



CITY of SWAN

MINUTES

ORDINARY MEETING OF COUNCIL

06 JULY 2022

CONFIRMED MINUTES

These minutes were confirmed as a true and accurate record of the meeting at the Ordinary Meeting of Council held on 3 August 2022.

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CITY of SWAN

**ORDINARY MEETING
OF COUNCIL**

PART A

OPENING PROCEDURES

06 JULY 2022

MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD AT MIDLAND TOWN HALL
ON WEDNESDAY 6 JULY 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

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 PRESIDING MEMBER)

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

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

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

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

Visual images of the public will not be captured.

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

3. ATTENDANCE AND APOLOGIES

Councillors:	Cr M Congerton	Deputy Mayor, Whiteman Ward (Presiding Member)
	Cr J Catalano	Altone Ward
	Cr I Johnson	Midland/Guildford Ward
	Cr A Bowman	Pearce Ward
	Cr P Jones	Pearce Ward
	Cr C McCullough	Pearce Ward
	Cr S Howlett	Midland/Guildford Ward
	Cr R Predovnik	Midland/Guildford 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
Staff:	Mr J Edwards	Chief Executive Officer
	Mr J Coten	Executive Manager Operations
	Mrs K Leahy	Executive Manager Corporate
	Ms M Pickering	Executive Manager Place Stakeholder Engagement
	Ms D Summers	A/Executive Manager Community Wellbeing
	Mr L van der Linde	Executive Manager Planning & Development
	Ms A Albrecht	Manager Governance
	Mr D Beltman	Manager Organisational Planning and Development
	Ms R Jahmeerbacus	Manager Financial Services and Rates
	Ms V Hodgins	General Counsel
	Mr P Russell	Manager Statutory Planning
	Ms M Dwyer	Senior Governance Officer (Minute Clerk)
	Mrs K Cameron	Governance Officer (Minute Clerk)
Leave of Absence:	Cr D Lucas	Mayor, Altone Ward
	Cr A Kiely	Altone Ward
Apologies:	Nil	

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

Cr Johnson declared an impartiality interest in Item 13.15 - Cr Zannino - Proposed Realignment of National Freight Route as Bushmead Conservation Cobbers donated a bottle of wine to him.

Cr Johnson declared an impartiality interest in Item 4.3 - Proposed Community Purpose - Women's Rehabilitation Centre - Lot 8 (No.2118) Great Northern Highway, Bullsbrook as Shalom House provided volunteers during his 2019 Election Campaign.

5. PUBLIC QUESTION TIME

Public question time commenced at 6.04pm.

5.1 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE

Ms Smadar Turner

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

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

A1 The City of Swan considers the feedback of all affected stakeholders when considering major infrastructure projects such as EastLink WA. It is expected that the Eastlink project will result in a safer and more efficient road network, leading to reduced overall CO2 emissions (from offset tree planting and more efficient freight movements) and less traffic accidents over the long term, as traffic volumes grow in future years. In terms of dissatisfaction for Toodyay Road, one measurement is the number of crashes, and 260 crashes have been recorded between 2016 to 2020.

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

A2 The City sees supporting the EastLink project as an opportunity to be proactively involved in the project design and development process, to allow community feedback to be passed on and considered in the project. The City is working with Main Roads WA (MRWA) and the EastLink team on the timing and funding for local road upgrades that may be required as a direct result of EastLink.

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

A3 The City sees supporting the Eastlink project as an opportunity to be proactively involved in the project design and development process. This has allowed the City to form positive relationships with MRWA and the EastLink team and start discussions on the timing and funding for local road upgrades that may be required as a direct result of EastLink. Having these conversations early, allows the City to be in the best position to negotiate the upgrades and funding.

- Q4 *In the Key Issues it is stated the road will reduce CO2 emissions as a result of freight efficiency. Considering the road will require at least 700Ha (245 Football fields) of clearing, huge amount of concrete and tarmac, and will increase the volume of traffic in the area. On what specific information this statement is based on?*
- A4 Due to ongoing population growth and expanding urban development, MRWA traffic modelling indicates that traffic volumes across the road network will increase, regardless of whether or not EastLink is constructed. The aim of EastLink is to avoid the significant congestion that will occur on the existing road network in the long term, if it is not upgraded. The construction of EastLink will minimise the additional CO2 emissions that would otherwise be generated from this congestion, through reducing travel times and having vehicles spending less time on the roads.
- Q5 *The second recommendation is for the Council to resolve to write to Main Roads to ask to be invited to make submissions as part of the environmental process. An invitation is not required, any member of the public can submit comments to any environmental referral. What will be the gain of making such a request?*
- A5 As an invite to comment would be issued to the relevant parties by the MRWA/EastLink teams, it is expected that this would generate a greater volume of responses, due to prompting awareness of the opportunity to comment.

Mr Chris Bolton

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

- Q1 *With the significant impact this project has on communities, how can community representatives, morally support the project?*
- A1 The City of Swan considers the feedback of all affected stakeholders when considering major infrastructure projects such as Eastlink. It is expected that the EastLink project will result in a safer and more efficient road network, leading to reduced overall CO2 emissions and less traffic accidents. In addition, with EastLink being an MRWA project on MRWA owned roads, it is likely that the project will proceed, with or without the City of Swan's input. The City sees supporting the project as an opportunity to be proactively involved in the project design and development process, to allow community feedback to be passed on and considered in the project.

Mr Daniel Pisano

In regard to Item 13.11 Baskerville Drainage Study

Q1 1056 Great Northern Highway Baskerville, shares about a 75 metre long boundary with the State Government drain. This is a simple and workable (drainage) option without the proposed easement in the Baskerville Drainage Study (BDS) and the motion. So why is an easement on Lot 5 Railway Crescent, Baskerville proposed?

A1 There is approximately 85m section of the watercourse which traverses through Lot 5 Railway Crescent that is inaccessible from the property boundary of 1056 Great Northern Highway. Historically, the City has been denied access to this section of the drain for the purpose of carrying out maintenance works.

As mentioned in the Baskerville Drainage Study (BDS), securing an easement over the entire length of the water course within the study would:

- Provide protection of the City's infrastructure; and
- Allow the City to undertake required maintenance and/or upgrades to the drainage system without permission of private property owners.

Q2 Is the BDS and its recommendations/options yet another smoke screen by the City?

Q3 Is the BDS and its recommendations/options contrary to and ignoring lack of compliance to the City's policies namely (Filling of Land, Dams) and Stormwater Information Sheet provided by the City on 10 May 2022 and any other relevant policies and alike? If not, how is it not?

Q4 Does the BDS and Item 13.11 seek to ignore and pseudo legitimise the illegal development on 1056 Great Northern Highway and associated issues? If so, why?

A2-4 The BDS investigated the condition and adequacy of the existing drainage network within the study area and based on findings provided options to address flooding concerns in the area. As stated in the BDS and at the briefing meeting on May 10, 2022, surface water flow between private properties was not considered in the study as it is a private matter which is to be resolved between property owners.

Q5 Why does the BDS not mention the Bruce/Ale report, and is it contrary to the recommendations/options of the BDS?

A5 There are no additional reports on this matter. The report which contains the City's investigations is the BDS and this has been provided.

Q6 Why is Council being asked (by Cr Henderson's motion) to adjudicate on what I believe should have been the City's administration of compliance to its policies and conditions of development approval(s) and possibly stormwater guidance note etc. as they apply to 1056 Great Northern Highway, Baskerville?

A6 Staff cannot comment on the reasons for a Councillor's motion.

- Q7 *The City has been empowered and entrusted by Council to act in a timely and unbiased manner, to which it has repeatedly failed. Why has the City repeatedly failed to enforce its policies, other requirements and conditions of development approval(s) etc. on 1056 Great Northern Highway in a timely and unbiased manner?*
- A7 The City has not failed to enforce its policies or conditions imposed on its approvals.
- Q8 *Why is the City proposing to put a drain (by way of the dog-leg) on the highest ground on Lot 5 Railway Crescent?*
- A8 The “dog leg” diversion of the drain was one option identified within the study as it would assist with the localised flooding concerns and allow additional useable land for the landowner. Through discussions with the landowner, this option was not preferred and ultimately was not the preferred option within the report.
- Q9 *Why has the City chosen to completely ignore the impacts on me and on others?*
- Q10 *As nothing has changed on Lot 5 Railway Crescent, why is the City determined, by whatever means necessary, to penalise me for the non-compliances on 1056 Great Northern Highway, Baskerville? What are the real reason(s) for this technically indefensible option and recommendation?*
- A9-10 The City undertook the BDS to assess the condition and adequacy of the existing drainage network in order to address the flooding concerns in the area. This included consulting with the local community to understand their concerns. As stated in the BDS and at the briefing meeting on May 10, 2022, surface water flow between private properties was not considered in the study as it is a private matter which is to be resolved between property owners.
- Q11 *Councillors, we have been pursuing this matter for eight years. Do you really think that we would waste our time, effort and money pursuing this, if there were nothing to see here? The City claims there is nothing to see, insufficient evidence etc. Do you really think we would still be here, with all the attendant effort and stress, if that were the case? I ask the City, is there anything else to see here, apart from drainage, flooding and filling of land?*
- A11 It is a matter for Council to form a view on these contentions.

Mr Patrick Irwin

In regard to Item 4.2 - Proposed Local Structure Plan for Hazelmere Special Use Zone 16 (Precinct 3A) - Lots 651 & 39 Stirling Crescent, Lots 58 & 83 Bushmead Road and Lot 93 Hazelmere Circus, Hazelmere (SWAN-SP-2021-3)

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

A1 The Manager of Statutory Planning had communicated to Helena River Steiner School in a meeting attended by Mr Irwin that the land they were interested in was subject to the Hazelmere Enterprise Area Structure Plan (HEASP). The HEASP outlines the intent for the road that is proposed within the proposed Local Structure Plan.

5.2 QUESTIONS RELATING TO REPORTS CONTAINED IN THE AGENDA

5.2.1 Questions of which due notice has been given

Nil

5.2.2 Questions without due notice

Ms Dianne Arvino

In regard to Item 13.15 - Cr Zannino - Proposed Realignment of National Freight Route

Q1 Were City of Swan officers aware of Shire of Mundaring's position of objection to any Freight Rail Review of the adopted 2018 route during discussions described in answer to my first question at the Agenda Forum?

