



**CITY of SWAN**

# **MINUTES**

## **ORDINARY MEETING OF COUNCIL**

**12 APRIL 2017**

**ATTENTION**

**These minutes are subject to confirmation.**

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

**MINUTES AVAILABLE ON THE WEBSITE**

[www.swan.wa.gov.au](http://www.swan.wa.gov.au)



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**CITY of SWAN**

**ORDINARY COUNCIL  
MEETING**

**PART A**

**OPENING PROCEDURES**

**12 APRIL 2017**

**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD AT MIDLAND TOWN HALL**  
**ON WEDNESDAY 12 APRIL 2017 COMMENCING AT 5.30PM**

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**PART A - OPENING PROCEDURES**

**1. OPENING AND ANNOUNCEMENT OF VISITORS**

The Deputy Mayor welcomed those present and opened the meeting at 5.30pm.

**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.

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 2015* will be required to immediately leave the premises.

**3. ATTENDANCE AND APOLOGIES**

Councillors:	Cr D Lucas	Deputy Mayor, Altone Ward (Presiding Member)
	Cr D Färdig	Altone Ward
	Cr M Haynes	Ballajura Ward
	Cr A Kovalevs	Ballajura Ward
	Cr J McNamara	Ballajura Ward
	Cr C McCullough	Ellenbrook Ward
	Cr D McDonnell	Ellenbrook Ward
	Cr P Williams	Ellenbrook Ward
	Cr M Elliott	Midland/Guildford Ward (from 5.48pm)
	Cr D Parasiliti	Midland/Guildford Ward
	Cr K Bailey	North Ward
	Cr R Henderson	Swan Valley/Gidgegannup Ward
	Cr D Trease	Swan Valley/Gidgegannup Ward

Staff:	Mr M Foley	Chief Executive Officer
	Mr M Bishop	Executive Manager Community Wellbeing
	Mr J Coten	Executive Manager Operations
	Mrs K Leahy	Executive Manager Stakeholder Relations
	Mr S Tan	Executive Manager Planning and Development
	Mr P Russell	Manager Statutory Planning
	Mr J Blanchard	Manager Governance
	Ms K Phillips	A/Coordinator Stakeholder Relations and Engagement
	Ms M Dwyer	Governance Support Officer (Minute Clerk)
	Ms T Reilly	Council Support (Minute Clerk)

Leave of Absence:	Cr M Wainwright	Mayor, Altone Ward
	Cr I Johnson	Midland/Guildford Ward

Apologies: Nil

Members of  
the Public: 25 (approximately)

Media: 1

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

Cr Kovalevs declared an interest affecting impartiality in Item 13.5 - Proposed Telecommunications Infrastructure - Lot 285 (No.158) Hardwick Road, Millendon (DA530-16).

Cr Trease declared a financial interest in Item C1.1 Motion - Cr Henderson by virtue of having a business in the flood area.

Mr Foley declared a financial interest in Item C3.2 - Chief Executive Officer's Performance Review by virtue of being the subject of the report.

## **5. PUBLIC QUESTION TIME**

Public question time commenced at 5.33pm

### **5.1 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE**

Nil

### **5.2 QUESTIONS RELATING TO REPORTS CONTAINED IN THE AGENDA**

5.2.1 Questions of which due notice has been given

Nil

5.1.1 Questions without due notice

Nil

### **5.3 OTHER QUESTIONS**

5.3.1 Questions of which notice has been given

5.3.1.1 Ms Janet Green, Jane Brook

*Q1 Would the City consider replacing the current spa and surrounding surface at the Swan Park Leisure Centre? There has been recent maintenance matters in regard to the spa and the tiles can become very slippery.*

A1 While the City acknowledges that the spa/sauna area is not new, it meets the functional needs of customers. The City intends to upgrade these facilities in accordance with the Aquatic Facilities Strategy which will include redevelopment of the aquatic space. As part of this, the spa would be redesigned and potentially relocated next to a new warm water pool. Concept design, detailed design and construction are included in the City's Long Term Financial Plan though the timing is not confirmed.

5.3.1.2 Ms Dione Davidson, Guildford

*Q1 Would you please explain why the water drain on the corner of Johnson and Swan Streets, Guildford has been relocated (approximately 10 meters) to now drain out closer to homes onto the unsealed section of Swan Street? The previous indiscrete drain poured directly out onto the flood plain causing no inconvenience or concerns.*

A1 Executive Manager Operations took the question on notice.

5.3.2 Questions without notice

5.3.2.1 Celeste (surname not provided), Guildford

*Q1 Would the City consider a three week extension for public submissions on the application for a fast food outlet in Guildford which is currently closing on the 17 April 2017.*

A1 Manager Statutory Planning advised that the City will continue to accept submissions for a further period of three weeks.



5.3.2.2 Mrs Barbara Dundas, The Guildford Association

*Q1 Would the City consider referring the application for a fast food outlet in Guildford to an upcoming Council meeting for full Council consideration?*

A1 Chief Executive Officer advised that it has been the practice of the City that reports for the Metropolitan East Joint Development Assessment Panel (JDAP) not be considered by Council prior to submission to the JDAP. In this instance, given that the City will continue to accept submissions for a further period of three weeks, it is not possible for this item to be presented at an upcoming Council meeting before it is required to be submitted to the JDAP.

Public question time concluded at 5.47pm as there were no further questions.

Cr Elliott entered the Chamber at 5.48pm.

## **6. PUBLIC STATEMENT TIME**

6.1 Ms Claire Scanlon, Guildford Family Play Group spoke against the application for a fast food outlet in Guildford.

6.2 Ms Tanya Richardson spoke to a petition containing approximately 3,000 signatures requesting the Council recommend to the JDAP panel that they reject the application for a McDonald's fast food outlet in the car park of the Guildford Hotel.

6.3 Ms Anne Sibbell, spoke against the staff recommendation for Item 13.4 – Proposed Bio-remediation – Lot 5 (No.91) Walyunga Road Bullsbrook (DA376-16).

## **7. PETITIONS**

- 7.1 Petition containing 16 signatures requesting changes be made to Viveash Road, Middle Swan to reduce traffic and address access and speeding concerns.

### **RESOLVED UNANIMOUSLY:**

- 1) That the above petition be referred to the Chief Executive Officer and a report be presented to a future Council meeting.

(Cr Trease – Cr Haynes)

- 7.2 Petition containing 86 signatures requesting the Council purchase Lots 405, 406 & 407 Great Eastern Highway as an emergency interim measure until whole of lots are uniform zoning to enable one future entity to purchase.

### **RESOLVED UNANIMOUSLY:**

- 1) That the above petition be referred to the Chief Executive Officer and the petition be considered as a submission in the upcoming report to Council on the proposed purchase of the hotel.

(Cr Haynes – Cr Elliott)

- 7.3 Petition containing approximately 3,000 signatures requesting the Council recommend to the JDAP panel that they reject the application for a McDonald's fast food outlet in the car park of the Guildford Hotel.

The Presiding Member advised that the submission will be provided to the CEO to include as a submission on the development application.

## **8. DEPUTATIONS**

Nil

## **9. ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**

As the Mayor was on leave, the Deputy Mayor made the announcements.

The City of Swan has been busy hosting community events and hosting official launches over the past month. Across three weekends, the City hosted the Ellenbrook Connect, Ballajura Harmony Day and Altone Comes Alive community events. All were very successful. These family friendly events are a great way for everyone to get involved in the community and celebrate our diverse culture.

The City of Swan was a major sponsor for the Rotary Science and Engineering Challenge, at the Midland Railway Workshops. Many of our Councillors attended their award presentation and congratulated the students on their achievements. It is great to see so many young minds putting their science, technology, engineering and mathematics (or STEM) skills to the test.

