



City of  
**Melville**

## **NOTES**

### **AGENDA BRIEFING FORUM**

**6:30pm, Tuesday, 8 August 2023**

Held in the Council Chambers, Melville Civic  
Centre, 10 Almondbury Road, Booragoon

The City of Melville acknowledges the Bibbulmun people as the Traditional Owners and custodians of the lands on which the City stands today and pays its respect to the Whadjuk people, and Elders both past, present and emerging.

#### **Minutes to be confirmed at the next Ordinary Council Meeting**

These minutes are hereby confirmed as true and accurate

Mayor G Gear

Date

15/8/23



## Our Vision

Engaging with our diverse community to achieve an inclusive, vibrant and sustainable future.

## Our Mission

To provide good governance and quality services for the City of Melville community.

## Our Values

### Excellence

Striving for the best possible outcomes

### Participation

Involving, collaborating and partnering

### Integrity

Acting with honesty, openness and with good intent

### Caring

Demonstrating empathy, kindness and genuine concern



## Making A Deputation

A deputation is a verbal presentation by one or more members of the public on a matter to be considered at the Council meeting. Deputations are made at the relevant Agenda Briefing Forum, held one week prior to the Ordinary Meeting of Council.

Information on making a deputation is available on the City's website. [Request to make a Deputation.](#)

## Public Question Time

You can ask a question at a Council meeting during Public Question Time. Information on how to ask a question can be found on the City's website. [Public Question Time.](#)

Complex questions or those related to matters on the agenda and requiring a response at the meeting are "questions on notice" and should be submitted in writing, by the close of business the Tuesday prior to the meeting.

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## **Purpose of Agenda Briefing Forum**

The purpose of this Forum is to provide an opportunity for Elected Members to ask questions and obtain additional information in respect to reports and items on the attached Council Agenda. It is not a decision making forum, nor is it open for debate on matters. Members of the public are able to present deputations in respect to matters on the Council Agenda at this Forum, prior to matters being formally deliberated upon at the next Ordinary Council Meeting.

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Nil.		
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Nil.		
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## 1 OFFICIAL OPENING

The Presiding Member, Cr T Fitzgerald, welcomed those in attendance to the meeting, officially declared the meeting open at 6:31pm and invited Cr D Macphail to read the Acknowledgement of Country and advised those present of the Purpose of the Agenda Briefing Forum, the Disclaimer, the Affirmation of Civic Duty and Responsibility and the Audio Recording Advice.

## 2 ATTENDANCE AND APOLOGIES

### In Attendance

#### Councillors

Cr T Fitzgerald (Deputy Mayor)  
Presiding Member

Cr G Barber

Cr J Edinger

Cr D Macphail

Cr K Mair

Cr N Robins

Cr C Ross

Cr M Sandford

Cr K Wheatland

Cr M Woodall

Cr N Pazolli

#### Ward

Palmyra - Melville - Willagee Ward

Bicton - Attadale - Alfred Cove Ward

Bicton - Attadale - Alfred Cove Ward

Bateman - Kardinya - Murdoch Ward

Central Ward

Bateman - Kardinya - Murdoch Ward

Applecross - Mount Pleasant Ward

Central Ward

Palmyra - Melville - Willagee Ward

Bull Creek - Leeming Ward

Applecross - Mount Pleasant Ward

### Officers

Mr M Tieleman

Chief Executive Officer

Ms G Bowman

Director Community Development

Mr M McCarthy

Director Environment and Infrastructure

Mr P Varelis

Director Planning

Ms D Whyte

Acting Director Corporate Services

Mr M Scarfone (8:19pm – 8:41pm)

Acting Manager Statutory Planning (*electronic attendance*)

Mr G Ponton (8:24pm – 8:42m)

Manager Strategic Urban Planning (*electronic attendance*)

Mr J Bird (*until 7:28pm*)

Manager Natural Areas and Parks

Ms C Newman

Head of Governance

Ms J Head

Governance Officer

Ms N Wu

Business Support (Administration) Officer

At the commencement of the meeting:

Public Gallery 0

Electronic 8

Press 1

**Apologies**

Cr J Spanbroek

Bull Creek - Leeming Ward

**On Approved Leave of Absence**

Honourable G Gear JP

Mayor

CONFIRMED

### 3 DECLARATIONS BY MEMBERS

#### 3.1 Declarations by Members who have not read and given due consideration to all matters contained in the business papers presented before the Meeting

Nil.