A1 At the time of the Agenda Forum, City officers had been advised that Shire of Mundaring officers had been asked to prepare a report for their Council.

Mr Troy Van Heemst

In regard to Item 4.3 - Proposed Community Purpose - Women's Rehabilitation Centre - Lot 8 (No.2118) Great Northern Highway, Bullsbrook (DA215-22)

Q1 Given that development on this site has already commenced without approval, why is this item not being dealt with as a retrospective application?

A1 Changes to the use of the site since the application has been submitted resulted in the application becoming partially retrospective.

Q2 Has the City issued cease and desist notices to applicant?

- Q3 *Has the City commenced prosecution against Shalom for proceeding without approval?*
- A2-3 No. The City is currently awaiting legal advice in regard to unapproved works at 2118 Great Northern Highway, Bullsbrook.
- Q4 *Has the City received complaints from neighbours of any other Shalom properties in Bullsbrook? if so, how many and what are the nature of those complaints?*
- A4 Compliance Officers have attended 1973 Great Northern Highway, Bullsbrook on 12 occasions between 2018 and 2022 regarding various issues in relation to operations such as illegal structures, vehicle repair, noise, people living in sheds.
- Q5 *Does council consider the loss of a person's safe and secure enjoyment of their property a loss of amenity and thereby a planning consideration?*
- A5 Yes.

Ms Anne Janes, Bullsbrook Residents and Ratepayers Association

In regard to Item 4.3 - Proposed Community Purpose - Women's Rehabilitation Centre - Lot 8 (No.2118) Great Northern Highway, Bullsbrook (DA215-22)

- Q1 *The Manager Statutory Planning was asked to visit 1995 Great Northern Highway, Bullsbrook toward the end of 2021. Will he advise what happened when he took a photograph over the fence to the adjoining property, Shalom House Lot 7 (No.1973) Great Northern Highway, Bullsbrook?*
- A1 Manager Statutory Planning advised that when he left the property, he was photographed by members of Shalom House, from the roadside of their property.
- Q2 *The planning process is very important. It is the only protection residents and ratepayers have. The responsibility surely lies with the City of Swan staff and elected Councillors to ensure all developers respect the process. What level of confidence can residents and ratepayers have in the planning process, including compliance, when a developer openly flaunts the rules?*
- A2 Executive Manager Planning and Development advised that when rules are broken by a developer, the City takes compliance action against those owner or property developers. Normally, they submit an application to remedy the situation. While the application is in train it is difficult to take further remedial action from a compliance point of view. In the case of Shalom House, the compliance matter is currently with the City's lawyers and we are awaiting further advice on that specific matter.
- Q3 *In regard to the response to my first questions, was that the only thing that happened?*
- A4 Manager Statutory Planning advised that he got out of his car and asked the members of Shalom House why they were photographing him.

Q5 *Did the Manager Statutory Planning feel intimidated?*

A5 Manager Statutory Planning advised that he did not feel intimidated, but thought it irregular.

Mrs Walsh

Q1 *What is occurring, on Old Midland Road? There appears to be a lot of drilling and heavy equipment.*

A2 Executive Manager Planning and Development took the question on notice but advised it was probably in relation to development which relates to industrial or residential development. He was not aware of any developments related to the freight line. Ms Walsh was asked to provide more specific details so investigations can occur.

Ms Fiona Audcent Ross

In regard to Item 13.15 - Cr Zannino - Proposed Realignment of National Freight Route

Q1 *Why is the long-term rail freight route the sole focus of clause a) of the motion, claiming to alleviate Midland's traffic issue?*

A1 The Presiding Member advised that the matter is the subject of debate.

Mr John Gangell

In regard to Item 13.15 - Cr Zannino - Proposed Realignment of National Freight Route

Q1 *I wish to seek clarification that any possible route avoids interference with Bellevue housing and Bushmead Reserve?*

A1 The Presiding Member advised that the matter is the subject of debate.

Ms Julie D Ascenzo (on behalf of Mr Vic D Ascenzo)

In regard to Item 13.15 - Cr Zannino - Proposed Realignment of National Freight Route

Q1 *Will Council consider the interest of all residents, business proprietors, service providers, commuters, shoppers, clients, and customers to the critical circumstances of existing, and future circumstances of traffic ingress and egress to/from the Midland/Bellevue business locality that is the clear objective of Cr Zannino's Notice of Motion.*

A1 The Presiding Member took the question on notice.

Q2 *What is the estimated cost to the City of Swan in placing this Motion before the State Government Requesting the State to Review the 2018 Realignment Decision?*

A2 The Presiding Member took the question on notice.

Mr John Kemish (on behalf of Mr Michael Spancich)

In regard to Item 13.15 - Cr Zannino - Proposed Realignment of National Freight Route

Q1 *I am a business proprietor located in the area bounded by Roe Highway, Clayton Road, and Military Road. This is an area that was completely overlooked at the time of the 2018 MRS Amendment No. 13/13/41 adoption as the realignment route. Myself and my fellow business proprietors in that locality will be isolated by that flawed decision causing a significant loss of business and a severe loss in property valuation. Council badly erred at that time in supporting that 2018 amended realignment decision.*

Can you assure us that you will provide full recognition of our predicament and duly support Cr Zannino's attempt to right this wrong?

A1 The Presiding Member took the question on notice.

Mr John Kemish

In regard to Item 13.15 - Cr Zannino - Proposed Realignment of National Freight Route

Q1 *I am business proprietor operating in Robinson Road, and like so many of my neighbours in Edward Street, Ridgway Road, and Kep Close our business operations have been, or remain subject to disruption either by road closures, land reservations and/or enforced relocation due to ill-considered planning processes previously supported by your Council.*

Will your Council please address our circumstances and support Cr Zannino's Motion to review the current rail realignment proposal in the hope it will achieve a long-term solution to vehicle access in Midland and Bellevue?

A1 The Presiding Member took the question on notice.

Mr Cosimo Coniglio

In regard to Item 13.15 - Cr Zannino - Proposed Realignment of National Freight Route

I operate a business with frontage to Wildon Street. Recent road alterations resultant to the Saleyards Precinct development has further exacerbated vehicular traffic movement problems in Clayton Road. The Motion advanced under Cr Zannino's name appears as a sound approach to the overall and long-term problems of Midland/Bellevue.

- Q1 Why is a particular Councillor allowed to mislead residents of Bellevue and Bushmead on this matter with inaccurate statements on the issue before full consideration occurs through a Council Chamber debate and the requested review being undertaken?*
- Q2 Does the action of a Councillor deliberately advancing his intended voting position on a proposed Motion breach the Local Government (Model Code of Conduct) Regulations?*
- Q3 The State Governments earlier Metronet announcement included a statement suggesting the Urban Rail Service would be extended to a new Bellevue Station. The proposed layout of the Public Transport Authority's Railcar Assembly Area and the closure of Robinson Rd, this forthcoming September, to permit railcar movement under the unused arches of the Roe Highway Bridge as part of the Railcar Servicing and Parking requirements suggests that the Bellevue Railway Station will never occur.*
- a) That if the National Rail Freight Route is relocated because of the proposed review that the opportunity to establish an urban rail service to Bellevue would be possible?*
- b) Furthermore, that a road access to a new Bellevue Railway Station would be possible via the extension of Henkin Street of Clayton Road, together with a pedestrian /cycle accessway from the Bellevue residential area?*
- c) Additionally, with appropriate road design that a partial substitute to the closure of Robinson Road could be provided?*

A1-3 The Presiding Member took the questions on notice.

5.3 OTHER QUESTIONS

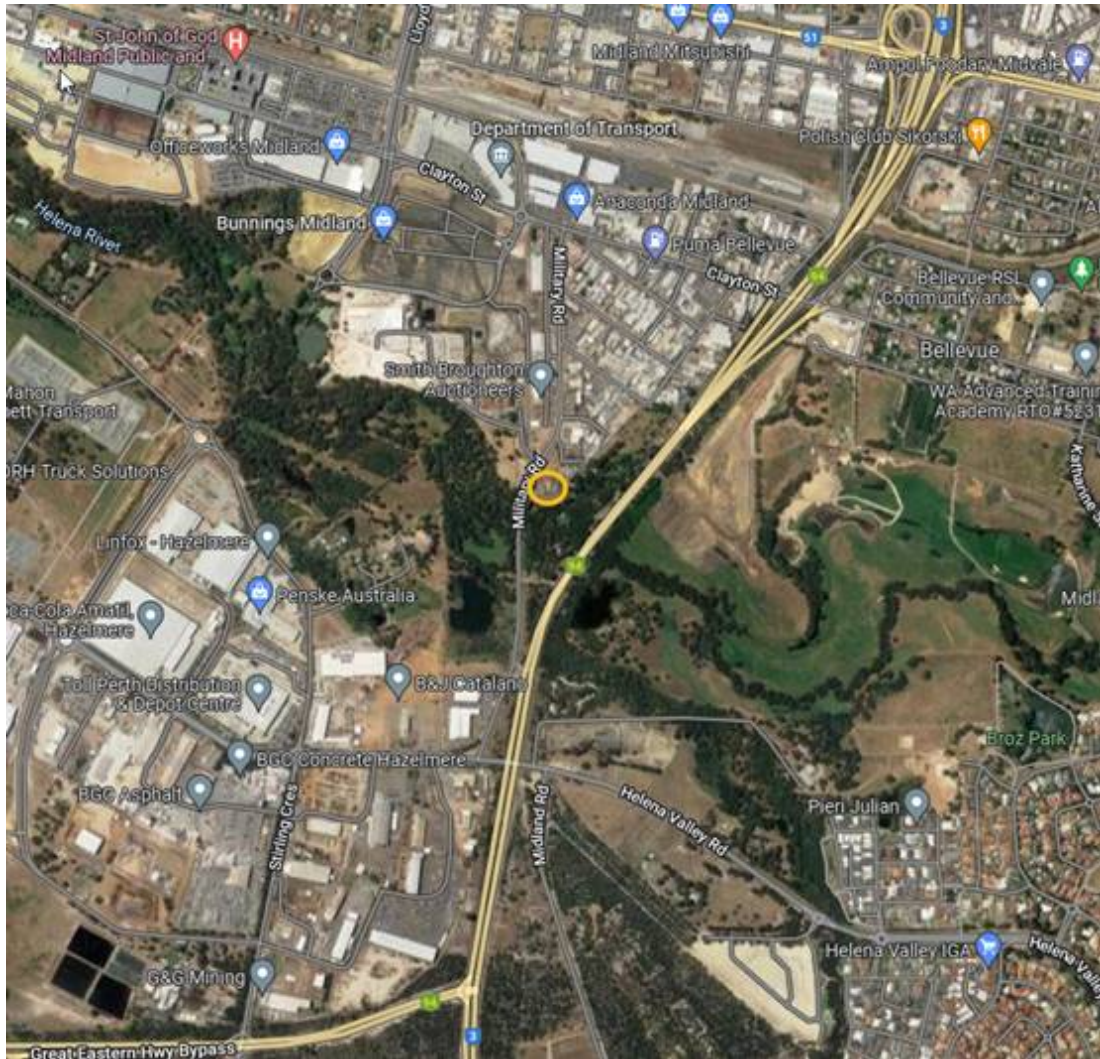
5.3.1 Questions of which due notice has been given

Ms Marilena Stimpfl

In regard to the Build Bridges Not Traffic campaign:

Q1 In reply to a previous query, the CEO indicated that the scanners were located on Military Road. Where was this exactly? Did the scanner capture traffic only in one direction or both?

