

Meeting Agenda Briefing Forum – for OCM 23 November 2021

Location Council Chambers

Date Time 16 November 2021 **Start Time** 6:31pm **Finish Time** 8:50pm

1. ATTENDANCE

Members

West Ward

Cr Dan Bull
Cr Giorgia Johnson

Central Ward

Cr Sally Palmer
Cr Steven Ostaszewskyj

North Ward

Cr Filomena Piffaretti, Mayor
Cr Josh Eveson
Cr Michelle Sutherland

South Ward

Cr Catherine Ehrhardt, Deputy Mayor
Cr Elli Petersen-Pik

Officers

Mr Andrew Brien	Chief Executive Officer
Mr Des Abel	Director Community and Development
Mr Doug Pearson	Director Major Projects and Commercial Activities
Ms Lorraine Driscoll	Director Corporate and Strategy
Mr Luke Botica	Director Works and Infrastructure
Ms Chelsea Beavington	Executive Assistant to the CEO
Mr Mitchell Halls	Agenda and Minutes Officer
Mr Jon Vines	Manager Project Services
Mr Dan West	Manager Sustainability, Environment and Waste
Ms Helen Smith	Manager Development and Place
Mr Joe Gomboc	Manager Building Works
Mr Bryce Coelho	Principal Engineer Major Projects

Leave of Absence

Nil.

Apologies

Cr Lorna Clarke
Cr Assunta Meleca

2. DISCLOSURE OF INTEREST SUMMARY

A member who has an interest in any matter to be discussed at an Agenda Briefing Forum, Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

The following disclosures of interest were made at the Agenda Briefing Forum and will also apply at the Ordinary Council Meeting when the matter is considered:

Name	Item No.	Type of Interest	Nature of Interest
<i>Cr Michelle Sutherland</i>	<i>10.4.2</i>	<i>Impartial</i>	<i>I know Bianca</i>
<i>Cr Josh Eveson</i>	<i>10.4.3</i>	<i>Impartial</i>	<i>I know Ross Underwood</i>
<i>Cr Dan Bull</i>	<i>10.5.1</i>	<i>Impartial</i>	<i>I was a member of one of the committees put together for the City-wide traffic study</i>
<i>Cr Giorgia Johnson</i>	<i>10.5.1</i>	<i>Proximity</i>	<i>I live within the area indicated on the map</i>
<i>Cr Dan Bull</i>	<i>10.5.2</i>	<i>Proximity</i>	<i>I can see the Tonkin Gap project from my backyard</i>

