



City of
Melville

NOTES

AGENDA BRIEFING FORUM

6:30pm Tuesday, 13 May 2025

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

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

Notes to be confirmed at the next Ordinary Council Meeting

These minutes are hereby confirmed as true and accurate

Mayor K Mair

Date



Vision

Vibrant, Sustainable, Inclusive Melville

Mission

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

Values

In everything we do, we seek to adhere to our values that guide our behaviour.

- **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.

Our Approach

To put our customer at the centre of everything we do.



Social / Community	Environment	Built Environment	Economic	Governance
Healthy, Safe and Inclusive	Clean and Green	Sustainable and Connected Development	Vibrant and Prosperous	Good Governance and Leadership
Healthy, safe and inclusive communities with a sense of belonging and wellbeing.	A clean, green and sustainable City for current and future generations.	Sustainable, connected development and transport infrastructure across our City.	Economic prosperity and vibrant resilient communities and businesses.	Leadership and good governance for the benefit of the whole community.

Making A Deputation

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

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

Public Question Time

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

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

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Purpose of Agenda Briefing Forum

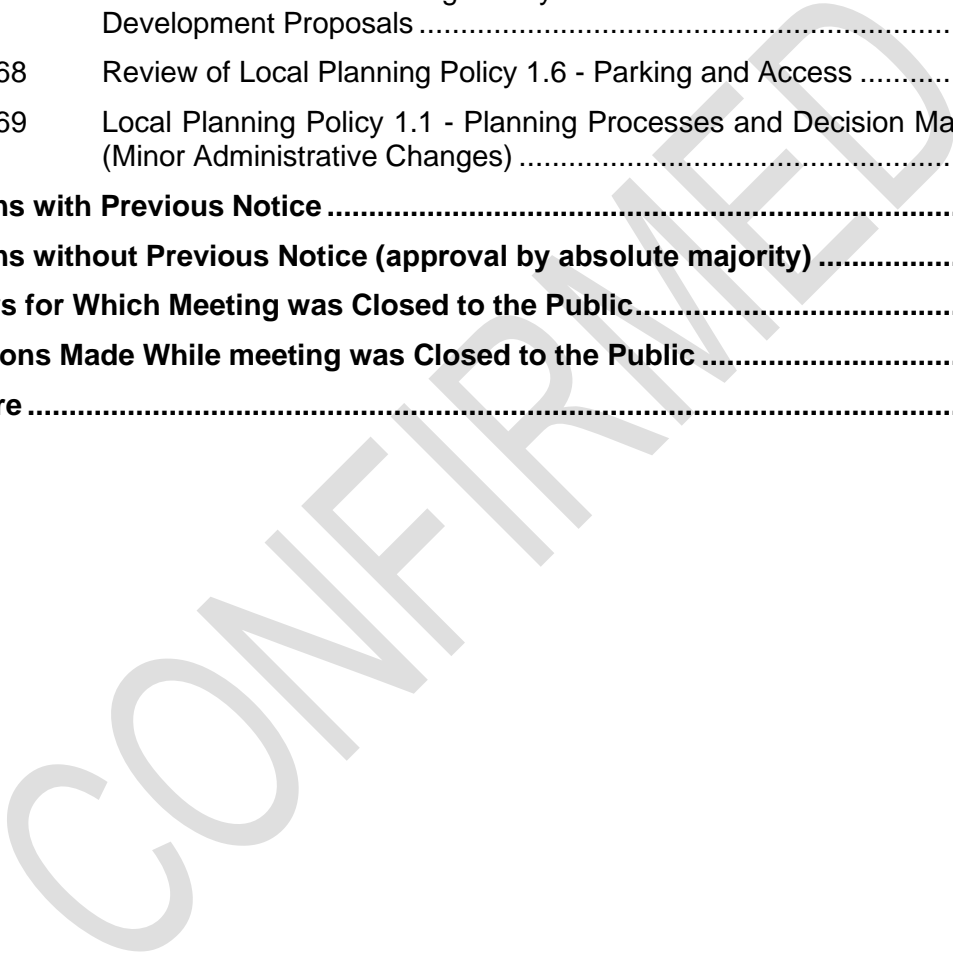
The purpose of this Forum is to provide an opportunity for Elected Members to ask questions and obtain additional information in respect to reports and items on the attached Council Agenda. It is not a decision making forum, nor is it open for debate on matters. Members of the public are able to present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