#### 3.2 Declarations by Members who have received and not read the Elected Members Bulletin

Nil.

### 4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

#### Approved Deputations

- **Mr U Mondello and Ms K Allen Applecross**  
Item E23/15 – Tompkins Park East Exercise Equipment Renewal – Petition Response
- **Mr M McLerie on behalf of Representatives of the City of Melville Residents and Ratepayers Association Inc**  
Item C23/61 – Response to Department of Local Government Governance Concerns

#### Approved Written Submissions

Nil.

### 5 DISCLOSURE OF INTEREST

#### 5.1 Financial or Proximity Interests

Under sections 5.60A and/or 5.60B of the *Local Government Act 1995*

- **Cr J Edinger – Financial Interest**  
Item C23/56 – RFT222320 Change Room Upgrades, Melville Reserve

#### 5.2 Disclosure of Interest That May Cause a Conflict

Under *22 Local Government (Model Code of Conduct) Regulations 2021* or a City of Melville (Code of Conduct)

- **Cr C Ross – Impartiality Interest**  
Item E23/15 – Tompkins Park East Exercise Equipment Renewal - Petition Response

## **6 PUBLIC QUESTION TIME**

At 6:36pm the Presiding Member opened Public Question Time.

### **6.1 Questions Received with Notice**

Nil.

### **6.2 Questions Received at the Meeting**

Nil.

### **6.3 Questions Taken on Notice at Previous Meeting**

This item is detailed in the agenda for the Ordinary Meeting of Council to be held on 15 August 2023.

At 6:36pm the Presiding Member closed Public Question Time.

## **7 AWARDS AND PRESENTATIONS**

This item will be dealt with at the Ordinary Meeting of Council.

## **8 APPLICATIONS FOR NEW LEAVE OF ABSENCE**

This item will be dealt with at the Ordinary Meeting of Council.

## **9 NEW BUSINESS OF AN URGENT NATURE**

Nil.

## **10 IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil.

## **11 PETITIONS**

The Presiding Member advised a petition signed by 41 residents was received on 7 August in relation to the Tompkins Park Exercise Equipment. A further document was received on 8 August 2023, the number of signatures had not yet been counted. These are supplementary signatures to the petition received last month.

**12 REPORTS****12.1 Reports from Committees**

Nil.

**12.2 Reports of the Chief Executive Officer****Management Services**

Nil.

**Items Brought Forward**

At 6:39pm the Presiding Member brought forward item C23/61 Response to the Department of Local Government Governance Concerns for the convenience of those providing a deputation.

**E23/15 Tompkins Park East Exercise Equipment Renewal - Petition Response**

**Deputations** At 6:39pm Mr U Mondello and Ms K Allen gave a deputation that concluded at 6:46pm. At 6:56pm Mr U Mondello and Ms K Allen returned to the Public Gallery.

[Deputation to Item E23/15 – Mr U Mondello & Ms K Allen](#)

**Officer Presentation** At 6:57pm Mr M McCarthy and Mr J Bird responded to questions and provided a presentation which concluded at 7:27pm.

**Disclosure of Interest** Cr C Ross – Impartiality Interest, Stay and Discuss

**Notes from Forum** General Discussion took place regarding the item and officer recommendation.

At the request of Elected Members, the CEO undertook to provide the following information on the Elected Members Portal:

- A copy of the Petition related to this item.
- The process for following up on public consultation.

The CEO undertook to give consideration to:

- Obtaining data on how much equipment is being used for future projects of this nature.