3. DEPUTATIONS

1. **Proposed Two Single-Storey Grouped Dwellings, Including Street Tree Removal – State Administrative Tribunal Section 31 Reconsideration – Lot 483, 35 Driscoll Way, Morley**
In relation to Item 10.4.2, Ms Bianca Sandri, Director of Urbanista Town Planning, 231 Bulwer Street, Perth, will be in attendance, speaking on the item (*refer page 187*).
2. **Proposed Change of Use to Restaurant and Ancillary Office and Caretaker's Dwelling and Associated Alterations and Additions (including Existing Rear Carport).**
In relation to Item 10.4.3, Mr Ross Underwood, Associate of Planning Solutions, Level 1, 251 St George Terrace, Perth, will be in attendance, speaking on the item (*refer page 200*). See **Attachment 1**.
3. **Level Crossing Closure Caledonian Avenue, Maylands**
In relation to Item 11.1, Ms Sarah Ardley, owner/Maylands, resident, will be in attendance, speaking in support of Cr Elli Petersen-Pik's Notice of Motion (*refer page 300*).
4. **Level Crossing Closure Caledonian Avenue, Maylands**
In relation to Item 11.1, Ms Shannon Leigh, Maylands resident, will be in attendance, speaking in support of Cr Elli Petersen-Pik's Notice of Motion. (*refer page 300*).
5. **Level Crossing Closure Caledonian Avenue, Maylands**
In relation to Item 11.1, Mr Oliver Savage, Maylands resident, speaking on behalf of himself, Eli and Isaac Savage, will be in attendance, speaking in support of Cr Elli Petersen-Pik's Notice of Motion. (*refer page 300*).
6. **Level Crossing Closure Caledonian Avenue, Maylands**
In relation to Item 11.1, Mr Peter Thomsett, Maylands resident, will be in attendance, speaking in support of Cr Elli Petersen-Pik's Notice of Motion. (*refer page 300*).
7. **Level Crossing Closure Caledonian Avenue, Maylands**
In relation to Item 11.1, Mr Robert Mazzilli, owner/Maylands resident, submitted a **written** deputation (**Attachment 2**) supporting Cr Elli Petersen-Pik's Notice of Motion. (*refer page 300*).
8. **Level Crossing Closure Caledonian Avenue, Maylands**
In relation to Item 11.1, Ms Marnie Yazmadjian, owner/local resident, submitted a **written** deputation (**Attachment 3**) supporting Cr Elli Petersen-Pik's Notice of Motion. (*refer page 300*). ****Requested to be read***
9. **Level Crossing Closure Caledonian Avenue, Maylands**
In relation to Item 11.1, Ms Kate Bowker, local resident, submitted a **written** deputation (**Attachment 4**) supporting Cr Elli Petersen-Pik's Notice of Motion. (*refer page 300*).
10. **Level Crossing Closure Caledonian Avenue, Maylands**
In relation to Item 11.1, emails supporting and/or objecting to Cr Elli Petersen-Pik's Notice of Motion have been submitted in **writing** (**Attachment 5**) (*refer page 300*).
11. **Proposed Termination of Lease - Bayswater Sports Club - Upper Hillcrest Reserve**
In relation to Item 14.1.2, Mr Mark Thomas, President of Bayswater Sports Club; and Mr Carl Blewett and Mr Michael Matrakis, members of the Club, will be in attendance, speaking against the officer's recommendation. (*refer page 308*).

12. **Proposed Termination of Lease - Bayswater Sports Club - Upper Hillcrest Reserve**
In relation to Item 14.1.2, Mr John Boyd, President of Bayswater Postels Cricket Club, will be in attendance, speaking against the officer's recommendation. (*refer page 308*).
13. **Proposed Termination of Lease - Bayswater Sports Club - Upper Hillcrest Reserve**
In relation to Item 14.1.2, Ms Danielle Santoro, President of Bayswater Football Club, will be in attendance, speaking against the officer's recommendation. (*refer page 308*).

4. QUESTIONS FROM ELECTED MEMBERS ON AGENDA ITEMS

The following questions were taken on notice at the briefing and responses are provided below to assist Councillors in their deliberations on the matter.

QUESTIONS FROM MEMBERS TAKEN ON NOTICE

ITEM 10.2.4 Donations Granted Under Delegated Authority for the Month of October 2021	
QUESTION(S)	RESPONSE / ACTION
Cr Georgia Johnson	Lorraine Driscoll, Director Corporate and Strategy
1. I just want some clarification on our processes. It says we donated some money to Kahoots, but I understand they have a venue in our [city]. So I just want some clarifications on our donations policies about if your getting a good rate on your rent if you also qualify for donations.	<p>Donations are governed by the Community Grants Policy, <i>“to respond to social disadvantage, protection of the natural or built environment, partnerships, community development and capacity building”</i>. When donation applications are assessed, the City considers many factors, such whether the recipient has received any other funding or benefits from the City. However each request is based on its merits, and if it is seen as providing a high value to the community this will outweigh other elements such as previous funding received or a lease on a property from the City at a reduced rate.</p> <p>The Cahoots Charity Golf Day was considered worth supporting as all proceeds went towards providing financial support to sponsor young people living with a disability and others that face exceptional challenges into camps and programs which they would otherwise be unable to attend.</p>
ITEM 10.2.5 City of Bayswater Annual Report 2020/21	
QUESTION(S)	RESPONSE / ACTION
Cr Steven Ostaszewskyj	Andrew Brien, Chief Executive Officer
2. I’m seeing we’re reporting achievements under our new themes from 2021-31. This annual report is for 2021, therefore shouldn’t we be reporting our achievements on our old themes rather than on our new themes?	Suggestion was noted and an amended version of the draft plan will be distributed to Councillors for consideration.
3. Just for transparency- Can I make a suggestion perhaps we could have it mapped out from our old one and mapped across into our new themes for residents, for rate payers, for me, for us so we can see how we transition to a new strategic plan through the annual report.	This will be considered as part of the new annual report to ensure that there is some consistency in reporting.
Cr Filomena Piffaretti	Lorraine Driscoll, Director Corporate and Strategy
4. In regards to the attachments in attendance and disclosures. Have these numbers been checked or are they just draft numbers? Could I please ask if they get check again?	<p>Attendance numbers (s 8.5.1) have now been revised to reflect attendance as per recorded minutes.</p> <p>Attendance records now contain only those that are statutorily required.</p>