On 31 March, I attended the Malaga and Districts Business Association's Business Excellence Awards on behalf of the City with several other Councillors. This was a good opportunity to celebrate the achievements of the local businesses, which are essential in driving the City of Swan's high rate of employment.

Tourism is another major contributor to the City's economy, and last week the City celebrated some major tourism milestones. In partnership with the Swan Guildford Historical Society, we reopened the Guildford Colonial Gaol after extensive refurbishments. The Gaol, which is located next to the Swan Valley Visitors Centre, is integral to the Guildford Heritage precinct and is now open for public tours and host historic displays.

The City also launched the Swan Valley Cider and Ale Trail last week. The trail is an opportunity for beer and cider enthusiasts to experience the City's nine nationally renowned breweries, cideries and meaderies in one easy to follow trip.

Finally, ANZAC Day is coming up in just under two weeks' time and encourage everyone to attend a local service. Details about the many ANZAC day services to be held in and around the City of Swan can be found on the RSL WA website.

## **10. MEMBERS' QUESTIONS**

### **10.1 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE**

Nil

### **10.2 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

### **10.3 QUESTIONS OF WHICH DUE NOTICE HAS NOT BEEN GIVEN**

#### 10.3.1 Cr Parasiliti

*Q1 What training do Parking Officers receive?*

A1 Executive Manager Community Wellbeing advised that the City employs two separate parking teams. Internal staff undertake regular training, and contracted parking enforcement provides trained staff. Feedback on any issues related to the parking teams is used for training purposes.

*Q2 Will any reports on the impact of the parking metres on the small business areas be produced and if not, why not?*

A2 Executive Manager Community Wellbeing advised that the City has no plans to undertake an assessment on the rollout of the Midland Parking Metres including any impact on businesses. However, the City is monitoring any issues raised.

#### 10.3.2 Cr Haynes

*Q1 In regards to the recent advertising of the bulk refuse collection in Altone recently, was information regarding Ballajura also advertised in a similar manner?*

A1 Executive Manager Operations advised that he will seek further information, and that advertising in newspapers is part of the City's normal process.

#### 10.3.3 Cr McNamara

*Q1 Can the CEO write to all relevant Government agencies requesting that they repair any damage caused on City verges during the undertaking of works?*

A1 CEO advised that he would do so.

## 11. LEAVE OF ABSENCE

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

Cr Bailey North Ward	1 May 2017 to 5 May 2017 (inclusive) 12 May 2017 to 15 May 2017 (inclusive)
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Cr Haynes Ballajura Ward	2 May 2017 to 6 May 2017 (inclusive)
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Cr Henderson Gidgegannup/Swan Valley Ward	8 May 2017 to 28 May 2017 (inclusive)
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Cr McCullough Ellenbrook Ward	2 May 2017 to 5 May 2017 (inclusive)
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Cr Parasiliti Midland/Guildford Ward	1 June 2017 to 6 July 2017 (inclusive)
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(Cr Kovalevs – Cr Elliott)

## **12. CONFIRMATION OF MINUTES**

- 12.1 Confirmation of Minutes of Ordinary Meeting of Council held on 15 March 2017.

### **RESOLVED UNANIMOUSLY:**

- 1) That the minutes of the Ordinary Meeting of Council held on 15 March 2017 be confirmed subject to:
1. Amending the drawing number referred to in the report and resolution for Item C3.2 - Land Acquisition Portion Lot 53 Chateau Place, Aveley from R549-1 to RE318-1.

The drawing referenced i.e. R549-1 was superseded by drawing RE318-1. The correct drawing was provided as an attachment to the report. However, the drawing number references were not updated when the drawing was superseded.

(Cr Elliott – Cr Trease)

- 12.1 Confirmation of Minutes of Special Meeting of Council held on 27 March 2017.

### **RESOLVED UNANIMOUSLY:**

- 1) That the minutes of the Special Meeting of Council held on 27 March 2017 be confirmed.

(Cr Trease - Cr Williams)

### **13. ANY BUSINESS LEFT OVER FROM PREVIOUS MEETING**

#### **13.1 APPLICATION FOR A DAM - LOT 221 EDELWEISS HEIGHTS, BULLSBROOK (DA013-15)**

This matter was deferred at the Ordinary Meeting of Council held on 28 September 2016 to clarify the size of the dam, and receive a hydrological report from a suitably qualified hydrologist or engineer (commissioned by and all costs to be borne by the applicant).

The hydrological report on the dam was submitted 17 February 2017 and is being assessed. The item will be represented to Council shortly.

#### **13.2 PROPOSED RESTAURANT - LOT 211 (NO.2931) WEST SWAN ROAD, CAVERSHAM (DA927-15)**

This matter was deferred at the Ordinary Meeting of Council held on 30 November 2016 to give the applicant the opportunity to consult with City officers and neighbouring properties, provide the opportunity for interested Councillors to visit the sight, and the applicant to submit revised plans that addresses concerns with the design.

The applicant submitted revised plans on 30 January 2017 and these were presented to the Swan Valley Planning Committee meeting of 13 March 2017. The item will be represented to Council shortly.

#### **13.3 ADOPTION OF URBAN GROWTH CORRIDOR LOCAL AREA PLAN**

This matter was deferred at the Ordinary Meeting of Council held on 15 February 2017 to allow for further review, editing and comment by Councillors and staff prior to adoption.

#### **RESOLVED UNANIMOUSLY TO:**

- 1) Note the information provided for Items 13.1, 13.2 and 13.3.

(Cr Elliott – Cr Williams)

**13.4 PROPOSED BIO-REMEDICATION - LOT 5 (NO.91) WALYUNGA ROAD,  
BULLSBROOK (DA376-16)**

**Ward:** (North Ward) (Statutory Planning)

**Disclosure of Interest:** Nil.

**Authorised Officer:** (Executive Manager Planning and Development)

**RECOMMENDATION**

That the Council, following SAT's request for reconsideration of the application DA376/2016, resolve to:

- 1) Approve the Bio-remediation of Class III Impacted Soils and Acid Sulphate Soils at Lot 5 (No.91) Walyunga Road, Bullsbrook subject to the following conditions:
  1. This approval is for the Bio-remediation of Class III Impact Soils and Acid Sulphate Soils at Lot 5 (No.91) Walyunga Road, Bullsbrook in accordance with the Application for a Works Approval to Bio-Remediate Contaminated Soils Report prepared for Brajkovich Landfill & Recycling Pty Ltd prepared by Site Environmental & Remediation Services Pty Ltd (SERS) received by the City of Swan on 16 May 2016.
  2. Soils that have been successfully remediated onsite must remain on site and be disposed of within the existing landfill.
  3. The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997. All development works are to be carried out in accordance with control of noise practices set out in Section 6 of AS2436-2010.
  4. Activity on site will be limited to between 7am and 7pm Monday to Saturday, excluding Public Holidays.
  5. Activity on site must cease when dust is observed crossing the site boundary, with the exception of action taken to rectify the dust nuisance.
  6. A record must be made, kept on site and be made available on the request to the Chief Executive Officer of all occurrences when site activity has ceased due to dust being observed crossing the site boundary. A record of the action taken to rectify the dust nuisance should also be made.
  7. A maximum 10km/h speed limit for all vehicles is to be maintained and enforced on site.
  8. All truckloads of material shall be securely covered to prevent any dust escape during transport.
  9. In addition to measures set out in the report, where appropriate such measures as installation of sprinklers, use of water tanks or other land management systems should be installed or implemented within the time



and in the manner directed by the Chief Executive Officer if it is considered that a dust nuisance exists.

