

AGENDA

ORDINARY MEETING OF THE COUNCIL

NOTICE OF MEETING

I respectfully bring to the attention of Elected Members that an Ordinary Meeting of the Council will be held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday, 21 June 2022 commencing at 6.30pm.

Marten Tieleman
Chief Executive Officer

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.

Use this link to [Register to attend the Ordinary Meeting of the Council 21 June 2022 electronically](#)



City of
Melville

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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Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

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Audio Recording/ Access to Recording

In accordance with the Council Policy CP- 088 Creation, Access and Retention of Audio Recordings of the Public Meetings this meeting is electronically recorded. All recordings are retained as part of the City's records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government Records. The Audio recording may be accessed at www.melvillecity.com.au/agendas.

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MOTIONS

With Previous Notice

Nil.

Without Previous Notice

Nil.

MATTERS FOR WHICH THE MEETING WAS CLOSED

Nil.

1 OFFICIAL OPENING

2 ATTENDANCE AND APOLOGIES

In Attendance

Councillors

Ward

Officers

Apologies

On Approved Leave of Absence

Cr K Wheatland – Palmyra-Melville-Willagee Ward

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.

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

4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Approved Deputations:

5 DISCLOSURES OF INTEREST

5.1 Financial or Proximity Interests

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

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)

6 PUBLIC QUESTION TIME

6.1 Questions Received with Notice

6.2 Questions Received at the Meeting

6.3 Questions Taken on Notice at Previous Meeting

7 AWARDS AND PRESENTATIONS

8 APPLICATIONS FOR NEW LEAVES OF ABSENCE

9 CONFIRMATION OF MINUTES

9.1 Ordinary Meeting of the Council – 17 May 2022
[OMC Minutes 17 May 2022](#)

That the minutes of the Ordinary Meeting of Council held on 17 May 2022 be confirmed as a true and accurate record

9.2 Special Meeting of the Council – 7 June 2022
(The Minutes of the Special Meeting of the Council will be available on Friday, 10 June 2022)

That the minutes of the Special Meeting of Council held on 7 June 2022 be confirmed as a true and accurate record

9.3 Governance Committee Meeting – 8 June 2022
(The Minutes of the Governance Committee meeting will be available on Friday, 10 June 2022)

That the minutes of the Governance Committee Meeting held on 8 June 2022 be noted.

NB: Minutes to be confirmed at next Governance Committee Meeting

9.4 NOTES OF AGENDA BRIEFING FORUM – 14 JUNE 2022
(The Notes of the Agenda Briefing Forum will be available on Friday, 17 June 2022)

That the minutes of the Agenda Briefing Forum held on 14 June 2022 be confirmed as a true and accurate record

10 NEW BUSINESS OF AN URGENT NATURE

11 IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

12 PETITIONS

12.1 Petition – Rezone 13 The Esplanade/ 67 Kishorn Road, Mount Pleasant to Public Open Space

A petition signed by 773 residents and 27 non-residents of the City of Melville was received on 27 May 2022 and reads as follows:

“We, the undersigned, all being electors of the City of Melville, respectfully request that the Council:

Action Sought: Re-zone 13 The Esplanade/ 64 Kishorn Rd Mount Pleasant to Public Open Space making the area green space incorporating seating and tree planting.

The Reasons Supporting this action: The Canning Bridge precinct is devoid of green space and with its proximity to high traffic volume (Freeway and Canning Hwy), thus creating a heat island and increase in air pollution. The population of this area is rapidly increasing and there already is a greater need for people to have open space nearby. The closest park is on the corner of Clive/Ogilvie Streets (800 metres away) And Deep Water Point (1.4kms) which does not conform with the City’s policy of having a park within 400 metres of every dwelling.”

OFFICER RECOMMENDATION

That the petition bearing 773 signatures of residents and 27 signatures of non-residents be acknowledged and a report be prepared.

13 ADOPTION OF RECOMMENDATIONS EN BLOC

That the recommendations for:

- **M22/5000 – Common Seal Register**
- **C22/6000 – Investment Statements for April 2022**
- **C22/6001 – Schedule of Accounts Paid April 2022**

be carried En Bloc.

14 REPORTS

14.1 Reports from Committees

Nil.

14.2 REPORTS OF THE CHIEF EXECUTIVE OFFICER

Management Services

M22/5914 – POLICY REVIEW – CP-088 CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF PUBLIC MEETINGS OF THE COUNCIL (REC) (ATTACHMENT)

Ward	: All
Category	: Policy
Subject Index	: Legislation
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: 17.2 Motion With Notice Amendments to CP-088 Creation, Access and Retention of Audio Recordings of Public Meetings of the Council, Ordinary Meeting of Council held 20 & 21 October 2020.
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Corrine Newman Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

M22/5914 – POLICY REVIEW – CP-014 CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF PUBLIC MEETINGS OF THE COUNCIL (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- At the Ordinary Meeting of Council held 19 April 2022, the Council resolved to adopt the new City of Melville Local Government (Meeting Procedures) Local Law 2022, which has required the review of policies and procedures associated with Council Meetings.
- Council Policy CP-088 Creation, Access and Retention of Audio Recordings of Public Meetings of the Council has been reviewed as required by the Council resolution, and amendments suggested.

BACKGROUND

At the Ordinary Meeting of Council held 19 April 2022 the Council resolved to adopt the new *City of Melville Local Government (Meeting Procedures) Local Law 2022*, which included

“That the Council:

5. *Directs the CEO to amend CP-088 Creation, Access and Retention of Audio Recordings of Public Meetings of the Council to address the creation, retention and timely publication of audio-visual records of public meetings of Council and committees exercising delegated powers or duties.”*

DETAIL

Council Policy CP-088 Creation, Access and Retention of Audio/Audio-Visual Recordings of Public Meetings of the Council has been in place since December 2015 and was last reviewed at the Ordinary Meeting of Council held 20 and 21 October 2020.

The objective of the Policy is to provide guidance on how recordings are created, stored, used and accessed. The retention and disposal of audio and audio-visual recordings is of in accordance with legislative requirements.

The City currently publishes audio of:

- Agenda Briefing Forums,
- Ordinary Meetings of Council,
- Special Meetings of Council; and
- General and Special Meetings of Electors.

This time, audio recordings of the public parts of Council meetings are published on the City’s website in MP3 format (which is a generally accessible format) by close of business the Friday after the meeting, or earlier where possible.

M22/5914 – POLICY REVIEW – CP-014 CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF PUBLIC MEETINGS OF THE COUNCIL (REC) (ATTACHMENT)

Policy [CP-088 Creation, Access and Retention of Audio Recordings of Public Meeting of the Council](#) has been reviewed and the suggested amendments shown in red text and explained below.

Amendment	Details
“audio-visual”	Inclusion of the words “audio-visual” through the policy to allow for the publishing of audio-visual recordings in the future as required.
Committees with delegated authority	The extension of this policy to include “Committees with delegated authority under s5.16 of the <i>Local Government Act 1995</i> ” as required by the Council resolution of 19 April 2022. At the time of this report, the Council does not have any Committees with delegated authority.
Deletion of superseded information	Superseded information, or information no longer required in the policy is shown in double strike through text.
Editing of audio/ audio-visual recordings	Inclusion of a paragraph to align with clause 17.(4) of the new <i>City of Melville Local Government (Meeting Procedures) Local Law 2022</i> .
Definition of audio-visual	Inclusion of a definition for the term “audio-visual”.
Updated References	The references that maybe applicable to the policy have been updated.

STAKEHOLDER ENGAGEMENT

I. Community

Submissions from the community were invited as part of the creation of the new local law, with one submission received suggestion that all meetings be recorded and made available to the public within 5 days, which informed the resolution of Council to review this policy.

II. Other Agencies / Consultants

No consultation with external agencies or consultants has been sought in relation to this policy.

STATUTORY AND LEGAL IMPLICATIONS

At this time there is no requirement under the *Local Government Act 1995* or the associated Regulations for the publishing of audio/audio-visual recordings of Council meetings. The 2020 Local Government Review Panel Report (the Report) recommends that, as a minimum, audio recordings of the public parts of Council meetings be available on the local government’s website and live-streaming be encouraged. At this stage there is no decision on, or implementation timeframe for the recommendations of the Report.

M22/5914 – POLICY REVIEW – CP-014 CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF PUBLIC MEETINGS OF THE COUNCIL (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. Generally, audio recordings of public meetings of the Council are published on the City's website by the Friday afternoon following the meeting and there is very limited need for the community to obtain copies in alternative formats.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications associated with this report.

POLICY IMPLICATIONS

This report is the review of a current policy of the Council, as required by resolution of the Council.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could resolve not amend Council Policy CP-088 – Creation, Access and Retention of Audio/Audio Visual Recordings of Public Meetings of the Council and the existing policy would remain in place.

CONCLUSION

The reviewed policy addresses the creation, retention, and timely publication of audio and audio visual recordings of public meetings of the Council and Committees exercising delegated powers and duties.

OFFICER RECOMMENDATION (5914)

APPROVAL

That the Council endorse the amended Council Policy CP-088 Creation, Access and Retention of Audio/Audio-Visual Recordings of Public Meetings and this policy be published on the City's website.

**M22/5916 - POLICY REVIEW – CP- 114 COMPLIANCE AND ENFORCEMENT POLICY (REC)
(ATTACHMENT)**

Ward : All
 Category : Policy
 Subject Index : Policy and Policy Development
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item M20/5754 New Council Policy CP 114 Compliance and Enforcement Policy Ordinary Meeting of Council held 21 and 22 July 2020.
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Bruce Taylor
 Manager Governance and Property

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**M22/ 5916 POLICY REVIEW – CP- 114 COMPLIANCE AND ENFORCEMENT POLICY (REC)
(ATTACHMENT)**

KEY ISSUES / SUMMARY

- At the July 2020 Ordinary Meeting the Council adopted a new Policy CP-114 Compliance and Enforcement Policy.
- The Policy and Compliance and Enforcement Guidelines provide guidance for how the City performs its compliance and enforcement functions, of which prosecution is one component, under relevant legislation.
- The Weir Report recommended that the City should consider amending the policy to:
 - Include commentary on its approach to escalating enforcement actions and
 - Include communication with the complainant when enforcement action is taken or to be taken so the complainant has the opportunity to attend or initiate their own action, if they choose to do so.
- A review of the Policy and Guidelines has also been undertaken and no other changes, apart from those recommended in the Weir Report have been made.
- From this review a Compliance Action Matrix will be developed to ensure that compliance with the Policy and Guidelines has been achieved prior to the City undertaking “last resort” prosecution.

BACKGROUND

The Weir Legal and Consulting has recently completed an independent review of complaints relating to building and planning issues. The objective was to review the City’s customer interactions and make recommendations for improvements.

The final report contained 15 recommendations with Recommendation 13 relating to the City’s Compliance and Enforcement Policy CP-114. The policy has been reviewed and amended to include the recommendations and is presented for the consideration and adoption by Council.

A copy of Recommendation 13 of the Weir Report, CP-114 and the Guidelines were placed on the Elected Member Discussion Board on 22 April 2022 for a three week comment period. No comments or changes were suggested.

DETAIL

The recommendation was that the City should amend its Compliance and Enforcement Policy to include:

(a) Commentary on its approach to escalating enforcement action. This might include a policy for escalating the enforcements response where:

i the conduct of an alleged offender is repetitive or ongoing and is giving rise to an unacceptable risk to health or public safety; and

ii the alleged offender has been educated, requested to comply, issued warnings or notices to comply and has failed to do so without reasonable excuse;

M22/5916 POLICY REVIEW – COUNCIL POLICY CP- 114 COMPLIANCE AND ENFORCEMENT POLICY (REC) (ATTACHMENT)

(b) A policy on its communication when endorsement action is taken and where there are appeals or proceedings relating to these actions. The intention is to provide complainants with an opportunity to attend or initiate their own actions if they choose to do so and to leave it up to the relevant court of Tribunal to manage the actions of complainants.

In respect to recommendation 13 (a) i), it is considered that the suggested recommendation is already encapsulated in the current clause 10 a).

Clause 10 a) relates to the matters that the City will consider when deciding the most appropriate enforcement action within the City's authority which includes *"the seriousness of the matter having regard to the actual or potential impact on the health, safety and amenity of others or on the environment."*

In respect to recommendation 13 (a) ii), Clause 10 e). has been amended to now read;

The previous compliance history of the offender with respect to similar types of offences, and whether the alleged offender has been educated, requested to comply, issued warnings or notices to comply and has failed to do so without reasonable excuse.

A new clause 15 has been added to the policy as suggested in Recommended by 13 (b).

15. Where the City has resolved to initiate further action against an alleged offender, the City will, where practicable, and where the proposed action against the alleged offender is consequent on an initial complaint;

(a) Advise the complainant of the nature of the initial further actions e.g. planning/building orders and/or prosecution, to be taken, and

(b) Advise the complainant of the first date upon which the action in (a) above results in an attendance of the matter before a Court, Tribunal or external body or agency, where applicable.

This Clause will require the City to inform a complainant of initial further action taken against an alleged offender so that the complainant is aware of, and can attend, participate or be a party to any further actions. Once advised of the initial further action it would be for the complainant to stay informed of and track continuing actions.

The amended policy [CP-114 Compliance and Enforcement Policy](#) is attached for the consideration of the Council.

The Policy and Guidelines may need further review once the review of the Urban Planning Directorate is concluded as part of Phase 2 of the Organisational Review.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The parties involved in the review were given the opportunity by the consultant to review and provide comment on the report and the final recommendations. The City has supported the report and the recommendations contained in the report.

**M22/5916 POLICY REVIEW – CP- 114 COMPLIANCE AND ENFORCEMENT POLICY (REC)
(ATTACHMENT)**

II. OTHER AGENCIES / CONSULTANTS

No engagement has been carried out with external agencies or consultants.