**SUMMARY**

- The City is in the process of replacing the exercise equipment east of Tompkins Park, with works planned to commence in August/September 2023.
- A two-stage community engagement process has been undertaken to determine the type of equipment and the location for the new equipment to be installed
- 140 people participated in two stages of engagement which for the Applecross population of 7,475 (ABS) is a 95% confidence rate with 8% error margin.
- Concerns have been raised by a resident about the engagement process with a claim that it is not a true reflection of community needs and disagreement on the proposed location of the new equipment.
- Two on site meetings took place with a small number of concerned residents and City representatives to discuss the process on how the outcome of the project was determined.

- At the site meetings residents outlined their concerns, with the City advising that the project was progressing as planned based on community feedback received and for the residents to consider various escalation options which included a petition to Council.
- A petition signed by 111 residents of the City of Melville was received on 14 July 2023 requesting the City revisit the consultation process as the signatories prefer the layout of the existing exercise equipment and they were also not aware of the project.
- The City has received approval from the Department of Biodiversity, Conservation and Attractions (DBCA) for installing the exercise equipment in the preferred location, which is furthest from the river's edge and outside the 30 metre river buffer area
- Four alternative options to the officer's recommendation are presented in this item.
- The officer recommendation is to install the new exercise equipment in the formation and location as guided by the community engagement process.

### OFFICER RECOMMENDATION

**That the Council endorse the installation of the new exercise equipment at Tompkins Park East in the formation and location as guided by the community engagement process. The recommended design and location forms Attachment 1.**

At 6:48pm, Mr P Varelis left the meeting.

At 6:52pm, Mr P Varelis returned to the meeting.

At 6:54pm, Cr N Robins left the meeting.

At 6:56pm, Cr N Robins returned to the meeting.

At 7:28pm, Mr J Bird left the meeting and did not return.

At 7:28pm the Presiding Member brought forward item C23/61 Response to the Department of Local Government Governance Concerns for the convenience of those providing a deputation.

### **C23/61 Response to Department of Local Government Governance Concerns**

**Deputations** At 7:28pm Mr M McLerie gave a deputation that concluded at 7:42pm. At 7:47pm Mr M McLerie returned to the Public Gallery.

**Officer Presentation** At 7:48pm Ms N Newman responded to questions which concluded at 7:54pm.

**Disclosure of Interest** Nil

**Notes from Forum** General Discussion took place regarding the item and officer recommendation.

### SUMMARY

- On 3 March 2023, the City of Melville received correspondence from the Department of Local Government outlining a series of governance concerns.
- On 27 April 2023, representatives from the Department of Local Government provided a briefing on the governance concerns to Elected Members and Elected Members raised opportunities for improvement.
- Officers developed a range of initiatives to address the concerns and opportunities raised, which were presented to Elected Members at an Elected Member Engagement Session held

on 27 June 2023.

- The City responded to the Departments concerns on 30 June 2023.
- The Department responded to the City on 12 July 2023, seeking a Council adopted and endorsed improvement plan that covered the initiatives outlined.
- This report presents a City of Melville Government Improvement Plan 2023/2024 for the consideration of the Council.

## OFFICER RECOMMENDATION

**That the Council adopt and endorse the City of Melville Governance Improvement Plan 2023/2024 and confirms its commitment to working in a collaborative manner to ensure the good governance for the community of the City of Melville and the local government sector as a whole.**

At 7:30pm, Cr K Mair left the meeting.

At 7:30pm, Cr K Mair returned to the meeting.

At 7:38pm, Cr K Wheatland left the meeting.

At 7:43pm, Cr K Wheatland returned to the meeting.

At 7:43pm, Cr M Sandford left the meeting.

At 7:45pm, Cr M Sandford returned to the meeting.

At 7:50pm, Mr P Varelis left the meeting.

At 7:51pm, Mr P Varelis returned to the meeting.

## Corporate Services

### **C23/54 RFT222302 – Melville Civic Centre HVAC Upgrade & Chiller Relocation**

**Deputations** Nil

**Officer Presentation** At 7:54pm Mr McCarthy, Director Environment and Infrastructure responded to questions which concluded at 7:57pm.

**Disclosure of Interest** Nil

**Notes from Forum** General Discussion took place regarding the item and officer recommendation.

## SUMMARY

- This report is presented to Council to recommend the acceptance of a request submitted for the Tender RFT222302 Melville Civic Centre HVAV Upgrade and Chiller Relocation.

