



City of Stirling

2021 / 2022 Electors' General Meeting

22 March 2023

Minutes

To: The Mayor and Councillors

Here within the Minutes of the Electors' General Meeting of the City of Stirling held Wednesday 22 March 2023 in the City of Stirling Council Chamber, 25 Cedric Street, Stirling.

Stuart Jardine PSM | Chief Executive Officer

Our Vision, Mission and Values

Vision

A sustainable City with a local focus.

Mission

To serve our community by delivering efficient, responsive and sustainable service.

Values

The City of Stirling's core values are:

- Approachable
- Responsive
- Transparent
- Innovative.

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received.

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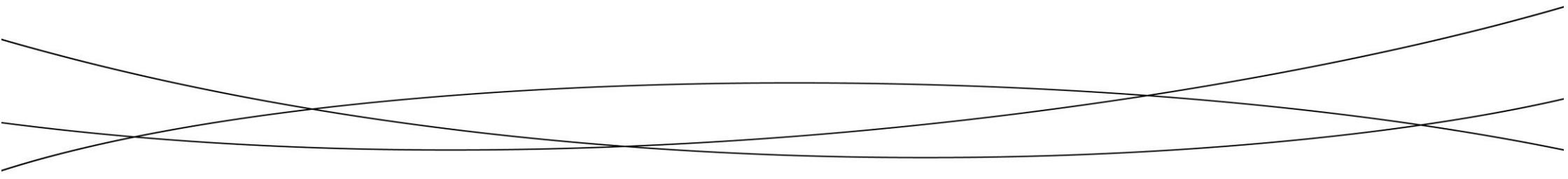


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MINUTES OF THE ELECTORS' GENERAL MEETING OF WEDNESDAY 22 MARCH 2023 HELD IN CITY OF STIRLING COUNCIL CHAMBER, 25 CEDRIC STREET, STIRLING

In accordance with Section 5.27 of the *Local Government Act 1995* and the Local Government (Administration) Regulations 1996, the Order of Business will be as follows:

1. OFFICIAL OPENING

The Mayor welcomed the public and attendees to the City of Stirling 2021/2022 Electors' General Meeting and declared the meeting open at 6.00pm.

2. ATTENDANCE AND APOLOGIES

ATTENDANCE

Mayor

Mark Irwin

Councillors

Councillor Andrea Creado
Councillor Felicity Farrelly (from 6.05pm)
Councillor Chris Hatton
Councillor Tony Krsticevic
Councillor Suzanne Migdale
Councillor Karlo Perkov
Councillor Stephanie Proud JP
Councillor Elizabeth Re
Councillor Bianca Sandri (until 7.15pm)
Councillor Lisa Thornton

Employees

Chief Executive Officer - Stuart Jardine PSM
Director Community Development - Michael Quirk
Director Corporate Services - Ingrid Hawkins
Director Infrastructure - Andrew Murphy
Director Planning and Development - Stevan Rodic
Manager City Future - Giovanna Lumbaca
Manager Community Safety - Peter Mullins
Manager Customer and Communications - Chantelle O'Sullivan
Manager Development Services - Amanda Sheers
Acting Manager Governance - Michelle Wolsoncroft
Community Engagement Coordinator - James Murphy
Media & Corporate Affairs Coordinator - Paul Entwistle
Lead Governance Officer - Regan Clyde
Senior Governance Officer - Jackson Mawby
Senior Governance Officer - Daniel Govus
Senior Governance Officer - Amorette Kerklaan

Guests

Office of the Auditor General - Renuka Venkatraman
Ernst & Young - Fiona Drummond
Ernst & Young - Kendrick Balbas

Public

16

Press

0

APOLOGIES

Councillor Teresa Olow.

3. APPROVED LEAVE OF ABSENCE

Councillor Michael Dudek (granted a leave of absence for the period 19 March 2023 to 23 March 2023 inclusive).

Councillor Joe Ferrante (granted a leave of absence for the period 22 March 2023 to 29 March 2023 inclusive).

Councillor David Lagan (granted a leave of absence for the period 22 March 2023 to 29 March 2023 inclusive).

4. MAYOR'S REPORT

His Worship the Mayor Mark Irwin read the Mayor's report for the year ended 30 June 2022.

5. ANNUAL REPORT INCORPORATING ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022

The Director Corporate Services presented the following extract to the meeting regarding the Annual Financial Statements for the year ended 30 June 2022.



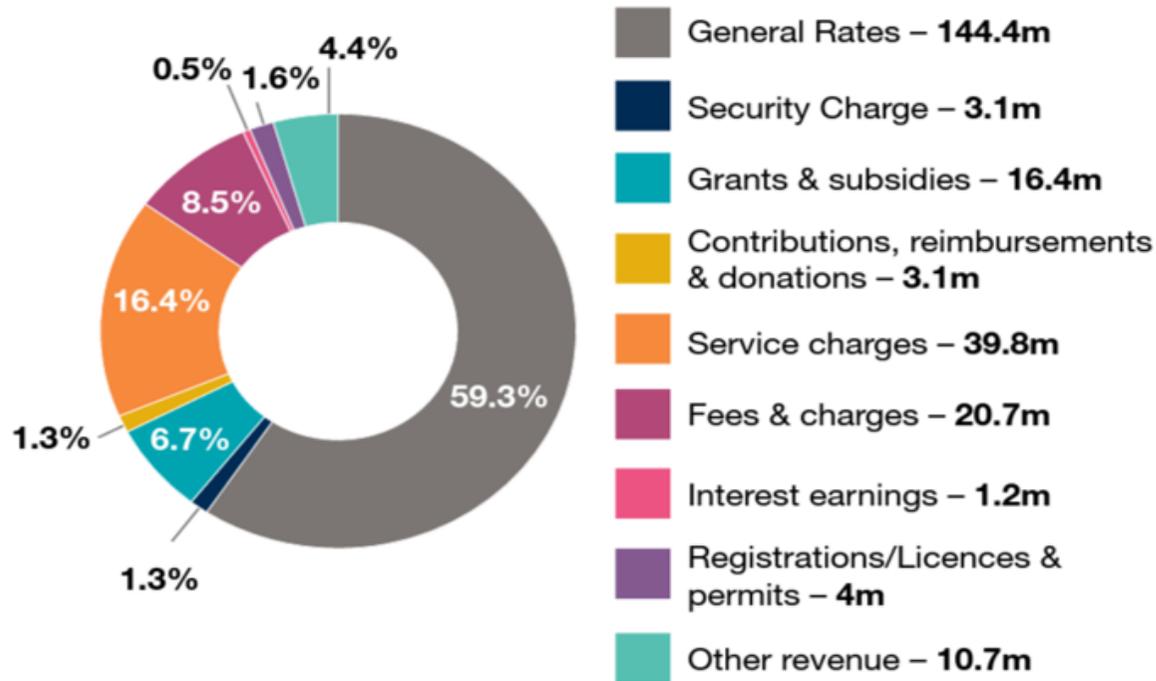
Summary Overview

Where we collect the money from	\$'m
Rates	144.4
Operating revenue	98.9
Capital grants	21.5
Proceeds from disposal of assets	4.5
Share of profit and equity of associates	(0.6)
Revenue	268.7
Where we spend the money	\$'m
Operating expenditure excluding non-cash amounts	(198.3)
Capital expenditure	(41.1)
Expenditure	(239.4)
Reserves, Town Planning Scheme, Trust monies and other movements	\$'m
Net transfers to Reserves, Town Planning Scheme and Trust	14.9
Other balance sheet movements	(24.3)
Net movement	(9.4)
Net opening and closing funds	(19.9)
Balanced Bottom line	0.0