10. Water for the control of dust shall be taken from the established sumps on site, no water shall be collected from the holding ponds associated with the treatment area for the use in dust suppression.
11. Any dust accumulations produced from vehicle entry and exit from the site shall be cleared by the applicant to the satisfaction of the Chief Executive Officer.
12. The capacity of the holding ponds shall be increased to cater for a 1 in 20 year storm event in a 72 hour duration, with additional 500mm of freeboard.
13. The groundwater monitoring program shall be increased in frequency to quarterly.
14. 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 from the City.

ADVICE NOTES: Standard advice notes apply and advice notes pertaining to unauthorised works, line marking of car bays and effluent disposal.

- 2) Advise the State Administrative Tribunal, the applicant and those that made a submission of the Council's decision accordingly.

**MOTION** that the Council resolve to:

- 1) Refuse the application for proposed Bio-remediation - Lot 5 (No.91) Walyunga Road, Bullsbrook for the following reason:
  1. The proposed activity, by virtue of the mixing, blending, aeration, agitation and testing of the contaminated material is considered to fall within the term "Industry" as defined under the City's Local Planning Scheme No.17 and subsequently within the use class of "Industry- General" which is a use not permitted ("X" use) within the "Landscape" zone applicable to the land.
- 2) Record the reasons for changing the staff recommendation is a belief that the proper classification of the use, pursuant to LPS 17, is "Industry-General" and not a use not listed.

(Cr Bailey – Cr Färdig)

**RESOLVED (12/1) TO:**

- 1) Refuse the application for proposed Bio-remediation - Lot 5 (No.91) Walyunga Road, Bullsbrook for the following reason:
  1. The proposed activity, by virtue of the mixing, blending, aeration, agitation and testing of the contaminated material is considered to fall within the term "Industry" as defined under the City's Local Planning Scheme No.17 and subsequently within the use class of "Industry- General" which is a use not permitted ("X" use) within the "Landscape" zone applicable to the land.
- 2) Record the reasons for changing the staff recommendation is a belief that the proper classification of the use, pursuant to LPS 17, is "Industry-General" and not a use not listed.

For: Crs Bailey, Elliott, Färdig, Haynes, Kovalevs, Lucas, McCullough, McDonnell, McNamara, Parasiliti, Trease, and Williams.

Against: Cr Henderson

**13.5 PROPOSED TELECOMMUNICATIONS INFRASTRUCTURE - LOT 285  
(NO.158) HARDWICK ROAD, MILLENDON (DA530-16)**

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Planning and Development)

Cr Kovalevs declared an interest affecting impartiality in Item 13.5 - Proposed Telecommunications Infrastructure - Lot 285 (No.158) Hardwick Road, Millendon (DA530-16).

**RECOMMENDATION**

That the Council resolve to:

- 1) Note that the Swan Valley Planning Committee's recommendation that City staff negotiate with the proponents on alternate locations has occurred but the proponents have not altered their application to propose a new site.
- 2) Approve the proposed Telecommunications Infrastructure and Associated Development at Lot 285 (No.158) Hardwick Road, Millendon subject to the following conditions:
  1. This approval is for 'Telecommunication Infrastructure' as defined under the City's Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City.
  2. This approval includes a new telecommunication tower, equipment shelter and the installation of ancillary equipment as illustrated on the plans stamp date received by the City on the 12 July 2016
  3. Any additional development, which is not in accordance with the application (the subject of this approval) or any other condition of approval will require further approval from the City.

ADVICE NOTES Standard advice notes apply.

- 3) Forward the application to the Western Australian Planning Commission for determination in accordance with Cl.30B(5) of the Metropolitan Region Scheme.
- 4) Advise all those who made a submission of Council's decision accordingly.

**MOTION** that the Council resolve to:

- 1) Note that the Swan Valley Planning Committee's recommendation that City staff negotiate with the proponents on alternate locations has occurred but the proponents have not altered their application to propose a new site.
- 2) Refuse the Telecommunications Infrastructure and the Ancillary Facilities at Lot 285 (No.158) Hardwick Road, Millendon for the following reasons:
  1. The telecommunication infrastructure will have an adverse impact on the visual amenity of the locality.
  2. The proposed telecommunication infrastructure is inconsistent with the provisions of the City's policy POL-TP-126 and POL-C-080.
  3. The proposed telecommunications infrastructure is inconsistent with State Planning Policy 5.2 and POL-C-059 with regards to co-location and joint coordinated rollout requirements.
- 3) Advise all those who made a submission of Council's decision accordingly.

(Cr Trease – Cr Henderson)

**RESOLVED (11/2) TO:**

- 1) Note that the Swan Valley Planning Committee's recommendation that City staff negotiate with the proponents on alternate locations has occurred but the proponents have not altered their application to propose a new site.
- 2) Refuse the Telecommunications Infrastructure and the Ancillary Facilities at Lot 285 (No.158) Hardwick Road, Millendon for the following reasons:
  1. The telecommunication infrastructure will have an adverse impact on the visual amenity of the locality.
  2. The proposed telecommunication infrastructure is inconsistent with the provisions of the City's policy POL-TP-126 and POL-C-080.
  3. The proposed telecommunications infrastructure is inconsistent with State Planning Policy 5.2 and POL-C-059 with regards to co-location and joint coordinated rollout requirements.
- 3) Advise all those who made a submission of Council's decision accordingly.

For: Crs Elliott, Haynes, Henderson, Kovalevs, Lucas, McCullough, McDonnell, McNamara, Parasiliti, Trease, and Williams

Against: Crs Färdig and Bailey

**13.6 PROPOSED DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF NEW SINGLE HOUSE - LOTS 5 AND 8 (NO. 10) HELENA STREET, GUILDFORD (DA540-16)**

**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 application for Demolition of the Existing Dwelling and Construction of a new Single House on Lots 5 and 8 (No.10) Helena Street, Guildford subject to the following conditions:
  1. This approval is for a 'Single House' as defined in the City of Swan Local Planning Scheme No.17 and illustrated on the approved plans.
  2. Prior to application for a building permit for the proposed development, Lots 5 and 8 Helena Street, Guildford are to be amalgamated into a single lot on a Certificate of Title.
  3. As depicted on the approved plan, 2 of the 3 street trees in the verge abutting the site shall be removed and relocated/replaced prior to the commencement of construction works. Street tree removal/relocation works shall be undertaken by the City upon request of the applicant/owner. All costs associated with the removal and relocation/replacement of street trees shall be borne by the applicant/owner.
  4. A Notification under Section 70A of the *Transfer of Land Act 1893* must be registered over the certificates of title to the land the subject of the proposed development prior to the lodgement of an application for a building permit. The notification shall notify owners and prospective purchasers of the land that the land is affected by aircraft noise.
  5. As the development is within the Guildford & South Guildford Drainage District Drainage Area, a drainage contribution is required. This fee is to contribute towards the upgrade and supply of an adequate drainage service within the area. Payment shall be made prior to the lodgement of a Building Permit application and prior to any work commencing on the site.
  6. The replacement dwelling shall be constructed with noise insulating qualities so as achieve recommended indoor noise levels in accordance with Australian Standard AS2021-2000 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction.
  7. The external finish of the dwelling shall comply with the approved colour and materials schedule.

8. External fixtures such as satellite dishes, TV and radio antennae, exhaust vents, air-condition units, solar panels and the like shall be sited so that they are not visible from the street.
9. All stormwater produced from this property including subsoil drainage is to be collected and disposed into the City's drainage system in accordance with the City's requirements.
10. Vehicle access onto the site shall be restricted to that shown on the approved plans.
11. Earthworks, footings and/or other structures are not to extend over any lot boundaries.
12. All construction works within the road reserve including crossovers, drainage infrastructure, service adjustment, landscaping and footpath placement or reinstatement, must be undertaken accordance with the City's specifications. Failure to do so may result in these works being removed and reinstated by the City at the landowner's expense.
13. Any additional development which is not in accordance with the application (the subject of this approval) or any condition of approval will require further approval of the City.