	<p>Attendance at non statutory meetings is not required to be recorded to be in the statutory section of Annual Report however, given Councillors involvement and interest in a number of external committees this information will now be included in the individual biographies of the relevant Councillor in the Annual Report.</p> <p>Numbers relating to complaints and minor breaches (s 8.5.2) and remuneration (s 8.5.3) were final and correct.</p>
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ITEM 10.3.1 Electric Vehicle Charging Stations

QUESTION(S)	RESPONSE / ACTION
Cr Dan Bull	Luke Botica, Director Works & Infrastructure
<p>[Context: Referring to limb 3 of Officer's Recommendation; When is that schedule due to occur under the ERRE? Dan West Answered]</p> <p>5. If it were to happen now, what would be bumped?</p>	<p>The ERRE includes 23 short-term (1 to 2-year timeframe) actions:</p> <ol style="list-style-type: none"> 1. Work with Azility and retailers as required to incorporate all of the City's energy-using sites into their platform, so that accurate and timely reports of the City's energy use, cost and greenhouse gas emissions can be readily produced. 2. Review the staff resources required to coordinate the implementation of the ERRE Plan to ensure that City of Bayswater's targets can be achieved, with consideration of internal and external and peer network engagement, management and reporting, capacity building and implementation of behaviour change measures 3. Establish accountabilities for achievement of the City's targets in key positions such as at executive and senior management levels, including in position descriptions. 4. Establish a leadership group that brings together key stakeholders at executive, Major Projects and Operational Leadership (OLT), to provide strategic direction and governance. 5. Review current funds available to implement efficiency and renewable energy projects, and compare this with ERRE Plan funding needs, through engagement with each functional area, to understand gaps in funding. 6. Evaluate funding options available to the City to progress with measures that will help it achieve its targets, including grant, internal budgets, a Revolving Energy Fund (REF), borrowing and third-party offers such as onsite solar Power Purchasing Agreements (solar PPAs).