A1 See map below with location circled.



- Q2 *Was the scanner located close to Clayton Road or Bushmead Road? If so, could the scanner pick up the tag from cars driving on those roads? What is the sensitivity of the scanner, i.e. what is the maximum distance from the transmitter (tag) that the scanner could pick up its signal?*
- A2 The trailer was located between Clayton and Bushmead Road, and picked up vehicles driving along both roads. The City does not have any specific information on the sensitivity of the scanner.
- Q3 *Were the tags distributed to the freight business or were they only provided to City of Swan ratepayers i.e. not business?*
- A3 The stickers were sent out to the majority of households within the City of Swan with the Quarterly newsletter and businesses in Hazelmere. Stickers, were also available to collect from the City of Swan Administration building in Midland. The Swan Chamber of Commerce distributed stickers throughout the business community.

Q4 Were the tags distributed to people living near the proposed bridge or where they distributed City of Swan wide?

A4 See answer to Q3.

Q5 Did the simple act of signing up for the campaign generate an email, or was an email only sent when the car drove near the sensors?

A5 All sign ups generated an auto email.

Dr Robert Ilchik

Q1 Has the Minister of Transport accepted ownership of the Lloyd Street bridge?

Q2 If yes, has the Minister of Transport taken steps to transfer the ownership of the project from the City of Swan to the State government?

Q3 If yes to question 2, what are these steps and when will the process be completed?

Q4 Who owns the project now?

A1-4 The City has been informed that the Minister has asked Main Roads WA (MRWA) to initiate the process to move care and control of Lloyd Street from the City of Swan, to become a State Road. The Minister has advised that this is anticipated to be completed towards the end of this year, barring any unforeseen circumstance.

The project is currently being managed by MRWA on behalf of the City of Swan.

Ms Karen Mowat

Q1 Following on from my Q2 on 2 February 2022, can the City provide details of the 28 peppercorn leases mentioned i.e. names of the group, individual or business and property details to which these peppercorn leases relate?

A1

Tenant	Asset
Six054 Community Resource Association Inc	Lockridge Community Garden
BSA & Harley Davidson Motorcycle Club of WA Inc	BSA and Harley Davidson Motorcycle Club
Bullsbrook Community Garden Incorporated	Brearley Park (Bullsbrook Community Garden)
Chequers Golf Club (Inc)	Chequers Golf Course

Department of Communities	Brockman House
Ellenbrook Bowls Club Inc (Formerly Valley Bowls)	Ellenbrook Bowls
Ellenbrook Cultural Foundation	Grapevine Community Arts Space
Ellenbrook Mens Shed Association Inc	Ellenbrook Mens Shed
Equestrian WA	State Equestrian Centre
Gracelife Church Inc	Ellenbrook Community Centre
Midland Junction Lotteries House Incorporated	Midland Junction Lotteries House
Midland Women's Health Care Place + The Lotteries Commission	Midland Women's Health Care Place
Midland-Guildford Cricket Club (Inc)	Lilac Hill Indoor Cricket Centre & Cricket Nets
Mundaring Arts Centre Inc	Midland Junction Arts Centre
Shire of Mundaring	Midvale Hall and Early Childhood Centre
Susannah Brook Community Association	Lot 68 Stoneville Road, Lot 98 Cameron Road, Gidgegannup
Swan Districts Netball Association (Inc)	Netball Centre
The Calisthenics Association of WA (Inc)	Callisthenics Association
The Perth Polo Club Inc.	Perth Polo Club Buildings/Kings Meadow
Verdant Vista Community Garden	Ellenbrook Community Garden
Garrick Theatre Club Inc	16 Meadow St, Guildford
Perth Airport Pty Ltd	Lots 15727, 15728, 15730, 15731 on DP 43802
Department of Fire and Emergency Services (DFES)	Bullsbrook Volunteer Fire and Emergency Service Station
Croatian Club Caversham Inc.	34 West Swan Road, Caversham
Mrs Rosa Musuruca	Lot 64 / 27 and 29 the Crescent, Midland
Bellevue Residents & Ratepayers	Bellevue Hall

Association (social & crafts)	
Northside Radio Association	Space on Baskerville Mast

- Q2 Following on from my Q3 on 2 February 2022, has there been any development regarding the ownership of the Sales Office on Campersic Road? When does the City consider that a report will be provided to a Council meeting on the future plans for this building?*
- A2 A report on this matter is on the agenda for the Ordinary Meeting of Council on 6 July 2022.
- Q3 Following on from my Q4 on 2 February 2022, can the City provide an update on the developer's proposal for infrastructure on Lot 8004 Connemara Drive, Brigadoon? Have any meetings taken place with either the developer or local community to discuss this matter?*
- A3 A meeting has taken place with the developer to discuss possible options. No meetings have been held with the community at this stage, although it is intended that community consultation will occur as the matter progresses.
- Q4 In 2021 the CEO's Targets were updated to include a KPI to "Support equitable and consistent rating". Can the City advise what action has been identified to resolve the current rural rating inequities which the City has been aware of since 2015?*
- A4 As previously advised at the September 22, 2021 Ordinary Meeting of Council, the current Council resolution of December 2017 is to defer the UV Rate Review until the Local Government Act review is legislated. Action taken in response to the CEO target includes the requirement to review the method of rating individual properties where the City is informed of subdivisions, change of use and developments as they occur from time to time.
- Q5 On 8 December 2020, the Minister for Local Government, advised the City in writing that he was "of the view that the City is best placed to resolve any current inequities by enforcing a consistent approach to its rating reviews to ensure fairness and equity and in clearly communicating this to ratepayers."*
- What action has the City undertaken since receiving this information in respect of resolving the current rural rating inequities which the City has been aware of since 2015?*
- Q5 As previously advised at the February 17, 2021 Ordinary Meeting of Council, the Minister has requested local governments postpone any rating review process during the COVID19 pandemic. This was received December 9, 2020.

Ms Helen Quaife

Q1 How many Councillors Code of Conduct complaints has the City of Swan received annually in the period October 2018 – current (5 years)?

A1 Complaints to the Local Government Standards Panel:

October 2018 to June 2019	July 2019 to June 2020	July 2020 to February 2021	March 2021 to June 2022
3	21	13	24

Complaints under the Councillors' Code of Conduct:

October 2018 to June 2019	July 2019 to June 2020	July 2020 to February 2021	March 2021 to June 2022
2	4	7	15

In February 2021, the legislation relating to Councillor conduct changed. This resulted in the Rules of Conduct Regulations being replaced by the Model Code of Conduct Regulations.

Q2 Having experienced the City's Councillor Code of Conduct Complaints process first-hand, it became apparent that the facility is a time consuming, costly, and flawed resource. From the date of lodgement of a complaint it was a 10-month process till an unsatisfied conclusion was reached. The process required the City to employ the services of an independent mediator in conjunction with the City's Governance department.

Could Council please advise the financial costs that have been expended annually by the administration for overseeing the Councillor Code of Conduct complaints process since October 2018 to current?

A2 The CEO will take the question on notice.

Q3 Could Council please advise the 'administration staff hours' that have been consumed annually for overseeing the Councillor Code of Conduct complaints process since October 2018 to current?

A3 Not quantifiable but is estimated to be approximately 10 hours per complaint dependent on the complexity. Staff do not log their time against overseeing Councillor Code of Conduct complaints.

Q4 What is the financial cost to the City's administration annually (October 2018 to current) in responding to individual Councillor issues?

A4 Not quantifiable. Staff do not log their time against responding to individual Councillor issues.

Q5 *With regard to the answer for Q4, what does this equate to in 'administration staff hours'?*

A5 Refer to A4.

Mr Daniel Pisano

*Q1 *On 31 May 2022 the City confirmed that the DA932-2014 Drainage Plan stamped by the City of 7-12-2016 is the (current and applicable) approved drainage plan for 1056 Great Northern Highway Baskerville 6056 (aka 34 Haddrill Road Baskerville).*

Five photos, all taken on the 7 May 2022 and being of the north east corner of the dam (and beyond in each direction) on 1056 Great Northern Highway have been provided. Can the City please clearly state if the dam overflow pipe is:

- a) installed in the NE corner of the dam,*
- b) at the correct invert elevation (level), per the DA932-14 Drainage plan stamped 7-12-2016, and*
- c) fully functional, per the Drainage plan stamped 7-12-2016.*

Or if the overflow pipe is not installed, please state that the dam overflow pipe is not installed.

Q2 *If yes to 1a), b) and c) above, can the City please circle the overflow pipe and return your marked up photo(s) with your name, signature, date and a statement of "Dam Overflow pipe is confirmed as installed per DA932-14 Drainage plan stamped 7-12-2016 and is fully functional and is circled", on the photo(s).*

Q3 *If the dam overflow pipe is not installed per 1a), b) and c) above, please advise as such and also advise:*

- a) what the City is going to do about this alleged non-conformance,*
- b) when the City is going to address this alleged non-conformance,*
- c) when the City will provide a report to my complaint, and*
- d) (approximately) when the City plans to re-inspect 1056 GNH to check that corrective actions have been undertaken and there is full compliance.*

Q4 *May I please have a return email acknowledging receipt of this complaint with a new (six digit) Work Request number?*

A1-4 A response provided by the City in an e-mail to Mr Pisano on 11 May 2022 responded to these matters.

