED TELECOMMUNICATIONS INFRASTRUCTURE - LOT 1
(NO.131) SACRAMENTO AVENUE, BEECHBORO (DA020-22)**

Ward: (Altone Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Grant approval for the proposed Telecommunications Infrastructure at Lot 1 (No.131) Sacramento Avenue, Beechboro subject to the following conditions:
 1. This approval is for 'Telecommunications Infrastructure' as defined in the City's Local Planning Scheme No.17 and the subject land may not be used for any other use without the prior approval of the City.
 2. This approval includes a new Telecommunications Tower (Monopole), Mounted Turret and Antennas and Ancillary Base Equipment as illustrated on the approved plans.
 3. The approved Telecommunications Infrastructure shall be painted in a colour scheme to be approved by the City of Swan. Details of this are to be provided at the Building Permit stage.
- 2) Advise the applicant/owner of the resolution of Council
- 3) Advise those that lodged a submission of Council's decision.

MOTION that the Council resolve to:

- 1) Refuse approval for the proposed Telecommunications Infrastructure at Lot 1 (No.131) Sacramento Avenue, Beechboro.
- 2) Advise the applicant/owners of the resolution of Council.
- 3) Record the reasons for changing the Officer's Recommendation are that:
 1. The proposed 25m high mobile phone tower adversely impacts on the amenity of this part of Beechboro which is predominantly residential.
 2. The adverse impacts of the mobile phone tower outweigh the benefits to mobile users in Beechboro and provide no improvement in suburbs such as Caversham and Dayton that are badly affected by poor mobile phone coverage.

(Cr Catalano – Cr Knight)

RESOLVED (9/6) TO:

- 1) Refuse approval for the proposed Telecommunications Infrastructure at Lot 1 (No.131) Sacramento Avenue, Beechboro.
- 2) Advise the applicant/owners of the resolution of Council.
- 3) Record the reasons for changing the Officer's Recommendation are that:
 1. The proposed 25m high mobile phone tower adversely impacts on the amenity of this part of Beechboro which is predominantly residential.
 2. The adverse impacts of the mobile phone tower outweigh the benefits to mobile users in Beechboro and provide no improvement in suburbs such as Caversham and Dayton that are badly affected by poor mobile phone coverage.

For: Crs Catalano, Howlett, Jones, Johnson, Knight, Lucas, Predovnik, Richardson and Singh.

Against: Crs Bowman, Congerton, Henderson, McCullough, Parry and Zannino.

7.3 COUNCIL COMMITTEE MATTER

Ward: (All Wards) (Governance)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

RECOMMENDATION

That the Council resolve to:

- 1) Disestablish the Tenders Review Committee and amend Delegation 2 - Expressions of Interest, Pre-Qualified Suppliers and Tenders as shown attached..
- 2) Endorse the Audit Committee's proposed schedule of meeting dates for 2023 as follows:

Tuesday, 14 February

Tuesday, 9 May

Tuesday, 15 August

Tuesday, 21 November
- 3) Appoint Cr _____ as deputy member of the Audit Committee.
- 4) Appoint Cr _____ as member of the Roadwise Advisory Group.
- 5) Appoint Cr _____ as deputy member of the Roadwise Advisory Group.
- 6) Appoint Cr _____ as member of the Waste Advisory Group.
- 7) Appoint Cr _____ as deputy member of the East Metropolitan Regional Council.
- 8) Appoint Cr _____ as deputy member of the Development Assessment Panel.
- 9) Appoint Cr _____ as member of the Metropolitan Regional Road Group Eastern Sub Group.
- 10) Appoint Cr _____ as member of the Parks of the Darling Range - Community Advisory Committee.
- 11) Appoint Cr _____ as deputy member of the Parks of the Darling Range - Community Advisory Committee.

MOTION that the Council resolve to:

- 1) Defer this item to allow councillors to nominate for Committees.

(Cr Congerton – Cr Zannino)

RESOLVED (9/6) TO:

- 1) Defer this item to allow councillors to nominate for Committees.

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

Against: Crs Bowman, Howlett, Johnson, Knight, Parry and Singh

2.1 NEW POLICY - ELECTRONIC ATTENDANCE AT MEETINGS

Ward: (Not Applicable) (Governance)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

Councillor Howlett left the Chambers at 7.38pm and returned at 7.40pm

RECOMMENDATION

That the Council resolve to:

- 1) Adopt policy Pol-C-191 - Electronic Attendance at Agenda Forums, Council and Committee Meetings and Briefing Sessions.