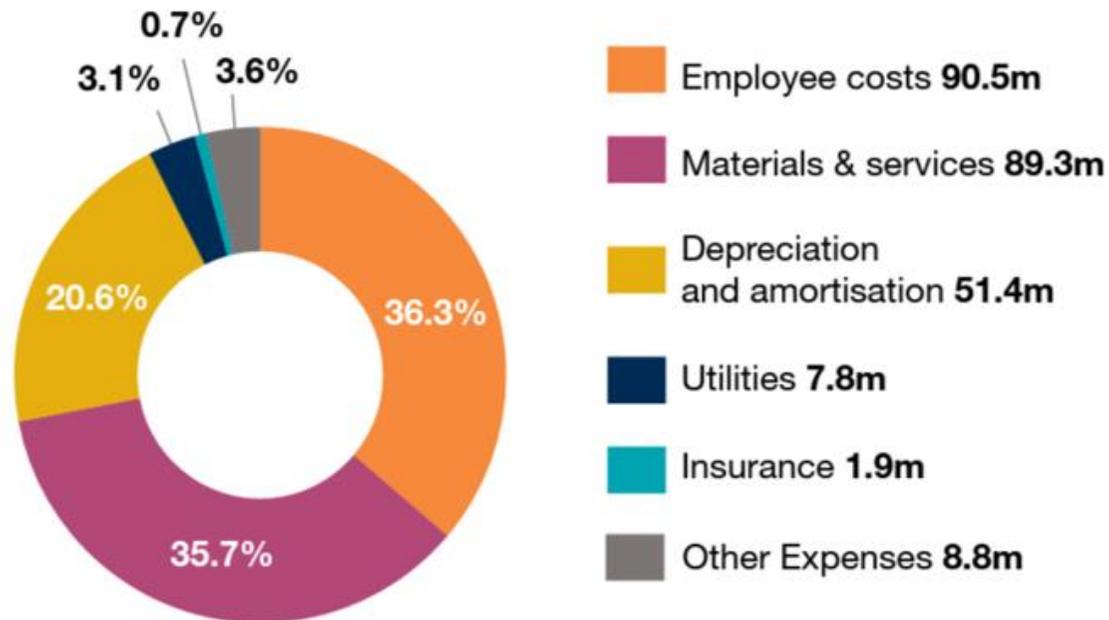
City of Stirling

Revenue



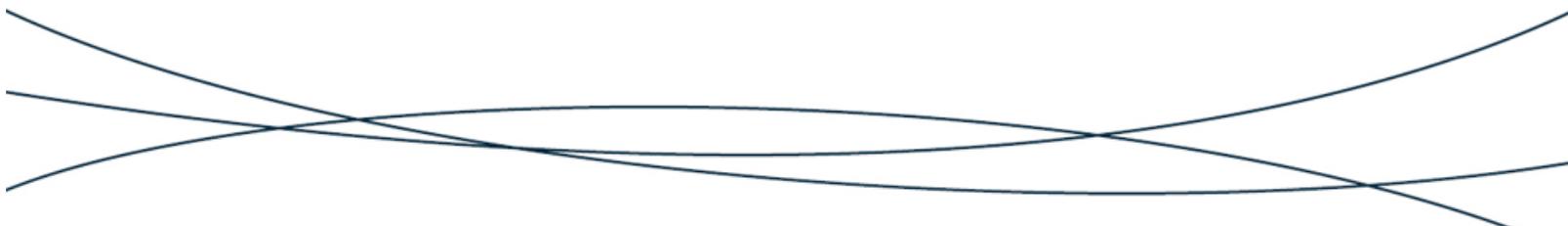
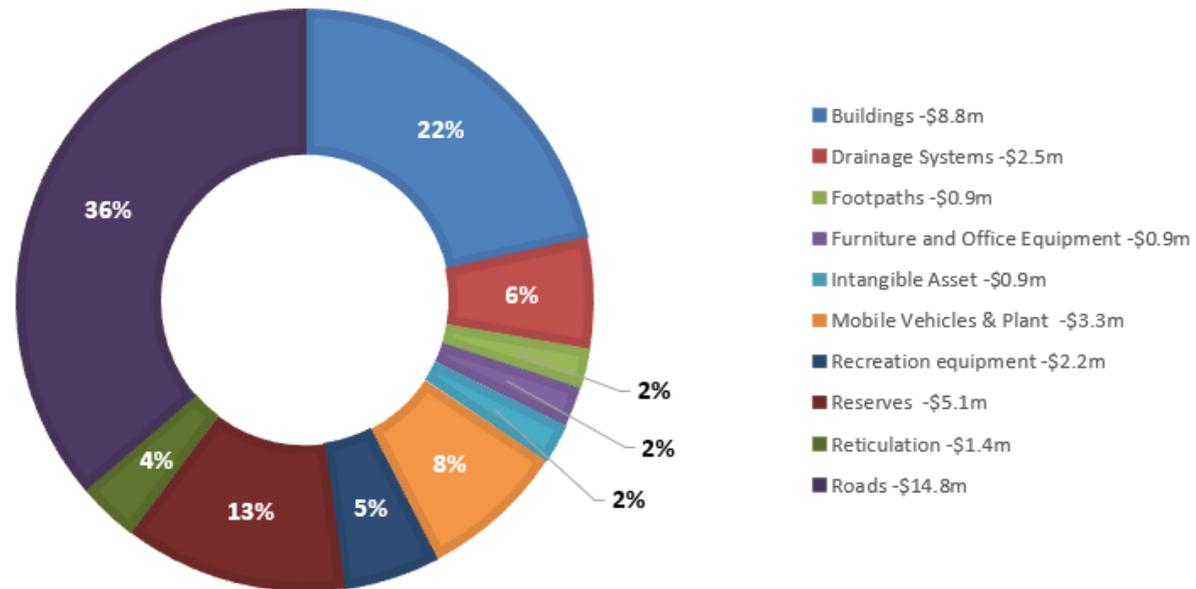


Operating Expenditure





Capital Expenditure



6. AUDITOR'S REPORT

Renuka Venkatraman from the Office of the Auditor General provided a summary of the Auditor General's Report regarding the City of Stirling Annual Financial Report for the year ended 30 June 2022.

7. CHIEF EXECUTIVE OFFICER'S REPORT

The Chief Executive Officer's report was included within the 'Year in Review' DVD presentation, outlining the City's achievements and projects for the 2021/2022 Financial Year.