*Q5 *Mr Edwards resigned as CEO of the City of Swan with his last day being in July 2022. This is approximately 3 years before the expiry of this 5 year contract. Will Mr Edwards be compensated more than his accrued terms of his contract? If yes, please explain why and advise the value (monetary or otherwise) of the additional compensation.*

A5 Mr Edwards will not be compensated more than his accrued entitlements.

5.3.2 Questions without due notice

Ms Anne Janes, Bullsbrook Residents and Ratepayers Association

Q1 *Can you confirm the number of times that the City of Swan Compliance Officer has attended Shalom House, Lot 7 1973 Great Northern Highway Bullsbrook.*

A1 Compliance Officers have attended 1973 Great Northern Highway, Bullsbrook on 12 occasions between 2018 to July 2022.

Q2 *When the City of Swan Compliance Officer has visited the Shalom House property, Lot 7, 1973 Great Northern Highway, Bullsbrook:*

a) *what kind of a reception did they receive; and*

b) *are they happy to visit this property again?*

A2 City Compliance Officers conduct many inspections across the City. Officers conduct their role in a professional manner, regardless of the situation and any requirement to revisit a property.

Q3 *Can the City confirm that the Conditions for Approval placed on the Shalom House property in Park Street, Brabham have all been completed?*

A3 The CEO will take the question on notice.

Public question time concluded at 6.20pm as there were no further questions.

6. PUBLIC STATEMENT TIME

6.1 Mr John Gangell in regard to Item 13.15 - Cr Zannino - Proposed Realignment of National Freight Route.

6.2 Ms Dianne Arvino, Bellevue Residents and Ratepayers association in regard to Item 4.2 - Consideration of Submissions - Proposed Amendment No.203 to Local Planning Scheme No.17 - To Rezone Various Lots in Bellevue from 'General Industrial' to 'Light Industrial' - BELUS Precinct No.1 (LPS17-203).

6.3 Ms Lilly Cornish in regard to Item 4.3 - Proposed Community Purpose - Women's Rehabilitation Centre - Lot 8 (No.2118) Great Northern Highway, Bullsbrook (DA215-22).

7. PETITIONS

- 7.1 Petition containing 368 signatures objecting to the Notice of Motion - Proposed Realignment of National Freight Route.

From the Bellevue Residents and Ratepayers Association

- 7.2 Petition containing 333 signatures objecting to the Notice of Motion - Proposed Realignment of National Freight Route.

From Bushmead residents (residents, residents to be and supporters of Bushmead)

- 7.3 Petition containing 4 signatures objecting to the Notice of Motion - Proposed Realignment of National Freight Route.

From Mr Arthur Storm

Note: Petitions have not been verified (i.e., to determine number of electors, duplicates etc).

RESOLVED UNANIMOUSLY:

- 1) That the above petitions be considered a submission on Item 13.15 - Cr Zannino - Proposed Realignment of National Freight Route.

(Cr Jones – Cr Johnson)

8. DEPUTATIONS

Deputations for items on the agenda were heard at the Agenda Forum held on June 29, 2022.

9. ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

Each year NAIDOC week celebrates the history, culture and achievements of Aboriginal and Torres Strait Islander peoples. I was fortunate to have been invited to attend a number of NAIDOC week events centred on the theme of "Get up! Stand up! Show up!" encouraging systemic change. They were terrific events.

NAIDOC week celebrations continue until Friday 8 July and still to come is the screening of the film 'In My Blood it Runs', Sun Catcher making at Beechboro Library and Live Music with Clive Morrison and Indigo Ellis at the old Midland Courthouse.

I would also like to pay tribute to our Chief Executive Officer, Jeremy Edwards. This is Jeremy's last Council meeting as Swan CEO and I would like to take this opportunity to thank Jeremy on behalf of Mayor Lucas and the Council for a fantastic 18 months of service. Jeremy has certainly set the City on a path of innovation and improved engagement which I hope continues into the future.

I have personally enjoyed working with you Jeremy. I have found you approachable, rational and calm, particularly during such significant events as the Wooroloo Bushfire and COVID-19.

All the very best at Bayswater Jeremy.

Our interim CEO, Mr Cliff Frewing will join us on 1 August and stay until the recruitment of the new CEO is completed.

I would also like to acknowledge Ms Amanda Albrecht, our Manager of Governance. This is Amanda's last Council meeting as well. Amanda has been with the City over seven years, commencing as our Manager Organisational Planning & Development before moving into our Manager Governance role approximately four years ago. Amanda has provided outstanding support to the Council, going above and beyond to ensure Council has had the requisite guidance to serve the community of Swan. Amanda has always conducted herself in a professional and friendly manner. I will miss her contribution to Council but wish her the very best in her next endeavours.

Also on the theme of CEO's, the Queen's Birthday Honours List was announced on 13 June and our former Chief Executive Officer Mike Foley was awarded the Medal of the Order of Australia for his service to local government.

Mike served 39 years at the City of Swan. He took on roles including Deputy Shire Engineer, Shire Engineer and City Engineer before being appointed Chief Executive Officer in 2006, a position he held for 14 years.

Another significant award was announced in June, involving another Mike - Mike Teraci. Mr Teraci's 40 years of service as a firefighter to the East and West Swan Volunteer Bush Fire Brigade was honoured with a Fire Service medal – the highest meritorious award given in the Australian Fire Service. Mike has played a critical role in the response to four cyclones and four major bushfires including the 2009 Black Sunday bushfires in Victoria.

On behalf of us all at the City of Swan, thank you Mike for your hard work, dedication and courage.

10. MEMBERS' QUESTIONS

10.1 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE

Nil

10.2 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Cr Bowman

Q1 Has the City been provided updated traffic modelling data for the Orange Route, in particular the eastern part?

A1 No.

Q2 What is the most recent traffic modelling data that the City has received in regard to the Orange Route?

A2 The modelling is from 2018.

Q3 Is there more up to date traffic modelling data available that the City has not currently been provided?

A3 There is more recent modelling and the City has requested that it be provided.

10.3 QUESTIONS OF WHICH NOTICE HAS NOT BEEN GIVEN

Cr Johnson

Q1 An answer to a question from Mr Robert Ilchik indicates the City still has control of the Lloyd Street bridge project until the end of the year. Is this correct?

A1 Executive Manager Operation advised yes. Lloyd Street is a local road under the care and control of the City of Swan. Main Roads WA are managing the project.

Cr Catalano

Q1 In regard to Midland Junction Lotteries House. Does the City own the building?

A1 Yes.

Cr Bowman

Q1 Why was Cr Johnson's Notice of Motion included in the agenda when it was not able to be acted upon as it breaches legislation?

A1 Manager Governance advised that staff were not aware that the Notice of Motion breached the legislation until after the agenda was published. That advice was subsequently provided to Cr Johnson.

11. LEAVE OF ABSENCE

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

Cr Knight
Whiteman Ward 7 August 2022 to 22 August 2022 (inclusive)

Cr Bowman
Pearce Ward 11 August 2022 to 15 August 2022 (inclusive)

(Cr Parry – Cr Johnson)

12. CONFIRMATION OF MINUTES

RESOLVED UNANIMOUSLY that the Minutes of the Ordinary Meeting of Council held on 1 June 2022 be confirmed.

(Cr Parry – Cr Predovnik)

13. ANY BUSINESS LEFT OVER FROM PREVIOUS MEETING

13.1 POTENTIAL ASSET DISPOSAL - LOTS 11 AND 12 (NOS.37-39) OLD GREAT NORTHERN HIGHWAY, MIDLAND (BANKWEST BUILDING)

This matter was deferred at the Ordinary Council Meeting held on 3 June 2020 until such time as City staff have concluded ongoing negotiations with a prospective tenant.

The matter is scheduled to be relisted on the August Council meeting.

13.2 ADOPTION OF MORRISON ROAD LOCAL DEVELOPMENT PLAN

This matter was deferred at the Ordinary Council Meeting held on 23 September 2020 until such time as the City has conducted a heritage assessment of properties as previously agreed.

13.3 POLICY REVIEW - PROVISION OF PUBLIC ART

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

13.4 GUILDFORD PARKING - CHANGES TO TIME RESTRICTIONS

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

A briefing is being arranged for ward Councillors after which time a briefing will be presented to Council.

13.5 POLICY - DEBT COLLECTION RATES AND SERVICES CHARGES

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

A briefing was conducted on 22 June 2022 and a report to a future Council meeting will be presented in due course.

13.6 REQUESTS TO AMEND LOCAL HERITAGE SURVEY (2020)

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

The matter is scheduled to be relisted on the August Council meeting.

13.7 PROPOSED DEMOLITION OF SINGLE HOUSE AND REMOVAL OF NATIVE VEGETATION - LOTS 33 & 34 (NO. 7) FAUNTLEROY STREET, GUILDFORD (DA1069-21)

This matter was deferred at the Ordinary Council Meeting held on 6 April 2022 for the applicant to supply a structural condition assessment and replacement building plans as required by Policy PO-C-106 Local Planning Policy Guildford Conservation Precinct.

13.8 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.

13.9 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.

13.10 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).

13.11 ANNUAL REVIEW OF THE CITY'S DELEGATIONS REGISTER 2022

At the Ordinary Council Meeting held on 1 June 2022 Council resolved that this item lie on the table.

The Officer Recommendation had been moved by Cr Johnson and seconded by Cr McCullough. No debate had occurred.

RESOLVED UNANIMOUSLY to:

- 1) Take the matter from the table.

(Cr Johnson – Cr McCullough)

Cr Johnson requested the withdrawal of the motion to adopt the Officer Recommendation.

RESOLVED UNANIMOUSLY TO:

- 1) Support the withdrawal of the motion to adopt the Officer Recommendation.

(Cr McCullough – Cr Parry)

MOTION that the Council resolve to:

- 1) Defer consideration of the item Annual Review of the City's Delegations Register 2022, to the 7 September Ordinary Meeting of Council to allow:
 - a) A Council briefing on the City's Delegation Register to be arranged, and
 - b) An opportunity for revisions to be made to the City's Delegations Register and an updated report to be resubmitted to Council.