MOTION that the Council resolves to:

- 1) Adopt policy POL – C – 191 Electronic Attendance at Council and Committee Meetings with the following amendments:
 1. Delete from clause 2.Scope the following:
 - An Agenda Forum
 - A Council briefing session
 2. Add the following after A meeting of a committee of Council – “where it has delegated authority
 3. Add the following clause 3.1.5 – The Mayor is not permitted to approve any request where it does not fully comply with all requirements of 3.1.
 4. Reword Clause 3.5.1 as follows
Elected members and committee members may only attend a meeting by electronic means, provided they have not attended more than half that category of meeting as described in clause 2 in the previous twelve (12) months by this method. This includes the proposed meeting.
 5. Delete clause 3.5.5
- 2) Record the reason for change is that attendance by electronic means is not the most effective and efficient option and Council preference is that all Councillors attend in person. Legislative changes only include Council and committee meetings (decision making forums) and the policy should be limited to only these.

(Cr Bowman- Cr Jones)

FORESHADOWED MOTION:

In the event of the motion being defeated, Cr Predovnik foreshadowed that she would move to move the Officers Recommendation

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

For: Crs Bowman, Howlett, Jones, Johnson, Knight, Singh and Richardson.

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

MOTION that the Council resolve to adopt the Officers Recommendation

(Cr Predovnik – Cr McCullough)

AMENDMENT TO THE MOTION

- 1) Amend the Policy Section, 3.3 Electronic Means, item 3.3.3 change 15 minutes to 5 minutes.

(Cr Henderson - Cr Jones)

Amendment was accepted by the Mover and Seconder.

THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION

RESOLVED (9/6) TO:

- 1) Adopt policy Pol-C-191 - Electronic Attendance at Agenda Forums, Council and Committee Meetings and Briefing Sessions with the Amendment to the Policy Section, 3.3 Electronic Means, item 3.3.3 change 15 minutes to 5 minutes.

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

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

7.1 PROPOSED LOCAL LAW - BUSH FIRE BRIGADES

Ward: (All Wards) (Governance)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Community Wellbeing)

RECOMMENDATION

That the Council resolve to:

- 1) Propose to make the attached *City of Swan Bush Fire Brigades Local Law 2023* and advertise Council's intention for a period not less than six weeks, in accordance with section 3.12 of the *Local Government Act 1995*.

The Presiding Member to give notice to the meeting of the purpose and effect of the *Bush Fire Brigades Local Law 2023* as follows:

Purpose:	The purpose of this local law is to provide for the establishment, organisation and maintenance, administration and funding of bush fire brigades.
Effect:	The effect of this local law is that bush fire brigades will be organised and managed to comply with this local law.

The Presiding Member read the following:

Purpose:	The purpose of this local law is to provide for the establishment, organisation and maintenance, administration and funding of bush fire brigades.
Effect:	The effect of this local law is that bush fire brigades will be organised and managed to comply with this local law.

(Cr Congerton – Cr Parry)

RESOLVED UNANIMOUSLY

- 1) Propose to make the attached *City of Swan Bush Fire Brigades Local Law 2023* and advertise Council's intention for a period not less than six weeks, in accordance with section 3.12 of the *Local Government Act 1995*.

PART C - OTHER BUSINESS AND CLOSING PROCEDURES

1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C1.3 CR PREDOVNIK - WEEIP PARK PLAYGROUND EQUIPMENT

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

Cr Predovnik submitted the following Notice of Motion:

That the Council resolve to:

- 1) Request the CEO to investigate options at Weeip Park, that include:
 - a. Extending the slide and adding another section to flatten the end and slow people down.
 - b. Replacing the metal slide with a plastic slide
 - c. Installing a shade sail over the playground and particularly over the slide to ensure it doesn't get too hot.
 - d. Installing more handgrips to the climbing wall.
 - e. Safety proofing the landing box that sits next to the climbing wall by putting mesh to prevent children from walking in from the scaffolding side and falling through the climbing wall side.
- 2) Request that this work is implemented as a priority with funds to come from a budget adjustment this financial year if necessary.