8. ACCEPTANCE OF THE ANNUAL REPORT INCORPORATING ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022

His Worship the Mayor advised that no written questions had been received in relation to the 2021/2022 Annual Report or Financial Statements.

His Worship the Mayor then called for any questions related to the Annual Report and the Financial Statements.

8.1 L JACK

The following questions were put forward by L Jack, of Karrinyup 6018 at the Electors' General Meeting held 22 March 2023.

- Ms Jack:** In the annual report, this annual report 2021/2022, the City's Million Trees Initiative is mentioned multiple times. Can you please tell me what percentage of the plantings are trees, which I think the City defines as anything over three metres, and what percentage are shrubs under three metres?
- Director Infrastructure** The City has planted 6,925 trees and 28,883 shrubs. That is in the annual report on page 174. The percentages would need to be calculated.
- Ms Jack:** A lot more shrubs than trees?
- Director Infrastructure** That is correct.

Additional Information

Of the 2021/2022 plantings entailing 6,925 trees and 28,883 shrubs, this equates to 19.3% trees and 80.7% shrubs. Shrubs are important in the environment as they are a crucial element in restoring habitat and creating landscape amenity. The Annual Report 2021/2022 also states that 'with a focus on planting trees, there have been 45,409 trees planted over the past five years, of which 23,845 have been street trees.'

There being no further questions relating to the Annual Report and Financial Statements, His Worship the Mayor called for a mover and seconder to accept the 2021/2022 Annual Report.

Moved Councillor Tony Krsticevic, seconded Councillor Stephanie Proud

That the Annual Report for the City of Stirling for the year 2021/2022, incorporating the 2021/2022 Annual Financial Statements and the 2021/2022 Auditor's Report, be ACCEPTED

The motion was put and declared CARRIED.

9. GENERAL BUSINESS

His Worship the Mayor called for any items of general business from the floor.

His Worship the Mayor also advised that while any motions moved by electors are non-binding on the Council, the City will ensure that each motion is addressed within a report for Council's consideration.

9.1 K HILL

The following comments and motion were put forward by K Hill, of Menora WA 6050 at the Electors' General Meeting held 22 March 2023.

Ms Hill: My concern is that there has been significant tree loss on the Mount Lawley Golf Club site over recent years, and to prevent any further loss of healthy, mature trees and tree canopy. I propose a motion.

MOTION 1

Moved Kerry Hill, seconded Carol Clarey

That no tree is to be removed from the Mount Lawley Golf Club, A Class Reserve, (apart from obviously dangerous trees) without the approval of the City of Stirling.

The motion was put and declared CARRIED.

9.2 K MADDEN

The following comments and motions were put forward by K Madden, of Innaloo WA 6018 at the Electors' General Meeting held 22 March 2023.

Ms Madden: I'd like to start off by providing a bit of a statement that leads into our motion, if I may.

His Worship the Mayor: You may.

Ms Madden: Domestic cats have enjoyed free reign of suburban Australia since their introduction over 200 years ago. During this time, cats have become an important companion to many Australians. However, their impact on urban wildlife has been largely overlooked. In 2021, a federal parliamentary inquiry into the problem of feral and pet cats in Australia has affirmed that the issue is of national significance. More than 1 billion mammals are killed by cats in Australia annually. Roaming domestic cats are responsible for an additional 390 million mammals, birds, and reptiles per year. Cats pose a huge challenge to the survival of local native animals and biodiversity in the City of Stirling. To protect our natural environment, the issue of cats and their impact on the environment ought to be investigated by the City of Stirling. Furthermore, the health of individual free-ranging cats across the City of Stirling and the nuisance impact they can have on local residents should also be considered.

MOTION 2

Moved Katie Madden, seconded Simon Wheeler

The City of Stirling expand Cat Prohibited Areas to prohibit cats from all parks and bushland areas entirely.

The motion was put and declared CARRIED.

MOTION 3

Moved Katie Madden, seconded Arriadne Bradley

The City of Stirling expand Cat Prohibited Areas to include all other Council owned and management areas where cats will be prohibited unless under effective control.

The motion was put and declared CARRIED.

MOTION 4

Moved Katie Madden, seconded Robert Madden

The City of Stirling increases their cat trapping program across all Prohibited Areas and strengthens its policies to ensure compliance with the Local Laws.

The motion was put and declared CARRIED.

9.3 A BRADLEY

The following motions were put forward by A Bradley, of Balcatta WA 6021 at the Electors' General Meeting held 22 March 2023.

MOTION 5

Moved Arriadne Bradley, seconded Katie Madden

The City of Stirling writes to the Minister of Local Government requesting immediate amendments to the Cat Act to enforce cats being contained within an enclosed area on the owner's property..

The motion was put and declared CARRIED.

MOTION 6

Moved Arriadne Bradley, seconded Leisha Jack

The City of Stirling amends the Keeping and Control of Cats Local Law 1999 to include a cat containment provision stipulating cats to be contained within an enclosed area on the owner's property.

The motion was put and declared CARRIED.

9.4 L EAMES-SPRINGHAM

The following comments and motions were put forward by L Eames-Springham, of Joondanna WA 6060 at the Electors' General Meeting held 22 March 2023.

Ms Eames-Springham:

The Mount Lawley Golf Club leases Crown Reserve 18325 which is an A Class reserve protected by the State of Western Australia. This reserve has a high level of statute protection and has a classification for the conservation of its biodiversity, and natural or cultural heritage.

The City of Stirling (City) is subject to a *conditional* management order (I308440) to lease the Reserve only for the purpose of recreation and provides the City "power to lease, sublease or licence" subject to the prior approval of the Minister for Lands, under Section 18 of the *Land Administration Act 1997* (Lands Act).

The order states that the City must care, control and manage the reserve subject to the conditions contained in the order which pertains to the power to lease the land. The management order however does not endow the City with any specific authority to remove, or alter, any of the land's existing natural, cultural, indigenous or heritage assets on the Reserve.

The proposed 'Mount Lawley Golf Club Vegetation Management Plan' and the subsequent City's employee report 'Mount Lawley Golf Club Course -Vegetation Management Plan and Tree Removals', do not comply with existing Federal and State legislature such as the Lands Act or the *Conservation and Land Management Act 1984* (CALM Act).

Under the Lands Act, a Management Plan must be drafted to show that it has properly considered “*all relevant conservation, environmental and heritage issues*”, which must be submitted to the Minister for Land’s for ministerial consideration and approval prior to commencement or implementation.

The CALM Act requires that the contents of the management plans **must** not have an adverse effect on the protection and conservation of the land’s fauna and flora. Additionally, the CALM Act requires the proposed plan to be publicly notified, open for public written submissions for at least two months and that the plan and all written submissions must be submitted for consideration and approval by the Minister for Environment.