CONFIRMED

Contents

1	Official Opening	7
2	Attendance and Apologies	7
3	Declarations by Members.....	9
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	9
3.2	Declarations by Members who have received and not read the Elected Members Bulletin	9
4	Announcements by the Presiding Member (Without Discussion)	9
	Approved Deputations	9
	Approved Written Submission.....	9
5	Disclosure of Interest	9
5.1	Financial or Proximity Interests	9
5.2	Disclosure of Interest That May Cause a Conflict.....	9
6	Public Question Time	10
6.1	Questions Received with Notice	10
6.2	Questions Received at the Meeting	10
6.3	Questions Taken on Notice at Previous Meeting.....	10
7	Awards and Presentations	10
8	Applications for New Leave of Absence	10
9	New Business of an Urgent Nature.....	10
10	Identification of Matters for which Meeting May Be Closed	11
11	Petitions	11
12	Reports.....	11
12.1	Reports from Committees	11
12.2	Reports of the Chief Executive Officer	12
	Items Brought Forward.....	12
E25/67	Request for Removal of Street Tree - 21 Ferguson Street, Alfred Cove	12
	Management Services	15
	Corporate Services	16
C25/266	Investment Statements for March 2025.....	16
C25/267	Schedule of Accounts Paid for March 2025.....	16
C25/268	Statements of Financial Activity for March 2025.....	17
C25/269	410 Canning Highway, Attadale - Commercial Optimisation Investigation.....	18
C25/270	788 - 794 Canning Highway, Applecross - Commercial Optimisation Investigation.....	19

C25/271	2025-2026 Rating Strategy	21
C25/279	Policy & Legislation Committee - Nomination Request.....	22
	Community Development.....	24
	Environment and Infrastructure.....	24
E25/67	Request for Removal of Street Tree - 21 Ferguson Street, Alfred Cove	24
E25/68	Response to Petition - Burke Drive - Traffic Calming Strategy	25
	Planning	27
UP25/66	Review of Local Planning Policy 1.9 - Height of Buildings and Local Planning Policy 3.1 - Residential Development	27
UP25/67	Review of Local Planning Policy 1.4 - Provision of Public Art in Development Proposals	29
UP25/68	Review of Local Planning Policy 1.6 - Parking and Access	30
UP25/69	Local Planning Policy 1.1 - Planning Processes and Decision Making (Minor Administrative Changes)	32
13	Motions with Previous Notice	35
14	Motions without Previous Notice (approval by absolute majority)	36
15	Matters for Which Meeting was Closed to the Public.....	36
16	Decisions Made While meeting was Closed to the Public	36
17	Closure	36



1 OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting, officially declared the meeting open at 6:30 PM and invited Cr G Barber to read the Acknowledgement of Country and advised those present of the Purpose of the Agenda Briefing Forum, the Disclaimer, the Affirmation of Civic Duty and Responsibility and the Audio Recording Advice.

2 ATTENDANCE AND APOLOGIES

In Attendance

K Mair

Mayor

Councillors

Cr K Wheatland, Deputy Mayor

Cr T Fitzgerald (*from 6:31pm*)

Cr G Barber

Cr J Edinger

Cr N Robins

Cr J Spanbroek

Cr M Woodall (*until 8:14pm*)

Cr S Hong

Cr S Green

Cr T Lee

Ward

Palmyra - Melville - Willagee Ward (*electronic attendance*)

Palmyra - Melville - Willagee Ward (*electronic attendance*)

Bicton - Attadale - Alfred Cove Ward

Bicton - Attadale - Alfred Cove Ward

Bateman - Kardinya - Murdoch Ward

Bull Creek - Leeming Ward

Bull Creek - Leeming Ward

Bateman - Kardinya - Murdoch Ward

Central Ward

Central Ward

Officers

Ms G Bowman

Chief Executive Officer

Ms M Pickering

Director Community Development

Mr G Tuffin

Director Corporate Services

Mr M McCarthy

Director Environment & Infrastructure

Ms K Bainbridge

Acting Director Planning

Mr J Bird (*until 7:19pm*)

Manager Natural Areas & Parks

Ms C Newman

Head of Governance

Ms M Smith Poulton

Acting Senior Governance Officer

Ms R Theunissen

Elected Member Support Officer

3 DECLARATIONS BY MEMBERS

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

Nil.