STATUTORY AND LEGAL IMPLICATIONS

The Policy and Guidelines articulate the enforcement regime that is used to communicate and bring about compliance with the law by using a range of incentive measures, fairly, reasonably and proportionately applied. The City has a statutory obligation to enforce compliance with the legislation for which it has been given administrative and enforcement responsibility within its district.

FINANCIAL IMPLICATIONS

There are no financial implications in implementing changes suggested in Recommendation 13 of the Weir Report that relate to CP-114.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk*	Risk Treatment
A complainant not being aware of any further action taken against an alleged offender in relation to a future attendance before a Court, Tribunal, external body or agency, resulting in the complainant not being able to respond, participate or be a party to that further action.	Minor consequences which are likely, resulting in a Medium level of risk	Include in the Compliance and Enforcement Policy so that the complainant is informed of any initial further action against an alleged offender.
Not taking into consideration previous compliance history, education notices and warnings and responses from alleged offender when deciding the most appropriate enforcement action to be taken.	Minor consequences which are possible, resulting in a Medium level of risk	Include in the Compliance and Enforcement Policy so that previous education, notices, warnings etc be taken into consideration when deciding the most appropriate enforcement action to be taken.

**M22/5916 POLICY REVIEW – CP- 114 COMPLIANCE AND ENFORCEMENT POLICY (REC)
(ATTACHMENT)**

POLICY IMPLICATIONS

Council Policy CP-114 is scheduled for review and actions suggested in recommendation 13 of the Weir Report have been considered and the Policy amended accordingly.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternate option is not to support the recommendation and update the Policy.

CONCLUSION

The Compliance and Enforcement Policy CP-114 has been reviewed and amended to include the suggestions made in the Weir Report relating to recommendation 13. The amended Policy is presented for consideration and approval.

OFFICER RECOMMENDATION (5916)

APPROVAL

That the Council endorse the amended Council Policy [Council Policy CP-114 Compliance and Enforcement Policy](#) and this be published on the City's website.

**M22/5917 – POLICY REVIEW – CP-108 DEPUTATIONS TO THE COUNCIL (REC)
(ATTACHMENT)**

Ward : All
 Category : Policy
 Subject Index : Legislation
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : M19/5698 – New Council Policy – Deputations to the Council, Ordinary Meeting of Council held 20 and 27 August 2019
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Corrine Newman
 Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

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<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**M22/5917 – POLICY REVIEW – CP-108 DEPUTATIONS TO THE COUNCIL (REC)
(ATTACHMENT)**

KEY ISSUES / SUMMARY

- At the Ordinary Meeting of Council held 19 April 2022, the Council resolved to adopt the new City of Melville Local Government (Meeting Procedures) Local Law 2022, which has required the review of policies and procedures associated with Council Meetings.
- Council Policy CP-108 Deputation to the Council has been reviewed to support the new Meeting Procedure local law.

BACKGROUND

At the Ordinary Meeting of Council held 19 April 2022 the Council resolved to adopt the new *City of Melville Local Government (Meeting Procedures) Local Law 2022*, which included provides for the community to make deputations to the Council and the associated assessment process.

DETAIL

Council Policy CP-108 Deputations to the Council has been in place since August 2019 and was created to provide guidance and direction on the management of Deputations to the Council.

With the recent adoption of the new *City of Melville Local Government (Meeting Procedures) Local Law 2022*, Policy [CP-108 Deputations to the Council](#) has been reviewed and the suggested amendments shown in red text are explained below.

Amendment	Details
Local Law reference	Section 6.12 of the <i>City of Melville Local Government (Meeting Procedures) Local Law</i> makes provision for deputations to the Council, the policy has been update to make reference to the new local law.
Process to present a deputation	The process to present a deputation as outlined in the policy has been updated to reflect the intent of the local law.
Deletion of “direct interest” definition.	The term “direct interest” no longer appears in the local law and the definition has been deleted from the Policy.
“Deputation”	The definition of “Deputation” has been updated to align with the local law.
Deletion of superseded information	Superseded information, or information no longer required in the policy is shown in double strike through text.
Updated References	The references that maybe applicable to the policy have been updated.

**M22/5917 – POLICY REVIEW – CP-108 DEPUTATIONS TO THE COUNCIL (REC)
(ATTACHMENT)**

STAKEHOLDER ENGAGEMENT

I. Community

Submissions from the community were invited as part of the creation of the new local law.

II. Other Agencies / Consultants

No consultation with external agencies or consultants has been sought in relation to this policy.

STATUTORY AND LEGAL IMPLICATIONS

At this time there is no requirement under the *Local Government Act 1995* or the associated Regulations for the provision of deputations, however the *City of Melville Local Government (Meeting Procedures) Local Law 2022* makes provisions for deputation for the community as part of its adopted meeting processes.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. The management of requests for deputations is part of the administration of the City's formal decision making process.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications associated with this report.

POLICY IMPLICATIONS

This report is the review of a current policy of the Council, and is required to ensure policy supports the intent of the City's local law.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could resolve not amend Council Policy CP-108 – Deputations to the Council and the existing policy would remain in place.

CONCLUSION

The reviewed policy provides additional clarity and guidance for members of the community wishes to make a deputation to the Council as part of its decision making process.

**M22/5917 – POLICY REVIEW – CP-108 DEPUTATIONS TO THE COUNCIL (REC)
(ATTACHMENT)**

OFFICER RECOMMENDATION (5917)

APPROVAL

That the Council endorse the amended Council Policy [CP-108 Deputations to the Council](#) and this policy be published on the City's website.

M22/5918 – POLICY REVIEW – CP-014 PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Subject Index : Legislation
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Item : M18/5657 Public Question Time at Council or Committee Meetings Policy, Ordinary Meeting of Council held 11 December 2018
 Ordinary Meeting of Council held 17 March 2020 item
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Corrine Newman
 Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

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<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

M22/5918 – POLICY REVIEW – CP-014 PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- At the Ordinary Meeting of Council held 19 April 2022, the Council resolved to adopt the new City of Melville Local Government (Meeting Procedures) Local Law 2022, which has required the review of policies and procedures associated with Council Meetings.
- Council Policy CP-014 Public Question Time at Council or Committee Meetings has been reviewed as a supporting policy to this new local law, and amendments suggested.

BACKGROUND

At the Ordinary Meeting of Council held 17 March 2020 the Council resolved:

“That the Council review Council Policy CP104 – Public Question Time at Council or Committee meetings as request the CEO to prepare amendments to the policy to achieve this and present a report to the May 2020 meeting of the Council, to include a process for questions to be asked from the floor for a minimum of 15 minutes, with any extensions to be determined by the Presiding Member.”

At the Ordinary Meeting of Council held 19 April 2022 the Council resolved to adopt the new *City of Melville Local Government (Meeting Procedures) Local Law 2022*, which provides for the community to ask questions, in person, at meetings of the Council that are open to the public, which is a change to the current practices.

DETAIL

Council Policy CP-014 Public Question Time at Council or Committee Meetings was first implemented in 2006 and has been through a number of revisions, with the last review being in December 2018.

The processes associated with Public Question Time were included in the previous *City of Melville Meeting Procedures Local Law 2017*, which included the requirement for questions to be submitted in writing. The Meeting Procedures Local Law has recently undergone a comprehensive review and the new local law provides opportunity for members of the community to verbally ask questions at Council meetings as resolved by the Council in December 2020.

The objective of the Policy is to provide guidance for the efficient management of public question time, and to ensure all members of the community have equal opportunity to ask questions of the Council.

M22/5918 – POLICY REVIEW – CP-014 PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS (REC) (ATTACHMENT)

Policy [CP-014 Public Question Time at Council or Committee Meetings](#) has been reviewed to align with the new Meeting Procedures Local Law and the suggested amendments shown in red text and explained below.

Amendment	Details
Local Law reference	Sections 6.3 – 6.10 of the <i>City of Melville Local Government (Meeting Procedures) Local Law 2022</i> makes provision for public question time, the policy has been update to reference to the new local law and the requirements therein.
Allocation of Time	The Local Government Act requires that a minimum of 15 minutes be provided for public question time. The new local law provides for public question time to be extended, in 5 minute increments, to a maximum of 30 minutes, by resolution of the Council. Questioners may ask one (1) question and one supplementary question and have a limit of two minutes to ask their question/s.
Presenting a question	This section has been updated to reflect the new process outlined in the Meeting Procedures Local Law for the community to ask questions in person at the Council meetings.
New Definitions	The local law makes reference to ‘Questions on Notice’ and ‘Supplementary Question’ but does not provide definitions for these. The policy has been updated to include these definitions.
Updated References	The references that may be applicable to the policy have been updated.
Deletion of superseded information	Superseded information, or information no longer required in the policy is shown in double strike through text.

STAKEHOLDER ENGAGEMENT

I. Community

Submissions from the community were invited as part of the creation of the new local law, no submissions in relation to public question time received.

II. Other Agencies / Consultants

No consultation with external agencies or consultants has been undertaken in relation to this policy.

M22/5918 – POLICY REVIEW – CP-014 PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

The *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* provide for the provision of time for the public to ask questions at meetings of the Council and at Committees that have delegated decision making powers.

The *City of Melville Local Government (Meeting Procedures) Local Law 2022* outlines the general process endorsed by the Council for members of the community to ask questions at meetings of the Council open to the public.

It should be noted that currently, the City does not have any Committees with delegated duties, and therefore Committee meetings are not open to the public and do not have public question time. The policy makes provision for this should the Council delegate authority to Committees in the future.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report and the proposed changes to the Public Question Time policy.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications associated with this report.

POLICY IMPLICATIONS

This report is the review of a current policy of the Council, to support the processes in the recently adopted new Meeting Procedures Local Law.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could resolve not amend Council Policy CP-014 – Public Question Time at Council or Committee Meetings and the existing policy would remain in place. It should be noted that the current policy does not provide for questions to be asked in person at Council meetings and does not align with the requirements of the new Meeting Procedures Local Law.

CONCLUSION

The reviewed policy provides guidance and clarity around the process for the community to ask questions at Council meetings that are open to the public and supports the intention of the local law.

M22/5918 – POLICY REVIEW – CP-014 PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (5918)

APPROVAL

That the Council endorse the amended Council Policy [CP-014 Public Question Time at Council or Committee Meetings](#) and this policy be published on the City's website.

M22/5000 – COMMON SEAL REGISTER (REC)

Ward : All
 Category : Operational
 Subject Index : Legal Matters and Documentation
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Standard Item
 Works Program : Not applicable
 Funding : Not applicable
 Responsible Officer : Bruce Taylor – Manager Governance and Property

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 19 April 2022 up to and including 24 May 2022 for the Council's noting.

M22/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

Section 2.5 of the *Local Government Act 1995* states that a Local Government is a Body Corporate with perpetual succession and a common seal. A document is validly executed by a Body Corporate when the common seal of the Local Government is affixed to it and the Mayor and the Chief Executive Officer (CEO) attest the affixing of the seal.

DETAIL

Register Reference	Parties	Description	ECM Reference
CS2199	City of Melville	City of Melville Local Government Meeting Procedures Local Law 2022	6891961

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 2.5(2) of the *Local Government Act 1995* states:

The local government is a body corporate with perpetual succession and a common seal.

Section 9.49A (3) of the *Local Government Act 1995* states:

(3) *The common seal of the local government is to be affixed to a document in the presence of —*

(a) *the mayor or president; and*

(b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*

M22/5000 – COMMON SEAL REGISTER (REC)

FINANCIAL IMPLICATIONS

There are no financial implications in this report other than that held in any contract advised above.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications in this report.

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for the Elected Members' that details the documents to which the City of Melville Common Seal has been applied for the period from 19 April 2022 up to and including 24 May 2022 for the Council's noting.

OFFICER RECOMMENDATION (5000)

NOTING

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 19 April 2022 up to and including 24 May 2022 for the Council's noting.

Corporate Services

C22/6000 - INVESTMENT STATEMENTS FOR APRIL 2022 (REC)

Ward : All
 Category : Operational
 Subject Index : Financial Statements and Investments
 Customer Index : Not applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Standard Item
 Works Programme : Not applicable
 Funding : Not applicable
 Responsible Officer : Debbie Whyte – Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
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<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 30 April 2022 for the Council's information and noting.

C22/6000 - INVESTMENT STATEMENTS FOR 30 APRIL 2022 (REC)

BACKGROUND

The City has cash holdings as a result of timing differences between the collection of revenue and its expenditure. The City also holds funds in reserve which are required for future asset renewal/asset replacement or required for a future liability.

Whilst these funds are held by the City they are invested in appropriately rated and liquid investments.

The investment of cash holdings is undertaken in accordance with Council Policy CP-009 - Investment of Funds, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

The following statement details the investments held by the City as at 30 April 2022.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 APRIL 2022		
SUMMARY BY FUND		
Municipal		\$39,291,001
Reserve		\$151,564,893
Trust		\$-
Citizen Relief		\$224,057
TOTAL		\$191,079,951
SUMMARY BY INVESTMENT TYPE		
11AM		\$8,757,428
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$157,722,523
TOTAL		\$191,079,951
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$136,079,235
	A+	\$11,500,716
A Category (A+ to A-)	A	
	A-	
BBB+ Category	BBB+	\$43,500,000
TOTAL		\$191,079,951

C22/6000 - INVESTMENT STATEMENTS FOR 30 April 2022 (REC)

Exposure to an individual institution is limited according to Council policy and in April 2022 the investments were within the acceptable limits.