## CTAU RECOMMENDATION

1. **That the Council accepts the recommendations as contained in the confidential attachment to this report, RFT222302 Contract and Tender Advisory Unit Minutes; and**
2. **Upon resolution of the recommendation, directs that the successful respondents' names be inserted below this point 2, awarded;**

**C23/55 Common Seal August 2023**

<b>Deputations</b>	Nil
<b>Officer Presentation</b>	At 7:57pm Ms C Newman responded to questions which concluded at 7:58pm.
<b>Disclosure of Interest</b>	Nil
<b>Notes from Forum</b>	<p>General Discussion took place regarding the item and officer recommendation.</p> <p>At the request of Elected Members, the CEO undertook to provide the following information on the Elected Members Portal:</p> <ul style="list-style-type: none"> <li>• Further information on the withdrawal of Caveat for 18A and 18B Tweeddale Road, Applecross</li> </ul>

**SUMMARY**

This report details the documents to which the City of Melville Common Seal has been applied for the period from 22 June 2023 up to and including 20 July 2023 for the Council's noting. This is a standing report to the Council.

**OFFICER RECOMMENDATION**

**That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 22 June 2023 up to and including 20 July 2023 for the Council's noting.**

At 7:58pm Cr J Edinger, having declared a financial interest in relation to Item C23/56 (detailed in Item 5) left the meeting.

**C23/56 RFT222320 Change Room Upgrades, Melville Reserve**

<b>Deputations</b>	Nil
<b>Officer Presentation</b>	At 7:59pm Mr McCarthy, Director Environment and Infrastructure responded to questions which concluded at 8:00pm.
<b>Disclosure of Interest</b>	Cr J Edinger – Leave
<b>Notes from Forum</b>	General Discussion took place regarding the item and officer recommendation.

**SUMMARY**

This report is presented to Council to recommend the acceptance of a request submitted for the Change Room Upgrades at Melville Reserve.

**CTAU RECOMMENDATION**

1. **That the Council accepts the recommendations as contained in the confidential attachment to this report, RFT222320 Contract and Tender Advisory Unit Minutes; and**
2. **Upon resolution of the recommendation, directs that the successful respondents' names be inserted below this point 2, awarded;**

At 7:59 pm, Cr M Woodall left the meeting.

At 8:00 pm, Cr J Edinger returned to the meeting

**C23/57      Schedule of Accounts Paid for June 2023**

<b>Deputations</b>	Nil
<b>Officer Presentation</b>	At 8:01pm Ms D Whyte, Acting Director Corporate Services responded to questions which concluded at 8:01pm.
<b>Disclosure of Interest</b>	Nil
<b>Notes from Forum</b>	<p>General Discussion took place regarding the item and officer recommendation.</p> <p>At the request of Elected Members, the CEO undertook to provide the following information on the Elected Members Portal:</p> <ul style="list-style-type: none"> <li>• Provide further information on legal costs associated with psycho-social risks in the workplace and whether investigations have been conducted</li> </ul>

**SUMMARY**

- This report presents the details of payments made under delegated authority to suppliers for the period of June 2023 and recommends that the Schedule of Accounts Paid be noted.

**OFFICER RECOMMENDATION**

**That the Council notes the Schedule of Accounts paid for the period June 2023 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in the attachment [Payment Details June 2023](#).**

**C23/58      Preliminary Statements of Financial Activity for June 2023**

<b>Deputations</b>	Nil.
<b>Officer Presentation</b>	At 8:02pm Ms D Whyte, Acting Director Corporate Services and Mr M McCarthy, Director Environment and Infrastructure responded to questions which concluded at 8:11pm.
<b>Disclosure of Interest</b>	Nil.
<b>Notes from Forum</b>	General Discussion took place regarding the item and officer recommendation.