(Cr Johnson – Cr McCullough)

RESOLVED UNANIMOUSLY TO:

- 1) Defer consideration of the item Annual Review of the City's Delegations Register 2022, to the 7 September Ordinary Meeting of Council to allow:
 - a) A Council briefing on the City's Delegation Register to be arranged, and
 - b) An opportunity for revisions to be made to the City's Delegations Register and an updated report to be resubmitted to Council.

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

Ward: (Swan Valley/Gidgegannup) (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

An attachment to this report is **CONFIDENTIAL** as it contains personal information. Should Council seek to discuss the confidential information during the Ordinary Meeting of Council, Council should resolve to move behind closed doors.

RECOMMENDATION

That the Council resolve to:

- 1) In accordance with the *Local Government Act 1995* and pursuant to section 6.64 to proceed to sell the property listed hereunder which have rates and charges in arrears for three (3) or more years, and recover from the proceeds of sale the outstanding balances which total approximately \$8,992.

	Assessment Number
1	231067

- 2) To authorise Chief Executive Officer to act on Council's behalf or to authorise an agent to sign a contract of sale.

The CEO withdrew this item from the agenda. The outstanding rates on the property have now been paid.

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

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

Disclosure of Interest: Nil.

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Approve the Development Application for a Transportable Structure, Patio and Home Business at Lot 222 (No.39) Huntsman Terrace, Jane Brook subject to the following conditions:
 1. The approved Transportable Structure, Patio and Home Business is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 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. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.
 4. The Home Business subject of this approval (Hairdresser) is to be operated by Tanya Hall at Lot 222 (No.39) Huntsman Terrace, Jane Brook, who must remain a permanent resident on site at the subject premises, only. The operation of the Home Business by any other person, or its operation at any other premises is not permitted by this approval. This approval is specific to the applicant and cannot be transferred to any other person or to any other site.
 5. Only one (1) client is permitted to access the Home Business premises at any one time. The applicant must keep a record of clientele in the form of a diary available for viewing by the City of Swan.
 6. The Home Business is not permitted to employ any person who is not a resident of the property unless further approval is obtained from the City of Swan.
 7. The Home Business hereby permitted is restricted in its hours of operation to the following:
 - a) Tuesday 9.00am – 7.00pm; and
 - b) Thursday 9.00am – 7.00pm.
 8. No goods shall be displayed for sale or hire.

9. The Home Business hereby permitted must not occupy an area greater than 50m².
10. The parking of vehicles in association with the Home Business must be contained within the subject lot.
11. The Home Business activity must not cause nuisance or degrade the amenity of the neighbourhood in any way, including by reason of the emission of noise, light, vibration, electrical interference, odour, fumes, smoke or other pollutant, vapour, steam, soot, ash, dust, waste water, water products, grit, oil or impact on public safety or otherwise.
12. The applicant must not erect or otherwise display on the Home Business premises any sign with an area exceeding 0.5m².

A sign erected under this condition must:

- a) Only describe the type of Home Business and provide the relevant contact details;
 - b) Be placed on a building, wall, fence or entry statement of the Home Business premises;
 - c) Not be illuminated nor use reflective or fluorescent materials; and
 - d) Comply with the City of Swan Consolidated Local Laws.
- 2) Advise the applicant /owner and any submitters of the Council's decision.

MOTION that the Council resolve to:

- 1) Defer consideration of the Development Application for a Transportable Structure, Patio and Home Business at Lot 222 (No.39) Huntsman Terrace, Jane Brook until the Ordinary Meeting of Council to be held on 3 August 2022.
- 2) Record the reason for changing the Officer Recommendation is to enable Council to consider further issues in relation to the legal implications of the inclusion of *"the proposed full height metal stud framed structure between the transportable building and the existing limestone retaining wall"* as indicated on the attached plans.

(Cr Predovnik – Cr Jones)

RESOLVED UNANIMOUSLY TO:

- 1) Defer consideration of the Development Application for a Transportable Structure, Patio and Home Business at Lot 222 (No.39) Huntsman Terrace, Jane Brook until the Ordinary Meeting of Council to be held on 3 August 2022.
- 2) Record the reason for changing the Officer Recommendation is to enable Council to consider further issues in relation to the legal implications of the inclusion of *"the proposed full height metal stud framed structure between the transportable building and the existing limestone retaining wall"* as indicated on the attached plans.

**13.14 CR ZANNINO - REVIEW OF THE MANAGEMENT OF THE WOOROLOO FIRE
RECOMMENDATION - MULTI-AGENCY INCIDENT CONTROL CENTRE**

Ward: (All Wards) (Community Safety)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Community Wellbeing)

Cr Zannino submitted the following Notice of Motion:

That the Council resolve to:

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

Reason for Motion (provided by Cr Zannino)

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

OFFICER COMMENT

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

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

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

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

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

MOTION that the Council resolve to:

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

(Cr Zannino – Cr Henderson)

RESOLVED UNANIMOUSLY TO:

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

13.15 CR ZANNINO - PROPOSED REALIGNMENT OF NATIONAL FREIGHT ROUTE

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

Cr Johnson declared an impartiality interest in Item 13.15 - Cr Zannino - Proposed Realignment of National Freight Route as Bushmead Conservation Cobbers donated a bottle of wine to him.

Cr Zannino submitted the following Notice of Motion:

That the Council resolve to:

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

Reason for Motion (provided by Cr Zannino)

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

OFFICER COMMENT

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

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

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

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

MOTION that the Council resolve to:

- 1) Request the Minister for Transport; Planning and Ports; the Hon Rita Saffioti to ensure that:
 - a) Review of the 2018 MRS Amendment 1313/14 Decision in regard to the Realignment of the National Rail Freight Route, as currently proposed, is undertaken as a matter of urgency to alleviate traffic problems evident in the Town of Midland.
 - b) Review/reconsider the impact on the overall Vehicular Traffic Flows now occurring in Midland, and planned for the future.
 - c) Recognition is given to these requests by the City of Swan is part of the City's desire to address the historically long-standing problems associated with Traffic Flows within the Midland Town and Guildford in serving the multiple interests of a successful Metropolitan Centre.

(Cr Zannino – Cr Jones)

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

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

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

13.16 CR KNIGHT - AMENDMENT TO LOCAL PLANNING SCHEME PARKING PROVISIONS

Ward: (All Wards) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

Cr Knight submitted the following Notice of Motion:

That the Council resolve to:

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

Reason for Motion (provided by Cr Knight)

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

OFFICER COMMENT

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

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

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

MOTION that the Council resolve to:

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

(C Knight – Cr Bowman)

RESOLVED UNANIMOUSLY TO:

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

13.17 CR KNIGHT - WALKING AND BIKING TRAIL - GUILDFORD TO BELLEVUE

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

Cr Knight submitted the following Notice of Motion:

That the Council resolve to:

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

Reasons for the Motion:

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

OFFICER COMMENT

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

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

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

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

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

MOTION that the Council resolve to:

- 1) Defer consideration of this matter to the 3 August 2022 Ordinary Meeting of Council.

(Cr Knight - Cr Parry)

RESOLVED UNANIMOUSLY TO:

- 1) Defer consideration of this matter to the 3 August 2022 Ordinary Meeting of Council.

CITY of SWAN

**ORDINARY MEETING
OF COUNCIL**

PART B

REPORTS

06 JULY 2022

PART B - REPORTS

1. ADOPTION OF THOSE RECOMMENDATIONS CONTAINED IN ITEMS NOT WITHDRAWN

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

Part B

- 4.1 Consideration of Submissions - Proposed Amendment No.199 to Local Planning Scheme No.17 - New Clause 5.11 in Scheme Text for Protection and Relocation of Native Fauna
- 4.2 Consideration of Submissions - Proposed Amendment No.203 to Local Planning Scheme No.17 - To Rezone Various Lots in Bellevue from 'General Industrial' to 'Light Industrial' - BELUS Precinct No.1 (LPS17-203)
- 4.4 Proposed Two-Storey Commercial Development - Lot 5969 (No.52) Ellen Stirling Parade, Ellenbrook (DA826-21)
- 4.5 Home Business - Lot 1053 (No.3) Baluran Avenue, Brabham (DA988-20)
- 4.6 To Use a Portion of the Land for Telecommunications Infrastructure Including Associated Development - Lot 113 Strata Parent (No.36) Irvine Drive, Malaga (DA853-21)
- 4.7 To Use a Portion of the Land for Telecommunications Infrastructure Including Associated Development - Lot 100 (No.124) Clarkson Road, Bullsbrook (DA833-21)
- 4.8 Draft Heritage Local Planning Policy - Approval to Advertise
- 4.9 Statutory Planning Decisions Under Delegated Authority
- 5.2 Solar Panels on City Buildings
- 5.3 Provision of Electrical Services - Separable Parts (RFT22PM20-SOR)
- 6.1 List of Accounts Paid - May 2022
- 6.2 Financial Management Report for Period Ended 31 May 2022
- 6.3 Change in Basis of Valuation

Part C

- C3.1 Compulsory Acquisition - Lot 4 West Swan Road, Caversham

Notes:

Item 2.2 - Policy Review - Election Caretaker Provisions was withdrawn from the Agenda by the CEO and does not require a decision.

Item 5.4 - Main Roads WA Correspondence does not require a decision as it is only tabling of a document.

(Cr Parry - Cr Jones)

2. CORPORATE PLANNING AND POLICY

2.1 ADOPTION OF CORPORATE BUSINESS PLAN

Ward: (All Wards) (Organisational Planning and Development)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Place Stakeholder Engagement)

RECOMMENDATION

That the Council resolve to:

- 1) Adopt the Corporate Business Plan (2022/23 - 2025/26), subject to design and authorise the CEO to approve any minor changes that may be required before the document is finalised for printing.
- 2) Give public notice that the Corporate Business Plan (2022/23 - 2025/26) has been adopted.

MOTION that the Council resolve to:

- 1) Adopt the Corporate Business Plan (2022/23 - 2025/26), subject to:
 - a) Amendments to provide the correct full-time equivalent (FTE) numbers, and
 - b) Final design (and authorise the CEO to approve any minor changes that may be required before the document is finalised for printing).
- 2) Give public notice that the Corporate Business Plan (2022/23 - 2025/26) has been adopted.
- 3) Record the reason for changing the Officer Recommendation is the number of FTE do not include casual staff, and as such do not properly reflect on the FTE to provide each service.