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 33,700,000	17.64%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 22,500,000	11.78%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 21,000,000	10.99%	15.00%	✓
CBA	AA-	AA Category	\$ 21,000,000	10.99%	30.00%	✓
Macquarie	A+	A Category	\$ 3,000,716	1.57%	25.00%	✓
NAB	AA-	AA Category	\$ 50,537,676	26.45%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 8,500,000	4.45%	25.00%	✓
Westpac	AA-	AA Category	\$ 30,841,560	16.14%	30.00%	✓
TOTAL			\$ 191,079,951	100%		

**Standard & Poor's ratings. Source: Policy No. CP-009: Investment of Funds*

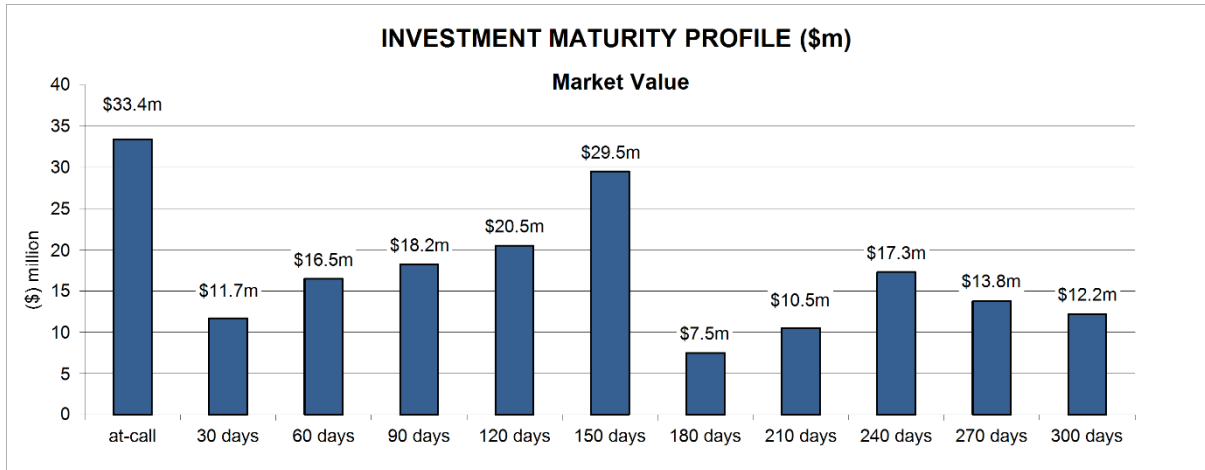
The City's investments were invested within the limits allowed within each category rating for April 2022.

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 136,079,235	71%	80%	✓
A Category (A+ to A-)	\$ 11,500,716	6%	50%	✓
BBB+ Category	\$ 43,500,000	23%	25%	✓
TOTAL	\$ 191,079,951	100%		

**Standard & Poor's ratings. Source: Policy No. CP-009: Investment of Funds*

C22/6000 - INVESTMENT STATEMENTS FOR 30 APRIL 2022 (REC)

The graph below summarises the maturity profile of the City’s investments at market value as at 30 April 2022. The immediacy of the demand for funds depends on the particular Fund or Reserve Account(s) of the City. The maturity profile provided in the table above meets the liquidity requirements of the Council policy.

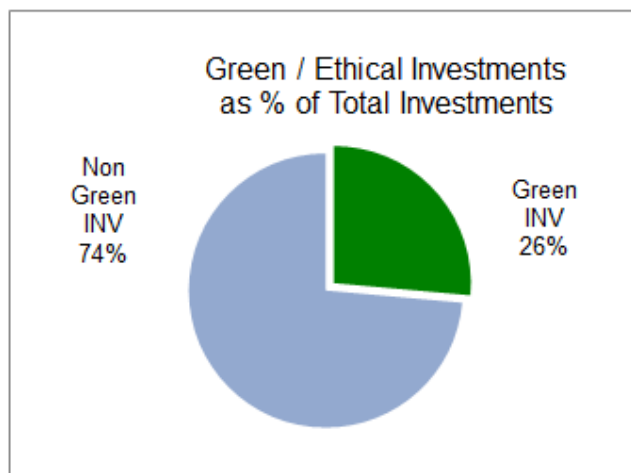


The City exercises a deliberative preference in favour of green/ethical investments. This preference will however only be exercised after the foremost investment considerations of credit rating, comparable rate and risk diversification are fully satisfied.

Green investments are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

Environmental, Social & Governance Term Deposit (ESGTD) is a similar product to Green investments. ESGTD’s provide the opportunity to invest in products that seek to mitigate environmental and social risks.

The total investment in green/ethical investments as at 30 April 2022 was \$50,500,000 or 26% of total investment holdings, compared to \$54,500,000 (28%) in March 2022. The total investments holding for April and March were \$191,079,951 and \$197,079,951 respectively.



C22/6000 - INVESTMENT STATEMENTS FOR 30 APRIL 2022 (REC)

Green / Ethical Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 21,000,000
CBA	AA-	AA Category	\$ 21,000,000
Suncorp	A+	A Category	\$ 8,500,000
TOTAL			\$ 50,500,000

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

This report is available to the public on the City's web-site.

II. OTHER AGENCIES / CONSULTANTS

A wide range of suitably credit rated Authorised Deposit-taking Institutions (ADI's) were engaged with during the course of the month in respect to the placement and renewal of investments.

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

- *Local Government (Financial Management) Regulations 1996* Regulation 19 – Management of Investments
- *Trustee Act 1962* (Part 3)

Authorised Deposit-taking Institutions are authorised under the *Banking Act 1959* and are subject to Prudential Standards oversighted by the Australian Prudential Regulation Authority (APRA).

Effective from 13 May 2017 the *Local Government (Financial Management) Regulations 1996* were amended (regulation 19C) to allow local governments to deposit funds for a fixed term of three years or less. The regulation previously only allowed for deposits of 12 months or less. Deposits of greater than one year may, depending on the shape of the yield curve, enable the City to achieve better investment returns.

C22/6000 - INVESTMENT STATEMENTS FOR 30 APRIL 2022 (REC)

FINANCIAL IMPLICATIONS

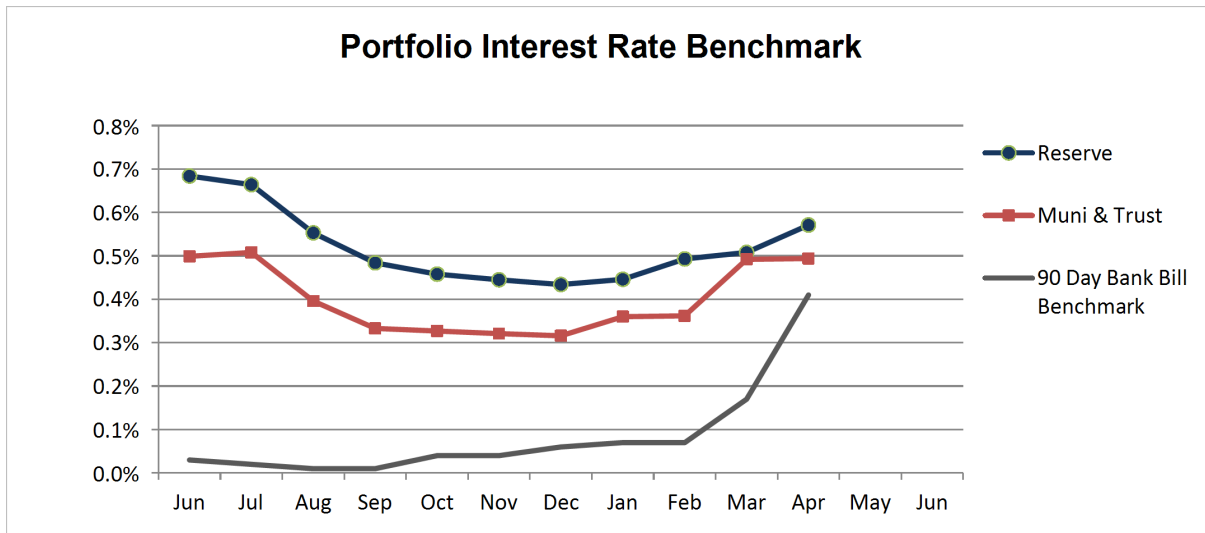
For the period ending 30 April 2022:

- Investment earnings on Municipal and Trust Funds were \$101,024 against a year to date budget of \$131,727 representing a negative variance of \$30,703.

The weighted average interest rate for Municipal and Trust Fund investments as at 30 April 2022 was 0.49% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.41%.

- Investment earnings on Reserve accounts were \$595,589 against a year to date budget of \$601,667 representing a negative variance of \$6,077.

The weighted average interest rate for Reserve account investments as at 30 April 2022 was 0.57% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.41%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

The interest earned on invested funds assists in addressing the following key priority area identified in The City of Melville Corporate Business Plan 2020-2024.

Priority Number One – “Restricted current revenue base and increasing/changing service demands impacts on rates”.

Risk

The Council’s Investment of Funds Policy CP-009 was drafted so as to minimise credit risk through investing in highly rated securities and diversification. The Policy also incorporates mechanisms that protect the City’s investments from undue volatility risk as well as the risk to reputation as a result of investments that may be perceived as unsuitable by the Community.

C22/6000 - INVESTMENT STATEMENTS FOR 30 APRIL 2022 (REC)

Environmental

When investing the City's funds, a deliberative preference will be made in favour of authorised institutions that respect the environment by not investing in fossil fuel industries. This preference will however, only be exercised after the foremost investment considerations of credit rating, risk diversification and interest rate return are fully satisfied.

POLICY IMPLICATIONS

Council Policy CP-009 – Investment of Funds provides guidelines with respect to the investment of City of Melville (the City) funds by defining levels of risk considered prudent for public monies. Liquidity requirements are determined to ensure the funds are available as and when required and take account of appropriate benchmarks for rates of return commensurate with the low levels of risk and liquidity requirements. The types of investments that the City has the power to invest in is limited by prescriptive legislative provisions governed by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Part III of the *Trustees Act 1962*.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.49% to 0.57% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.41%.

26% of the City's investment portfolio is invested in authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels. This compared to 28% in March 2022.

Future investment earnings will be determined by the cash flows of the City and movements in interest rates on term deposits.

OFFICER RECOMMENDATION (6000)

NOTING

That the Council notes the Investment Report for the period ending 30 April 2022.

C22/6001 – SCHEDULE OF ACCOUNTS PAID FOR APRIL 2022 (REC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Financial Statement and Investments
 Customer Index : Not applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Standard Item
 Works Programme : Not Applicable
 Funding : Annual Budget
 Responsible Officer : Debbie Whyte – Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
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<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
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<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the period of April 2022 and recommends that the Schedule of Accounts Paid be noted.

C22/6001 – SCHEDULE OF ACCOUNTS PAID FOR APRIL 2022 (REC) (ATTACHMENT)

BACKGROUND

Delegated Authority DA-035 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds. This authority has then been on-delegated to the Director Corporate Services. In accordance with Regulation 13.2 and 13.3 of the *Local Government (Financial Management) Regulations 1996*, where this power has been delegated, a list of payments for each month is to be compiled and presented to the Council.

The list is to show each payment, payee name, amount and date of payment and sufficient information to identify the transaction.

DETAIL

The Schedule of Accounts Paid for April including Payment Register numbers, Cheques: 817-818, Electronic Funds Transfers batches: 761-766, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 3 June 2022.

A total of \$9,175,524 direct creditor payments were paid during the month, of which, 19% of payments were paid to suppliers located within the City of Melville and 30% to suppliers within the South West Group, compared to 23% and 34% of total of \$9,855,845 direct creditor payments made over March 2022 respectively. The largest payment of \$1,432,501 during the month was paid to Fulton Holding Ltd for the laying of asphalt at Murdoch Drive and Riseley Street. Approximately 96% of supplier invoices are paid within 30 days of receipt of the invoices. The below table details the Summary of Payments Made for the period:

SCHEDULE OF PAYMENTS MADE APRIL 2022		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
Cheques	Chq Payment Register No. 817 and 818	\$786.90
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	-
Electronic Funds Transfers	EFT Payment Register No. 761,762,764 and 766	\$8,622,354.62
	EFT Payment on Restricted Funds Register No. 763,765 and 119	\$238,171.65
	Less Cancelled EFTs	(\$6,518.50)
		\$8,854,794.67
Direct Debits	Bank Fees	\$11,457.11
	Ampol Fuel	\$107,412.19
Direct Payments		\$201,860.08
	Total Direct Creditor Payments	\$9,175,524.05
Payroll	Total Pay 21 and 22	\$3,823,946.38
		Total Payroll \$3,823,946.38
Cards	Westpac Corporate Cards	\$15,905.69
	Westpac Purchase Cards	\$50,702.92
	American Express	\$11,299.19
		Total Card Payments \$77,907.80
Total Direct Creditor Payments from Municipal Account		\$13,077,378.23

C22/6001 – SCHEDULE OF ACCOUNTS PAID FOR APRIL 2022 (REC) (ATTACHMENT)

Schedule of Payments Made continued.

INTERFUND & INVESTMENT TRANSACTIONS			
<i>Interfund Transfers</i>			
Loan			\$0.00
Citizen Relief Trust			\$0.00
Citizen Relief Operating			\$0.00
Municipal			(\$6,000,000.00)
Reserve			\$6,000,000.00
Trust			\$0.00
<i>Total Interfund Transfers</i>			\$0.00
<i>New Municipal Investments</i>			
Westpac Bank	8/04/2022		\$2,700,000.00
Westpac Bank	8/04/2022		\$2,000,000.00
Westpac Bank	22/04/2022		\$1,000,000.00
<i>Total New Investments</i>			\$5,700,000.00
Grand Total			\$18,777,378.23

Details of the payments are shown in attachment [6001 Payment Details April 2022](#).

Any payment over and above \$25,000.00 has been highlighted under the Payment Amount column in the attachment to this statement named 'Listing of Payments made under Delegated Authority'.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

STATUTORY AND LEGAL IMPLICATIONS

This report meets the requirements of the *Local Government (Financial Management) Regulations 1996* Part 2: General financial management (s.6.10) regulations 11, 12 & 13.

FINANCIAL IMPLICATIONS

Expenditures were provided for in the adopted Budget as amended by any subsequent Budget reviews and amendments.