ADVICE NOTES: Standard advice notes apply.

- 2) Advise the applicant/owner of the resolution of Council and relevant advice notes pertaining to the approval.
- 3) Advise those who lodged a submission of Council's decision accordingly.

**MOTION** that the Council resolve to adopt the staff recommendation.

(Färdig – Trease)

**RESOLVED UNANIMOUSLY TO:**

- 1) Approve the application for Demolition of the Existing Dwelling and Construction of a new Single House on Lots 5 and 8 (No.10) Helena Street, Guildford subject to the following conditions:
  1. This approval is for a 'Single House' as defined in the City of Swan Local Planning Scheme No.17 and illustrated on the approved plans.
  2. Prior to application for a building permit for the proposed development, Lots 5 and 8 Helena Street, Guildford are to be amalgamated into a single lot on a Certificate of Title.
  3. As depicted on the approved plan, 2 of the 3 street trees in the verge abutting the site shall be removed and relocated/replaced prior to the commencement of construction works. Street tree removal/relocation works shall be undertaken by the City upon request of the applicant/owner. All costs associated with the removal and

relocation/replacement of street trees shall be borne by the applicant/owner.

4. A Notification under Section 70A of the *Transfer of Land Act 1893* must be registered over the certificates of title to the land the subject of the proposed development prior to the lodgement of an application for a building permit. The notification shall notify owners and prospective purchasers of the land that the land is affected by aircraft noise.
5. As the development is within the Guildford & South Guildford Drainage District Drainage Area, a drainage contribution is required. This fee is to contribute towards the upgrade and supply of an adequate drainage service within the area. Payment shall be made prior to the lodgement of a Building Permit application and prior to any work commencing on the site.
6. The replacement dwelling shall be constructed with noise insulating qualities so as achieve recommended indoor noise levels in accordance with Australian Standard AS2021-2000 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction.
7. The external finish of the dwelling shall comply with the approved colour and materials schedule.
8. External fixtures such as satellite dishes, TV and radio antennae, exhaust vents, air-condition units, solar panels and the like shall be sited so that they are not visible from the street.
9. All stormwater produced from this property including subsoil drainage is to be collected and disposed into the City's drainage system in accordance with the City's requirements.
10. Vehicle access onto the site shall be restricted to that shown on the approved plans.
11. Earthworks, footings and/or other structures are not to extend over any lot boundaries.
12. All construction works within the road reserve including crossovers, drainage infrastructure, service adjustment, landscaping and footpath placement or reinstatement, must be undertaken accordance with the City's specifications. Failure to do so may result in these works being removed and reinstated by the City at the landowner's expense.
13. Any additional development which is not in accordance with the application (the subject of this approval) or any condition of approval will require further approval of the City.

ADVICE NOTES: Standard advice notes apply.

- 2) Advise the applicant/owner of the resolution of Council and relevant advice notes pertaining to the approval.
- 3) Advise those who lodged a submission of Council's decision accordingly.

### **13.7 ANNUAL BUDGET AND RATE METHODOLOGY PROCESS**

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Corporate)

#### **RECOMMENDATION**

That the Council resolve to:

- 1) Adopt the Rating and Budget Methodology and process outlined in the report as endorsed by the Department of Local Government and Communities.
- 2) Advise the Swan Valley Ratepayers and Residents Association and Gidgegannup Progress Association of the details provided in the Report.
- 3) Undertake a review in 2017/18 of all Unimproved Valued properties as to their predominant rural use in accordance with the Department of Local Government and Communities Guideline: Changing Methods of Valuation of Land with the objective to establish the appropriate valuation method in accordance with the *Local Government Act 1995*.

**MOTION** that the Council resolve to adopt the staff recommendation.

(Cr McCullough - Cr Färdig)

#### **RESOLVED UNANIMOUSLY TO**

- 1) Adopt the Rating and Budget Methodology and process outlined in the report as endorsed by the Department of Local Government and Communities.
- 2) Advise the Swan Valley Ratepayers and Residents Association and Gidgegannup Progress Association of the details provided in the Report.
- 3) Undertake a review in 2017/18 of all Unimproved Valued properties as to their predominant rural use in accordance with the Department of Local Government and Communities Guideline: Changing Methods of Valuation of Land with the objective to establish the appropriate valuation method in accordance with the *Local Government Act 1995*.



**CITY of SWAN**

**ORDINARY COUNCIL  
MEETING**

**PART B**

**REPORTS**

**12 APRIL 2017**

## **PART B - REPORTS**

### **1. CORPORATE PLANNING AND POLICY**

#### **1.1 POLICY REVIEW - POL-C116 PROCUREMENT**

**Ward:** (No Wards) (Governance)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Chief Executive Officer)

### **RECOMMENDATION**

That the Council resolve to:

- 1) Adopt the revised policy POL-C-116 Procurement.

**CARRIED**

**1.2 POLICY REVIEW - POL-C-084 SUSTAINABLE ENVIRONMENT**

**Ward:** (No Wards) (Strategic Planning)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Planning & Development)

**RECOMMENDATION**

That the Council resolve to:

- 1) Adopt the revised policy POL-C-084 Sustainable Environment.

**CARRIED**

**2. COMMUNITY PLANNING AND DEVELOPMENT**

Nil

### **3. STATUTORY PLANNING**

#### **3.1 PROPOSED AMENDMENT 108 TO LOCAL PLANNING SCHEME NO.17 - DEVELOPMENT CONTRIBUTION AREA - SOUTH BULLSBROOK INDUSTRIAL PRECINCT**

**Ward:** (North 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 through the public advertising of proposed Amendment No.108 in 2014 and modified and re-advertised in 2016 and resolve to recommend to the Western Australian Planning Commission that the Minister for Planning adopt the proposed Amendment in accordance with the following Schedule of Modifications:

#### **Schedule of Modifications**

1. Modify the *"Standard Infrastructure Sub-regional Transport"* column as follows:

- (i) change the first dot point (item) from:

*"Upgrade and/or construct Stock Road between the Great Northern Highway and Railway Parade" to:*

*"Upgrade and/or construct Stock Road between the Great Northern Highway and the Perth-Darwin National Highway."*

- (ii) change the third dot point (item) from:

*"Construct a grade separated Bridge along Stock Road to cross the Perth-Geraldton Rail line" to*

*"Railway Level Crossing along Stock Road to provide dual carriageway crossing of Ellenbrook".*

- (iii) expand the fifth dot point (item) to include the following:

*"- Warren Road and Great Northern Highway  
Dewar Road and Great Northern Highway  
Butternab Road and Great Northern Highway  
'Road K' and Great Northern Highway  
'Road A' and Stock Road  
'Road B' and Stock Road  
'Road C' and Stock Road  
'Road E' and Stock Road".*

2. Modify the "Standard Infrastructure Local Transport" column with respect to "Eastern Precinct LSP1" as follows:

- (i) change the first dot point (item) from:

*"Upgrade and/or construct Warren Road between the Great Northern Highway and 'Road B' with the cost apportioned between the 'Eastern Precinct 1' and 'North-Eastern Precinct 3' areas based on their respective ultimate infrastructure demand" to*

*"Upgrade and/or construct Warren Road between the Great Northern Highway and 'Road K' with the cost apportioned between the 'Eastern Precinct 1' and 'North-Eastern Precinct 3' areas based on their respective ultimate infrastructure demand"*