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

Nil.

4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Approved Deputations

- Mr P Stejskal, M G Moreno and Ms L Moreno, of Fremantle
Item E25/67 Request for Removal of Street Tree – 21 Ferguson Street, Alfred Cove

Approved Written Submission

Nil.

5 DISCLOSURE OF INTEREST

5.1 Financial or Proximity Interests

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

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)

C25/272 Confidential Staffing Matter	
Name	Ms G Bowman, Chief Executive Officer
Nature of interest	Impartiality Interest
Item description	Will stay in the meeting.

At 6:31pm, Cr T Fitzgerald electronically joined to the meeting.

6 PUBLIC QUESTION TIME

At 6:33pm the Presiding Member opened Public Question Time.

6.1 Questions Received with Notice

Nil.

6.2 Questions Received at the Meeting

Nil.

6.3 Questions Taken on Notice at Previous Meeting

This item is detailed within the agenda for the Ordinary Meeting of Council to be held on Tuesday, 20 May 2025.

At 6:33pm the Presiding Member closed Public Question Time.

7 AWARDS AND PRESENTATIONS

This item will be dealt with at the Ordinary Meeting of Council to be held on Tuesday, 20 May 2025.

8 APPLICATIONS FOR NEW LEAVE OF ABSENCE

This item will be dealt with at the Ordinary Meeting of Council to be held on Tuesday, 20 May 2025.

9 NEW BUSINESS OF AN URGENT NATURE

Nil.

10 IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

At 6:34pm, the Presiding Member advised that the following items were identified as having confidential attachments or being a confidential item:

- C25/269 410 Canning Highway, Attadale – Commercial Optimisation Investigation (Confidential Attachment); and
- C25/270 788-794 Canning Highway, Applecross – Commercial Optimisation Investigation (Confidential Attachment); and
- C25/272 Confidential Employee Matter (Confidential Item).

11 PETITIONS

This item will be dealt with at the Ordinary Meeting of Council to be held on Tuesday, 20 May 2025.

12 REPORTS

12.1 Reports from Committees

Nil.

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12.2 Reports of the Chief Executive Officer

Items Brought Forward

E25/67 Request for Removal of Street Tree - 21 Ferguson Street, Alfred Cove

Deputations At 6:36pm Mr P Stejskal, Ms G Moreno, and Ms L Moreno gave a deputation which concluded at 6:43pm. At 7:02pm Mr P Stejskal, Mr G Moreno, and Ms L Moreno returned to the Public Gallery. [Deputation – Item E25/67](#)

Officer Presentation At 7:02pm Mr J Bird, Manager Natural Areas & Parks provided an officer presentation which concluded at 7:04pm.

Mr J Bird & Mr M McCarthy, Director Environment & Infrastructure responded to questions which concluded at 7:20pm. [Officer Presentation – Item E25/67](#)

Disclosure of Interest Nil.

Notes from Forum General discussion took place regarding the item and officer recommendation. During discussion of the item, the following questions and/or requests for information were raised by Elected Members and will form part of the Final Ordinary Meeting of Council Agenda:

Question 1:

With the fauna that forage in the Queensland Box tree and the five that they've actually put up to show that they are happy to replace the tree with one of those. Which one would be a better tree for birds, insects and bees, as opposed to retaining the Queensland Box tree?

Response 1:

It's not a native tree so it's possible some of the native birds or insects may not enjoy it as much as they would another. However, we find even with non-native trees we have an abundance of bird life and creatures living in those trees. Therefore it is difficult to say whether they prefer one tree or the other. In general, trees can be considered equal in terms of their habitat.

Question 2:

How deep do the roots grow down between the Box tree as opposed to the others? Is there potential for the roots to damage reticulation etc.