C22/6001 – SCHEDULE OF ACCOUNTS PAID FOR APRIL 2022 (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no identifiable strategic, risk and environmental management implications.

POLICY IMPLICATIONS

Procurement of Products and Services is conducted in accordance with Council Policy CP-023 and Systems Procedure 019 Purchasing and Procurement.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

CONCLUSION

The Schedule of Payments for the month totals \$18,777,378.23.

The report and the attached Schedule of Accounts Paid are presented for the Council's information.

OFFICER RECOMMENDATION (6001)

NOTING

That the Council notes the Schedule of Accounts paid for the period April 2022 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 Payment Details April 2022](#).

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2022 (AMREC)
(ATTACHMENTS)**

Ward : All
 Category : Operational
 Subject Index : Financial Reporting - Statements of Financial Activity
 Customer Index : Not applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Standard Item
 Works Programme : Not applicable
 Funding : Not applicable
 Responsible Officer : Debbie Whyte – Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

<p>This report presents:</p> <ul style="list-style-type: none"> • The Statements of Financial Activity by Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 30 April 2022 and recommends that they be noted by the Council. • The variances for the month of 30 April 2022 and recommends that they be noted by the Council. • The Budget amendments required for the month of 30 April 2022 and recommends that they be adopted by Absolute Majority decision of the Council.
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**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2022 (AMREC)
(ATTACHMENTS)**

BACKGROUND

The Statements of Financial Activity for the period ending 30 April 2022 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

OVERALL SUMMARY OF THE CITY'S FINANCIAL POSITION

- The overall financial position for the City remains sound. Year to date revenue is \$4.2m over the year to date budget. This is largely due to increased grant income of \$2.9m from the Federal Assistance grants for roads and general. Expenditure is under budget year to date by \$3.7m. This is largely the result of savings in employment costs and materials and contracts.
- The City's total investments holding for April were \$191.0m of which the Municipal cash balance at the end of the month was \$39.3m and \$151.6m was held in reserve accounts, which are restricted to the defined purpose for which the reserve account was established.
- The Green investment in authorised banking institutions as at 30 April was \$50.5m or 26% of total investment holdings, compared to \$54.5m (28%) in March 2022.
- Rates raised as at April 2022 were \$92.1m with a positive variance of \$0.36m compared to the approved budget of \$91.7m. This increase is mainly due to interim rate adjustments processed on various residential improved properties.
- Total debtor collections for April 2022 equalled \$1.6m. The Rates collection target is 93.1% and the actual collection is tracking slightly higher at 94.9%. The year to date total outstanding debtors (including all rates and sundry debtors) is \$8.99m.

DETAIL

The attached reports have been prepared in compliance with the requirements of the legislation and Council policy. The three monthly reports that are presented are the:-

1. Statement of Financial Activity by Nature and Type
Provides details on the various categories of income and expenditure.
2. Rate Setting Statement by Program
Provides details on the Program classifications.
3. Rate Setting Statement by Nature or Type
Provides details on the Nature or Type classifications.

Variances

A detailed summary of variances and comments based on the Rate Setting Statement by Nature or Type is provided in attachments:

[6002B Statement Nature Type April 2022](#): Rate Setting Statement by Nature or Type
[6002H Statement of Variances April 2022](#): Statement of Variances in Excess of \$100,000

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY for April 2022 (AMREC)
(ATTACHMENTS)**

Revenue

Rates raised as at April were \$92,106,428, compared to a year to date budget of \$91,742,024. The positive variance of \$364,404 is due to interim rate adjustments processed on various residential improved properties.

Rates Collection

SUMMARY OF RATE DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	6,491,862	6,491,862	0%	9,142,487	-29%
Debtors Raised	118,572,902	118,508,431	0%	102,186,992	16%
Payments Received	(116,825,436)	(115,633,187)	1%	(102,670,621)	14%
Closing Balance	8,239,329	9,367,106	-12%	8,658,857	-5%

Total rate debtor collections for the month equalled \$1,192,248.

Sundry Debtor Movement

SUMMARY OF SUNDRY DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	882,151	882,151	0%	1,238,865	-29%
Invoices Raised	5,350,828	4,733,152	13%	5,295,544	1%
Receipts	(5,442,927)	(5,000,617)	9%	(5,628,782)	-3%
Prepayments	(31,468)	3,755	-938%	19,193	-264%
Closing Balance	758,583	618,440	23%	924,821	-18%

Sundry debtor balances increased by \$140,143 over the course of April from \$618,440 to \$758,583 of which total 90 day sundry debtors over \$1,000 for the month is \$659,069, representing 51% of total sundry debtors.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for April 2022.

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2022 (AMREC)
(ATTACHMENTS)**

Budget Amendments

Details of Budget Amendments requested for the month of April 2022 that reflect effective changes to budgets are shown in attachment [6002J April 2022](#). Budget amendments that are purely administrative and detail movements between budget responsible officers are not included in the attachment. This reporting is aligned with legislative requirements.

Variances greater than \$100,000 processed in April 2022 are highlighted in the attachment.

Granting of concession or writing off debts owed to the City

Delegation DA-032 empowers the Chief Executive Officer (CEO) to grant concessions and write off monies owing to the City to a limit of \$10,000 for any one item. The CEO has partially on-delegated this to the Director Corporate Services to write off debts or grant concessions to a value of \$5,000.

The City is recommending (subject to Council approval) a rent reduction for Belgravia Health and & Leisure Group, the operator of Point Walter Golf Course, valued at \$50,000. The rent reduction relates to the work conducted by the City on the irrigation at the Point Walter Golf Course which impacted on the revenue collected.

In June to September 2021, the number of holes playable reduced from 9 to 7 and for a short period this reduced further to 6 holes. As a result, Belgravia Leisure reduced the cost of a round of golf from \$16.00 to as low as \$12.00 per round. Consequently, with reduced players, there was an impact on a range of other operational areas including reduced function room, golf club and buggy hire, pro shop sales, kitchen and bar sales. The City has reviewed the impact and is satisfied that the business did have reduced income as a result of the time taken to complete this work.

The following attachments form part of the Attachments to the Agenda for the month of April 2022.

DESCRIPTION	LINK
Statement of Financial Activity By Nature or Type	6002A Statement Nature Type April 2022
Rate Setting Statement by Program	6002B Rate Setting Program April 2022
Rate Setting Statement by Nature or Type	6002B Rate Setting Nature Type April 2022
Representation of Net Working Capital	6002E Net Working Capital April 2022
Reconciliation of Net Working Capital	6002F Reconciliation Net Working Capital April 2022
Notes on Rate Setting Statement reporting on variances of 10% or \$100,000 whichever is greater	6002H Notes Rate Setting Statement April 2022
Details of Budget Amendments requested	6002J Budget Amendments April 2022
Summary of Rates Debtors	6002L Summary Rate Debtors April 2022
Graph Showing Rates Collections	6002M Rates Collections Graph April 2022
Summary of General Debtors aged 90 Days Old or Greater	6002N General Debtors Aged 90 Days April 2022

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2022 (AMREC)
(ATTACHMENTS)**

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Local Government Act 1995 Division 3 – Reporting on Activities and Finance Section 6.4 – Financial Report.

Local Government (Financial Management) Regulation 1996 Part 4 – Financial Reports Regulation 34 requires that:

34. Financial activity statement report — s. 6.4

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of the month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
- (c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown —

- (a) according to nature and type classification; or
- (b) by program; or
- (c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be —

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
- (b) recorded in the minutes of the meeting at which it is presented.

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2022 (AMREC)
(ATTACHMENTS)**

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

The variance adopted by the Council is 10% or \$100,000 whichever is greater.

Local Government Act 1995 Division 4 – General Financial Provisions Section 6.12; Power to defer, grant discounts, waive or write off debts.

FINANCIAL IMPLICATIONS

Variances

Variances are detailed and explained in attachment [6002H Notes Rate Setting Statement April 2022](#): Notes on Statement of Variances in excess of \$100,000 by Nature or Type.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The impact of Covid-19 on the services provided by the City, the health of the city employees and community itself as well as the financial impacts on the City, State and Federal economy is a significant strategic risk. The City has well developed business continuity plans in place and has enacted the Incident Response Team (IRT) to coordinate and plan the City's response to the Covid-19 crisis.

POLICY IMPLICATIONS

The format of the Statements of Financial Activity as presented to the Council and the reporting of significant variances is undertaken in accordance with the Council's Accounting Policy CP-025.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 30 April 2022.

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2022 (AMREC)
(ATTACHMENTS)**

OFFICER RECOMMENDATION (6002)

NOTING and ABSOLUTE MAJORITY

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 30 April 2022 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature or Type	<u>6002A Statement Nature Type April 2022</u>
Rate Setting Statement by Program	<u>6002B Rate Setting Program April 2022</u>
Rate Setting Statement by Nature or Type	<u>6002B Rate Setting Nature Type April 2022</u>
Representation of Net Working Capital	<u>6002E Net Working Capital April 2022</u>
Reconciliation of Net Working Capital	<u>6002F Reconciliation Net Working Capital April 2022</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$100,000 whichever is greater	<u>6002H Notes Rate Setting Statement April 2022</u>
Details of Budget Amendments requested	<u>6002J Budget Amendments April 2022</u>
Summary of Rates Debtors	<u>6002L Summary Rate Debtors April 2022</u>
Graph Showing Rates Collections	<u>6002M Rates Collections Graph April 2022</u>
Summary of General Debtors aged 90 Days Old or Greater	<u>6002N General Debtors Aged 90 Days April 2022</u>

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for April 2022 [6002J Budget Amendments April 2022](#)**
- 3. By Absolute Majority Decision approves the write off of \$50,000 for rent owed by the Belgravia Health & Leisure Group due to an adverse impact on income as a result of the City undertaking irrigation work**

Community Development

Nil.

Environment and Infrastructure

This Item was deferred at the Ordinary Meeting of Council held 19 April 2022. An officer addendum is provided in relation to this Item – [Officer Addendum – Item T22/3978](#)

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENT)

Ward : Bull Creek - Leeming
 Category : Strategic
 Subject Index : Capital Works Program and Active Reserves Infrastructure Strategy
 Customer Index : Not Applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P19/3795 – John Connell Reserve Redevelopment Project Partnering Opportunity with Landcorp – Memorandum of Understanding, Ordinary Meeting of Council held 19 February 2019.
 Item T21/3901 – John Connell Reserve Upgrade Proposals, Ordinary Meeting of Council held 16 February 2021.
 Works Programme : 2021-2022
 Funding : 2021-2022 Budget
 Responsible Officer : Jeff Bird
 Manager Natural Areas & Parks

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Leeming Spartan Cricket Club and the Leeming Strikers Football Club have held a long term desire to expand the present playing fields east into an area containing remnant bushland.
- The oval extension area has long been recognised for this purpose with the previous landfilling activities specifically planned to ensure that it would not encroach into the oval extension area.
- The City has received a request from the Clubs for the City to provide written authority to the Clubs to enable them to progress with a clearing permit to extend the oval at the eastern end of the John Connell Reserve.
- A permit to clear native vegetation under the *Environmental Protection Act* is required to be submitted through an application to the Department of Water and Environmental Regulation (DWER) in order to remove the vegetation.
- Funding for the preparation of a Masterplan for the John Connell Reserve was approved as part City's 2021-2022 annual budget and is currently in the procurement stage seeking a consultant to undertake this work.
- The Federal ALP candidate for the Seat of Tangney has committed to contribute \$650,000 toward the cost of the oval extension if successful in the upcoming Election. This contribution may only be a proportion of the total cost associated with the oval extension.
- There are a range of risks associated with initiating the community consultation for the oval extension in advance of, or parallel to, a broader consultation process for the Masterplan, recognising that there may be opportunities to instigate the vegetation clearing application prior to the completion of the Masterplan should the gathering and analysis of information during the Masterplan process indicate support for this proposal.
- The Officer recommendation is to not proceed immediately with the initiation of a vegetation clearing application for the oval extension as requested by the Clubs and consider the oval extension proposal and associated vegetation clearing as part of the John Connell Master plan.
- In regards to the Clubs request to manage the vegetation clearing application and oval extension works, it is the City's preference to manage the vegetation clearing application, planning, design and construction works due to complexities and technical requirements associated with works that could impact on the contaminated landfill site.

BACKGROUND

The City has received a request from the Leeming Spartan Cricket Club and the Leeming Strikers Football Club for the City provide written authority for the clubs to initiate a vegetation clearing application to remove remnant bushland in order to extend the oval at the eastern end of the John Connell Reserve in Leeming.

The Clubs have provided the following justification as to the reasons behind the request;

“Allow for a second cricket oval with a smaller playing field and two extra football fields, which as you know will be an enormous benefit for community sport and wellness and be of great value to the more than 800 registered players and their families”.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENT)

To accommodate the proposed extension area there would be a requirement for a section of bushland to be cleared. This area consists mainly of degraded or completely degraded bushland, however has some areas classified as good condition requiring removal with a small section of excellent condition vegetation that could possibly be impacted.

It is relevant to note that the bushland immediately south of the proposed area to be cleared is mostly classified as Excellent & Very Good condition and qualifies as Banksia Woodland Threatened Ecological Community (TEC).

In order to clear this area of bushland, a permit to clear native vegetation under the *Environmental Protection Act* is required to be submitted through an application to the Department of Water and Environmental Regulation (DWER) for assessment to determine if the area of bushland can be cleared.

If the Clubs were to prepare the vegetation clearing permit application as requested, a Letter of Authority would be required from the City. The Clubs have also indicated a preference for them to undertake the vegetation clearing and oval extension works on behalf of the City.

This report discusses the implications of the Club's request in regards to the opportunities and risks associated with initiating the vegetation clearing process, potential impacts on the Masterplan process and issues associated with wider community consultation.