**SUMMARY**

This report presents:

- The preliminary Statements of Financial Activity by Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 30 June 2023 and recommends that they be noted by the Council.
- The statements and figures for 2022-2023 which are still subject to change. Year end accounting processes are still underway and therefore the final accounts for 2022-2023 may be materially different to what is presented in this report.
- The preliminary variances for the month of 30 June 2023 and recommends that they be noted by the Council.
- The Budget amendments required for the month of 30 June 2023 and recommends that they be adopted by Absolute Majority decision of the Council.

**OFFICER RECOMMENDATION****That the Council:**

1. **Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 30 June 2023 as detailed in the following attachments:**
  - **Statement Nature Type June 2023**
  - **Rate Setting Program June 2023**
  - **Rate Setting Nature Type June 2023**
  - **Net Working Capital June 2023**
  - **Reconciliation Net Working Capital June 2023**
  - **Notes Rate Setting Statement June 2023**
  - **Budget Amendments June 2023**
  - **Summary Rate Debtors June 2023**
  - **Rates Collections Graph June 2023**
  - **General Debtors Aged 90days June 2023**
2. **By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for June 2023**

At 8:02pm, Cr M Woodall returned to the meeting

At 8:04pm, Cr G Barber left the meeting.

At 8:04pm, Cr G Barber returned to the meeting

At 8:09pm, Cr N Robins left the meeting.

At 8:11pm, Cr N Robins returned to the meeting.

**C23/59 Investment Statements for June 2023**

**Deputations** Nil

**Officer Presentation** At 8:11pm Ms D Whyte, Acting Director Corporate Services responded to questions which concluded at 8:12pm.

**Disclosure of Interest** Nil

**Notes from Forum** General Discussion took place regarding the item and officer recommendation.

**SUMMARY**

- This report presents the investment statements for the period ending 30 June 2023 for the Council's information and noting.

**OFFICER RECOMMENDATION**

**That the Council notes the Investment Report for the period ending 30 June 2023.**

**C23/60 RFT222327 - Demolition and Reconstruction of Mount Henry Jetty**

<b>Deputations</b>	Nil
<b>Officer Presentation</b>	At 8:13pm Mr M McCarthy, Director Environment and Infrastructure responded to questions which concluded at 8.15pm.
<b>Disclosure of Interest</b>	Nil
<b>Notes from Forum</b>	General Discussion took place regarding the item and officer recommendation.

**SUMMARY**

This report is presented to Council to recommend the acceptance of a request submitted for RFT222327 Demolition and Reconstruction of Mount Henry Jetty.

**CTAU RECOMMENDATION**

1. That the Council accepts the recommendations as contained in the confidential attachment to this report, RFT222327 Contract and Tender Advisory Unit Minutes; and
2. Upon resolution of the recommendation, directs that the successful respondents' names be inserted below this point 2, awarded;

**C23/61 Response to Department of Local Government Governance Concerns**

This item has been brought forward in the agenda for the convenience of those provide a deputation – please see page 11.

**Community Development**

Nil

**Environment and Infrastructure****E23/14 RFT222324 Disposal of Bulk Verge and Commercial General Waste****Deputations** Nil**Officer Presentation** At 8:17pm Mr M McCarthy, Director Environment and Infrastructure responded to questions which concluded at 8:18pm.**Disclosure of Interest** Nil**Notes from Forum** General Discussion took place regarding the item and officer recommendation.**SUMMARY**

- To recommend the acceptance of a tender submitted for the Disposal of Bulk Verge and Commercial General Waste.

**OFFICER RECOMMENDATION**

**That the Council accepts the recommendations as contained in the Confidential Attachment RFT222324 Contract and Tender Advisory Unit (CTAU) Minutes.**

**E23/15 Tompkins Park East Exercise Equipment Renewal - Petition Response**

This item has been brought forward in the agenda for the convenience of those provide a deputation – please see page 10.

**E23/16 P222301 Pre Qualified Panel for Supply and Delivery of Asphalt and Profiling****Deputations** Nil**Officer Presentation** At 8:18pm Mr M McCarthy, Director Environment and Infrastructure was available to answer questions on the matter.**Disclosure of Interest** Nil**Notes from Forum** No Discussion took place regarding the item and officer recommendation.**SUMMARY**

This report is presented to Council to recommend the acceptance of tenders submitted by three respondents to form the Pre-qualified Panel for the Supply and Delivery of Profiling and Asphalt Works for a Two-year term with Option Periods.