(Cr Bowman – Cr Johnson)

RESOLVED (10/3) TO:

- 1) Adopt the Corporate Business Plan (2022/23 - 2025/26), subject to:
 - a) Amendments to provide the correct full-time equivalent (FTE) numbers, and
 - b) Final design (and authorise the CEO to approve any minor changes that may be required before the document is finalised for printing).
- 2) Give public notice that the Corporate Business Plan (2022/23 - 2025/26) has been adopted.
- 3) Record the reason for changing the Officer Recommendation is the number of FTE do not include casual staff, and as such do not properly reflect on the FTE to provide each service.

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

Against: Crs Catalano, Howlett and Knight

2.2 POLICY REVIEW - ELECTION CARETAKER PROVISIONS

Ward: (All Wards) (Governance)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

RECOMMENDATION

That the Council resolve to:

- 1) Adopt the revised policy Pol-C-169 - Election Caretaker Provisions.

The CEO withdraw this item from the agenda, with the intention of resubmitting to the August Council meeting.

3. COMMUNITY PLANNING AND DEVELOPMENT

Nil

4. STATUTORY PLANNING

4.1 CONSIDERATION OF SUBMISSIONS - PROPOSED AMENDMENT NO.199 TO LOCAL PLANNING SCHEME NO.17 - NEW CLAUSE 5.11 IN SCHEME TEXT FOR PROTECTION AND RELOCATION OF NATIVE FAUNA

Ward: (All Wards) (Statutory Planning)

Disclosure of Interest: Nil.

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Note the submissions received on proposed Amendment No.199 to the City of Swan Local Planning Scheme No.17.
- 2) Support Amendment No.199 to Local Planning Scheme No.17 with the following modification:
 - Modify proposed Clause 5.11.1 by changing “*..the Council may..*” to “*...the Council will...*”.
- 3) Forward the Amendment documentation and Schedule of Submissions to the Western Australian Planning Commission with the request that the Hon. Minister for Planning grant approval to the Amendment and its gazettal with the above modification.
- 4) Advise those that lodged a submission of Council's decision accordingly.

CARRIED EN BLOC

4.2 CONSIDERATION OF SUBMISSIONS - PROPOSED AMENDMENT NO.203 TO LOCAL PLANNING SCHEME NO.17 - TO REZONE VARIOUS LOTS IN BELLEVUE FROM 'GENERAL INDUSTRIAL' TO 'LIGHT INDUSTRIAL' - BELUS PRECINCT NO.1 (LPS17-203)

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Note the submissions received on proposed Amendment No.203 to the City of Swan Local Planning Scheme No.17.
- 2) Support proposed Amendment No.203 to Local Planning Scheme No.17 without modifications.
- 3) Forward the Amendment documentation and Schedule of Submissions to the Western Australian Planning Commission with the request that the Hon. Minister for Planning grant approval to the Amendment and its gazettal without modification.
- 4) Advise the landowner(s) and those that lodged a submission of Council's decision accordingly

CARRIED EN BLOC

4.3 PROPOSED COMMUNITY PURPOSE - WOMEN'S REHABILITATION CENTRE - LOT 8 (NO.2118) GREAT NORTHERN HIGHWAY, BULLSBROOK (DA215-22)

Ward: (Pearce Ward) (Statutory Planning)

Disclosure of Interest:

Authorised Officer: (Executive Manager Planning and Development)

Cr Johnson declared an impartiality interest in Item 4.3 - Proposed Community Purpose - Women's Rehabilitation Centre - Lot 8 (No.2118) Great Northern Highway, Bullsbrook as Shalom House provided volunteers during his 2019 Election Campaign.

RECOMMENDATION

That the Council resolve to:

- 1) Approve the application for the proposed use of the existing single house at Lot 8 (No.2118) Great Northern Highway, Bullsbrook for a "Women's Rehabilitation Premises", the addition of a patio to the existing house and the installation of four (4) transportable buildings for the purpose of the same, subject to the following conditions:
 1. This approval is personal to the West Australian Shalom Group Inc. and does not run with the land.
 2. The use of the land by West Australian Shalom Group Inc. for 'Community Purpose' is listed as follows:
 - i. Maximum programme participant occupancy of the premises is limited to 36 women only and one (1) caretaker.
 - ii. Access and egress from the property by programme participants is by arrangement of the West Australian Shalom Group Inc.
 - iii. Programme participants shall be provided with professional counselling, access to medical practitioners and a supervised work programme by the West Australian Shalom Group Inc.
 3. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 4. Access to the approved development is limited to the existing site crossover to Great Northern Highway.
 5. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

6. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.
7. The approved development shall be connected to an on-site effluent disposal system approved by the Department of Health or otherwise connected to reticulated sewer.
8. Within 60 days of the date of this approval the applicant/owner is to submit to the satisfaction of the City of Swan a Parking Plan detailing the location, dimensions and construction material of a Parking Area within the subject lot suitable to accommodate the parking of 36 cars and any service vehicles likely to visit the site.
9. Within 120 days of the date of approval of the Parking Area subject of the approved Parking Plan the applicant/owner is to have constructed the Parking Area. The Parking Area is to be thereafter maintained to the satisfaction of the City of Swan.
10. Within 90 days of the date of approval, the applicant/owner is to submit to the satisfaction of the City of Swan a Waste Management Plan for waste storage and collection within the subject lot that details:
 - a. The location of bin storage areas and bin collection areas;
 - b. The number, volume and type of bins, and the type of waste to be placed in the bins;
 - c. Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - d. Frequency of bin collections.

The Waste Management Plan must be implemented at all times to the satisfaction of the City of Swan.

11. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
12. Prior to a building permit being issued for any of the approved transportable buildings, the applicant/owner is to submit, to the satisfaction of the City of Swan, a Landscaping Plan for the purpose of provision of planting of native plant species around the perimeter of each of the transportable buildings. The Landscaping Plan shall depict the location, number, type and size of native trees and shrubs proposed to be planted.
13. The approved Landscaping 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 of Swan.
14. The transportable buildings and patio must be clad in a material or painted in a colour of natural or earth tones to complement the surroundings, and/or adjoining developments, in which it is located to the satisfaction of the City of Swan.

- 2) Advise the applicant / owner and any submitters of the Council's decision.

MOTION that the Council resolve to:

- 1) Defer consideration of the application for the proposed Community Purpose - Women's Rehabilitation Centre - Lot 8 (No.2118) Great Northern Highway until the Ordinary Council Meeting of 7 September 2022 to enable the applicant to consider modifying the application to re-site the proposed transportable buildings to the middle of the subject lot.

(Cr Bowman – Cr McCullough)

AMENDMENT TO THE MOTION

Cr Richardson requested the following amendment:

Insert the following as an additional reason for the deferral:

Allow Councillors and staff time to consider the development, and retrospective applications lodged with the City.

Cr Richardson withdrew the proposed amendment.

Cr Congerton entered debate. Cr Zannino assumed the role of Presiding Member during Cr Congerton's speech.

Cr Congerton resumed as Presiding Member.

RESOLVED (11/2) TO:

- 1) Defer consideration of the application for the proposed Community Purpose - Women's Rehabilitation Centre - Lot 8 (No.2118) Great Northern Highway until the Ordinary Council Meeting of 7 September 2022 to enable the applicant to consider modifying the application to re-site the proposed transportable buildings to the middle of the subject lot.

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

Against: Crs Catalano and Johnson

**4.4 PROPOSED TWO-STOREY COMMERCIAL DEVELOPMENT - LOT 5969
(NO.52) ELLEN STIRLING PARADE, ELLENBROOK (DA826-21)**

Ward: (Pearce Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Refuse to grant approval for the proposed Two-Storey Commercial Development located at Lot 5969 (No.52) Ellen Stirling Parade, Ellenbrook for the following reasons:
 - a. The design of the proposed development is considered to not comply with the design elements of Context and Character, Builtform and Scale, Functionality and Build Quality, Legibility and Aesthetics set out in State Planning Policy 7.0 – Design of the Built Environment.
 - b. The design of the proposed development does not comply with the Builtform, Setback and Storage and refuse provisions of Detailed Area Plan No.293 that pertains to the land.
- 2) Advise the applicant and those who lodged a submission of the Council's decision accordingly.

CARRIED EN BLOC

**4.5 HOME BUSINESS - LOT 1053 (NO.3) BALURAN AVENUE, BRABHAM
(DA988-20)**

Ward: (Whiteman Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Refuse the application for a Home Business at Lot 1053 (No.3) Baluran Avenue, Brabham for the following reasons:
 - a) The proposal does not satisfy point b) of the Home Business definition within the City of Swan Local Planning Scheme No.17 pertaining to residential amenity.
 - b) The proposal will prejudice Objective c) of the Residential zone which seeks to preserve and enhance those characteristics which contribute towards residential amenity, and to avoid those forms of development which have the potential to prejudice the development of a safe and attractive residential environment.

CARRIED EN BLOC

**4.6 TO USE A PORTION OF THE LAND FOR TELECOMMUNICATIONS
INFRASTRUCTURE INCLUDING ASSOCIATED DEVELOPMENT - LOT 113
STRATA PARENT (NO.36) IRVINE DRIVE, MALAGA (DA853-21)**

Ward: (Whiteman 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 the rear of Unit No.2 on Lot 113 Strata Parent (No.36) Irvine Drive, Malaga subject to the following conditions:
 1. This approval is for 'Telecommunications Infrastructure' as defined in the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without the prior approval of the City.
 2. The approved development must comply in all 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. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
 4. The Tower must be constructed to a standard to accommodate a minimum of three (3) carriers.
 5. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.
- 2) Advise the applicant/owner of the resolution of Council.
- 3) Advise those that lodged a submission of Council's decision.

CARRIED EN BLOC

**4.7 TO USE A PORTION OF THE LAND FOR TELECOMMUNICATIONS
INFRASTRUCTURE INCLUDING ASSOCIATED DEVELOPMENT - LOT 100
(NO.124) CLARKSON ROAD, BULLSBROOK (DA833-21)**

Ward: (Pearce 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 100 (No.124) Clarkson Road, Bullsbrook 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. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 3. The proposed 'Telecommunications Infrastructure' should have at least a minimum front setback of 30m, a minimum side setback of 20m, and a minimum 30m setback from the rear of the subject lot.
 4. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
 5. The Tower must be constructed to a standard to accommodate a minimum of three (3) carriers.
 6. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.
- 2) Advise the applicant/owner of the resolution of Council.
- 3) Advise those that lodged a submission of Council's decision.