Response 2:

In general there are a lot of surface roots and we'll have some deep feeder roots across all tree species. Box trees can sit at the surface but it depends on the watering of that property but they are all different and unique to their situation.

Question 3:

What is the City's position in regards to the rubber tree?

Response 3:

That tree is not currently being assessed and would be a separate issue for review.

Question 4:

What is the feasibility of redesigning the development applications?

Response 4:

The City's team worked extensively with the applicants to try and use the existing crossover location and work through alternate design solutions to retain the trees. Ultimately, we have ended up with a design which is fully compliant with the planning framework and there's an avenue through different legislation, being the *Local Government Act 1995* and our local laws, to apply for crossover and tree removals within the verge property. We were left with a development application which we did not have reasonable grounds to refuse and tried to work with the applicant to put the application on hold while we work through this process, however they have elected to obtain the necessary development approval and work through this process separately.

However, if they don't obtain the necessary approval for the crossover and tree removal, they have the option to redesign their entire development or appeal the decision through the State Administrative Tribunal under the *Local Government Act* legislation.

Question 5:

Why was the proposed crossover was deemed unsuitable?

Response 5:

The crossover was reviewed by the City's Verge Infrastructure team, They deemed that the crossover did not meet a number of requirements to meet the City's crossover design specifications. There were a number of things concerning to the officer including that the crossover was elevated and had a rise to it, which presents a potential trip hazard. The raised platform was very close to the tree, being only 14cm away from the edge of the tree to the edge of the platform. Additionally, it was also over a sewer line which may have created issues from a servicing point of view. Another aspect was with regard to the alternative crossover, it wasn't just a straight reverse to get out of the driveway and would create a potential hazard backing out of it.

Question 6:

If the box tree is removed, does the City have to replace the tree with of similar value?

Response 6:

The tree removal is not a part of the development application – the City will work to re-plant the tree or find a tree of similar value. However, as it is not part of the development application, the resident is not obligated to pay associated costs.

Question 7:

Under the City's policies, does the Council have discretion to put conditions on whether the applicant covers the cost of the tree removal or replacement?

Response 7:

This question was taken on notice and a response will be provided in the Final Agenda for the Ordinary Meeting of Council to be held on Tuesday, 20 May 2025.

Question 8:

As it has been a strategy with a number of local governments to remove Queensland Box trees, if it comes down to it, isn't it a good thing to replace with a native tree?

Response 8:

This particular tree, regardless of whether it is a Queensland Box tree, provides canopy and habitat so the loss of it would still be a detrimental move to protecting the City's urban forest.

Question 9:

Can we have an overview of what has come to Council for tree removal in relation to crossover locations in the past?

Response 9:

This question was taken on notice and a response will be provided in the Final Agenda for the Ordinary Meeting of Council to be held on Tuesday, 20 May 2025.

SUMMARY

- Request for removal of a street tree on the verge of 21 Ferguson Street, Alfred Cove.
- The tree species is a *Lophostemon confertus* or commonly known as the Queensland Box tree.
- City Officers have determined the tree to be in good health and fair condition with a full canopy of foliage.
- The applicant would like to install a crossover which would result in the loss of the tree in order for the crossover to meet the City's Crossover Guidelines and Specifications.
- The Mayor and Ward Councillors agreed for the tree in question to be brought before the Council for a decision on retention or removal.
- The Officers recommendation is for the *Lophostemon confertus* (Queensland Box) tree at 21 Ferguson Street, Alfred Cove be retained.

OFFICER RECOMMENDATION**That the Council:**

1. **Decline the Request for Removal of Street Tree at 21 Ferguson Street, Alfred Cove, and support the retention of the *Lophostemon confertus* (Queensland Box) tree at 21 Ferguson Street, Alfred Cove.**
2. **Requests the Chief Executive Officer to advise the applicant seeking removal of the tree of this decision.**

At 7:16pm, Ms K Bainbridge left the meeting.

At 7:19pm, Ms K Bainbridge returned to the meeting.

At 7:19pm, Mr J Bird left the meeting and did not return.