- (ii) change the fourth dot point by:

*- deletion of intersection treatments for "Stock Road and proposed 'Road A'", "Stock Road and proposed 'Road B'" and "Warren Road and the Great Northern Highway" and*

*- expanding the reference: "Warren Road, proposed 'Road A'" to "Warren Road, proposed 'Road A' with the cost apportionment between 'Eastern Precinct 1' and 'North-Eastern Precinct 3' areas based on their respective ultimate infrastructure demand".*

- (iii) insert a new dot point (item) as follows:

*"Construct a bridge along Warren Road to cross the Nambad Brook with the cost apportioned between 'Eastern Precinct 1' and 'North-Eastern Precinct 3' area based on their respective ultimate infrastructure demand".*

3. Modify the "Standard Infrastructure Local Transport" column with respect to "Western Precinct 2" by deleting the first three dot point (items) and replacing with:

*"Construct 'Road(s) C,D,E,F,G,H,I and J".*

4. Modify the *"Standard Infrastructure Local Transport"* column with respect to *"North-Eastern Precinct 3"* as follows:
  - (i) delete the second, third and fourth dot points and replace with:
    - *"upgrade and/or construct Dewar Road between the Great Northern Highway and Warren Road"*;
    - *"upgrade and/or construct Butternab Road between the Great Northern Highway and 'Road K'"*; and
    - *"construct 'Road K' between the Great Northern Highway and Warren Road"*.
  - (ii) modify the fifth dot point by deleting all the listed intersection treatments and replacing with:

*"Warren Road, proposed 'Road A' with the cost apportioned between 'Eastern Precinct 1' and 'North-Eastern Precinct 3' areas based on their respective ultimate infrastructure demand"*; and

*"Warren Road and proposed 'Road K'"*.
  - (iii) insert a new dot point (item) as follows:

*"construct a bridge along Warren Road to cross the Nambad Brook with the cost apportioned between 'Eastern Precinct 1' and 'North-Eastern Precinct 3' area based on their respective ultimate infrastructure demand"*.
5. Modify the *"Standard Infrastructure Local Drainage"* column with respect to *"Eastern Precinct 1"* as follows:
  - (i) delete the reference:

*"the southeast of the 'Eastern Precinct 1' area (east of 'Road A' and between Stock Road and Warren Road)"*.
6. Modify the *"Standard Infrastructure Local Drainage"* column with respect to *"Western Precinct 2"* as follows:
  - (i) modify the first dot point by changing the reference *"(near the intersection of 'Road D' and Stock Road)"* to: *"(near the intersection of 'Road C' and Stock Road)"* and the reference *"The intersection of 'Road C' and 'Road D'"* to *"the midway point of 'Road F' on its western side"*.

7. Modify the *“Standard Infrastructure Local Drainage”* column with respect to *“North-Eastern Precinct 3”* to read as follows:

*“Construct Arterial Swales and Bio-retention and Flood Storage basins at sites identified by the relevant local structure plan generally near:*

*Warren Road, ‘Road K’ and the Nambad Brook*

*Land Resumptions necessary to accommodate the proposed designs for all DCP Arterial Swales, Bio-retention and Flood Storage basins as previously listed, where not already provided in existing reserves.*

*Relocation of existing underground and overhead services where they would otherwise interfere with the upgrading/construction of the proposed designs for all DCP Arterial Swales, Bio-retention and Flood Storage basins as previously listed”.*

- 2) Advise all those who made a submission of Council’s decision accordingly.

**MOTION** that the Council resolve to:

- 1) Recommend the Minister for Planning not approve proposed Amendment No.108 on the basis that there is an unsatisfactory funding gap in the ultimate upgrade of Stock Road that needs to be first resolved by State Government agencies.

(Cr Henderson -)

**MOTION LAPSED** due to the lack of a seconder.

**MOTION** that the Council resolve to adopt the staff recommendation.

(Cr Färdig - Cr Bailey)

**RESOLVED (12/1)**

- 1) Note the submissions received through the public advertising of proposed Amendment No.108 in 2014 and modified and re-advertised in 2016 and resolve to recommend to the Western Australian Planning Commission that the Minister for Planning adopt the proposed Amendment in accordance with the following Schedule of Modifications:

**Schedule of Modifications**

1. Modify the *“Standard Infrastructure Sub-regional Transport”* column as follows:

- (i) change the first dot point (item) from:

*“Upgrade and/or construct Stock Road between the Great Northern Highway and Railway Parade”* to:



*"Upgrade and/or construct Stock Road between the Great Northern Highway and the Perth-Darwin National Highway.*

- (ii) change the third dot point (item) from:

*"Construct a grade separated Bridge along Stock Road to cross the Perth-Geraldton Rail line" to*

*"Railway Level Crossing along Stock Road to provide dual carriageway crossing of Ellenbrook".*

- (iii) expand the fifth dot point (item) to include the following:

*"- Warren Road and Great Northern Highway  
Dewar Road and Great Northern Highway  
Butternab Road and Great Northern Highway  
'Road K' and Great Northern Highway  
'Road A' and Stock Road  
'Road B' and Stock Road  
'Road C' and Stock Road  
'Road E' and Stock Road".*

2. Modify the *"Standard Infrastructure Local Transport"* column with respect to *"Eastern Precinct LSP1"* as follows:

- (i) change the first dot point (item) from:

*"Upgrade and/or construct Warren Road between the Great Northern Highway and 'Road B' with the cost apportioned between the 'Eastern Precinct 1' and 'North-Eastern Precinct 3' areas based on their respective ultimate infrastructure demand" to*

*"Upgrade and/or construct Warren Road between the Great Northern Highway and 'Road K' with the cost apportioned between the 'Eastern Precinct 1' and 'North-Eastern Precinct 3' areas based on their respective ultimate infrastructure demand"*

- (ii) change the fourth dot point by:

- deletion of intersection treatments for *"Stock Road and proposed 'Road A'", "Stock Road and proposed 'Road B'" and "Warren Road and the Great Northern Highway"* and

- expanding the reference: *"Warren Road, proposed 'Road A'" to "Warren Road, proposed 'Road A' with the cost apportionment between 'Eastern Precinct 1' and 'North-Eastern Precinct 3' areas based on their respective ultimate infrastructure demand".*

- (iii) insert a new dot point (item) as follows:

*"Construct a bridge along Warren Road to cross the Nambad Brook with the cost apportioned between 'Eastern Precinct 1' and 'North-Eastern Precinct 3' area based on their respective ultimate infrastructure demand".*

3. Modify the *“Standard Infrastructure Local Transport”* column with respect to *“Western Precinct 2”* by deleting the first three dot point (items) and replacing with:

*“Construct ‘Road(s) C,D,E,F,G,H,I and J”.*

4. Modify the *“Standard Infrastructure Local Transport”* column with respect to *“North-Eastern Precinct 3”* as follows:

- (i) delete the second, third and fourth dot points and replace with:

- *“upgrade and/or construct Dewar Road between the Great Northern Highway and Warren Road”;*
- *“upgrade and/or construct Butternab Road between the Great Northern Highway and ‘Road K’”; and*
- *“construct ‘Road K’ between the Great Northern Highway and Warren Road”.*

- (ii) modify the fifth dot point by deleting all the listed intersection treatments and replacing with:

*“Warren Road, proposed ‘Road A’ with the cost apportioned between ‘Eastern Precinct 1’ and ‘North-Eastern Precinct 3’ areas based on their respective ultimate infrastructure demand”; and*

*“Warren Road and proposed ‘Road K’”.*

- (iii) insert a new dot point (item) as follows:

*“construct a bridge along Warren Road to cross the Nambad Brook with the cost apportioned between ‘Eastern Precinct 1’ and ‘North-Eastern Precinct 3’ area based on their respective ultimate infrastructure demand”.*

5. Modify the *“Standard Infrastructure Local Drainage”* column with respect to *“Eastern Precinct 1”* as follows:

- (i) delete the reference:

*“the southeast of the ‘Eastern Precinct 1’ area (east of ‘Road A’ and between Stock Road and Warren Road)”.*

6. Modify the *“Standard Infrastructure Local Drainage”* column with respect to *“Western Precinct 2”* as follows:

- (i) modify the first dot point by changing the reference *“(near the intersection of ‘Road D’ and Stock Road)”* to: *“(near the intersection of ‘Road C’ and Stock Road)”* and the reference *“The intersection of ‘Road C’ and ‘Road D’”* to *“the midway point of ‘Road F’ on its western side”.*

7. Modify the *“Standard Infrastructure Local Drainage”* column with respect to *“North-Eastern Precinct 3”* to read as follows:

*“Construct Arterial Swales and Bio-retention and Flood Storage basins at sites identified by the relevant local structure plan generally near:*

*Warren Road, ‘Road K’ and the Nambad Brook*

*Land Resumptions necessary to accommodate the proposed designs for all DCP Arterial Swales, Bio-retention and Flood Storage basins as previously listed, where not already provided in existing reserves.*

*Relocation of existing underground and overhead services where they would otherwise interfere with the upgrading/construction of the proposed designs for all DCP Arterial Swales, Bio-retention and Flood Storage basins as previously listed”.*

- 2) Advise all those who made a submission of Council’s decision accordingly.

For: Crs Bailey, Elliott, Färdig, Haynes, Kovalevs, Lucas, McCullough, McDonnell  
McNamara, Parasiliti, Trease, and Williams

Against: Cr Henderson

**3.2 PROPOSED LOCAL DEVELOPMENT PLAN - WHITEMAN EDGE TOWN CENTRE - LOT 9040 WOOLLCOTT AVENUE, BRABHAM (LDP7-17)**

**Ward:** (Altone Ward) (Statutory Planning)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Planning and Development)

**RECOMMENDATION**

That the Council resolve to:

- 1) Approve the Local Development Plan for the Whiteman Edge Town Centre on Lot 9040 Woollcott Avenue, Brabham.
- 2) Advise the applicant/owner of the resolution of Council.
- 3) Advise those who lodged a submission of the Council's decision accordingly.

**CARRIED**

**3.3 STATE ADMINISTRATIVE REVIEW AND RECONSIDERATION OF  
HARDSTAND, ENTRY STATEMENT AND FENCING AT LOT 127 (NO.27)  
ANGLESEA CRESCENT, BELHUS (DA227-16)**

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

**Disclosure of Interest:** Nil.

**Authorised Officer:** (Executive Manager Planning and Development)

**RECOMMENDATION**

That the Council resolve to:

- 1) Vary the decision made at the Council Meeting held on 14 December 2016, and grant approval for a Hardstand, Entry Statement and Colorbond Fence at Lot 127 (No.27) Anglesea Crescent, Belhus subject to the following conditions:
  1. This approval is for "Hardstand, Entry Statement and Colorbond Fence" as illustrated on the approved plans.
  2. The hardstand shall be used for the storage of items incidental to the approved Residential use of the land. Under no circumstances shall the storage of goods or materials for commercial or industrial purposes, or in association with land use based at another property be carried out at the property.
  3. Stormwater shall be contained and disposed of on-site to the satisfaction of the City.
  4. Within 30 days of approval the applicant is to submit, to the satisfaction of the Chief Executive Officer, a Landscaping Plan for the purpose of screening the existing colorbond fence which depicts:
    - i. Areas required to be cleared to maintain firebreaks;
    - ii. Existing vegetation to be protected and retained;
    - iii. Proposed plantings to be installed, protected and retained; and
    - iv. Botanical and common names of existing and proposed plant species, mature height, and width and pot size.
  5. The applicant is to install the landscaping, the subject of the approved Landscaping Plan, within 60 days of the approval of the Plan and maintain it thereafter to the satisfaction of the Chief Executive Officer.
  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.

**ADVICE NOTES** In addition to standard advice notes, the following advice note is recommended:

- a) The City advises that the fence, the subject of this approval, may obstruct fire breaks. The landowner is advised to contact the City for information regarding an application for an alternative fire break for the land.
- 2) Advise the applicant/owner, submitters and the State Administrative Tribunal of the Council's decision accordingly.

**CARRIED**

**3.4 PROPOSED EXTRACTIVE INDUSTRY - LOT 2 APPLE STREET, UPPER SWAN  
(DA743-16)**

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Planning and Development)

**RECOMMENDATION**

That the Council resolve to:

- 1) Approve the proposed Extractive Industry at Lot 2 Apple Street, Upper Swan subject to the following conditions:
  1. The works proposed to be undertaken shall be in accordance with the Clay Extraction Management Plan (File No.889, Revision: 1a, Date: September 2016) for Lot 2 Apple Street, Upper Swan prepared for Austral Bricks WA Pty Ltd by Land Insights.
  2. The proponent shall notify the City of the period of commencement and the time of completion of extractive activities each year, with such period not exceeding two weeks (12 days) in any calendar year.
- 2) Forward the application to the Western Australian Planning Commission for determination in accordance with Clause 32 of the Metropolitan Region Scheme.
- 3) Advise all those who made a submission of Council's decision accordingly.

**MOTION** that the Council resolve to:

- 1) Recommend refusal for the Extractive Industry at Lot 2 Apple Street, Upper Swan for the following reasons:
  1. The Extractive Industry will have an adverse impact on the amenity of the locality.
  2. The proposed Extractive Industry is inconsistent with the provisions of the Council's adopted Rural Planning Strategy and has the potential to prejudice future development within this area.

(Cr Trease – Cr Bailey)

**RESOLVED (9/4) TO:**

- 1) Recommend refusal for the Extractive Industry at Lot 2 Apple Street, Upper Swan for the following reasons:
  1. The Extractive Industry will have an adverse impact on the amenity of the locality.
  2. The proposed Extractive Industry is inconsistent with the provisions of the Council's adopted Rural Planning Strategy and has the potential to prejudice future development within this area.

For: Crs Bailey, Elliott, Haynes, Kovalevs, McCullough, McDonnell, Parasiliti, Trease and Williams

Against: Crs Färdig, Henderson, Lucas and McNamara



### **3.5 PROPOSED MULTIPLE DWELLINGS (10) - LOT 119 (NO.6) FREDERIC STREET, MIDLAND (DA931-15)**

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

**Disclosure of Interest:** Nil.

**Authorised Officer:** (Executive Manager Planning and Development)

#### **RECOMMENDATION**

That the Council resolve to:

- 1) Pursuant to cl.68(2) of the *Planning and Development Local Planning Schemes Regulations 2015* approve the proposed Multiple Dwellings (10), at Lot 119 (No.6) Frederic Street, Midland subject to the following conditions.
  1. This approval is for "Multiple Dwellings" 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. Screening devices are to be installed to Units 7 and 8 to resolve visual privacy variations, and are to be shown on amended plans submitted with the Building Permit application.
  3. The parapet wall and footings shall be constructed inside the allotment.
  4. The surface of the parapet wall shall be finished to a professional standard (i.e. have raked/rolled joints or an even render finish) to the satisfaction of the Manager Statutory Planning.
  5. The landowner is to make a contribution to the City of Swan in accordance with the City of Swan Policy POL-C-040 "Midland District Drainage Development Fund" based on the total site allotment to the satisfaction of the City of Swan. Payment is to be made prior to the issue of a Building Permit application and/or prior to subdivision clearance.
  6. If the development causes any obstruction, alteration or interference with a natural water flow of surface water, the landowner, applicant or developer must rectify the damage caused and reinstate to the City's satisfaction.
  7. No fluid, other than uncontaminated stormwater is to enter any stormwater drain without prior approval from the City and the Environmental Protection Authority.
  8. Storm drain to be designed and installed in accordance with the City's design guidelines.
  9. All landscaping must be completed in accordance with the approved detailed landscape plan, prior to the occupation of any building and all landscaping is to be maintained onsite to the satisfaction of the Chief Executive Officer.