**CTAU RECOMMENDATION**

- That the Council accepts the recommendations as contained in the confidential attachment to this report, P222301 Contract and Tender Advisory Unit Minutes; and**
- Upon resolution of the recommendation, directs that the successful respondents' names be inserted below this point 2, awarded;**

**C23/62 P222302 Pre Qualified Panel for Supply and Delivery of Civil Works**

<b>Deputations</b>	Nil
<b>Officer Presentation</b>	At 8:18pm Mr M McCarthy, Director Environment and Infrastructure was available to answer questions on the matter.
<b>Disclosure of Interest</b>	Nil
<b>Notes from Forum</b>	No Discussion took place regarding the item and officer recommendation.

**SUMMARY**

- This report is presented to Council to recommend the acceptance of tenders submitted by four respondents to form the Pre-qualified Panel for the Supply and Delivery of Civil Works for a Two-Year Term with Option Periods.

**CTAU RECOMMENDATION**

1. That the Council accepts the recommendations as contained in the confidential attachment to this report, P222302 Contract and Tender Advisory Unit Minutes; and
2. Upon resolution of the recommendation, directs that the successful respondents' names be inserted below this point 2, awarded;

At 8:19pm, Mr M Scarfone joined the meeting electronically.

## Urban Planning

### UP23/20 Final Adoption of Local Planning Policy 2.2 Outdoor Advertising and Signage

<b>Deputations</b>	Nil
<b>Officer Presentation</b>	At 8:20pm Mr P Varelis, Director Planning responded to questions which concluded at 8:24pm.
<b>Disclosure of Interest</b>	Nil
<b>Notes from Forum</b>	<p>General Discussion took place regarding the item and officer recommendation.</p> <p>At the request of Elected Members, the CEO undertook to provide the following information on the Elected Members Portal:</p> <ul style="list-style-type: none"><li>• The ability for Elected Members to provide personal submissions to the WAPC as a resident of the City.</li></ul>

#### SUMMARY

- Advertising of modifications to Local Planning Policy 2.2 – Outdoor Advertising and Signage (LPP2.2) took place from 4 May to 29 May 2023. Five submissions were received during the advertising process with three in support, one objecting and one providing comment.
- Separately to the advertising process, an Elected Member suggested changes to LPP 2.2 and several improvements have been identified by the City.
- It is recommended that further changes are made to LPP2.2 in response to the submissions and final adoption takes place in accordance with the procedures detailed in the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

#### OFFICER RECOMMENDATION

**That the Council;**

- 1. Adopts Local Planning Policy 2.2 – Outdoor Advertising and Signage in accordance with Attachment 1; and**
- 2. Endorses the publication of a notice in the local newspaper confirming the modification in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

At 8:24pm Mr G Ponton joined the meeting electronically

## UP23/21 Draft WAPC Operational Policy 2.3: Planning For Public Open Space

<b>Deputations</b>	Nil
<b>Officer Presentation</b>	At 8:24pm Mr P Varelis, Director Planning responded to questions which concluded at 8:34pm.
<b>Disclosure of Interest</b>	Nil
<b>Notes from Forum</b>	<p>General Discussion took place regarding the item and officer recommendation.</p> <p>At the request of Elected Members, the CEO undertook to liaise with Planning Commission for an extension on time to facilitate a workshop for Elected Members input.</p>