CARRIED EN BLOC

4.8 DRAFT HERITAGE LOCAL PLANNING POLICY - APPROVAL TO ADVERTISE

Ward: (All Wards) (Strategic Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Grant approval for public advertising of the draft Heritage Local Planning Policy for a period of 60 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

CARRIED EN BLOC

4.9 STATUTORY PLANNING DECISIONS UNDER DELEGATED AUTHORITY

Ward: (All Wards) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Note the list of Statutory Planning decisions made under delegated authority for the period 14 May 2022 to 17 June 2022.

CARRIED EN BLOC

5. OPERATIONAL MATTERS

5.2 SOLAR PANELS ON CITY BUILDINGS

Ward: (All Wards) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Continue to install solar panels on new buildings if there is financial benefit.
- 2) Proactively install solar panels on existing buildings as part of the Long Term Financial Plan when there is financial benefit.

CARRIED EN BLOC

5.3 PROVISION OF ELECTRICAL SERVICES - SEPARABLE PARTS (RFT22PM20-SOR)

Ward: (All Wards) (Construction and Maintenance)

Disclosure of Interest: Nil

Authorised Officer: Executive Manager Operations

An attachment to this report is **CONFIDENTIAL** as it includes information regarding a contract which may be entered into by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed would reveal a trade secret or contains information about or of value to a person. Should Council seek to discuss the confidential information during the meeting, Council should resolve to move behind closed doors.

RECOMMENDATION

That the Council resolve to:

- 1) Select Lece Pty Ltd as the preferred tenderer for Separable Part A and Gillmore Electrical Services Pty Ltd as the preferred tenderer for Separable Part B
- 2) Allow the option to extend the contract for a further twelve (12) months
- 3) Upon award of the contract, advise all tenderers and update the City's public tender register in accordance with Local Government (Functions and General) Regulations 1996 (WA).

CARRIED EN BLOC

5.4 MAIN ROADS WA CORRESPONDENCE

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

At the Ordinary Meeting of Council held on 04 May 2022 Council considered a Notice of Motion on a Temporary Underpass for Great Eastern Highway at South Guildford. Council resolved to:

- 1) *Write to the State Government requesting that consideration be given to creating a temporary underpass under the Great Eastern Highway (Johnson Street) on the south bank of the Helena River to allow South Guildford residents to safely cross from the eastern side of the Great Eastern Highway to the western side prior to construction of the replacement Helena River bridge.*
- 2) *The temporary underpass to remain in use until works begin on the replacement bridge, which according to the City advocacy programme will include a permanent underpass.*
- 3) *To add the temporary underpass at on the south bank of the Helena River under the Great Eastern Highway to the City advocacy priority programme.*
- 4) *To copy the letter to Hon Michelle Roberts MLA, Ms Cassie Rowe MLA and Hon Ken Wyatt MP.*
- 5) *To report any responses in the public Council Agenda.*

The response from Main Roads WA, dated 14 June 2022, is hereby tabled in accordance with the resolution of Council.

6. FINANCIAL AND LEGAL MATTERS

6.1 LIST OF ACCOUNTS PAID - MAY 2022

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

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

CARRIED EN BLOC

6.2 FINANCIAL MANAGEMENT REPORT FOR PERIOD ENDED 31 MAY 2022

Ward: (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

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

CARRIED EN BLOC

6.3 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 155 on Plan 16376 - 51 Andrea Drive, HENLEY BROOK WA 6055
 - B. Lot 128 on Plan 15965 – 300 Henley Street, HENLEY BROOK WA 6055
 - C. Lot 199 on Dep Plan 52653 - 344 Shady Hills View, BULLSBROOK WA 6084

CARRIED EN BLOC

The Presiding Member adjourned the meeting for a short recess at 8.13pm.

The Presiding Member resumed the meeting at 8.25pm.

RESOLVED UNANIMOUSLY TO:

- 1) Amend the order of business to deal with remaining items in the following order:
 - 5.1 - Bells Lookout, Brigadoon
 - 7.1 - Consolidated Amendment Local Law 2022 - Removal of Designated Horse Exercise Area
 - 6.4 - Differential Rating 2022/23 - Submissions
 - 6.5 - Adoption of Annual Budget 2022/23

(Cr Parry – Cr Bowman)

5. OPERATIONAL MATTERS

5.1 BELLS LOOKOUT, BRIGADOON

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Write to the Department of Planning, Lands and Heritage to advise that the City of Swan does not accept management of 911 (Lot 1005) Campersic Road, Brigadoon.
- 2) Request the Department of Planning, Lands and Heritage investigate leasing the facility to a private operator for the purpose of a café.

MOTION that the Council resolve to:

- 1) Write to the Department of Planning, Lands and Heritage to advise that the City of Swan will accept management of 911 (Lot 1005) Campersic Road, Brigadoon, subject to either of the following two conditions:
 1. The sales office is restored to the satisfaction of the City prior to handover, or
 2. The State Government enters into an agreement with the City to provide sufficient funding for the sales office to be restored to the satisfaction of the City.
- 2) Advise the Department of Planning, Lands and Heritage that in the event that neither of the above two conditions are able to be satisfied, that City requests that the Department of Planning, Lands and Heritage investigate leasing the facility to a private operator for the purpose of a café.
- 3) Record the reason for changing the Officer Recommendation is that the sales office has not yet been restored to the satisfaction of the City of Swan as resolved by Council in 2008 as part of the approval of the Outline Development Plan modification.

(Cr Zannino – Cr Henderson)

RESOLVED UNANIMOUSLY TO:

- 1) Write to the Department of Planning, Lands and Heritage to advise that the City of Swan will accept management of 911 (Lot 1005) Campersic Road, Brigadoon, subject to either of the following two conditions:
 1. The sales office is restored to the satisfaction of the City prior to handover, or
 2. The State Government enters into an agreement with the City to provide sufficient funding for the sales office to be restored to the satisfaction of the City.
- 2) Advise the Department of Planning, Lands and Heritage that in the event that neither of the above two conditions are able to be satisfied, that City requests that the Department of Planning, Lands and Heritage investigate leasing the facility to a private operator for the purpose of a café.
- 3) Record the reason for changing the Officer Recommendation is that the sales office has not yet been restored to the satisfaction of the City of Swan as resolved by Council in 2008 as part of the approval of the Outline Development Plan modification.

7. GOVERNANCE

7.1 CONSOLIDATED AMENDMENT LOCAL LAW 2022 - REMOVAL OF DESIGNATED HORSE EXERCISE AREA

Ward: (Whiteman Ward) (Governance)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

RECOMMENDATION

That the Council resolve to:

- 1) Propose to make the attached *City of Swan Consolidated Amendment (2) Local Law 2022* and advertise Council's intention for a period not less than six weeks, in accordance with section 3.12 of the *Local Government Act 1995*.

MOTION that the Council resolve to adopt the Officer recommendation.

(Cr Parry – Cr McCullough)

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

For: Crs Howlett, Johnson, McCullough, Parry and Predovnik

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

6. FINANCIAL AND LEGAL MATTERS

6.4 DIFFERENTIAL RATING 2022/23 - SUBMISSIONS

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

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

MOTION that the Council resolve to adopt the Officer recommendation.

(Cr Parry - Cr Predovnik)

AMENDMENT TO THE MOTION

Cr Bowman requested the following amendment:

Add the following:

- 1) Acknowledge and respond to those who lodged a submission.

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

THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION

RESOLVED (11/2) TO:

- 1) Receive and note the information contained in the submissions.
- 2) Acknowledge those who lodged a submission.

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

Against: Crs Bowman and Catalano

6.5 ADOPTION OF ANNUAL BUDGET 2022/23

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

1) ADOPTION OF 2022/23 BUDGET

That the draft 2022/23 Annual Budget including the following be adopted:

1.1. Statements of Comprehensive Income

That the Statement of Comprehensive Statement by Nature/Type in the draft 2022/23 Annual Budget for the financial year ending 30 June 2023 be adopted.

1.2 Rate Setting Statement and Statement of Cash Flows

That the Rate Setting Statement and Statement of Cash Flows in the draft 2022/23 Annual Budget be adopted.

1.3 Schedules to and Forming Part of the Annual Budget

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

That the Budget by Organisational Business Units of the draft 2022/23 Annual Budget be adopted.

1.4 New Loan Approvals

That the New Loans of the draft 2022/23 Annual Budget be adopted.

1.5 Ellenbrook Community Budget and the Aveley Community Budget

That the Ellenbrook Municipal Funding and Aveley Community Reserve budgets for the draft 2022/23 Annual Budget be adopted.

1.6 Schedule of Fees and Charges

That the Schedule of Fees and Charges for the draft 2022/23 Annual Budget be adopted.

1.7 Reserve Funds

That the Reserve accounts including Restricted Contributions of the draft 2022/23 Annual Budget be adopted.

1.8 Financial Reporting and Materiality

As per Local Government (Financial Management) Regulations 1996 Section 34 (5) each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS (Australian Accounting Standards), to be used in statements of financial activity for reporting material variances. For the purpose of materiality in monthly financial reports for the 2022/23 financial year, variances shall be those greater than 10 percent (10%) of the original adopted Annual Budget and a value greater than \$50,000.

2) ADOPTION OF VALUATIONS

That the valuations supplied by the Valuer General and totalling as listed below be adopted and recorded in the Rate Book for use in the 2022/23 financial year.

Gross Rental Valuations (GRV) \$1,338,090,810

Unimproved Valuations (UV) \$2,652,660,270

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

3) ADOPTION OF RATES AND MINIMUM RATES

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

Gross Rental Value

Rating Category	2022/23	Minimum Rate
	Rate-cents/dollar	Rate-cents/dollar (\$)
Residential	8.5499c	890
Commercial/Industrial	9.8247c	1,420
Heavy Industry	16.1131c	1,710

Unimproved Value

Rating Category	2022/23	Minimum Rate
	Rate-cents/dollar	(\$)
UV General	0.35227c	890
UV Commercial	0.55529c	890
Farmland	0.027765c	890

4) ADOPTION OF SPECIFIED AREA RATES

4.1 Specified Area Rate – Drainage

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

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

Midland Drainage District 0.6578c

Hazelmere/Guildford Drainage District 0.6657c

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

Specified Area Rate – Hazelmere Industrial Area Infrastructure Cents per Dollar

Hazelmere Industrial Area Infrastructure - GRV 3.896277c

Hazelmere Industrial Area Infrastructure - UV 0.107720c

5) ADOPTION OF CONCESSIONAL RATES

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

- Heritage Listed residential properties on the City of Swan register can receive a 50 percent (50%) concession upon application each year;
- Recreational and Sporting Associations can receive a 75 percent (75%) concession upon application each year;
- Strata Titled Storage Units for commercial/industrial properties to receive a 58 percent (58%) concession on Commercial / Industrial minimum rates;
- Whiteman Park - privately leased and licensed agreements receive 100 percent (100%) concession; and
- Swan Valley Properties - that are eligible for the Farmland differential rating category can receive a 30 percent (30%) concession upon application each year.