	<ol style="list-style-type: none"> 7. Identify and scope current and planned grant funding opportunities at State and Commonwealth levels and track key sources regarding new grant opportunities. For example the Clean Energy Future Fund. 8. Plan and budget for new solar PV (and battery) systems in budget and business plan processes that are aligned with achieving the City's targets (e.g. as per the roadmap in the ERRE Plan). 9. Stay abreast of developments in mid-scale renewable energy generation in the WA market. 10. Engage with peer Councils, representative bodies and others to include the identification of possible mid-scale RE (solar, wind, bioenergy / biomethane) opportunities that could be developed in future. 11. Continue to collaborate with WALGA and other local councils to develop the case for a renewable energy power purchase agreement that can meet part or all of the City's electricity demand. Subject to the outcome of this process participate in any subsequent market approach to determine if a PPA can be achieved at a price comparable to 'regular' grid power. 12. Stay abreast of PPA product development and deliver or continue to deliver internal advice and education to build literacy in and confidence in a renewable energy PPA as a key part of meeting the City's targets. 13. Include information and data (if available) on tree planting and wetlands in reporting on ERRE Plan progress so that sequestration measures are part of the City's climate change response narrative. 14. Work with Western Power and other stakeholders to progress City of Bayswater's case for lights in Bayswater to be upgraded to LED (non-decorative, smart control-enabled to be decided). 15. Develop a short term implementation plan for energy efficiency initiatives, prioritising high return measures from the EMRC-funded energy audit program as well as planned building upgrades (as per the roadmap action plan). 16. Plan and budget for new energy efficiency projects in budget and business plan processes that are aligned with achieving the City's targets (as per the roadmap action plan). 17. Ensure best practice energy efficiency (and renewable energy generation or design provision) is incorporated into all capital works projects (for
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	<p>example Morley Sport and Recreation Centre and Maylands Waterland). Develop a design guide or standard for future projects.</p> <p>18. Progress with the City's current approach that will achieve ~90% hybrid passenger vehicles, a small number of EVs and an optimised passenger / utility fleet size.</p> <p>19. Use fleet fuel efficiency information to influence driver behaviour and inform vehicle needs.</p> <p>20. Conduct research to identify the key areas, emissions sources, behaviours that will be most effective at reducing emissions sustainably.</p> <p>21. Identify and plan the implementation of high priority systemic and behavioural changes that will yield the greatest benefit in emissions savings and staff engagement.</p> <p>22. Review the City's procurement policy to align with best practice in sustainable procurement, and to specifically include the City's renewable energy and emissions reduction targets in evaluation criteria for supplier offers.</p> <p>23. Review the City's current range of specifications used to procure services and equipment across operational and capital expenditure, and current awareness of and use of sustainability provisions of existing procurement. Progressively update specifications to align with best practice in sustainable procurement and the City's targets, and provide education / training to City staff.</p> <p>Following approval of the ERRE City officers are currently working to integrate actions into relevant City corporate plans. Given this work is currently being undertaken it is too early to say exactly which actions would be specifically impacted, however, the likely impact is the immediately prioritised actions focusing on embedding ERRE and scoping and delivering near term ERRE projects would be delayed.</p>
ITEM 10.3.2 EMRC Council Meeting Minutes - 23 September 2021	
QUESTION(S)	RESPONSE / ACTION
Cr Steven Ostaszewskyj	Lorraine Driscoll, Director Corporate and Strategy
6. In terms of the EMRC, is the City getting its information for EMRCs information for that?	EMRC attendance was taken from the City's records, with some reference to minutes from specific meetings.
7. If that is a mistake on the EMRC's behalf-how do we get them to fix that error?	The City would contact EMRC to resolve the issue. However, it appears the mistakes stem from an administrative error by the City.

Item 10.4.2 Proposed Two Single-Storey Grouped Dwellings, Including Street Tree Removal - State Administrative Tribunal Section 31 Reconsideration - Lot 483, 35 Driscoll Way, Morley	
QUESTION(S)	RESPONSE / ACTION
Cr Filomena Piffaretti	Des Abel, Director Community and Development
8. Where has Council given the City that direction; which policy allows the City to impose that condition?	<p>The City's Trees on Private Land and Street Verges Policy includes the following provisions under Requirements for Trees on Street Verges:</p> <p>“... 2. <i>In the event that the removal of a tree on the street verge is warranted and has been approved by the City of Bayswater in accordance with Clause 1, the land owner or developer may be responsible for:</i> ... b) <i>The payment of a fee in accordance with the City of Bayswater's fees and charges for the loss of the tree's visual, physical, environmental and ecological amenity value. The Helliwell System is to be used to determine the tree's visual, physical, environmental and ecological amenity value, to the satisfaction of the City of Bayswater. The fee will be used by the City of Bayswater to plant additional trees in the same suburb as the subject development site.</i> 3. <i>If no street trees exist or a street tree is to be removed with regard to Clause 1, at least one new 'standard tree' is to be provided, by the land owner or developer, on the verge adjacent to the site, where space is available, to the satisfaction of the City of Bayswater.</i> 4. <i>In addition to Clause 3, the City of Bayswater may require additional trees to be provided, where space is available, to the satisfaction of the City of Bayswater.”</i></p> <p>Accordingly, it is considered that the above policy provisions enables the City to require one or more replacement trees to be provided in the event of street tree removal, in addition to payment of the Helliwell tree amenity value.</p> <p>The difference between the proposal for items 10.4.1 and 10.4.2 is that the proposal for 10.4.1 is considered consistent with the circumstance for street tree removal - <i>To facilitate the placement of a permanent vehicle access crossing where there is no other viable option (subject to the Amenity Valuation process).</i> The proposal for 10.4.2 however does not meet this criteria given there is an alternative option, in this case a battle axe subdivision arrangement would not result in the loss of the street tree.</p> <p>In addition, the policy includes the following provisions relating to Tree Maintenance and Replacement: “1. <i>All new trees on the site and on the street verge are to be planted and watered (via reticulation</i></p>