My concerns are that:

- The City is acting *ultra vires* in its powers under the management order and that proper due process, transparency and good governance do not appear to have been applied by the City in its involvement, consideration and proposed determination of this matter.
- The City has allowed or authorised the removal of some 69 healthy, mature Australian native trees from the A Class reserve without proper authority, consultation or any prior State Government Departmental approvals and permits. This would constitute a breach of the City’s legislative compliance responsibilities.
- In its Council minutes of 10 August 2021, when assessing the Mount Lawley Golf Club’s lease extension, the City has relied on Section 3.58 of the Local Government Act to justify the proposed removal of trees from the A Class reserve. However, this section of the Act only pertains to the disposal of *local government* property and does not provide the City any authority to remove property, or any existing natural, cultural, indigenous or heritage assets, from the Crown A Class reserve leased to the golf club.
- If the proposed Mount Lawley Golf Club Vegetation Management Plan’ and the partisan City’s employee report ‘Mount Lawley Golf Club Course -Vegetation Management Plan and Tree Removals’ management plan is approval by the Council, then the City, may be in further breach of the Lands, Environmental and CALM Acts.
- There has been no public consultation within the wider community, and it would appear that this was a requirement of the lease variation as contained in the Council’s Delegated Authority Register.

- Instead of cutting down the trees to redesign the golf course layout, alternative lawful and meritorious solutions, such as selective pruning and better management to Australian Standards, can be implemented to maintain the health of the trees and protect the ecosystem, and natural assets of the land.
- The removal of the trees would constitute significant habitat loss for the endangered and protected black Cockatoos on the site and is likely to breach the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.
- This is a complex matter on which a prudent Council would seek expert legal and scientific advice so as to satisfy the intentions of the *Local Government Act s.1.3* to foster community participation, greater accountability, be effective and efficient, and to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.
- A wise Council would adopt a cautious approach given that this decision has the potential to cause long term irreversible harm to the A Class reserve and its existing biodiversity, ecosystems and environment.
- Under the notion of 'Precautionary Principle' and in the absence of scientific consensus, there is a burden of evidential proof on the golf club and the City to properly justify support for the removal of any healthy mature trees on the reserve until there is sufficient confirmed scientific evidence to support such a decision. This notion is well understood and is a key part of Australian's environmental policy to guide decision-making in such matters. The City's employee report recommendation doesn't provide any sufficient acceptable scientific analysis, there is no definitive evidence to support the recommendation it makes, and it clearly does not adopt a precautionary principle in its assessment.
- The City's Councillors should always be fully informed on matters of such significance to its community and not be pressured into making a quick and ill-informed decision on this most intricate and derisive matter - especially given that the golf club, under its existing lease, has another six years to provide a proper and detailed revised 'Tree and Vegetation Management Plan' to council as required by its lease extension condition.

I propose the following two related motions:

MOTION 7

Moved Lynn Eames-Springham, seconded Kerry Hill

The City's employee report entitled 'Mount Lawley Golf Club Course -Vegetation Management Plan and Tree Removals' management plan be rejected and withdrawn as it has been principally based on information supplied only by the Golf Club, which gives an unfortunate apprehension of bias, accuracy and collusion.

By withdrawing the proposed report, appropriate time could then be taken to conduct a thorough and detailed assessment of the issues thereby circumventing any concerns regarding conflicts of interest (whether real or perceived), improper due diligence, governance and transparency. It would allow time for suitable open consultation in such matters as promised by the City to its residents in its documented Code of Conduct and Business Ethics statements.

The motion was put and declared CARRIED.

MOTION 8

Moved Lynn Eames-Springham, seconded Simon Wheeler

A prudent Council would also establish an appropriate budget to seek independent expert legal advice on the applicable Federal and State legislation, relevant regulations, and correct procedural governance as well as evidential scientific assessments.

To help Council make an informed decision, based on specialist expert opinion, public submissions, proper community consultation, good governance and independent legal advice, it would also establish an appropriate working committee of interested parties (internal and external to the City) to conduct a thorough objective, well-balanced analysis for Council review and consideration.

The motion was put and declared CARRIED.

Additional Information

The City holds the Management Order from the State Government for the Reserve 18325 (i.e. reserved for the purpose of 'Recreation' only) and the Metropolitan Regional Scheme indicating the land use being 'Parks and Recreation' (with Restricted Public Access). The Class A Reserve for Mount Lawley Golf Club has been for the express purpose of 'Recreation' since proclamation in the Government Gazette on 25 August 1961.

Class A reserves afford the greatest degree of protection for reserves of Crown land created under the *Land Administration Act*. The 'A' classification is used solely to protect areas of high conservation or high community value.

The Mount Lawley Golf Club commenced development in 1926. The preservation, operation, development and management of the course, including proper vegetation management in line with current best practice principles, is essential to preservation of the high community value of such a historic course. The City and the Club also work hard to preserve and improve the conservation value of the reserve.

The City has a strong reputation for good governance and this is exemplified in the manner in which it has properly discharged its responsibilities for management of this reserve. Allegations that the City has acted unlawfully and in breach of legislation are very serious. If the City were concerned, it would pursue those allegations. But, the City is not in doubt that it has acted lawfully and in full compliance with legislation in managing the Mount Lawley Golf Club Reserve and associated lease, including in relation to vegetation removal.

9.5 L CARROLL-VIANNA

The following comments and motions were put forward by L Carroll-Vianna, of Hamersley WA 6022 at the Electors' General Meeting held 22 March 2023.

L Carroll-Vianna: My motion is in regard to natural areas and street trees.

MOTION 9

Moved Leonie Carroll-Vianna, seconded Maretta Walton

Can the City please implement a native species diversity program for street trees and natural areas and use the \$9 million plus cash payment in lieu of public open space funds to replant lost species and prove the overall health of the plants currently on site and seek a better solution to eradicating weeds from natural areas.

The motion was put and declared CARRIED.

Reason

As stated on the City of Stirling website, I'm paraphrasing, street trees are one of the City's most important assets, enhancing liveability of our neighbourhoods, reducing cooling costs, and improving the overall health of our communities. Trees are one aspect of our very biodiverse environment. Relying on mycelium in the soil, mycelium creates a microbial network to connect individual plants to assist with the transfer of water, nitrogen, carbon, and other trace elements. The last few hot summers have caused severe sunscald on trees that do not have plants around them to protect their trunks.

The scalding has reduced the vitality of the trees, opening them up to insect infestation and fungal diseases. Some of the tree canopy pruning I have observed in Hamersley has exposed the tree trunks and branches to further sun scalding. I believe the selective herbicide fusillade forte sprayed in natural areas to kill couch and other grasses has been slowly killing the native low growing vegetation in the local reserve and in Ardleigh Reserve in Hamersley. This area now only has three main species of native plants left; marri trees, xanthorrhoeas and acacias, and there has been a loss of several large xanthorrhoeas over the last three years. There were around 10 different varieties of low growing shrubs plus annual and perennial ground covers.

L Carroll-Vianna:

Mr Mayor, you mentioned in the opening of this meeting this evening, the City will be implementing the United Nations Sustainability Charter. I believe that's what it was. So, I'm putting forward a motion in relation to the United Nations Decade on Ecosystem Restoration, which is from 2020 to 2030.