10. Vehicle access onto the site shall be restricted to that shown on the approved site plan.
11. All crossovers must be built and maintained in accordance with City's specifications.
12. All pavement on the site must be capable of accepting anticipated loadings (including accessways, parking areas, storage and hardstands). The City will not accept any responsibility for subsequent failure of any pavement.
13. Vehicle parking area, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City, in accordance with the approved plans.
14. All construction works within the road reserve including crossovers, drainage infrastructure, service adjustment, landscaping and footpath placement or reinstatement, must be built and maintained in accordance with the City's specifications. Failure to do so may result in these works being removed and reinstated by the City at the applicant's expense.
15. At occupancy, the owner is responsible for the maintenance of the crossover, landscaping and reticulation in the verge.
16. The applicant is to ascertain the location and depth of any services that may interfere with this development. Any adjustment to these services required as part of this approval, must be arranged by the applicant prior to works commencing on the site. Any adjustment must be approved by the relevant service authorities and will be at the applicant's expense.
17. The development must be connected to the Water Corporation's sewer where available.
18. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.

ADVICE NOTES      Standard advice notes apply.

- 2) Advise the landowner/applicant and submitters accordingly.

**CARRIED**

**3.6 PROPOSED USE OF SANDALFORD WINERY BUILDING FOR RECEPTION CENTRE - LOT 213 (NO.3210) WEST SWAN RD, CAVERSHAM (DA490-15)**

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Planning and Development)

**RECOMMENDATION**

That the Council resolve to:

- 1) Approve the proposed use of the Sandalford Winery building at Lot 213 (No.3210) West Swan Road, Caversham for an expanded Reception Centre subject to the following conditions:
  1. This approval is for "Reception Centre" 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 maximum capacity of the function centre is limited to 650 persons.
  3. Prior to the commencement of function events provided under this approval the owner is to install a 60 metre long deceleration lane within the verge of West Swan Road, to the specifications of the City of Swan in consultation with the Department of Planning, in order to provide for left-turn movements into the Sandalford driveway in accordance with Austroads 2010 standards.
  4. The applicant/owner is to obtain approval of the wastewater treatment and disposal system serving the development from the Department of Health (Water Unit). In the event of the waste water treatment and disposal system being inadequate to cater for the number of people using the building(s) the proponent is to connect to the Water Corporation's sewer.
  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.

ADVICE NOTES Standard advice notes apply.

- 2) Advise the applicant/owner of the resolution of Council and relevant advice notes pertaining to the approval.

**MOTION** that the Council resolve to:

- 1) Defer consideration of this matter to a future Ordinary Meeting of Council.
- 2) Record the reason for changing the staff recommendation is to provide the opportunity for the applicant to submit a traffic report and/or any other information to justify not including Condition 3 requiring the installation of a deceleration lane. Any traffic report or further information is to be commissioned by and all costs to be borne by the applicant.

(Cr Henderson – Cr Trease)

**RESOLVED UNANIMOUSLY TO:**

- 1) Defer consideration of this matter to a future Ordinary Meeting of Council.
- 2) Record the reason for changing the staff recommendation is to provide the opportunity for the applicant to submit a traffic report and/or any other information to justify not including Condition 3 requiring the installation of a deceleration lane. Any traffic report or further information is to be commissioned by and all costs to be borne by the applicant.

**4. OPERATIONAL MATTERS**

Nil

**5. FINANCIAL AND LEGAL MATTERS**

**5.1 LIST OF ACCOUNTS PAID - FEBRUARY 2017**

**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 February 2017, in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*.

**CARRIED**

## **5.2 FINANCIAL MANAGEMENT REPORT - FEBRUARY 2017**

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Acting Executive Manager Corporate)

### **RECOMMENDATION**

That the Council resolve to:

- 1) Note the financial statements and report for the month ended 28 February 2017 in accordance with regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*.

**CARRIED**

### **5.3 BUDGET ADJUSTMENTS 2016/2017 - MARCH 2017**

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Corporate)

#### **RECOMMENDATION**

That the Council resolve to:

- 1) Approve the adjustments to the 2016/2017 City Budget as detailed in this report and attachment, in accordance with section 6.8(1) of the *Local Government Act 1995*.

**CARRIED**



## **6. GOVERNANCE**

### **6.1 LOCAL GOVERNMENT ELECTIONS 2017**

**Ward:** (All Wards) (Governance)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Chief Executive Officer)

### **RECOMMENDATION**

That the Council resolve to:

- 1) Declare that the Electoral Commissioner be responsible for the conduct of the 2017 City of Swan ordinary local government elections with any other elections or polls in accordance with section 4.20(4) of *the Local Government Act 1995*.
- 2) Conduct the 2017 City of Swan local government elections as a postal election in accordance with section 4.61(2) of the *Local Government Act 1995*.
- 3) Advise that the Council opts for regular service for the delivery of election packages.

**CARRIED**

## **6.2 PROPOSED LOCAL GOVERNMENT DISTRICT BOUNDARY AMENDMENT - CITY OF BELMONT**

**Ward:** (Midland/Guildford Ward) (Governance)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Corporate)

### **RECOMMENDATION**

That the Council resolve to:

- 1) Request City staff prepare and lodge a submission in relation to the City of Belmont's proposal that would see the entirety of the three affected lots moved into the City of Belmont that addresses the following items:
  1. The City of Belmont's proposal does not meet the criteria for local government boundaries for the reasons outlined in this report.
  2. The City of Swan recognises the benefit to landowners of being wholly located within one local government area.
  3. The City of Swan will support the City of Belmont's proposal only on the condition that it completes redevelopment of the Parks and Recreation Reserve within five years of the boundary change, and the City of Belmont is liable to the City of Swan for completion of the redevelopment in accordance with that condition.

**CARRIED**

**7. REPORTS OF THE CHIEF EXECUTIVE OFFICER**

Nil

**8. ADOPTION OF THOSE RECOMMENDATIONS CONTAINED IN ITEMS NOT WITHDRAWN**

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

Items	1.1	1.2
	3.2	3.3
	3.5	5.1
	5.2	5.3
	6.1	6.2

(Cr Bailey – Cr Williams)

**9. URGENT BUSINESS**

Nil

**CITY of SWAN**

**ORDINARY COUNCIL  
MEETING**

**PART C**

**OTHER BUSINESS  
AND CLOSING PROCEDURES**

**12 APRIL 2017**

## **PART C - OTHER BUSINESS AND CLOSING PROCEDURES**

### **1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

#### **C1.1 CR HENDERSON**

- 1) That Council offer rates relief to businesses in the Swan Valley impacted by the recent flood event.

Cr Trease declared a financial interest in Item C1.1 Motion - Cr Henderson by virtue of having a business in the flood area.

Cr Trease left the Chamber at 6.40pm and did not speak or otherwise participate in the decision making process.

#### **OFFICERS' COMMENT**

A meeting was held on 29 March 2017 with Ward Councillors and staff to develop possible criteria and process for rate relief to be considered by Council.