At 7:20pm, Cr J Edinger left the meeting.

Management Services

Nil.

Corporate Services**C25/266 Investment Statements for March 2025**

Deputations	Nil.
Officer Presentation	At 7:20pm, Mr G Tuffin, Director Corporate Services was available to answer questions on the matter.
Disclosure of Interest	Nil.
Notes from Forum	No discussion took place regarding the item and officer recommendation.

SUMMARY

- This report presents the investment statements for the period ending 31 March 2025 and recommends that it be noted by the Council.

OFFICER RECOMMENDATION

That the Council notes the Investment Report for the period ending 31 March 2025.

C25/267 Schedule of Accounts Paid for March 2025

Deputations	Nil.
Officer Presentation	At 7:20pm, Mr G Tuffin, Director Corporate Services was available to answer questions on the matter.
Disclosure of Interest	Nil.
Notes from Forum	No discussion took place regarding the item and officer recommendation.

SUMMARY

- This report presents the details of payments made under delegated authority (DA-035) to suppliers for the period of March 2025 and recommends that the Schedule of Accounts Paid be noted.

OFFICER RECOMMENDATION

That the Council notes the Schedule of Accounts paid for the period March 2025 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in the attachments to this report; Payment Details March 2025 (Attachment 1) and Card Payment Details March 2025 (Attachment 2).

C25/268 Statements of Financial Activity for March 2025

Deputations	Nil.
Officer Presentation	At 7:20pm, Mr G Tuffin, Director Corporate Services was available to answer questions on the matter.
Disclosure of Interest	Nil.
Notes from Forum	No discussion took place regarding the item and officer recommendation.

SUMMARY

- This report presents the Statements of Financial Activity, Statement of Comprehensive Income and Statement of Financial Position for the period ending 31 March 2025 and recommends that they be noted by the Council; and
- Presents the variances for the month of March 2025 and recommends that they be noted by the Council.
- The Interim Audit fieldwork will commence on 5 May and run for one week. The Auditor General and KPMG will present their Audit Plan to ARIC on 12 May. This plan will outline their audit focus areas and set the foundation for the final audit in October. The final preparation for the financial statements will continue through to October, with final audit fieldwork scheduled to begin on 6 October 2025.
- The Budget amendments required for the month of March 2025 and recommends that they be adopted by Absolute Majority decision of the Council.

OFFICER RECOMMENDATION**That the Council**

1. **Notes the Statement of Financial Activity for the month ending 31 March 2025 as detailed in the following attachments:**
 - **Statement of Financial Activity March 2025 (Attachment 1); and**
 - **Statement of Comprehensive Income March 2025 (Attachment 2); and**
 - **Net Working Capital March 2025 (Attachment 3); and**
 - **Reconciliation Net Working Capital March 2025 (Attachment 4); and**
 - **Notes to Statement of Financial Activity March 2025 (Attachment 5); and**
 - **Statement of Financial Position March 2025 (Attachment 6); and**
 - **Summary Rate Debtors March 2025 (Attachment 7); and**
 - **Rates Collections Graph March 2025 (Attachment 8); and**
 - **General Debtors Aged 90 Days March 2025 (Attachment 9).**
2. **By Absolute Majority Decision adopts the budget amendments, as detailed in the Budget Amendments March 2025 (Attachment 10).**

C25/269 410 Canning Highway, Attadale - Commercial Optimisation Investigation

Deputations	Nil.
Officer Presentation	At 7:21pm, Mr G Tuffin, Director Corporate Services was available to answer questions on the matter.
Disclosure of Interest	Nil.
Notes from Forum	No discussion took place regarding the item and officer recommendation.

SUMMARY

- Pursuant to a Notice of Motion at the May 2023 Ordinary Council Meeting, the City engaged a property consultant to undertake a Commercial Optimisation Investigation for City-owned freehold land at 410 Canning Highway, Attadale.
- The Investigation discusses various opportunities and constraints associated with the site, as well as a range of high-level options that are available to Council.
- It is recommended that the Council support the initiation of a market campaign (Request for Proposal) seeking proposals for the site.