DETAIL

Leeming Spartan Cricket Club and the Leeming Strikers Football Club have held a long term desire to expand the present playing fields east into existing bushland to provide additional playing space. The City prepared the Active Reserves Infrastructure Strategy (ARIS) in 2020 to guide a strategic and long term plan for infrastructure investment for active reserve facilities.

The ARIS covers City assets associated with over 70 clubs who are all seeking renewal or upgrades to ageing infrastructure across the City. The City is progressively implementing the recommended ARIS upgrades and has accelerated programs such as the change room renewal program to address the growth and changes related to sporting demands.

The ARIS identified that an additional oval may be required at John Connell in 2028-2029 and it would have been in that financial year that investigations would take place to identify the requirements of the Clubs. The ARIS also identified that a Masterplan be prepared for John Connell Reserve in 2025-2026 to better understand active and passive recreational needs and where investment should take place to meet identified demands.

In the past year the City has received requests from the Clubs, Members of Parliament as well as election candidates in regards to funding to facility upgrades. This interest from the various stakeholders has led to the City to fast track the Master planning exercise for the entire John Connell Reserve site this financial year, which is three years ahead of what was envisaged in the ARIS.

The scope for the Masterplan has been expanded to include the old Dundee Road Landfill area (given the long term liability associated with this contaminated site), public park areas, Supa Golf and the driving range.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENT)

Funding for the preparation of the John Connell Masterplan was approved as part City's 2021-2022 annual budget. The City, through the public tender process, will appoint a suitably qualified and experienced consultant in the next month or so to work with the community and the City to develop the Masterplan. The master planning process is firstly intended to investigate the need for additional playing fields and secondly, assuming the need is justified, the various options for locating these fields within the John Connell Reserve site. It is anticipated that the master planning process will take 12-15 months to complete.

Further to the City fast tracking the John Connell Masterplan, the Clubs have been given an indication that the Federal ALP candidate for the Seat of Tangney (Sam Lim) will commit to contribute \$650,000 toward the Clubs for the oval extension costs if successful in the upcoming Election. This contribution may only be a proportion of the total cost of the oval extension works.

This prospective financial contribution has prompted the clubs to request that the City provide the clubs with the authority to progress the vegetation clearing application process and planned oval extension construction works.

Oval Design and Location

The Clubs have attached to their request the plan below outlining a section of bushland that they believe needs to be cleared as part of project based on the extension accommodating the requested additional cricket oval. It is estimated that clearing of vegetation between 0.6 ha. and 0.9 ha. would be required to accommodate this plan.



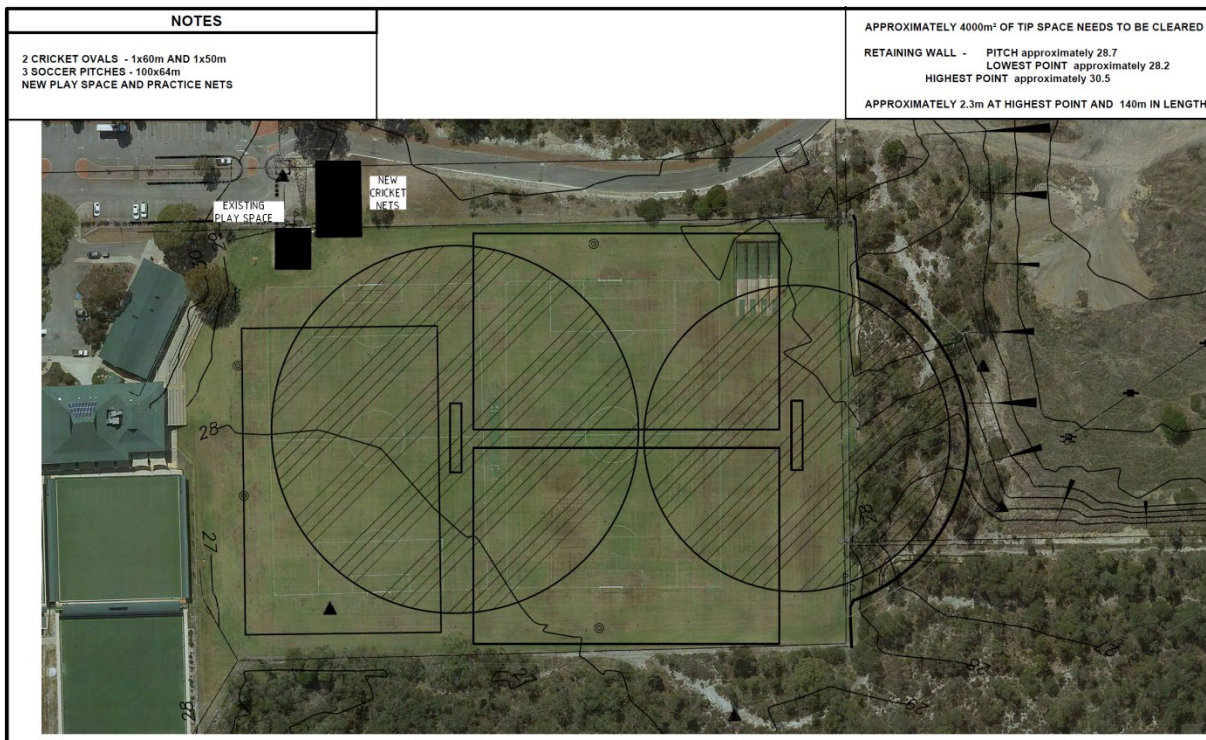
In recent correspondence the Clubs have advised that they would propose to undertake the following scope of works:

- To prepare and submit to the Department of Water and Environmental Regulation for application for New Permit or Referral to Clear Native Vegetation
- Remove and replace cyclone fencing on eastern side of John Connell Reserve
- Clear and remove vegetation in extended area
- Level and compact ground
- Extend reticulation as directed by the City of Melville

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENT)

- Prepare and lay lawn as directed by the City of Melville
- Remove the cricket nets and replace with lawn
- Remove the partially raised uneven area on the western side of reserve and re-lay this lawn to level the playing field
- Prepare and construct second hard wicket cricket pitch as established by Cricket Australia guidelines
- Relocate current hard wicket cricket pitch in westerly direction
- Identify and clear non substantive vegetation as outlined in the “Detailed Flora, Vegetation and Fauna Assessment” conducted by Natural Area Consulting Management Services along the northern fence line
- To revegetate the area outside the extension with Banksia species and *Eucalyptus toditiana* given they are the preferred food sources for the Forrest Red-tailed Black Cockatoo.

The City has also completed concept designs of the oval extension based on the request of the Clubs. Consideration will need to be given to providing extensive retaining structures (approx. 2.3 metres maximum height and 140 metres in length) in order to establish a level playing surface for the proposed oval extension.



Initial estimates from the ARIS indicated the implementation of the John Connell Reserve Masterplan to be approximately \$2.1 million, including the additional oval. This estimate was provided in 2020 pre-COVID and without detailed site investigation, therefore further investigation and cost estimates are required to determine the current likely costs of the oval extension as a stand-alone project.

It is acknowledged that the John Connell Reserve facilities are well located to support an additional oval to capitalise on existing infrastructure and assets.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENT)

Without the existing constraint related to the requirement to remove remnant vegetation, the decision to extend the oval would be fairly straight forward and based on demonstrated need and cost benefit aspects. In regards to the vegetation clearing, the City also has an obligation to consult widely on proposals that are likely to raise concerns in the community and to work through issues in order to get the best outcome for our residents and ratepayers.

Flora, Vegetation and Fauna Assessment of Oval Extension Area

In November 2020, the City commissioned Natural Area Consulting Management Services to undertake a detailed flora survey and a basic fauna survey of the area being proposed for the oval extension. The Flora, Vegetation and Fauna assessment report forms an attachment to this agenda item. [3978 John Connell South Bushland Assessment](#)

The survey aimed to determine:

- flora and fauna species present within the site (native and introduced)
- the extent and boundaries of vegetation types and their condition
- the location of declared rare or priority flora, fauna and/or threatened ecological communities (if present).

The detailed flora and vegetation survey concluded the following:

- presence of a total of 98 flora species from 36 families
- a mix of 37 (37.7%) weeds and 61 (62.2%) native flora species
- no priority or threatened flora species, or ecological communities were found in the survey
- one vegetation type was present within the site, *Banksia attenuata*, *Banksia menziesii* and *Eucalyptus tottiana* Woodland
- Vegetation condition across the site ranges from Completely Degraded to Excellent.

The basic fauna survey within the site confirmed:

- a total of eight fauna species recorded, either directly or via indicators of their presence in the form of scats, tracks, diggings and burrows
- no conservation significant fauna species were recorded during the survey, although evidence of threatened black cockatoo feeding by Carnaby's Cockatoo in the form of chewed *Banksia menziesii* flower cones was noted.

The vegetation condition ranged from Completely Degraded to Good within the survey area, with majority of the site either in Good, Degraded or Completely Degraded condition as can be seen in the below graphic.

The areas classified as Completely Degraded occurred on the periphery of the site and along the road verges due to weed encroachment from the surrounding land. The area of Good condition vegetation would be required to be removed for the oval extension.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENT)

City of Melville
John Connell Reserve - Detailed Flora, Vegetation and Fauna Assessment



Flora, Vegetation and Fauna Assessment of the Southern John Connell Bushland

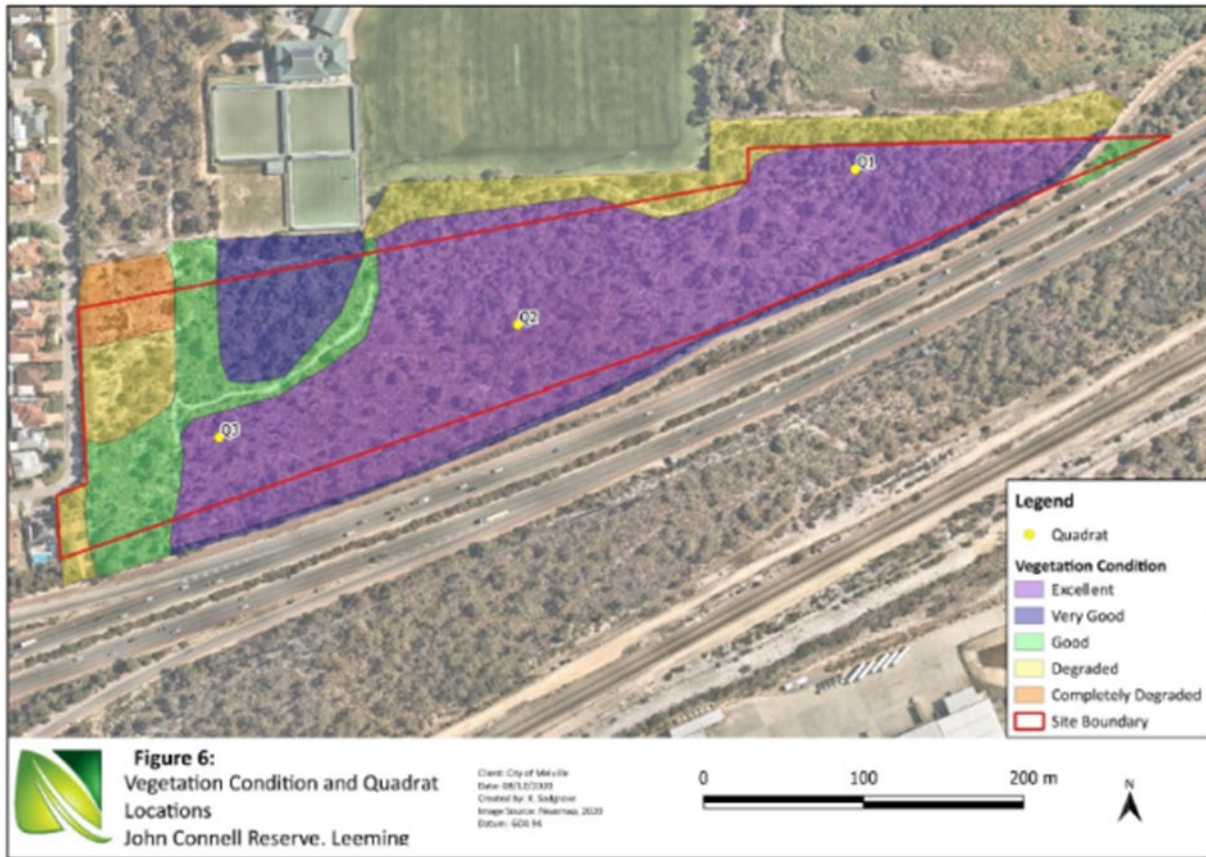
In addition to the Flora, Vegetation and Fauna Assessment of the area proposed to be cleared for the proposed oval extension, the consultants also undertook an assessment of the bushland to the south of the John Connell Reserve as shown in the below diagram.

The Flora, Vegetation and Fauna assessment report is attached for reference.

[3978 John Connell South Bushland Assessment](#)
[3978 John Connell Flora and Fauna Survey](#)

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENT)

City of Melville
John Connell Reserve – Threatened Ecological Community Assessment



The key outcome of the assessment of this section of bushland immediately to the south is classified as part of the Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community (TEC).

Clearing Permit Process

An application for a vegetation clearing permit from the Department of Water and Environment Regulation (DWER) would be required to accommodate the oval extension. It is understood that it is likely to take between 6 to 9 months to secure a vegetation clearing permit.

As noted previously, the adjacent bushland to the south of the area to be cleared for the oval extension is classified as Banksia Woodland Threatened Ecological Community (TEC). Any proposal that may impact on the classified TEC vegetation type would require referral to the Federal Government, Department of Agriculture Water and the Environment (DAWE) as to whether this area can be cleared or not under the *Environment Protection and Biodiversity Conservation* (EPBC) Act.