MOTION 10

Moved Leonie Carroll-Vianna, seconded Maretta Walton

I request that the City engage with the Federal and State governments to obtain back what was once Crown Land known as the ABC Tower bushland in Hamersley, that is currently owned by BIA Communications and the Canadian Pension Plan Investment Board, AMCO and Kindle Capital Management. I would like this land to be brought back into the City of Stirling and under the Federal Government so that it can be retained as bushland forever and stay as a very important connection with the biodiverse green belts between Joondalup and the City of Stirling.

The motion was put and declared CARRIED.

9.6 C ETTIA

The following questions and comments were put forward by C Ettia, of Balga WA 6061 prior to the Electors' General Meeting held 22 March 2023.

C Ettia: Is the Council members aware of the historical significance of the difference between the British Imperial System of Monetarism (Debt System), and the American System of Political Economy of National Banking (Credit System)?

Manager Governance: The question was ruled out of order as it does not relate to the Good Governance of the City of Stirling.

C Ettia: Do the Council members understand that Australia was founded as a military colony after the British Empire was almost defeated by the combined efforts of France, Spain, USA and Russia?

Manager Governance: The question was ruled out of order as it does not relate to the Good Governance of the City of Stirling.

C Ettia: With references given here, to offer a solution to the local funding needs of the Council, by proposing public banking instead of borrowing from private foreign banks (RBA market lenders), is a legitimate local council issue and being one of the primary duties of the local council to fulfil local economic development and maintain a sound financial status.

Reference 1: Page 8 - <https://drive.google.com/file/d/1GnXqbUtwNG3ieeMY3zDY8mnjYh1dg-l2/view?usp=sharing>

Reference 2: Page 3 - <https://drive.google.com/file/d/198ykomPH9rSH3WFFMfcJ42Nq4tKm53Db/view?usp=sharing>

Reference 3: - <https://citizensparty.org.au/campaigns>

Reference 4: Bill - <https://drive.google.com/file/d/17Y8eFrzEvMdLOldn9iQbitqC-JwIYdoR/view?usp=sharing>

9.7 S WHEELER

The following questions and motion were put forward by S Wheeler, of Scarborough WA 6019 at the Electors' General Meeting held 22 March 2023.

S Wheeler:

Good evening Councillors, staff and gallery. Mayor Irwin, you said what a good job that your team are doing in that video earlier, and I agree. I'm just super impressed they found so many trees to get into one video in the City of Stirling. I have a motion on that, but before I do, my question is about questions asked in Council. Because I occasionally come to Council and ask a question and then I'll get an answer. I came to Council a couple of weeks ago and my question essentially was, is it an offence under the *Land Administration Act 1997* to cut down trees on Crown Land? If so, has someone, be that the Mount Lawley Golf Club or somebody else, breached this term? And what compliance actions will the City undertake? Now I did get an answer. Well, there was an answer in the minutes and it was a great answer. It just wasn't the answer to the question that I asked. It moved on to the clearing of native vegetation in Western Australia is principally regulated under the *Environmental Protection Act 1986*. That wasn't my question. My question was, is it an offence under the *Land Administration Act 1997*? And if it is, what compliance actions are to be taken? Because we had everyone's favourite number of trees cut down and only 12 actually authorised, that we're aware of. So, somebody cut down the rest under some authority or they did it off their own backs. And you may have noticed that there's a lot of interest in this matter.

His Worship the Mayor:

The City is happy to follow up on that and provide you with an answer.

Additional Information

No and none.

S Wheeler:

I do have a motion. In regard to trees, you put forward a notice of motion I believe last night regarding the Three Oceans site. I love the new density on the site rather than the 44 storeys that we were going to get. But it's an example of land being cleared, buildings being demolished. I don't think there was a lot of vegetation on that particular patch, but it's been cleared, it's a land dust bowl ever since. Now it's been taken over by people who need somewhere to live. And as I go around Stirling and view Scarborough and Doubleview especially, I see so many blocks being cleared. So clearfell; someone's come along and said we're going to develop this, let's just clear the lot so we can work out what we're going to do with it next. And in the summer, they end up as dust bowls or they end up as fire risks or both. And I'm sure you get calls about both. But what it also does, it removes the options once the trees are gone. I mean, I heard your talk at WALGA about protecting the urban canopy and I've obviously heard the City's deliberations on your urban forest strategy, which has essentially so far been to incentivise developers, and mums and dads as some like to call them, from removing trees. The City's admitted itself, at least two meetings I've been to, that that simply doesn't work. And I know you took some action on a tree register recently, but anyways, that's all that's happened. So, my motion is:

MOTION 11**Moved Simon Wheeler, seconded Leisha Jack**

That Council resolves, subject to Officer reports and the outcomes of public consultation, to implement a City-wide ban on the clear-felling of development sites or the removal of significant trees on such sites in the absence of a development approval and a building permit linked to that development's approval.

The motion was put and declared CARRIED.

S Wheeler:

I think that it's a good motion because it's not anti-development either. It gives options if the significant trees are left there, then when a developer comes along, they have options. Perhaps we can build around this. Especially now, you're also offering incentives to keep trees to bring forward development approval times. Quickly on development approvals, I was here last night, I was listening to the questions and answers regarding Adair Parade and I had the same questions and the same answers and it was basically around the City recommending refusal of that site on the grounds of parking essentially. And a lot of people here were saying, yeah, but it's too big and it's too tall. And the City were essentially saying yeah, but we have discretion under the planning scheme. I don't know if you have 'deemed to comply' anymore, it keeps changing and it's harder to navigate. But I have a quick question. Had the Adair Parade site design been compliant, as in conforming to the R-Codes or whatever it needs to conform to, bulk and size, would the parking requirements issue still exist?

Manager Development Services:

The Manager Development Services advised she was uncertain. In terms of the numbers, there is a section in the RAR where the City did a comparison of the number of units. There are 33 units in that development, which are all over size in terms of the minimum standards in the R-Codes, which results in a larger building in the first instance. Officers looked at a compliance scheme with those minimum dimensions as per the R-Codes. It's the number of units and the gross floor area (GFA) that triggers the need for car parking, not necessarily the area of the internal building. In terms of compliance, it was around 28 or 29 units that could fit on site, and this is 33, so there's not a significant difference. The main issue is around the serviceability and laneway access to Klem Lane and the configuration that this proposal has at the moment. It possibly can be addressed, but it would require a bit of redesign. As for the car parking issue, this also can be addressed. They have sufficient onsite parking, it is the allocation between the visitors and the residents, and then the shared visitor commercial and shared resident-visitor. That's the issue that the City has. It is not necessarily the case that by reducing the height of the building it would result in a resolution of all of those issues.

S Wheeler:

I'm sorry, I'm not talking about height, it's the density that it introduces. I don't know if that should be a two or three storey if it was compliant, but surely the extra density that that height allows is going to make a difference to the parking considerations. What frustrated me last night, and I know many of the people here, was that the department appeared to fail to see the nexus between the increased density and the car parking spaces. For the City to say they're happy with the height and bulk and extra density, when that introduces the very problem, or partially perhaps which is why I was asking a question, introduces the very problem that they're going to refuse it on then, there's a problem here. Is a more holistic approach not required by the department?