#### **Rate Relief Option**

##### Proposed Criteria

- Property within flood affected area
- Income derived primarily from farming on the property ( Statutory Declaration)
- Viticulturist activities conducted on the land

##### Proposed Process

- By application
- Review Panel, consisting of,
  1. Councillor Henderson
  2. Rates Officer
  3. Local Recovery Coordinator
  4. Department of Agriculture (to be confirmed)
  5. Independent Audit Member (agreed in principle)

Possible options for rate relief could include full rate relief or capped rate relief (per property). The cost estimates are provided below:

##### Full Rate Relief

The best estimates using current flood mapping and rates information has identified approximately one hundred and seventy five (175) properties affected by the flood event with approximately sixty two (62) properties with vineyards on them.

These sixty two (62) properties had rates levied at \$218,948 in 2016/17. Based on a 3% increase in rates this would increase to approximately \$225,516 for 2017/18.

If all one hundred and seventy five (175) properties were eligible for rate relief the following information would apply. Given the rates levied for 2016/17 was \$1,079,250, based on a 3% increase in rates this would increase to approximately \$1,111,628 for 2017/18.

#### Capped Rate Relief

If the rate relief was to be capped at a nominal figure per property, say \$2,500, the following would apply.

One hundred and seventy five (175) properties is \$374,645.

Sixty two (62) properties is \$133,571.68

#### **Alternative Option 1**

In the eastern states some local governments have previously allocated an agreed amount of funding to an affected area which could be used for infrastructure or an event. This is as an alternative to rate relief where there is concern that rate relief could set a precedent for individuals especially in light of other emergency and recovery situations experienced within the City of Swan. This option of allocated funding to the area demonstrates commitment from the City.

#### **Alternative Option 2**

Another option is that Council could allocate a budget line item for all affected property owners to make application for an assistance payment. This could be funded from the City's own municipal fund and is not directly linked to rate revenue or rate concession.

A capped amount could be set for those that meet specified criteria to make application for an assistance payment. This capping is based on the losses experienced by a property owner and not the rates generated.

For example;

- Based on one hundred and seventy five (175) properties capped @ \$1,000, the budget allocation would be \$175,000
- based on one hundred and seventy five (175) properties capped @\$2,000, the budget allocation would be \$350,000
- based on one hundred and seventy five (175) properties capped @\$3,000, the budget allocation would be \$525,000

For example, suggested criteria for this option could include a Statutory Declaration stating,

- The property was within the flooded area
- That the applicants property and/or business was adversely affected by the flooding



Supporting documentation would also be required with the Statutory Declaration;

- Financial statement detailing any damages or losses
- Any other supporting documentary evidence.

The above option is more transparent and provides a clear delineation from rate concession.

### **Conclusion**

Whilst it is the responsibility of private land owners/businesses to clean up their properties, the City has been assisting private land owners affected by the floods in the clean-up of their properties. This includes providing tip passes to affected property owners upon request (subject to City discretion), and on 1 May 2017 the City will be conducting a bulk refuse pick up for affected properties.

As of 30 March 2017 the City has carried out repairs to flood affected City infrastructure at an actual cost of \$930,878. The City will be applying to the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRRA) as well as working with its insurer Local Government Insurance Scheme (LGIS) to recoup some of these costs.

Basing a rate concession on only those who had the farmland rate and adversely affected by the flood could be deemed not fair and equitable, and could set precedent for future requests for rate concessions. If the matter went before the State Administrative Tribunal (SAT) it could be over turned. Rates are already a delicate subject and adding this concession option may open Council to scrutiny and precedent.

Officers recommend Alternative Option 1.

**MOTION** that the Council resolve to:

- 1) Adopt Alternative Option 1.
- 2) Ward Councillors in consultation with staff recommend an infrastructure item or an event (or contribution to existing event) for inclusion in the 2017/2018 Annual Budget.

(Cr Henderson – )

Councillors indicated that a number of them had not considered the Officers' Comment provided following distribution of the agenda.

**MOTION** that the Council resolve to:

- 1) Defer this item for two Council meetings to allow Councillors to consider the Officers Comments and for Cr Henderson to be present as he has approved leave of absence for the next Council meeting.

(Cr Henderson – Cr Haynes)

**RESOLVED UNANIMOUSLY TO:**

- 1) Defer this item for two Council meetings to allow Councillors to consider the Officers Comments and for Cr Henderson to be present as he has approved leave of absence for the next Council meeting.

Cr Trease entered the chamber at 6.42pm.

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

**C2.1 CR MCNAMARA**

- 1) Request the removal of those trees creating a serious impediment to the quality of life of the residents at No. 14 Parkway Trail, Ballajura.
- 2) Replace those trees with a community friendly species.

**C2.2 CR TREASE**

- 1) Change the two parking bays fronting 9B The Crescent, Midland from half an hour free parking to one hour free parking.

### 3. CONFIDENTIAL ITEMS

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

(Cr Haynes –Cr Elliott)

All members of the public and media left the Chamber at 6.44pm and did not return.

#### C3.1 APPOINTMENT OF EXTERNAL AUDITORS

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

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Corporate)

#### 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

#### RESOLVED UNANIMOUSLY TO:

- 1) Appoint Anthony Macri as its Auditor for the period of up to three (3) years.
- 2) Authorise the CEO to award the contract for the Supply Of External Auditing Services (W17AA29) to Macri Partners for the lump sum price of \$74,500 with an option to extend for a further year for the lump sum price of \$38,000.
- 3) Advise all Respondents accordingly.

### **C3.2 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW**

**Ward:** (No Wards) (Governance)

**Disclosure of Interest:** Nil

**Authorised Officer:** (Executive Manager Corporate)

#### **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:

- (a) a matter affecting an employee or employees

Mr Foley declared a financial interest in Item C3.2 - Chief Executive Officer's Performance Review by virtue of being the subject of the report.

All staff with the exception of Executive Manager Stakeholder Relations and Minute Clerks, left the Chamber at 6.45pm and did not speak or otherwise participate in the decision making process.

#### **RESOLVED (11/2) TO:**

- 1) Note that the Chief Executive Officer Performance Review has been completed in accordance with statutory obligations, contractual obligations and Council resolution.
- 2) Increase the Chief Executive Officer's cash salary component by 1.5% with a step increase of \$5,000 and one week's extra leave to be taken within the next twelve months, by 12 April 2018.
- 3) Provide the Chief Executive Officer the opportunity for an early request to renew his contract when that opportunity arises under the current terms of contract with a view to Council considering a renewal of contract to 2022 with the following conditions of employment.
  - (a) Increase the notice requirement if the contract was to be terminated from three months' to six months' notice.
  - (b) All other conditions of employment to remain the same.
- 4) Request the Mayor write on behalf of Council to the Chief Executive Officer to thank him for his sustained and valued contribution to the Council and City over the past twelve months.
- 5) Adopt the CEO's Performance Targets for 2017/18 as attached.

- 6) Reconvene the CEO's Performance Review Committee in March 2018 to conduct the next CEO's Performance Review.
- 7) Request officers investigate options for appointment of consultants to conduct the next performance review.
- 8) Record the reason for changing the recommendation is to ensure that the roles of facilitation and performance review/human resource advice are clearly delineated.

For: Crs Bailey, Eilliot, Haynes, Kovalevs, Lucas, McCullough, McDonnell, McNamara, Parasiliti, Trease and Williams

Against: Crs Färdig and Henderson

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

(Cr Tease – Cr Bailey)

#### **4. CLOSURE**

There being no further business, the Presiding Member, Cr Lucas, thanked those present for their attendance and declared the meeting closed at 7.45pm.