Although the area proposed to be cleared for the proposed oval extension ranges from 0.6ha (minimum) to 0.9ha (maximum) and therefore may not trigger the minimum 1ha. clearing area, DWER may choose to refer the application to the Federal Department for assessment due to the proximity of the Banksia Woodland TEC immediately to the south. A referral to the Federal Department for assessment under the EPBC Act is likely to take 12 to 18 months for a decision.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENT)

DWER recognises that timing of surveys is important and may require additional surveys if considered necessary and at specified times to capture known declared rare flora species that may occur at the location. The initial flora survey commissioned by the City was undertaken in November 2020 (late spring) and a follow up survey in mid-spring was undertaken in October 2021, however it is possible that DWER may request that a further survey (e.g. late winter or early spring) be undertaken to ensure that no declared rare flora will be impacted.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The preparation of the John Connell Reserve Masterplan is about to commence and will involve a comprehensive and structured stakeholder engagement plan, similar to that undertaken for the Attadale Alfred Cove Foreshore Master Plan project. Although there is support amongst sporting associations and clubs consulted to date for the vegetation clearing to facilitate the oval extension, the City has not canvassed the wider community for feedback on the proposal and there may be some community opposition from an environmental perspective.

There are a number of options available in regards to stakeholder engagement associated with the oval extension proposal.

- ***Option 1 – Undertake the consultation as part of the Masterplan and initiate a vegetation clearing application should the information gathered and analysis justify this for the oval extension prior to completion of the Masterplan.***

This is an option that could fast track the vegetation clearing application process, prior to the finalisation of the Masterplan, should the information gathered an analysis of data during the development of the Masterplan demonstrate support for this action.

- ***Option 2 –Undertake a separate consultation exercise for the oval extension proposal outside of the Masterplan consultation process.***

This is not preferred as separate consultation exercises undertaken at a similar time may create confusion in the community and negatively impact on the outcome of either or both stakeholder engagement activities.

- ***Option 3 – Do not undertake wider community consultation and progress the vegetation clearing application process based on the support expressed by stakeholders and sporting clubs that utilise the reserve***

This is the least preferred option as in is not consistent with the City's values and good practice stakeholder engagement. In addition, it does not promote transparency and openness in the decision making process, which was one of the community concerns raised with respect to the Wave Park proposal.

II. OTHER AGENCIES / CONSULTANTS

The Department of Water and Environment Regulation (DWER) will need to be consulted and approve the vegetation clearing permit application.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

A Vegetation Clearing Permit will be required to enable the removal of vegetation associated with the oval extension in accordance with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

FINANCIAL IMPLICATIONS

The fee for submitting a vegetation clearing application to DWER is \$600.

Initial estimates from the ARIS indicated the implementation of the John Connell Reserve Masterplan to be approximately \$2.1 million, including the additional oval. This estimate was provided in 2020 pre-COVID and without detailed site investigations. A separate cost estimate would be required to determine current costs of the oval extension works as a separate project.

The Federal ALP candidate for the Seat of Tangney (Sam Lim) has committed to contribute \$650,000 to the Clubs for the oval extension if successful in the upcoming Election.

Any remediation works of the former tip site that could possibly occur as a result of the oval extension project would be funded by the City's Refuse Facilities Reserve.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk*	Risk Treatment
Opportunity will be lost to conduct a thorough review of the entire John Connell Reserve if the process to commence with the clearing permit is given.	Moderate consequence and almost certain, resulting in a High level of risk	Follow the Master planning process which may identify other options for the provision of additional active playing grounds.
Clearing of bushland to accommodate additional sporting infrastructure may create community opposition on environmental grounds or if considered in advance of the Masterplan process.	Moderate consequence and almost certain, resulting in a High level of risk	Adequate community engagement occurs to ensure any environmental or other concerns acknowledged. Proactive revegetation program implemented as part of the oval extension project if progressed.
To not progress with the clearing permit process as any delays would impact the Clubs desire to expand the playing surfaces in the desired timeframe.	Moderate consequence and likely, resulting in a High level of risk	Submit clearing permit application to DWER.
City will lose ownership of the clearing permit application and construction process if authority given to the Clubs to manage these processes and risks.	Moderate consequence and likely, resulting in a High level of risk	City manages the process and associated risks.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENT)

POLICY IMPLICATIONS

The key policies related to this report include:

- Urban Forest and Green Space Policy (CP-102) – To protect, preserve and enhance aesthetic character and realise the benefits of trees and vegetation
- Physical Activity Policy (CP-028) – To increase opportunities for physical activities and improve health and wellbeing of the community
- Improving Public Spaces Policy (CP-103) – To improve liveability, quality, useability, amenity and safety of public spaces

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Alternative Option 1 – Club manages vegetation clearing permit and construction works

This alternative involves the Club managing the vegetation clearing permit process with a yet to be determined community consultation process. This option would meet the Clubs desire to progress with the vegetation clearing permit application in a suitable time frame and give them assurance the Council is committed to the oval expansion proposal.

There are potential risks associated with this option related to the quality of required documentation for various applications, approvals and plans, adequate coordination and management of work activities (design, planning, contractual, cost controls) and achievement of compliance requirements.

Alternative Option 2 – Undertake separate community consultation for the vegetation clearing application process

This alternative would involve the City progressing a separate community consultation process in regards to the vegetation clearing for oval extension prior to, or in parallel with, the Masterplan consultation process. This would allow the City to gain an understanding of broader community sentiment related to the oval extension proposal prior to the lodgement of a vegetation clearing application. The City could progress with a vegetation clearing application in a shorter timeframe compared to consideration as part of the more comprehensive Masterplan community consultation and report preparation process, which is likely to take 12 to 15 months.

Initiating a separate community consultation exercise for the vegetation clearing proposal does present some risks and may cause confusion in the community, as the outcome may potentially conflict with the broader Masterplan objectives and disenfranchise members of the community who do not support the oval extension but are keen to be involved in the Masterplan community consultation process.

CONCLUSION

The Clubs for a number of years have been seeking to extend their facilities and playing grounds to meet the needs of the increasing numbers of participants, particular in regards to woman's teams. Allowing the group to manage the clearing permit process and construction works may meet the Clubs desire for the extension project to be completed in the shortest possible timeframe, but presents a range of issues and risks that the City would need to manage.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENT)

Although there is support amongst sporting groups for the oval extension and associated vegetation clearing, there may be concerns raised by other stakeholders and members of the community yet to be consulted regarding environmental impacts and other issues.

The Masterplan process would investigate the entire John Connell Reserve as a whole and may present other opportunities for additional oval developments which may in fact be a better result for the club and the area in the longer term. The outcomes of the Masterplan are yet to be determined and will benefit from broader consultation and engagement with the community, key stakeholders and State agencies

Consideration also needs to be given to the fact that the outcome of the Federal election is unknown and the funding committed by the Federal ALP candidate for the Seat of Tangney may not be forthcoming if not successful in the election. If Federal funding is not available and the clearing permit is approved, it is assumed the City would be required to fund any development of the site in the coming financial years.

The officers recommendation is that the John Connell master planning process is initiated before any decision is made on the oval extension and vegetation clearing application.

There is the option to instigate the vegetation clearing application process prior to the completion of the Masterplan, should there be a demonstrated need for an additional oval at this location to justify this course of action based on the information gathered and analysis of data undertaken during the Masterplan development. Alternatively, Council could resolve to undertake a separate consultation exercise for the vegetation clearing application to fast track the oval extension proposal, noting that this is not recommended by the officers given it may create confusion in the community and potentially undermine the Masterplan stakeholder engagement process.

OFFICER RECOMMENDATION (3978)

REFUSAL

That the Council:

- 1. Not proceed immediately with the initiation of a vegetation clearing application for the oval extension as requested by the Clubs and considers the oval extension proposal and associated vegetation clearing as part of the John Connell Master Plan.**
- 2. Advise the Clubs that it is the City's preference to manage the vegetation clearing application, planning, design and construction works associated with the oval extension, should this proceed.**

T22/3985 – RFT 212225 CHANGE ROOM UPGRADE MARMION RESERVE (REC)
(CONFIDENTIAL ATTACHMENT)

Ward : Central
 Category : Operational
 Subject Index : Tender
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Capital Works Budget
 Responsible Officer : Mario Murphy – Manager City Buildings

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

T22/3985 - RFT 212225 CHANGE ROOM UPGRADE MARMION RESERVE (REC)
(CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

To recommend the acceptance of a tender submitted for the change room upgrades at Marmion Reserve.

BACKGROUND

The City of Melville ("City"), is seeking a suitably qualified and experienced Contractor to undertake the refurbishment of the existing change room at Marmion Reserve.

DETAIL

Qualitative scores were achieved by joint agreement of the evaluation panel members at the evaluation meeting after each panel member had scored the submission individually. The City set five qualitative criteria for this Request, being:

- Demonstrated Experience;
- Key Personnel;
- Environmental Sustainability;
- Aboriginal Business or Disability Enterprise;
- Methodology.

The Evaluation Panel reviewed all Respondents' offers and prepared an Evaluation Report, identifying recommended Respondents.

The recommendation was supported by the Contract and Tender Advisory Unit (CTAU) and is put forward as part of the recommendation to the Council.

The Evaluation Report and associated confidential attachments were distributed to Elected Members under confidential cover.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No stakeholder engagement has been required or undertaken for this tender.

II. OTHER AGENCIES / CONSULTANTS

No external agencies or consultants were required or engaged for this tender.

**T22/3985 – RFT 212225 CHANGE ROOM UPGRADE MARMION RESERVE (REC)
(CONFIDENTIAL ATTACHMENT)**

STATUTORY AND LEGAL IMPLICATIONS

Local Government (Functions and General) Regulations 1996 Section 3.57 11 (1)

"A Local Government is required to invite tenders before it enters into a contract for another person to supply goods or services".

Delegated Authority – DA-117 Authority to Sign Documents will be exercised to execute the Contract.

FINANCIAL IMPLICATIONS

As detailed in confidential attachment, the total estimated cost of the upgrade project includes a contingency and should this be required to be fully drawn upon, a future budget amendment will be required.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic Implications of these works relate only to the consequences of not procuring the Services through a tender, the WALGA Preferred Supplier Program or another Local Government, which would result in the City being in breach of the *Local Government (Functions and General) Regulations 1996*.

There are no residual risk implications following the invitation and evaluation process conducted for this item.

POLICY IMPLICATIONS

CP-023 Procurement of Products or Services.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options have been identified.

CONCLUSION

The CTAU is satisfied that the recommended respondent has demonstrated that they have relevant experience, necessary key personnel and follows a methodology in line with the City's expectations.

**T22/3985 - RFT 212225 CHANGE ROOM UPGRADE MARMION RESERVE (REC)
(CONFIDENTIAL ATTACHMENT)**

OFFICER RECOMMENDATION (3985)

APPROVAL

That the Council:

- 1. Accept the recommendation as contained in the Confidential Attachment –RFT212225 Contract and Tender Advisory Unit Minutes, and**
- 2. Upon resolution the recommendation, directs that the successful respondents' names be inserted below this point 2, awarded;**
- 3. Note that should the contingency sum be fully required, a future budget amendment will be presented to the Council, with funding to come from the Community Facilities Reserve.**

Urban Planning

This Item was deferred at the Ordinary Meeting of Council held 15 February 2022, pending the consideration of Local Planning Policy LPP 3.1 Residential Development. This policy was considered at the Ordinary Meeting of Council held 17 May 2022.

P22/3963 – PETITION – FENCE AT 44 ARDROSS STREET APPLECROSS WA 6153 (REC)

Ward : Applecross – Mount Pleasant
 Category : Operational
 Application Number : Not applicable
 Property : 44 Ardross Street, Applecross WA 6153
 Proposal : Consideration of petition.
 Applicant : Not applicable
 Owner : M A Dillon and J Dillon
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning
 Previous Items : [Item 13.1 Petition Fence 44 Ardross Street Applecross – Ordinary Meeting of Council held 14 December 2021 pg 21](#)

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
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<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

P22/3963 – PETITION – FENCE AT 44 ARDROSS STREET APPLECROSS WA 6153 (REC)

KEY ISSUES / SUMMARY

- At the Ordinary Meeting of Council, December 14 2021, a petition signed by 454 residents and 73 non-residents was presented.
- The petition relates to the unauthorised construction of a front fence at 44 Ardross Street. The fence in question was constructed contrary to the conditional requirements of DA-2015-1317 and as such a compliance investigation was initiated.
- As a result of the compliance investigation, a Development Application (DA) to retain the front fence as constructed was received.
- This DA was refused, after which a second amended DA was received to retain the front fence with modifications. This was also refused consent, resulting in an appeal to the State Administrative Tribunal (SAT).
- The appeal to the SAT resulted in a mediated outcome and a Section 31 reconsideration to retain the fence subject to certain conditions which require an increase in the levels of visual permeability provided for by the fence.
- These changes were the subject of agreement with the applicant and owner, and formed the basis of the development approval issued by the City at the conclusion of the SAT appeal process in November 2021.
- After the conclusion of the SAT process, the petition was received. This requests that the unauthorised front fence be allowed to be retained, and that Council exercise its discretion to approve the fence as constructed without further modification.
- The petition was the subject of consideration at the Ordinary Meeting of Council held 14 December 2021, at which the officer recommendation was to acknowledge the petition.
- Council resolved that *the petition bearing 454 signatures of residents and 73 signatures of non-residents be acknowledged, and a report presented to the Ordinary Meeting of Council in February.*

OTHER AGENCIES / CONSULTANTS

Not Applicable

STATUTORY AND LEGAL IMPLICATIONS

Not Applicable.

FINANCIAL IMPLICATIONS

Not Applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not Applicable.

P22/3963 – PETITION – FENCE AT 44 ARDROSS STREET APPLECROSS WA 6153 (REC)

COMMENT

The City received the petition regarding the front fence at 44 Ardross Street, Applecross on 10 December 2021. The petition was submitted by the owner of 44 Ardross Street, and was accompanied by a letter to the Chief Executive Officer (CEO) which in summary suggests that acceptance of the mediated outcome agreed by the owner as part of the SAT appeal process, was in fact not accepted and was made under duress.