His Worship the Mayor:

Thank you for that. In simple terms, as the Manager Development Services commented, mostly it was about the allocation of the parking bays rather than the number of those car parking bays. But that wasn't the only reason for the refusal. It was to do with the waste truck and the way that worked and the servicing of the building. Happy to provide more advice offline on that, Mr Wheeler.

Additional Information

A holistic assessment of the development was undertaken by officers, with the detailed assessment of the proposal against the relevant planning framework contained in the City's RAR.

The additional height is proposed on the portion of the site that has a density coding of R80, being Lot 2, House Number 2, Adair Parade, Coolbinia. State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (R-Codes) does not contain a specific assessment criteria for density.

Part 2 of the R-Codes sets out the Primary Controls, being, setbacks, height, plot ratio, building depth and building separation, which are to be used to establish the building envelope and massing for a site, based on its relevant density code. An assessment of the development is required to be undertaken against the design elements contained within Parts 2, 3 and 4 of the R-Codes with each design element having statements of intent, element objectives, acceptable outcomes and design guidance to inform the assessment of a proposal.

Notwithstanding, additional height and / or plot ratio does not automatically equate to additional density / number of units. It is possible for a development to have a larger number of smaller sized units within the building, or a smaller number of larger sized units with different outcomes in relation to the building height in storeys, or the plot ratio of a development - depending on the design of the development.

As noted in the City's RAR, a development contemplating a compliant plot ratio, including the same commercial portion, would result in approximately 29 two-bedroom, two-bathroom Multiple Dwellings at the minimum internal floor areas. Residential car parking is calculated per dwelling, not the plot ratio / floor space.

The development proposes a car parking shortfall as a result of car parking allocation, despite the required number of bays being provided onsite.

S Wheeler:

I think it was the seventh of this month or last month, you stepped down from the WALGA North Zone, Mayor Irwin. There was a motion put forward to the City to replace your position on WALGA, a perfectly sensible motion, and that was the motion on the board to refill your vacancy, as provided for by the WALGA constitution in your own terms. But that's not what happened. Well, it is what happened, but wasn't the only thing that happened. What also happened was that a spill motion was called on the night, right at the time that the original motion was supposed to be put forward, and that spill motion put every WALGA seat up to the vote. Now I'm aware, as will anybody else who watched the video, that at least three Councillors had no idea right up until the alternative motion was put, if it was an alternative motion. These Councillors did not know that that motion was coming forward, two of those Councillors potentially losing their seats on WALGA for that motion. One of them did. Now I wrote to the Manager Governance asking, because from my basic understanding of how things work, you can't just stand and make up your own motion. It has to first go through either the CEO or yourself, Mayor Irwin. And I've, through several emails, which the Manager Governance has now said he will not continue to respond to me on, I asked what reasons were given and to who for the spill motion on that night, and no one's telling me. I don't understand why.

His Worship the Mayor:

The first part of any motion that comes up, a motion can be put by the Councillor. There is no Mayoral requirement or for the Manager Governance to know about a motion before it's put up. It can be put up, it's entirely up to a Councillor to put their motion forward, as long as it aligns to the original substantive, which that one did. So, it was the will of the Council that night. The motion was put by the person who moved that motion, you'd have to ask them for the reason for it if you're not happy with that, you could ask them personally outside of this meeting. But my suggestion to you is that the people who are elected to represent this Council on WALGA are to do exactly that - represent this Council's wishes on WALGA. It's a representative, and Council that night chose four representatives that they want to represent them on WALGA. It's that simple.

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- S Wheeler:** The representatives on WALGA had already been chosen in 2021 for a two-year term, and I'm sorry, from my understanding it's not as simple as that. I don't think that someone can come up with - you are saying that those two motions are very similar, they're not similar at all. One was to replace a vacant position, that was on the agenda. What was not on the agenda was what was actually intended to be put that night, which was a spill motion. I'm asking those questions, as to why that wasn't given upfront – A: to the public, and B: to Councillors. Not all Councillors were aware that that was going to happen on the night. Some were, some weren't. And there's a pretty obvious reason for that, which I'm clearly obviously not going to go into. But it's quite clear to many people on this side that it wasn't that straightforward, and it was a divergence from the way, from my basic understanding of how things work here. It was a divergence from that process. And if that had been you, if you'd have been one of the members, Mayor, in sitting there who suddenly realised at the last minute that your position on WALGA was up for grabs, would you not find that rather unfair?
- His Worship the Mayor:** Not necessarily, not unfair. I wouldn't necessarily be happy with it but that's entirely up to Council to decide, Mr. Wheeler.
- S Wheeler:** It's entirely up to Council to decide if a motion is put forward that is allowed to go forward. There are many a motion that hasn't been allowed to go forward Mayor Irwin, and the Manager Governance informed me that the motion, the amended motion or whatever it was, went to Governance three to four hours before the meeting or was finalised three to four hours before the meeting. That gave the City all the time in the world to inform all the Councillors and potentially the gallery that there was a change proposed for that motion. And you can say that you don't have to do it, but I think you should have done it, Mayor Irwin. Would you not agree?
- His Worship the Mayor:** I don't think it's for me to decide. I didn't know it was happening.
- S Wheeler:** So you think that that process was transparent and fair and in accordance with the Code of Conduct and the rules.
- His Worship the Mayor:** There are 14 Elected Members who sit here in the Chamber, elected by the community to make decisions in the best interest of the City. That is what they did that night.

9.8 R HADLEY

The following questions were put forward by R Hadley, of Woodlands WA 6018 at the Electors' General Meeting held 22 March 2023.

R Hadley: The former Mayor stated many years ago that Innaloo is gridlocked. With the increase in apartments, apartment buildings and infill in the City centre, this means additional vehicles. My question is, has the City traffic engineers any plans, however bizarre, to ease congestion in the City centre?

His Worship the Mayor: Yes. You are seeing some of them in action at the moment. The Stephenson Avenue project and the new freeway interchanges. There'll also be projects unlocking the end of Hutton Street continuing through to Jon Sanders Drive. And there are other road reserves within the area as the development proceeds.

R Hadley: Thank you. May I add that those advocating for a future trackless tram is not going to assist in traffic flow in this area?

His Worship the Mayor: We will see, Mr Hadley.

R Hadley: We will indeed. Second question, approximately three years ago at a Council meeting, I queried the high cost of panel beating repairs of the City's fleet of vehicles. Has the expenditure decreased in the last two financial years and what is the current cost against this year's budget?

His Worship the Mayor: Thank you Mr Hadley, that question will be taken on notice and a written response provided.

Additional Information

Expenditure for panel repairs on City's fleet vehicles remains steady. The current FYTD expenditure is \$155,004.

R Hadley: Thank you. Have the number of multi-vehicle accidents by the City's fleet been reduced?

His Worship the Mayor: That question will be taken on notice and a written response provided.

Additional Information

Total fleet incidents remains steady.

Councillor Bianca Sandri retired from the meeting at 7.15pm during Item 9.9.