Reason for Motion (provided by Cr Predovnik)

Parents have complained the slide is too hot and there's nothing in the design to stop children from coming down it too fast. More shade and a climbing wall that is easier for people to use will encourage more families to come and use the space. We have a duty of care to our community to ensure there are no public liability issues for users of the park. The designs may have passed the Australian Standards Test but we need to tweak aspects of the decision to make it more practical and safer for people to use.

MOTION that the Council resolve to:

- 1) Request the CEO to investigate options at Weeip Park, that include:
 - a. Extending the slide and adding another section to flatten the end and slow people down.
 - b. Replacing the metal slide with a plastic slide
 - c. Installing a shade sail over the playground and particularly over the slide to ensure it doesn't get too hot.
 - d. Installing more handgrips to the climbing wall.
 - e. Safety proofing the landing box that sits next to the climbing wall by putting mesh to prevent children from walking in from the scaffolding side and falling through the climbing wall side.
- 2) Request that this work is implemented as a priority with funds to come from a budget adjustment this financial year if necessary.

(Cr Predovnik – Cr Zannino)

AMENDMENT TO THE MOTION

Cr Parry requested the following amendment:

- 1) Request the CEO to investigate options at Weeip Park, that include:
 - a. Extending the slide and adding another section to flatten the end and slow people down.
 - b. Replacing the metal slide with a plastic slide
 - c. Installing a shade sail over the playground and particularly over the slide to ensure it doesn't get too hot.
 - d. Installing more handgrips to the climbing wall.
 - e. Safety proofing the landing box that sits next to the climbing wall by putting mesh to prevent children from walking in from the scaffolding side and falling through the climbing wall side.
- 2) Request that any of this work subject to a report from the CEO to be considered as part of the 2023/24 draft budget and or other time frames as policies accepted by council previously ~~is implemented as a priority with funds to come from a budget adjustment this financial year if necessary.~~

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

THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION

RESOLVED (9/6) TO:

- 1) Request the CEO to investigate options at Weeip Park, that include:
 - a. Extending the slide and adding another section to flatten the end and slow people down.
 - b. Replacing the metal slide with a plastic slide
 - c. Installing a shade sail over the playground and particularly over the slide to ensure it doesn't get too hot.
 - d. Installing more handgrips to the climbing wall.
 - e. Safety proofing the landing box that sits next to the climbing wall by putting mesh to prevent children from walking in from the scaffolding side and falling through the climbing wall side.
- 2) Request that any of this work subject to a report from the CEO to be considered as part of the 2023/24 draft budget and or other time frames as policies accepted by council previously.

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

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

The Presiding member adjourned the meeting for a short recess at 8.25pm.

The Presiding Member resumed the meeting at 8.35pm. All Councillors returned to the Chambers at 8.35pm with the exception of Cr Catalano.

C1.4 CR MCCULLOUGH - CASSIUS TURVEY MEMORIAL

Ward: (All Wards) (Community and Libraries)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Community Wellbeing)

Cr McCullough submitted the following Notice of Motion:

That the Council resolve to:

- 1) Request that the City of Swan's Reconciliation Action Plan Committee work with his mother, Mechelle Turvey and local Aboriginal Elders to create a memorial plaque or appropriate commemorative structure or space in Weeip Park at New Junction to remember the life of Cassius Turvey

Reason for Motion (provided by Cr McCullough)

It is important to commemorate the loss of an innocent young man in the spirit of reconciliation and community. A memorial will stand as a reminder of Cassius Turvey: an emerging, inspiring and gentle leader who even in his short life, has left a significant legacy in our communities, across our Nation and the world.

MOTION that the Council resolve to:

- 1) That the City of Swan's Reconciliation Action Plan Committee work with Mechelle Turvey, the mother of Cassius Turvey, to create a remembrance and reflection space in Weeip Park at New Junction to remember his life.
- 2) On completion of the initiative listed in part 1, an event be held to unveil the space to allow community to come together to appreciate the remembrance and reflection space.

(Cr McCullough – Cr Jones)

AMENDMENT TO THE MOTION

- 1) Add a third item, a maximum amount of \$30,000 be allocated to the remembrance and reflection space.

(Cr Henderson – Cr Zannino)

The Mover did not accept the amendment

AMENDMENT WAS PUT TO THE VOTE AND LOST (3/11)

For: Crs Henderson, Zannino and Parry.