The accompanying petition seeks that the Council (City)

“exercise its discretion to approve the retrospective application for the fence as constructed. It cites the following as justification to support the desired outcome:

Removing or lowering the fence would eliminate all the privacy that the owners have from the busy street traffic and from the neighbouring cafes which get extremely busy. As the house is also located on a roundabout, the fence acts as a safety precaution and also stops any bright headlights beaming into the house at night-time. If holes or slits were cut into the wall, it would weaken its structure, which could become a potential safety hazard. There are also numerous homes in the surrounding streets with walls that are higher and less permeable than these walls. The house and fence, along with the newly installed artwork provide distinction and character to the street corner and forcing the owners to tear down the wall simply in order to enforce a one size fits all rule destroys individualism and freedom.”

Whilst the purpose and intent of the petition and accompanying letter are acknowledged, in the absence of a current DA for the approval of the fence as constructed, there is no discretion to be applied, and the justification offered by the petition for such discretion to be applied does not exist.

It is noted that the requirement for the City to consider and determine a Section 31 application for the fence as directed by the SAT was duly completed on 26 November 2021. The direction of the SAT to the City to reconsider the planning application represented the culmination of the SAT facilitated mediation process, and was made possible after the mediation process facilitated by the SAT and involving the City's Officers, the owner of the property, and his professional consultants including planning consultants and his architect, reached an agreement as to how the fence could be modified to meet the requirements of the City whilst satisfying the domestic requirements of the property owner. The development approval issued on 26 November 2021 requires that the fence be amended in accordance with the agreed and approved details within 90 days of the date of the decision, i.e. by 24 February 2022. The decision issued also informed the owner/applicant that there is a right of review to the SAT within 28 days of the approval issue date, i.e. on or before 24 December 2021. No such application for review was lodged by the applicant/owner within the prescribed time, in which case it is the City's expectation that the works to modify the fence will be completed within the prescribed 90 day period.

The issues that surfaced in respect of the front fence as constructed at the property are essentially that it fails to meet both the deemed to comply provisions and the design principles of the R Codes Volume 1, Part 5, Clause 5.2.4 Street walls and fences, as amended by Local Planning Policy LPP 3.1 Residential Development Part 4, Fences and Street Walls. The requirement that the front fence at the subject property meet with the R Codes and Local planning policy was imposed at the time of the initial approval of the two storey dwelling at 44 Ardross Street, wherein it stated at Condition 2 that:

P22/3963 – PETITION – FENCE AT 44 ARDROSS STREET APPLECROSS WA 6153 (REC)

Any street walls and fences (including the height of any retaining walls) constructed within the front setback area shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 5.2.4 C4 of the Residential Development policy to the satisfaction of the Manager Statutory Planning.

In practice upon construction the front fence at the property was built as an effectively solid structure with no such visual permeability, contrary to the City's Local Planning Policy, and inconsistent with the associated design principles of the R Codes. This breach of the City's Local Planning Policy was responded to in the same way as numerous other such breaches in an effort to ensure that the requirements of the City's Local Planning Policy are met.

In that respect it is noted that the City applies a consistent approach to ensuring planning compliance, and it was important in this case that the same objective of compliance be achieved given numerous other non-compliant front fences throughout the City have been brought into compliance. In working through a mediation process at the SAT with the property owner and his professional representatives, compliance with the design principles of the R Codes is however now seen to be achieved.

It is noted that when the matter of this petition was considered by Council in December 2021, an advice note prepared by officers provided Council with the background to the matters raised by the petition, and included specific advice that there is no matter with the exception of this petition before the City or Council for consideration. On that basis it was recommended that the details of the petition simply be acknowledged.

Concern was however expressed at the Council meeting that no detailed report was presented to Council, and that the residents (owners of 44 Ardross Street) should be offered the opportunity to have the details of their retrospective application presented to Council for debate and decision.

In this case however, as was advised by the Advice note from officers, there is no DA under consideration, hence the petition has no specific rationale. In addition, without a current DA, there is neither need nor opportunity for the matter to be presented to Council for debate and decision, there being no decision at stake.

Advice Note

The petition received in respect of the front fence at 44 Ardross Street was deferred by Council pending the outcome of the review into Local Planning Policy 3.1 Residential Development. The review of the policy is now complete, and there were no changes introduced that would affect the position of the City in respect of the unauthorised front fence at 44 Ardross Street, and the requirements to amend the front fence in accordance with the planning approval granted after the matter was considered by a mediation process facilitated through the State Administrative Tribunal.

In view of this, it is recommended that the Council note the petition, and advise the lead petitioner that the issues raised by the petition have been considered through the SAT mediation, and via the approval by the City of an amended application lodged to the City under the provisions of Section 31 of the SAT Act which requires that the front fence be made more visually permeable in accordance with the requirements of the Residential Design Codes and Local Planning Policy.

P22/3963 – PETITION – FENCE AT 44 ARDROSS STREET APPLECROSS WA 6153 (REC)

CONCLUSION

The petition in question requests action from the City and/or Council in respect of a development application for which the assessment and decision making process has reached its conclusion. Given this, such action cannot be taken, and as such it is recommended that the petition be acknowledged, and a letter provided to the lead petitioner (property owner) explaining the inability for the City or Council to consider the matter further in the absence of a current DA.

OFFICER RECOMMENDATION (3963)

REFUSAL

That the Council endorse the following actions:

- a) Acknowledge the receipt of the petition, and**
- b) Provide an explanation in writing to the lead petitioner of the reasons why the petition requests cannot be satisfied.**

P22/3984 – CONSIDERATION OF SUBMISSIONS: AMENDMENT NO.14 TO LOCAL PLANNING SCHEME 6 – REZONING NO.45-47 CANNING BEACH ROAD, APPLECROSS (REC) (ATTACHMENT)

Ward : Applecross – Mount Pleasant
 Category : Strategic
 Application Number : DA- 2022-34
 Property : 45-47 Canning Beach Road, Applecross
 Proposal : Request for Scheme Amendment – rezoning No.45-47 Canning Beach Road, Applecross from R12.5 to R30

Applicant : LK Advisory
 Owner : Mrs KJ Behets - Lot 52 (No.45) Canning Beach Road, Applecross
 Mr G Ferguson - Lot 166 (No.47) Canning Beach Road, Applecross

Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.

Previous Items : Item P21/3902: Ordinary Meeting of Council 16 March 2021 Request for Scheme Amendment – Rezoning No.45-47 Canning Beach Road, Applecross from Residential R12.5 to Residential R30.
 Item P22/3964: Ordinary Meeting of Council 15 February 2022 Request for Scheme Amendment – Rezoning No.45-47 Canning Beach Road, Applecross from Residential R12.5 to Residential R30.

Responsible Officer : Gavin Ponton
 Manager Strategic Urban Planning

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
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<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

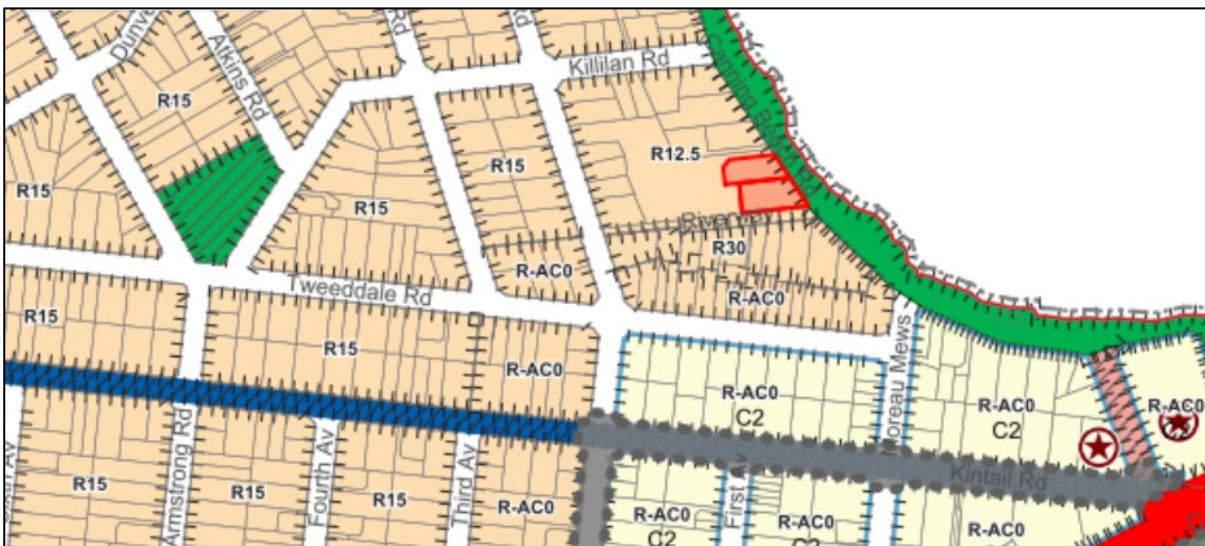
P22/3984 – CONSIDERATION OF SUBMISSIONS: AMENDMENT NO.14 TO LOCAL PLANNING SCHEME 6 – REZONING NO.45-47 CANNING BEACH ROAD, APPLECROSS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- An application for a scheme amendment was received in January 2022 to rezone Lot 52 (No.45) and Lot 166 (No.47) Canning Beach Road, Applecross (site) from Residential R12.5 to Residential R30.
- This item was previously considered at the Ordinary Meeting of the Council in March 2021 at which time Council refused the request to initiate the amendment (P21/3902). The applicant has resubmitted the application for reconsideration with additional supporting information.
- The Council initiated the current request for rezoning at its Ordinary Meeting held on 15 February 2022.
- The proposed amendment was advertised for 42 days and 28 submissions were received on the proposal, 18 supporting the proposal, nine objecting to the proposal and one neutral (in the form of advice).
- The site's proximity to the Canning Bridge Activity Centre, the adjacent Residential R30 zoning and the existence of the aged care facility provide support to the notion of an up-coding.
- Review of the residential density coding on the subject lots is considered to be best undertaken as part of a more comprehensive review of the locality.
- It is recommended that the amendment be refused at this point in time but be re-considered as part of the current review of Local Planning Scheme 6.

BACKGROUND

An application was received in January 2022 requesting that Lot 52 (No.45) and Lot 166 (No.47) Canning Beach Road, Applecross be rezoned from Residential R12.5 to Residential R30.



LPS6 zoning map of subject site and surrounds

P22/3984 – CONSIDERATION OF SUBMISSIONS: AMENDMENT NO.14 TO LOCAL PLANNING SCHEME 6 – REZONING NO.45-47 CANNING BEACH ROAD, APPLECROSS (REC) (ATTACHMENT)

The supporting report from the applicant provides the following information for the requested recoding from R12.5 to R30.

- a) *The subject land is within close walking distance to a range of local amenities and benefits from some of the best public transport accessibility outside the Perth City Centre, as demonstrated by the 2016 SNAMUTS analysis.*
- b) *The Amendment will facilitate an innovative housing typology to contribute to a greater diversity of housing stock, enabling opportunities for residents to age in place while maintaining continuity of lifestyle.*
- c) *The proposed 'apartment houses' on No. 47 Canning Beach Road will resemble a large single dwelling sympathetic in style and form to other low-density housing in the locality.*
- d) *The owners of No. 45 Canning Bridge Road and the HCACF facility are supportive of the proposed Amendment.*
- e) *The existing home on No. 47 Canning Beach Road is declining in condition and nearing the end of its life. Demolition of the home and construction of a new home at the R12.5 coding would likely yield another large two or three-storey single dwelling, contributing to an already abundant and over-represented type of housing stock in the area, entirely inconsistent with the objectives of the LHS.*
- f) *The new HCACF facility significantly increases the built form and land-use intensity in the immediate context of the subject land. Therefore, the proposed 'apartment houses' provide an appropriate interface by matching the built form and scale of the HCACF facility in an ideal location while simultaneously achieving the objectives of the LHS. Furthermore, the development will screen the HCACF from the view of the public realm.*
- g) *The subject land is ideally suited to an R30 coding due to its proximity to the CBACP and the Swan River foreshore, nearby public open space, high-frequency bus services, and the passenger rail line.*
- h) *The proposed 'apartment houses' location and design will not adversely affect streetscape character, the amenity of adjoining properties, or the broader area as the proposed development is specifically designed to integrate with the built form character of the streetscape.*
- i) *There is ample capacity in existing infrastructure and services to accommodate the proposed density increase.*
- j) *The proposed dwelling yield of three 'apartment houses' on No. 47 Canning Beach Road is equivalent to the minimum and average lot sizes under the R20 density code.*
- k) *The Amendment provides a low-risk opportunity for the City to consider a new and innovative type of housing in an ideal location, thereby contributing to a greater variety of housing typologies to satisfy the needs of residents in all stages of life.*
- l) *The Amendment aligns with each of the applicable initiatives in the Local Housing Strategy and satisfies the relevant criteria for minor increases to density.*

**P22/3984 – CONSIDERATION OF SUBMISSIONS: AMENDMENT NO.14 TO LOCAL PLANNING SCHEME 6 – REZONING NO.45-47 CANNING BEACH ROAD, APPLECROSS
(REC) (ATTACHMENT)**



Subject properties outlined in Red.

[3984 Attachment 1 Applicant Scheme Amendment Report](#)

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R12.5
Use Type	: Not Applicable
Use Class	: Not Applicable

LPS6 was gazetted on 27 May 2016 and is the statutory tool to implement the City's Local Planning Strategy. The Scheme is currently under review.

SITE DETAILS

The subject lots front Canning Beach Road to the north of Riverway.

The site is located 50m north of Canning Bridge Activity Centre (CBAC) and has good access to public transport with bus routes 148 and 158 running along Kintail Road 200m south, various bus routes running along Canning Highway 400m south and Canning Bridge Train Station less than 1km to the east.