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

6) ADOPTION OF COVID-19 FINANCIAL HARDSHIP POLICY

That the COVID-19 Financial Hardship Policy continues in 2022/23.

7) ADOPTION OF PAYMENT OPTIONS

7.1 Instalment options

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

Rates Payment Method	Due Date
Payment in Full	9 September 2022
Four Instalments	
1st payment	9 September 2022
2nd payment	1 November 2022
3rd payment	20 January 2023
4th payment	24 March 2023

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

7.2 Early payment incentive

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

7.3 Interest

Five percent (5%) instalment interest will be levied, and no administration charge for ratepayers entering into the formal rates instalment program. (Section 6.45).

In accordance with sections 6.13 and 6.51 of the *Local Government Act 1995* and Regulations 19A and 70 of the Local Government (Financial Management) Regulations 1996 (the Regulations), a five percent (5%) penalty interest charge will be levied on all overdue rates and, if applicable, outstanding Specified Area Rates.

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

8) ADOPTION OF RUBBISH REMOVAL CHARGES

8.1 Rateable Properties

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

8.2 New and Additional Bin Levy

That a "one off" bin levy of \$69.00 per 240 litre or 360 litre bin for each new and/or additional bin (refuse and/or recycling) be charged to all properties provided with a refuse and/or recycling service, except when it is a replacement bin. That a "one off" bin levy of \$416.00 per 660 litre bin for each new and/or additional bin (refuse and/or recycling) be charged to all properties provided with a refuse and/or recycling service, except when it is a commercial replacement bin.

8.3 Non Rateable Properties

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

9) ENDORSE THE LONG TERM FINANCIAL PLAN 2022/23 – 2031/2032

That the 2022/23– 2031/32 Long Term Financial Plan be endorsed.

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

MOTION that the Council resolve to:

- 1) Adopt the Officer Recommendation subject to the following amendments:
 - a. No administrative charge and set instalment interest at 0% for the formal rates instalment program resulting in a reduction to operating revenue of \$600,000.
 - b. Reduce the transfer to the Employee Entitlement – Long Service Leave & Annual Reserve by \$600,000.
 - c. That the COVID-19 Financial Hardship Policy be adopted to continue in 2022/23 and a review be undertaken and presented back to Council in September 2022.
 - d. The final published documents be amended to reflect these changes.
- 2) Record the reasons for changing the Officer Recommendation is that there is an opportunity to review the policy and in light of the current interest rates increases and other matters, to support people who cannot afford to pay rates in one payment.

(Cr Predovnik – Cr Howlett)

AMENDMENT TO THE MOTION

Include the following additional amendments:

- e. Reduced the transfer to the employee entitlement reserve by \$5 million.
- f. Add an additional \$1 million on extra street trees / improving the urban tree canopy.
- g. Add \$985,000 for solar panels on 13 locations identified in Item 5.2 - Solar Panels on City Buildings.
- h. Add an Additional \$250,000 for consultants for the GRV UV rating inequity issue.
- i. Add an additional \$1 million for the Ballajura inter-generational play space.
- j. Add \$250,000 for service reviews with the next being: finance; procurement; community safety; and governance.
- k. Increase the transfer to the City Asset Replacement reserve by an additional \$1.5 million.
- l. Reduce the income on swimming pool entry by \$15,000 by not increasing the swimming pool entry fees by 10% for children therefore keeping them at the current price.
- m. Delete the \$8.5 million loan for Swan Active Midland with the refurbishment costs to be funded from the City Asset Replacement reserve.

The reasons for the amendments are:

The transfer of \$7.6 million to employee entitlement reserve was never discussed and agreed to by Council.

Reducing the transfer to the employee entitlement reserve allows Council to fund priority projects, improve our environmental sustainability and reduce ongoing operating expenditure.

Loan funds should be used for new assets not upgrading or replacing existing assets as that is the purpose of the City asset replacement reserve.

The increase of children swimming pool entry fee by 10% is excessive and could lead to a reduction in the number of children learning to swim.

The changes better reflect what our community wants.

(Cr Bowman – Cr Knight)

FORESHADOWED MOTION:

In the event of the substantive motion being defeated, Cr Johnson foreshadowed that he would move a deferral motion.

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

For: Crs Bowman, Jones, Knight, Predovnik, Richardson and Zannino

Against: Crs Catalano, Congerton, Henderson, Howlett, Johnson, McCullough, Parry

FORESHADOWED MOTION:

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

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

For: Crs Congerton, Howlett, Jones, Knight, Predovnik, Richardson and Zannino

Against: Crs Bowman, Catalano, Henderson, Johnson, McCullough, Parry

*Absolute Majority required.

Cr Johnson withdrew his foreshadowed motion.

MOTION that the Council resolve to adopt the Officer recommendation.

(Cr McCullough - Cr Parry)

RESOLVED (9/4) TO:

1) ADOPTION OF 2022/23 BUDGET

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That the 2022/23– 2031/32 Long Term Financial Plan be endorsed.

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

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

Against: Crs Bowman, Catalano, Knight and Predovnik

8. REPORTS OF THE CHIEF EXECUTIVE OFFICER

Nil

9. URGENT BUSINESS

Nil

CITY of SWAN

**ORDINARY MEETING
OF COUNCIL**

PART C

**OTHER BUSINESS
AND CLOSING PROCEDURES**

06 JULY 2022

PART C - OTHER BUSINESS AND CLOSING PROCEDURES

1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C1.1 CR JOHNSON - COUNCILLOR ALLOWANCES

Ward: (Not Applicable) (Governance)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

Cr Johnson submitted the following Notice of Motion:

That the Council resolve to:

- 1) Reduce Councillors fees, the Mayoral fee and the Deputy Mayoral fee to 51% of the current payment for this and future years.

Reason for Motion (provided by Cr Johnson)

1. Council resolved in June to advertise reducing speaking time in debate from 5 minutes to 3 minutes reducing speaking time to 60% of that allowed at present.
2. Council has previously resolved to reduce the number of meetings each year from 13 to 11 reducing meetings to 85% of current level.
3. Taken together this is a reduction to 51% of prior workload.
4. Councillors' payments should be reduced accordingly.

OFFICER COMMENT

Councillor, Mayor and Deputy Mayor fees and allowances are determined by the Salaries and Allowances Tribunal. As prescribed in the Act, Councillors attending a Council or committee meeting can either be paid a per meeting fee or an annual allowance set by the local government.

Entitlements for City of Swan Councillors are set out in Council policy Councillor Allowances, Expenses and Recognition and are currently set at an annual attendance allowance paid quarterly in arrears. This recognises not only attendance at Council meetings, but also the various Council briefings and other such matters that draw on Councillors' time as an Elected Member.

Although Council has previously resolved to reduce the number of meetings each year from 13 to 11 and recently to reduce speaking time in debate from 5 to 3 minutes, these decisions were not intended to and have not reduced the business of Council.

The following is a snapshot of Council meeting statistics to demonstrate this. It should be noted when viewing these statistics, that 2019/2020 and 2020/2021 financial years were influenced by COVID-19 arrangements ie. 2 hour meeting length limit.

	2019/2020	2020/2021	2021/2022
Average Agenda Forum length	2.4 hours	2.7 hours	3 hours
No. of Council meetings	13	13	12
No. of Adjourned meetings	5	6	6
Average Council meeting length	4.2 hours	3 hours	5.4 hours
No. of Special meetings	5	5	5
No. of reports submitted to Council	348	356	404
No. of Councillor Notices of Motions	47	71	69

The Presiding Member ruled this motion out of order as it is deemed to be, or likely to involve, a breach of a written law.

Division 8, Part 5 of the *Local Government Act 1995*, sets out the requirements for local government payment to members.

The Salaries and Allowances Tribunal determines a range for annual attendance fees, as follows:

Position	Minimum	Maximum
Council Member	\$25,219	\$39,470
Mayor	\$25,219	\$48,704

A reduction to 51% to the current fees would reduce the annual attendance fee to below the minimum.

In addition to the annual attendance fees, the Mayor and Deputy Mayor receive an additional allowance, which takes into account a range of factors which recognise the role and duties required of the Mayor and Deputy Mayor.

A reduction to 51% to the Mayor's allowance would reduce the allowance to below the minimum.

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

C2.1 CR HENDERSON – RATING OF COMMERCIAL PHONE TOWER LEASES

C2.2 CR HENDERSON – BUSINESS PLANNING WORKSHOP

3. CONFIDENTIAL ITEMS

C3.1 COMPULSORY ACQUISITION - LOT 4 WEST SWAN ROAD, CAVERSHAM

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

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

REASON FOR CONFIDENTIALITY

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

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting
- (d) legal advice obtained, or which may be obtained, 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) Request the Minister for Lands, through the Department of Planning, Lands and Heritage, pursuant to the provisions of Parts 9 and 10 of the *Land Administration Act 1997*, to compulsorily acquire an approximate 248m² portion of Lot 4 on Diagram 61674, West Swan Road, Caversham as depicted on the attached Land Requirement Plan Drawing No: 502-19/20-LRE-0001 Rev: A, shown hatched and identified as Future Road Widening.
- 2) Indemnify the Minister for Lands against any claims for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request for the compulsory acquisition.
- 3) Authorise the CEO to accept responsibility for arranging all necessary funding required to meet any compensation payable pursuant to Parts 9 and 10 of the *Land Administration Act 1997*, as well as any other costs that may be payable, in relation to the acquisition of rights and interest in the land.

CARRIED EN BLOC

4. CLOSURE

There being no further business, the Presiding Member, Cr Congerton, thanked those present for their attendance and declared the meeting closed at 9.48pm.