Against: Crs Bowman, Congerton, Howlett, Jones, Johnson, Knight, Lucas, McCullough, Predovnik, Singh and Richardson.

AMENDMENT TO THE MOTION

- 1) That the City of Swan's Reconciliation Advisory Group prepare a range of options and cost to come to Council for consideration for adoption

(Cr Congerton – Cr Henderson)

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

Cr Catalano returned to the Chambers at 9.16pm.

Cr Catalano left the meeting at 9.17pm and did not return.

Cr Howlett left the chambers at 9.25pm and returned at 9.27pm and was absent when put to the vote.

THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION

RESOLVED (12/1) TO:

- 1) That the City of Swan's Reconciliation Advisory Group work with Mechelle Turvey, the mother of Cassius Turvey, to create a remembrance and reflection space at Weeip Park at New Junction to remember his life.
- 2) That the City of Swan's Reconciliation Advisory Group prepare a range of options and cost to come to Council for consideration for adoption.
- 3) Following an adoption of an outcome by Council an event be held to unveil the space to allow community to come together to appreciate the remembrance and reflection space.

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

Against: Crs Richardson.

C1.5 CR PREDOVNIK - STREETSCAPING IN MIDLAND

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

Cr Predovnik submitted the following Notice of Motion:

That the Council resolve to:

- 1) Request the CEO to investigate options for improving streetscapes with plantings in and around Midland for consideration as part of the budget process. The scope of work is to include Morrison Road, Lloyd Street, Victoria Street and the verge on the corner of Lloyd Street and Great Eastern Highway, with planting to start during next year's planting season.

Reason for Motion (provided by Cr Predovnik)

To improve the appearance of Midland streetscapes.

MOTION that the Council resolve to:

- 1) Request the CEO to investigate options for improving streetscapes with plantings in and around Midland for consideration as part of the budget process. The scope of work is to include Morrison Road, Lloyd Street, Victoria Street and the verge on the corner of Lloyd Street and Great Eastern Highway, with planting to start during next year's planting season.

(Cr Predovnik – Cr Knight)

RESOLVED UNANIMOUSLY TO

- 1) Request the CEO to investigate options for improving streetscapes with plantings in and around Midland for consideration as part of the budget process. The scope of work is to include Morrison Road, Lloyd Street, Victoria Street and the verge on the corner of Lloyd Street and Great Eastern Highway, with planting to start during next year's planting season.

C1.6 CR BOWMAN - VACANT LAND RATE

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

Cr Lucas, Presiding Member declared a direct financial interest in Item C1.6 – Cr Bowman - Land Rate as he owns vacant land in Beechboro. Cr Lucas left the Chambers at 9.26pm. Cr Congerton assumed the chair

Cr Bowman submitted the following Notice of Motion:

That the Council resolve to:

- 1) Request the CEO prepare a report on the benefits of, and what is required to introduce a separate rating category for vacant land.

Reason for Motion (provided by Cr Bowman)

The development of vacant residential, commercial and industrial land is in the best interest of the community as it supports the economy and will improve the street appeal. By introducing a separate rating category for vacant land, the City can set a higher rate in the dollar for vacant land to encourage development.

There are many examples of where vacant land has been allowed to sit derelict, attracting complaints from neighbouring properties due to the parcel of land not being maintained.

All vacant land should be rated using the same prescribed capital value rate.

MOTION that the Council resolve to:

- 1) Request the CEO prepare a report on the benefits of, and what is required to introduce a separate rating category for vacant land.

(Cr Bowman – Cr Johnson)

AMENDMENT TO THE MOTION

Cr Henderson requested the following amendment:

- 1) Request the CEO prepare a report on the benefits of, and what is required to introduce a separate rating category for vacant land, other than rural zoned land

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

THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION

RESOLVED UNANIMOUSLY TO:

- 1) Request the CEO prepare a report on the benefits of, and what is required to introduce a separate rating category for vacant land, other than rural zoned land

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

Nil

Deadline for submissions will be 5pm Wednesday 18 January 2023

Cr Lucas returned to the Chambers at 9.32pm and resumed the chair.

4. CLOSURE

There being no further business, the Presiding Member, Cr Lucas, thanked those present for their attendance and declared the meeting closed at 9.33pm, on Thursday 15 December 2022.