	<p><i>or other similar method) for the first two summers by the land owner or developer, to the satisfaction of the City of Bayswater.</i></p> <p><i>2. All retained and new trees on the site and on the street verge are to be adequately maintained and kept in good health. In the event that a tree is in poor health and needs to be removed, it is to be replaced with an adequate replacement tree by the owner or developer, to the satisfaction of the City of Bayswater."</i></p> <p>The \$2,500 amount for a replacement tree in condition 4(b) is based on the cost of a new 200L tree, and the cost of planting the tree and maintaining the tree for three years.</p> <p>Condition 6 is a recent condition applied to provide greater focus on the ongoing retention of the subject tree(s) and associated maintenance.</p>
9. You said this is a recently developed condition- which policy does this come from?	Refer to above response.
Cr Elli Peterson-Pik	Des Abel, Director Community and Development
10. Why are we penalising them twice when all the other rate payers we don't ask them to pay for trees and maintenance?	Refer to above response.
Item 10.4.3 Proposed Change of Use to Restaurant and Ancillary Office and Caretaker's Dwelling and Associated Alterations and Additions (Including Existing Rear Carport) - Lot(s) 16 and 17, 277 and 279 Guildford Road, Maylands	
QUESTION(S)	RESPONSE / ACTION
Cr Ehrhardt	Des Abel, Director Community and Development
11. I've got a question in relation to 33 Ferguson Street - do we know if that lane way is still a laneway or have any adverse possession claims been made? Could that be investigated? Because if they have been claimed there will not be able to be a laneway in the future. Are you sure ownership is still public?	<p>The 'laneway' along 33 Ferguson Street is still a private right of way (ROW).</p> <p>The City is not aware of any adverse possession application in place for any part of this ROW.</p> <p>The ROW is privately owned, whilst the land that have been taken from other properties for the ROW widening is owned by the State of WA.</p>
12. Can we get clarification around if that setback has been consistently applied around this building's construction on the perimeters there because it looks like there is a garage built on that setback from the other side where the dogleg is there?	<p>The dwellings at 33 and 35 Ferguson Street, Maylands were built prior to the parent lot being subdivided in 2001, and prior to endorsement of the City's Right of Way Study in 2007. Accordingly, the ROW widening requirements were not in place at the time of development/subdivision of the subject dwellings/lots to be applicable.</p> <p>It is however noted that upon any redevelopment of the subject lots in the future, the ROW widening</p>

	requirements will be applicable to the subject lots. It is also noted that other developments along the subject ROW and on the portion that connects to Foundry Street have ceded the required ROW portions through their subdivisions.
ITEM 10.4.6 Australia Day Awards - Citizen of the Year and Outstanding Women in Leadership 2022	
QUESTION(S)	RESPONSE / ACTION
Cr Georgia Johnson	Des Abel, Director Community & Development
13. At the Reconciliation Advisory Committee meetings a proposal was made to invite members of that committee to nominate aboriginal people for categories for this award. I know there has been some change in personnel (I believe it was the June Meeting) I was just wondering if that did indeed happen - if the members did seek nominations.	It does not appear that an approach was made to the Reconciliation Action Committee members to assist with nominating Aboriginal and Torres Strait Islander people as part of the 2022 award nomination process. The Committee members' comments have been noted, and the Committee members will be approached to assist with nominating Aboriginal and Torres Strait Islander people as part of the 2023 award nomination process.