### SUMMARY

- The Western Australian Planning Commission (WAPC) is inviting comment on proposed changes to Operational Policy 2.3 Planning for Public Open Space (OP 2.3). Submissions are to be lodged by 25 August 2023.
- The proposed changes to OP 2.3 respond to community open space needs and include focus on the additional demands resulting from infill development. The overall principle of a 10 per cent Public Open Space (POS) provision remains, while additional clarity is proposed as to how and when contributions will apply to infill projects and different forms of subdivision such as strata titles. Specifically, OP 2.3 clarifies that POS contributions may be sought for all subdivisions including built strata (such as apartment buildings). The role of local government in identifying changing community needs for POS and potential upgrades to existing POS is also emphasised.
- A City of Melville (City) submission in response to OP 2.3 has been prepared. The submission supports the additional clarity provided with respect to the ability to acquire POS or cash in-lieu payments associated with infill development. The clarification provides additional opportunity to plan and respond to increased demand for POS, particularly in infill areas. Opposition from the development industry with respect to this clarification is noted. In response, the submission emphasises the fundamental need for all proposals which increase the number of lots, to be required to contribute to POS.
- The submission highlights challenges with respect to the anticipated lengthy timeframes for cash in lieu POS contributions to accumulate to meaningful levels to enable acquisition of new POS. The linking of contributions to a percentage of land area (regardless of the number of additional lots/dwellings) also raises issues of relativity and fairness. The submission seeks WAPC investigation of further approaches to respond to these challenges as part of finalisation of the policy review.

**OFFICER RECOMMENDATION****That the Council:**

1. **Forwards to the Western Australian Planning Commission, the draft submission attached to this item, prepared in response to the invitation for comment on the Draft Operational Policy 2.3, Planning For Public Open Space.**
2. **Notes the key content of the submission relating to:**
  - a) **Support for the proposed additional clarification and authority in the draft Policy with respect to the ability for local government to seek Public Open Space Contributions on all subdivision proposals including built strata.**
  - b) **Support for the recognition of the additional demand on Public Open Space resources created through infill development and the role of the subdivision process to respond to these additional demands.**
  - c) **The importance of maintaining the proposed Policy provisions clarifying the opportunity to require Public Open Space Contributions in response to additional demand created through all subdivisions, including infill, notwithstanding the concerns raised by some stakeholders.**
  - d) **The Western Australian Planning Commission giving further consideration to the relativity and equality issues associated with Public Open Space Contributions given that the contributions are based on percentage of land area rather than lot yield.**
  - e) **The Western Australian Planning Commission giving further consideration to mechanisms which may facilitate the timely delivery of additional Public Open Space outcomes as opposed to awaiting accumulation of cash-in lieu funds. Initiatives may include use of contributions to off-set pre-funded acquisitions.**

**UP23/22 Modifications to Local Planning Policy 1.9 Height of Buildings and Local Planning Policy 3.1 Residential Development**

<b>Deputations</b>	Nil
<b>Officer Presentation</b>	At 8:35pm Mr P Varelis, Director Planning responded to questions which concluded at 8:36pm.
<b>Disclosure of Interest</b>	Nil
<b>Notes from Forum</b>	General Discussion took place regarding the item and officer recommendation.

**SUMMARY**

- State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes) will be updated on 1 September 2023, to include Part C: Medium Density (Part C).
- The updated R-Codes Part B will apply to residential development in low density areas, where Part C will apply to residential development in areas coded R30 and above. Part C is intended to promote greater housing diversity and better-quality medium density development.
- Clause 3.2.3a of the R-Codes identifies various provisions which may be modified through a local planning policy without Western Australian Planning Commission (WAPC) approval for both low density and medium density areas.
- Local Planning Policy 1.9 – Height of Buildings (LPP 1.9) and Local Planning Policy 3.1 – Residential Development (LPP 3.1) are required to be updated in response to the changes to the R-Codes. It's proposed to modify these policies to confirm these will only apply to development in low density areas.
- Updates to LPP 1.9 are also proposed to improve the clarity and utility of the policy.
- These changes are administrative in nature and therefore it is recommended these be adopted without community consultation as permitted by the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

**OFFICER RECOMMENDATION****That the Council:**

- 1. Endorse Local Planning Policy 1.9 and Local Planning Policy 3.1 as modified; and**
- 2. Endorse the publication of a notice in the local newspaper confirming the modification as required by the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

## 13 MOTIONS WITH PREVIOUS NOTICE

### 13.1 Notice of Motion - Neighbour Dispute Mediation Policy

<b>Deputations</b>	Nil
<b>Officer Presentation</b>	At 8:38pm Mr P Varelis, Director Planning responded to questions which concluded at 8:41pm.
<b>Disclosure of Interest</b>	Nil
<b>Notes from Forum</b>	General Discussion took place regarding the item and officer recommendation.