The properties to the north along Canning Beach Road are zoned Residential R12.5 and consist of large single dwellings.

**P22/3984 – CONSIDERATION OF SUBMISSIONS: AMENDMENT NO.14 TO LOCAL PLANNING SCHEME 6 – REZONING NO.45-47 CANNING BEACH ROAD, APPLECROSS
(REC) (ATTACHMENT)**

The properties to the south, located between Riverway and Canning Beach Activity Centre, are zoned Residential R30.

To the west, also in the Residential R12.5 zone, a three- four storey aged care facility This lot has an area of 6735sqm and has access from Carron Road (west) through to Canning Beach Road (east) and south along Riverway.



Subject properties with No. 47 to the left and No. 45 to the right

DETAILS

The proposed amendment was initiated by the Council at its Ordinary Meeting held on 15 February 2022.

The proposed amendment was advertised for 42 days. The City has engaged with the community via Melville Talks on the City of Melville website, via a newspaper advertisement and via letters to all properties within the immediate area.

In total 28 submissions were received. Eighteen submissions supported the rezoning, nine were in support and one provided comments / observations. A summary of the issues raised in the submissions is provided in the table below.

Summary of Submissions

Comment supporting the Amendment	Comments Opposing the Amendment
R30 suits this location being on the foreshore and the higher density in the surroundings.	Concerned the proposal will set precedent and give rise to further potential rezoning requests outside of current approved areas. If approval for such rezoning occurred, concerned that license for further amendments to original amenities will not be controlled sufficiently

P22/3984 – CONSIDERATION OF SUBMISSIONS: AMENDMENT NO.14 TO LOCAL PLANNING SCHEME 6 – REZONING NO.45-47 CANNING BEACH ROAD, APPLECROSS (REC) (ATTACHMENT)

Comment supporting the Amendment	Comments Opposing the Amendment
<p>The amendments as outlined are in line with the development throughout other parts of the City of Melville. The proposal is upmarket and stylish.</p>	<p>Higher density is already allowed for within the CBAC. Allowing increased density at 45 & 47 Canning Beach Road would not be consistent with the desired character of the locality. If approved, the development would cause a further increase in traffic. We and other residents choose this area to live in because we have a preference for the larger block sizes and hence the lower density and this should not be taken away from us</p>
<p>This is a sensible amendment considering the development directly the rear of the applicant properties.</p>	<p>The amendments will further increase higher density living in an area that will have traffic congestion due to increase in high rise buildings.</p>
<p>This is a good concept for the area transitioning from the high rise nearer Raffles and the nursing home to single dwellings down our end of Canning Beach Road but I would not want to see the zoning changed any further along Canning Beach Road at this point.</p>	<p>The amendments equate to further high density living in an area where traffic congestion has already become a major issue for residents exiting onto Canning Highway via Canning Beach Road and Kintail Road due to the recent increase in high rise buildings immediately to the north-west of Canning Bridge which is a point of congestion in its own right without having to accommodate further traffic movements.</p>
<p>The existing house is an eyesore, it's deteriorating and needs to be demolished. It will be lovely to see a new development in place.</p>	<p>Fully oppose any further extension to the current area that allows a higher density in residential and commercial properties. While there is a suggestion that there is infrastructure to support increased density, what is more important to consider, is the impact of this on the local residents and their way of life – increased traffic, congestion, lack of parking, loss of river views to properties that currently have them and whose designs were set on zoning at the time.</p> <p>The City have set the precinct, please stick with your original decision. To not, will see the destruction of Applecross as a residential area. If this change is made, a precedent will be set. A suggestion – focus your attention and efforts to find occupants for the plethora of apartments that are still empty or have not been sold to date.</p>

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Comment supporting the Amendment	Comments Opposing the Amendment
<p>I will not be impacted at all by the amendments it will be aesthetically pleasing to the eye due to the current house (dwelling) being more than 40 years old. I cannot see any impact but a positive one. What is more worrisome is the six story apartments close by with more than 30 apartments in them. This is a lot more of an impact to our streets than the proposal being put forward.</p>	<p>Support the initial Council decision in 2021 and oppose the application for rezoning at this point in time for the following reasons.</p> <ol style="list-style-type: none"> 1. There is no demonstrated need or public benefit from the expansion of the R30 zone at this stage and 2. No planning urgency has been demonstrated and 3. Matters of local zoning would be best considered along with other current planning issues in the immediate locality and 4. Much of what the applicants have submitted in order to overturn the Council's decision of 2021 and in support of this reapplication is irrelevant from a planning perspective and; 5. Despite the apparent efforts in the application to suggest that a particular supposedly desirable development would eventuate there can be no certainty about the post rezoning outcomes and 6. The application is in conflict with the intent of the Local Planning Strategy section 3.8 regarding the river foreshore areas
<p>We support the proposed amendment on the basis that it will result in a more appropriate and better utilisation of the property site.</p>	<ol style="list-style-type: none"> 1. Our beautiful Swan River foreshore should be protected from multi story buildings along the river. The RIVIERE multi story is setting a precedent that shouldn't be allowed to continue. 2. Should lot 45 and 47 blocks be giving the rezoning go ahead ,then perhaps lot 30 Opal nursing home will apply for a rezoning to R 30 too. 3. Our Riverway is a very small road and it will be overloaded from the new Nursing Home traffic we don't want this to escalate with more traffic from future multi story planning.

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Comment supporting the Amendment	Comments Opposing the Amendment
<p>I support the Zoning to be changed to meet the owner’s request which helps developing the area for better.</p>	<p>We support all of the points stated in: OFFICER RECOMMENDATION (3964) REFUSAL. Submitted at the ordinary Council Meeting dated 15 February 2022 We are saying no to the rezoning proposal.</p>
<p>We need some of these old homes rebuilt</p>	<p>Increased residential density resulting in the potential increased usage of the freehold 30 Carron Road access leg abutting the northern boundary of 45 Canning Beach Road. Any potential for increased usage or increased access of Applecross Shore Care Community land for private benefit is not supported.</p>
<p>I support a modest increase in density on Canning Beach Rd. An architecturally designed three storey development will enhance the aesthetic in the locality which is still populated with too many old residences on large blocks. I will not be affected overly by the development other than enjoying an improved streetscape when I’m in the area.</p>	<p>The likely amenity impacts the residents in the Care Community as a result of more intense development scenarios that are implied by an increased density coding of R30 including, but are not limited to, building size (site cover), building bulk, scale, setbacks, parking, privacy, acoustic, access and traffic implications, could negatively impact the amenity to the residents within the Care Community and on a wider view, the character of the locality.</p>
<p>The owners of properties adjacent to 45-47 Canning Beach Rd, support Scheme Amendment No.14 and request it is expanded to include: 39, 41, 43 & 43A Canning Beach Rd.</p>	<p>The removal of 6m rear setback requirements under R12.5 would have significant building bulk impact to the Applecross Shore Care Community.</p>
<p>Has minimal impact on the amenity of the local surrounds and is in keeping with canning bridge re development</p>	<p>The fundamental inability of the spot rezoning amendment to satisfy the objective of orderly and proper planning of the locality. Rezoning of a residential area should only be considered as part of a wider strategic exercise under review of a local planning scheme and / or the Canning Bridge Activity Centre. Consideration of this amendment would provide precedent and basis for further zoning creep which would further impact the character of the locality and Applecross Shore Care Community as a result of associated built form and density considerations.</p> <p>The uncertainty of the Medium Density Code and suggestion that this could imply an additional yield of two dwellings across the site, as well as modified development control imposing potentially more significant built form requirements.</p>

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An additional submission was received requesting the entrance to Canning Beach Road on the corner of Kintail Road be re-opened. Full details of the results of advertising are available in the schedule of submissions.

[3984 Attachment 2 Schedule of Submissions](#)

STAKEHOLDER ENGAGEMENT

Advertising Required: Yes

I. COMMUNITY

The amendment to LPS6 is a 'standard' scheme amendment and therefore is required to be advertised for a minimum of 42 days as per the *Planning and Development (Local Planning Schemes) Regulations*.

Amendment 14 was publicly advertised from 31 March to 12 May 2022.
Submissions received are documented in this report.

II. OTHER AGENCIES / CONSULTANTS

The application was referred to the Environmental Protection Authority (EPA) in accordance with Section 81 of the *Planning and Development Act 2015*. The EPA has advised that the proposed Amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 and that it is not necessary to provide any advice or recommendations.

The following relevant agencies were also consulted on the proposed amendment: WAPC, Swan River Trust, Department of Biodiversity, Conservation and Attractions, Water Corporation, Western Power, Telstra, At-co, Department of Education and Department of Communities. No comments have been received.

STATUTORY AND LEGAL IMPLICATIONS

The process undertaken is being followed as per LPS6 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The amendment was initiated by Council in February, including the commencement of advertising. Following advertising, all submissions are reported to Council for consideration (current step). The resolution from Council will then be forwarded to the Western Australian Planning Commission (WAPC) and subsequently the Minister for Planning for determination.

Notwithstanding Council's decision with regard to determination of submissions and progression of the Amendment, the Minister for Planning has the final decision in regard to this Amendment.

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FINANCIAL IMPLICATIONS

There are no financial implications with this request.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The City's Local Planning Strategy seeks to provide for greater intensity of development within activity centres and along key transport corridors and to leave suburban residential areas relatively unchanged. The amendment to up-code two properties is inconsistent with the City's strategic goals of the Local Planning Strategy. Progressing a single scheme amendment independently of the comprehensive LPS6 review may create uncertainty and set unrealistic expectations for the community.

Risk Statement & Consequence	Level of Risk	Risk Treatment
Unsuitable modification to LPS6 as a result of the process occurring without comprehensive and wide investigation of opportunities and issues.	Moderate consequences which are likely, resulting in an High level of risk	It is recommended that applications for rezoning are resolved as part of the process to be employed as part of the current LPS6 review.
Proceeding with the rezoning may create uncertainty and set unrealistic expectations for the community given the Council decision to initiate a review of LPS6.	Moderate consequences which are possible, resulting in a Medium level of risk.	Recommendation that Council does not proceed with the amendment and that it is considered as part of the current LPS6 review

POLICY IMPLICATIONS

There are no policy implications with this proposal.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may decide to adopt the scheme amendment. Under this option the scheme amendment would be forwarded to the WAPC with a recommendation that the amendment be approved. The WAPC and ultimately the Minister for Planning would make a final determination of the amendment. The decision reached may be an approval, a refusal, a direction to modify the amendment or a deferral of the amendment.

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COMMENT:

The Council direction to initiate the amendment and commence the statutory advertising period is noted. Advertising has resulted in a range of submissions both for and against the proposed changes.

Previous reporting to Council has noted that the sites the subject of the proposed scheme amendment have a number of unique characteristics which may warrant consideration of a higher R-Code. It is also acknowledged that this entire street block, and many of the nearby street blocks, may warrant consideration for a higher R-coding at some time in the future. It is recommended that these types of changes to the coding of residential land be considered comprehensively and holistically.

Council has commenced a review of LPS6, and whilst the review program will take some time, this process provides a suitable opportunity to comprehensively examine housing outcomes and R-codings across the City. In particular the review process will include an engagement phase aimed at understanding the local planning needs, aspirations and concerns of stakeholders across the City. This process will include detailed consideration of a range of issues and potential responses and provides opportunity to examine matters such as those identified in this scheme amendment advertising period.

The points below have previously been identified as reasons to not proceed with the scheme amendment at this time:

- The Local Planning Strategy is intended to be implemented in a strategic and measured way, focusing initially on development opportunities in the currently identified higher priority areas.
- LPS6 is a relatively new Scheme and it is considered that it would be premature to facilitate increase in dwellings or development potential without examining the wider locality.
- There is substantial medium to high density coded land in the vicinity to the south, and there is not considered to be a demonstrated short term need in the area for the requested rezoning.
- The proposal is in effect an incremental change in the R-coding of this street block. Whilst the characteristics of the street block are noted, the proposed amendment effectively creates a mid-block transition between the proposed R30 coding and remaining R12.5 coded land. Support for a spot re-coding may also encourage similar requests
- The condition of the applicants' houses and desire to explore different housing forms are noted but not considered grounds to support a change to the R-Code of the land.
- The review of LPS6 has now commenced. The review process provides a timely opportunity to consider the proposed amendment in a comprehensive manner. Now that the review process has commenced, it is particularly important that individual requests for changes to zonings or R-Codes be noted and considered comprehensively through the review program. The commencement of the review process has and will continue to prompt proposals for changes. These proposals are best steered into the review program.

Results of the advertising period have highlighted the need to consider changes to LPS6 in a comprehensive manner. As noted above, the subject properties, and potentially others in the locality, or across the City, may be well suited to a change in R-Code. At this stage however it is recommended that the scheme amendment not be supported and that the proposals be flagged for consideration in the current review of LPS6.

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OFFICER RECOMMENDATION (3984)

REFUSAL

That the Council, pursuant to Part 5 of the Planning and Development Act 2005, refuse to adopt Scheme Amendment No. 14 to Local Planning Scheme No. 6 and not support the requested change to the residential density coding from R12.5 to R30 at this time for the following reasons:

- a) A review of Local Planning Scheme 6 has commenced and the proposed amendment is best assessed as part of the comprehensive review program.
- b) The proposed rezoning represents an incremental change to portion of an existing street-block and is likely to have impacts on nearby properties which warrant further investigation.
- c) The advertising of the scheme amendment has identified concerns from nearby residents and these concerns warrant further investigation such as that available in a wider scheme review program.
- d) There is not considered to be a demonstrated short term need in the area for the requested rezoning to proceed outside of the wider review program.

15 MOTIONS WITH PREVIOUS NOTICE

16 MOTIONS WITHOUT PREVIOUS NOTICE (approval by absolute majority)

17 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC

18 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

19 CLOSURE