9.9 L JACK

The following questions and motions were put forward by L Jack, of Karrinyup WA 6018 at the Electors' General Meeting held 22 March 2023.

L Jack: At the Ordinary Council Meeting on 17 August 2021, when the Council approved the variation of the lease to the Mount Lawley Golf Club, Item 12.2, the Council also approved 3.2 points, two and three of the officer's recommendations which are as follows: 2 That authority be given to the Mayor and Chief Executive Officer to sign and affix the common seal to any necessary documentation required to affect the lease. And 3 That the Council approves for the Chief Executive Officer to be granted delegated authority to approve any variation or extension of lease between the City and Mount Lawley Golf Club Inc. over the premises at Crown Reserve 18325, 49 Homer Street, Inglewood. Does this mean that it is possible for a City CEO, the City of Stirling CEO and a Mayor to secretly create a variation to the Mount Lawley Golf Club's lease that would give them permission to remove any trees from the site that they lease without approval from either the Council or City employees?

His Worship the Mayor: No. Any variation has to be within the delegation that's given to the CEO.

L Jack: But if he has delegated authority, you and not him could do that?

His Worship the Mayor: Not to that extent. The City is happy to investigate more and give you the exact reasoning.

Additional Information

If the lease requires amendment, the CEO may decide to refer the amendment to Council for determination. If the CEO were to exercise delegated authority, the CEO would do so in circumstances where it was deemed beneficial and necessary for the City, the community and the Club. The CEO would be required to inform the Mayor and Councillors as the Mayor would not witness the attachment of the Common Seal without the knowledge of all Councillors.

Further, under the proposed reforms to the *Local Government Act* currently before the Western Australian Parliament, the City will be obliged to keep an up-to-date register of all leases held by the City as lessor and publish it on its website. This would include the Mount Lawley Golf Club Lease so that any changes will be publicly available.

L Jack: Okay, so I actually have a motion to that one. And that is that the Council revoke the delegated authority given at that meeting to the CEO to grant delegated authority and approve any variation or extension that be revoked.

His Worship the Mayor: I'm pretty sure I have to rule that out of order Ms Jack, that ship has sailed. So that extension to the lease, the signing has happened.

L Jack: This is the motion.

MOTION 12

Moved Leisha Jack, seconded Simon Wheeler

That in light of new information that has been provided to Councillors since the Mount Lawley Golf Club's latest variation was approved at the Ordinary Council Meeting held 17 August 2021, the Council revoke delegated authority for a City of Stirling CEO to approve any variation or extension of the lease between the City and the Mount Lawley Golf Club over the Crown Reserve 18325.

The motion was put and declared CARRIED.

L Jack: Are you, Mr Mayor and Councillors, aware that written or spoken words, images and claims etc, that makes something sound or look greener than they really are, is called 'greenwashing' and that the CCC is cracking down on greenwashing because it is misleading and deceptive conduct, and it is illegal?

His Worship the Mayor: Yes.

L Jack: I'd just like to go back to my motion in relation to the question I asked about the Million Trees Initiative. The motion is:

MOTION 13**Moved Leisha Jack, seconded Simon Wheeler****That the City stop referring to the Million Trees and Shrubs Program as the Million Trees Program and state in future annual reports, the actual percentage of each that have been planted.****The motion was put and declared CARRIED.****L Jack:**

The narrative around the Mount Lawley Golf Club tree removal agenda has been dominated by talk of their bushland regeneration plans and including in the report. The triple bottom line considerations around the tree removal are not fully discussed. Included things such as the need for shade to protect their mostly senior members and also spectators from heat, and also the cooling effect that tall trees on the site provide for surrounding for the surrounding residential area. So, my motion is:

MOTION 14**Moved Leisha Jack, seconded Lynn Eames-Springham****That the City include all social, financial, and environmental issues that relate to the removal of tall canopy trees on the Mount Lawley Golf Club site.****The motion was put and declared CARRIED.****L Jack:**

Thank you. Having consulted with a few different environmental experts, I'm not sure if Councillors know of the Friends of Lake Claremont, and the amazing work they've done over there to regenerate, to rehabilitating that land and so on. They're highly respected. In fact, Heidi Hardisty became the, what do you call it? The person of the City?

His Worship the Mayor:

A Freeman?

L Jack: Yeah, Freeman, because of her work there. She's also on the Urban Bushland Council Committee. Nick Cook who's taken over looking after that highly regarded Friends Group for the amazing work they do, he and Heidi both agree that when it comes to tree removal in relation to wanting to regenerate new bushland that you should wait, they always do wait until the new trees have grown before removing existing trees. In fact, on the Friends of Mount Claremont's site, they actually had trees that were literally weeds, designated weeds. But the Town of Claremont would not remove them until the other trees had grown first. So, my motion is:

MOTION 15

Moved Leisha Jack, seconded Kerry Hill

That no trees be removed from the Mount Lawley Golf Club until the new trees have grown.

The motion was put and declared CARRIED.

L Jack: Great, thank you. And that tree removal on the Mount Lawley Golf Club be separated from approvals for bushland regeneration work. They're two completely separate issues. One is to do with the golf course and a lot of them are to do with the game of golf and so on, rightly or wrongly, but others are to do with supposedly bushland regeneration. So, my motion is:

MOTION 16

Moved Leisha Jack, seconded Carol Cleary

That tree removal and bushland regeneration be separated and approved separately so bushland regeneration work can go ahead.

The motion was put and declared CARRIED.

L Jack: I also have a question regarding more trees. Does the WA Golf Club on the Yokine site, which is vested in the City of Stirling also, have to get approval to remove trees from the City?

His Worship the Mayor:

I'm not sure how that one works, Ms Jack. The City would have to do some investigating and provide you a response in writing on that one.

Additional Information

Yes.

L Jack:

And the other question is, how many trees have been removed from the Yokine Golf Course site over the past 10 years?

His Worship the Mayor:

Happy to find that out for you and provide a written response.

Additional Information

The City has not received any recent applications from the Western Australian Golf Club for tree removals.

9.10 D ALLEN

The following comments were put forward by D Allen, of Coolbinia WA 6050 at the Electors' General Meeting held 22 March 2023.

D Allen:

We were here last year and the Mount Lawley trees at the Golf Course seems to be an ongoing issue. I'm very surprised about that. And I was just listening to the people and last year an issue appeared to be as well the Carnaby's Black Cockatoos that live in the trees. But all I can say is they may have been displaced, but now they seem to circle around where I live, which is very nice for us. So I don't know whether they're still at Mount Lawley Golf Course anymore. And the second comment I'd like to make is, as I was here last night to do with the Adair Parade development. I've been reading a little more about this, and I'm quite surprised that I've read it's two separate blocks, number eight and number two. Number eight is zoned residential and what is being put in that area is residential. But number two, which is closest to Walcott Street, was actually zoned neighbourhood centre to start with. And the neighbourhood centre permits, shops, restaurants, and all sorts of things, which it states it can go to three storeys, but no residential at all at the front. And I understand from reading about it, someone has given permission for the developer to put residential in. It may be JDAP and it's now five storeys. All I can say is that it's a very different animal from a three storey neighbourhood centre to five storeys with residential, but notwithstanding, Councillor Ferrante last night stated that it should be reduced to three storeys. That's really all I had, a statement rather than questioning somebody. It just seems to be a very big change on that block of land. Thank you.