### 13.2 Notice of Motion - Improving Community Safety and Security

<b>Deputations</b>	Nil
<b>Officer Presentation</b>	At 8:41pm Ms G Bowman, Director Community Development responded to questions which concluded at 8:41pm.
<b>Disclosure of Interest</b>	Nil
<b>Notes from Forum</b>	General Discussion took place regarding the item and officer recommendation.

At 8:41pm, Mr Scarfone electronically disconnected from the meeting and did not return

At 8:42pm, Mr Ponton electronically disconnected from the meeting and did not return

### 13.3 Notice of Motion - Applecross Town Centre Appointment of Community Consultation Group

<b>Deputations</b>	Nil
<b>Officer Presentation</b>	At 8:43pm Ms G Bowman, Director Community Development responded to questions which concluded at 8:47pm.
<b>Disclosure of Interest</b>	Nil
<b>Notes from Forum</b>	General Discussion took place regarding the item and officer recommendation.

At the request of Elected Members, the CEO undertook to provide the following information on the Elected Members Portal:

- Advice note in relation to motion.

### 13.4 Notice of Motion - Community Men's Shed in John Connell Reserve

<b>Deputations</b>	Nil
<b>Officer Presentation</b>	At 8:48pm Ms G Bowman, Director Community Development responded to questions which concluded at 8:50pm.
<b>Disclosure of Interest</b>	Nil
<b>Notes from Forum</b>	<p>General Discussion took place regarding the item and officer recommendation.</p> <p>At the request of Elected Members, the CEO undertook to provide the following information on the Elected Members Portal:</p> <ul style="list-style-type: none"><li>• Advice note in relation to motion.</li></ul>

### 13.5 Notice of Motion - Prioritising the Development of the Netball Plan / Indoor Sports Plan

<b>Deputations</b>	Nil
<b>Officer Presentation</b>	At 8:51pm Ms G Bowman, Director Community Development responded to questions which concluded at 8:52pm.
<b>Disclosure of Interest</b>	Nil
<b>Notes from Forum</b>	<p>General Discussion took place regarding the item and officer recommendation.</p> <p>At the request of Elected Members, the CEO undertook to provide the following information on the Elected Members Portal:</p> <ul style="list-style-type: none"><li>• Advice note in relation to motion.</li></ul>

### 13.6 Notice of Motion - Statutory Authorisations LG 01

<b>Deputations</b>	Nil
<b>Officer Presentation</b>	At 8:52pm Ms C Newman, Head of Governance responded to questions which concluded at 8:52pm.
<b>Disclosure of Interest</b>	Nil
<b>Notes from Forum</b>	<p>General Discussion took place regarding the item and officer recommendation.</p> <p>At the request of Elected Members, the CEO undertook to provide the following information on the Elected Members Portal:</p> <ul style="list-style-type: none"><li>• Implications of information in its current format.</li></ul>

At 8:52pm, Cr D Macphail left the meeting.

**13.7 Notice of Motion - Severance Policy CP-027**

<b>Deputations</b>	Nil
<b>Officer Presentation</b>	At 8:56pm Mr M Tieleman, Chief Executive Officer responded to questions which concluded at 8:57pm.
<b>Disclosure of Interest</b>	Nil
<b>Notes from Forum</b>	<p>General Discussion took place regarding the item and officer recommendation.</p> <p>At the request of Elected Members, the CEO undertook to provide the following information on the Elected Members Portal:</p> <ul style="list-style-type: none"><li>• Clarify why this would clash with Caretaker provisions.</li></ul>

At 8:55pm, Cr D Macphail returned to the meeting

**14 MOTIONS WITHOUT PREVIOUS NOTICE (APPROVAL BY ABSOLUTE MAJORITY)**

Nil.

**15 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC**

Nil.

**16 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC**

Nil.

**17 CLOSURE**

There being no further business to discuss, the Presiding Member declared the meeting closed at 8:58pm.