His Worship the Mayor:

Thank you for those comments.

9.11 K MADDEN

The following comments and question were put forward by K Madden, of Innaloo WA 6018 at the Electors' General Meeting held 22 March 2023.

K Madden: I'd just like to ask a quick question in relation to concerns shared by another resident within the City. The property next door to her is vacant, but the owner doesn't reside in the property. She does, however, visit multiple times a day, every day to feed stray cats and house pregnant cats in the vacant property. The property owner denies ownership and refuses the City of Stirling onto the property to trap cats. When they have tried in the past, it's unsuccessful as she keeps feeding the cats so they won't go into the traps. Ultimately, the City can't fine the property owner or pursue legal action because she doesn't claim ownership of the cats. So, would the City or Council please provide a clear definition of what ownership of cats is?

Director Community Development: I don't believe this would be covered under the City's Cat Local Law. It's certainly something the City would be interested in following up with the Director Planning and Development from more of a development perspective. So, I don't have the exact answer, but certainly happy to investigate that further to see what the City can do about it.

K Madden: Thank you. I look forward to hearing your response.

Additional Information

The *Cat Act 2011* defines an owner of a cat as follows:

Term used: owner (1) In this Act — owner, in relation to a cat, means any of these persons —

- (a) in the case of a cat that is registered, the registered owner of the cat; or*
 - (b) in the case of a cat that is not registered, a person who, or an owner of a business or organisation that, ordinarily keeps and cares for the cat; or*
 - (c) if a person referred to in paragraph (b) is a child under 18 years of age, that child's parent or guardian.*
- (2) In the case of a cat that is not registered, but is microchipped, a person whose name is recorded as the owner of the cat in a microchip database is to be taken, in the absence of evidence to the contrary, to be a person who ordinarily keeps and cares for the cat.*

The City has investigated the property and been in contact with the resident who reported this matter to Ms Madden. The City has confirmed there are registered cats at the above property, however there are also multiple unregistered cats at the property. The unregistered cats are currently being dealt with by the City's Rangers.

9.12 L CARROLL-VIANNA

The following comments were put forward by L Carroll-Vianna, of Hamersley WA 6022 at the Electors' General Meeting held 22 March 2023.

L Carroll-Vianna:

I dread to say this, but the Mount Lawley Golf Course and the shading of grass issue. So, rather than remove trees or prune the trees, I feel the issue isn't the trees, the issue is the lawn. Has any research been done, and if not, can it be done into alternative lawn subsidies such as dichondra or lippia? Both are shade tolerant ground covers. Other options are, and I'm not a golf person, but bear with me, are to increase the difficulty rating of the course based on the current issue with the lawn.

His Worship the Mayor:

Thank you for those comments, the City will respond to you in writing.

Additional Information

Golfing greens need a very fine grass variety to ensure consistency in the roll of the golf ball. Turf also needs to be resilient to consistent foot traffic. Plants such as dichondra and lippia, while shade tolerant, do not have a fine leaf blade and strength to be suitable for the game of golf.

9.13 R MITCHELL

The following comments and motion were put forward by R Mitchell, of Karrinyup WA 6018 at the Electors' General Meeting held 22 March 2023.

R Mitchell:

I haven't got any questions, but I've put down a sort of statement. It's in relation to the *Cat Act 2011*. And this relates to one time when I was on Kangaroo Island at a place called American River. There's a gentleman there that devoted his life to getting rid of feral cats. I say it in this way with regard to the enforcement of the *Cat Act* per item at the last Council meeting. May I suggest it includes this in the Act: if a cat is caught wandering, no collar, no care, no chimes, no cat. That's it.

His Worship the Mayor:

Thank you for those comments.

R Mitchell:

My next thing here is in relation to law and order and criminality in the City of Stirling. I believe tonight, Mayor, you were on TV in relation to these beggars. You said, 'I note the problem with beggars at street intersections, traffic lights.' And also, the emergence of eshay violence in suburbs. One in Mirrabooka recently and also in Mandurah, where an 85-year old man was hospitalised; he's still there. Eshay is young men generally, and some young women between the ages of 13 and 25 that have personal and cult mannerisms.

Another incident attached to this type of criminality occurred at the Karrinyup Shopping Centre recently, where two youths were attacked and had their sneakers stolen violently in the car park. Security is fine if only in administering the City of Stirling bylaws, which are basically only infringements. However, we are now at a time when law enforcement is getting a lot more pressure and just having a mobile state police force and having to request actions usually after events is getting to the stage of not good enough. It is a form of red tape-ism. There is no reason we cannot have fully badged police, FTE based community police, carrying out enforcement of these type of offences based in the City of Stirling, at this building. Along with full powers to intervene on domestic and liquor related matters, also gathering intelligence and other matters.

The City of Stirling is spread over a hundred square kilometres. These incidents above are just another brick in the wall for full-time community policing, along with other social violence caused by alcohol. There are traffic violations now of all kinds, and I mention electric bikes. My brother has just acquired one where he has a switch to change it from 250 Watt to 500 Watt.

This is a strong case for a permanent community policing. I ask that a public forum be held to discuss some type of civil protection system that incorporates administering police, policing and also the gathering of local community intelligence to form advanced knowledge and potential protection. The forum should include police, federal police, fire, and emergency services and any other body interested. I'd like to put it as a motion in relation to having a forum at some time and leave it at that.

His Worship the Mayor:

Thank you for those comments. To clarify, is the motion to have a forum on community policing?

R Mitchell:

That's right. We could say a forum into how to control criminality.

His Worship the Mayor:

Thank you for that. We've got the intent of it. We've got the words. It will come back anyway on Tuesday 9 May 2023. So, this will come back as a motion to Council. I'm happy to put the intent of that and ask for a seconder for the motion.

Motion 17

Moved Robert Mitchell, seconded Simon Wheeler

That a forum be held by the City of Stirling on community policing and how to control criminality.

The motion was put and declared CARRIED.

9.14 L JACK

The following motion was put forward by L Jack, of Karrinyup WA 6018 at the Electors' General Meeting held 22 March 2023.

Motion 18

Moved Leisha Jack, seconded Lynne Eames-Springham

That a map be made publicly available on the City of Stirling website that clearly depicts the different area classifications on the Crown Land Reserve 18325 in Inglewood on which the Mount Lawley Golf Course is situated. Including the portion of this Crown Land Reserve 18325, that the Mount Lawley Golf Club have a lease on, all pockets of protected remnant bushland, areas designated for the golf course and landscape gardens, and any other areas with different classifications or titles.

The motion was put and declared CARRIED.

10. CLOSURE

The Mayor declared the meeting closed at 7.35pm.

These minutes were confirmed as a true and correct record of proceedings on:

...../...../ 2023

SIGNED:

Presiding Member Name:

PRESIDING MEMBER