OFFICER RECOMMENDATION

That Council authorises the Chief Executive Officer to:

- 1. Proceed with a market campaign via Request for Proposal seeking proposals for the site, with the following parameters:**
 - (a) The market campaign shall be undertaken for a minimum of 6 weeks.**
 - (b) Notify and invite submissions from all interested parties.**
 - (c) Proposals may include ground lease or outright purchase of the site.**
 - (d) Respondents are to include a conceptual proposal for the site to demonstrate tenure, use, site configuration, built form, sustainability and environmental best practice measures, community benefits, implementation timeframe and a financial offer.**
 - (e) Respondents are to be advised that any future contract with a successful respondent will be subject to certain performance conditions to ensure the site is not landbanked.**
 - (f) Review of proposals shall have regard (but not limited to) to a market valuation prepared by a licensed land valuer and the extent of social, environmental and economic outcomes and benefits.**
- 2. Prepare a report to a future Ordinary Council Meeting detailing the outcomes of the market campaign, including a summary of all enquiries and responses received, City Officers assessment of the suitability of any responses, and recommendations.**

C25/270 788 - 794 Canning Highway, Applecross - Commercial Optimisation Investigation

Deputations	Nil.
Officer Presentation	At 7:21pm, Mr G Tuffin, Director Corporate Services responded to questions which concluded at 7:24pm.
Disclosure of Interest	Nil.
Notes from Forum	<p>General discussion took place regarding the item and officer recommendation. During discussion of the item, the following questions and/or requests for information were raised by Elected Members and will form part of the Final Ordinary Meeting of Council Agenda:</p> <p><u>Question 1:</u></p> <p><i>Is it the view of the Officers that the City is limiting itself by having the requirement to retain the tree?</i></p> <p><u>Response 1:</u></p> <p>The recommendation is to retain those trees and yes, in all likelihood by retaining them it will reduce the value of the property because it will restrict the extent of available area.</p> <p><u>Question 2:</u></p> <p><i>The trees that are flagged as medium retention. It looks as though many of them are running along or adjacent to the existing sewer line. Is that accurate and to what extent does that mean there is a significant impact on the location?</i></p> <p><u>Response 2:</u></p> <p>The sewer line runs between lots 790 and 792 or almost through the centre of the four properties running parallel with Simpson Street. In regards to the trees and the retention, part of the recommendation is to do a further assessment of those trees to see if their current classification is still relevant. In terms of the sewer, as it currently lays through the property it should not impact the property.</p>

SUMMARY

- Pursuant to a Notice of Motion at the May 2023 Ordinary Council Meeting, the City engaged a property consultant to undertake a Commercial Optimisation Investigation for City-owned freehold land at 788-794 Canning Highway, Applecross (the former Melville Bridge Club site).
- The Investigation discusses various opportunities and constraints associated with the site, as well as a range of high-level options that are available to Council.
- Following resolution of several matters relating to vehicle access and existing vegetation on the site, it is recommended that the Council support the initiation of a market campaign (Request for Proposal) seeking proposals for the site.

OFFICER RECOMMENDATION

That Council authorises the Chief Executive Officer to:

1. **Advocate to Main Roads WA to reach agreement on the retention of suitable vehicle access between Canning Highway and the site via Simpson Street and Tain Street.**
2. **Engage a suitably qualified professional to:**
 - (a) **Verify the findings of the previous tree assessment report for the site;**
 - (b) **Undertake a detailed assessment of the four (4) gum trees on Tain Street, including recommended tree protection measures; and**
 - (c) **Prepare a work plan and fee estimate for the relocation of the two (2) peppermint trees located within the developable area of the site and the jacaranda and camphor laurel trees located within the Primary Regional Road reservation.**
3. **Relocate the six (6) recently planted street trees in the Tain Street verge.**
4. **Proceed with a market campaign via Request for Proposal seeking proposals for the site, with the following parameters:**
 - (a) **The market campaign shall be undertaken for a minimum of 8 weeks.**
 - (b) **Notify and invite submissions from all proponents who participated in the market sounding and any other interested parties.**
 - (c) **Proposals may include ground lease or outright purchase of all or part of the site.**
 - (d) **Pending the outcomes of Point 2, Respondents are to be advised:**
 - (i) **Mandatory retention and tree protection measures for the four (4) gum trees along the Tain Street boundary;**
 - (ii) **Retention or transplantation of the Jacaranda and Camphor Laurel trees in the Primary Regional Road reserve;**
 - (iii) **Encouraged retention of all trees within the Primary Regional Road where feasible.**
 - (iv) **Encouraged retention of all other trees within the developable portion of site where feasible.**
 - (e) **Respondents are to include a conceptual proposal for the site to demonstrate tenure, use, site configuration, built form, sustainability and environmental best practice measures, community benefits, implementation timeframe and a financial offer.**
 - (f) **Respondents are to be advised that any future contract with a successful respondent will be subject to certain performance conditions to ensure the site is not landbanked.**
 - (g) **Review of proposals shall have regard (but not limited to) to a market valuation prepared by a licensed land valuer and the extent of social, environmental and economic outcomes and benefits.**
5. **Prepare a report to a future Ordinary Meeting of Council detailing the outcomes of the market campaign, including a summary of all enquiries and responses received, City Officers assessment of the suitability of any responses, and recommendations.**

At 7:23pm, Cr J Edinger returned to the meeting.

At 7:24pm, Cr J Spanbroek left the meeting.

C25/271 2025-2026 Rating Strategy

- Deputations** Nil.
- Officer Presentation** At 7:24pm, Mr G Tuffin, Director Corporate Services was available to answer questions on the matter.
- Disclosure of Interest** Nil.
- Notes from Forum** No discussion took place regarding the item and officer recommendation.

SUMMARY

- Corporate Business Planning/Budget workshops were recently held with Elected Members.
- These workshops have informed the update of the Corporate Business Plan, Long Term Financial Model and 2025-2026 Annual Budget.
- The Draft 2025-2026 Annual Budget proposes a rate increase of 4.5% for the financial year.
- In accordance with the *Local Government Act 1995*, this report seeks endorsement to advertise a rate increase of 4.5% for the 2025-2026 financial year and impose rates on differential basis.

OFFICER RECOMMENDATION

That the Council endorse:

1. **Advertising the following Rate in the Dollar and Minimum Rates for the purpose of the 2025-2026 financial year rate setting that equates to an increase of 4.5% compared to 2024-2025:**

Rating Category	Proposed Rate in Dollar	Proposed Minimum Rate
Residential Improved/Unimproved	7.654765	\$ 1,498.97
Commercial Improved/unimproved	9.430704	\$ 1,215.31

2. **Advertising by local public notice for a period of 21 days, in accordance with section 6.36(1) of the Local Government Act 1995, its intention to levy the Differential Rates and Minimum Rates for the 2025-2026 financial year; and**

3. **the Statement of Objects and Reasons for Differential Rates:**

“The positive differential rate for commercial improved land is proposed in order to fund the additional costs of servicing these types of properties. Commercial premises generate higher volumes of pedestrian traffic movements than residential properties and this results in increased road and streetscape maintenance requirements, additional on-street parking needs and the requirement to install additional traffic treatments. Due to the increased presence of litter surrounding commercial and industrial land the City is also required to provide additional litter collection services to these areas. Patrons and employees of commercial and industrial premises are consumers of municipal services but unless they are also property owners within the City, are not contributing to the cost of services used by them in the City of Melville.”

and this be published on the City of Melville website.

C25/279 Policy & Legislation Committee - Nomination Request

Deputations	Nil.
Officer Presentation	At 7:25pm, Ms C Newman, Head of Governance responded to questions which concluded at 7:34pm.
Disclosure of Interest	Nil.
Notes from Forum	General discussion took place regarding the item and officer recommendation. During discussion of the item, the following questions and/or requests for information were raised by Elected Members and will form part of the Final Ordinary Meeting of Council Agenda:

Question 1:

How many committees can a councillor be on, or are there restrictions on how many members there are on each committee?

Response 1:

There is no restriction on how many committees we can have, however there are restrictions on the types of committees and the make up of those. In terms of numbers, legislation provides that there must be a minimum of three.

The City underwent a review of its committee structure late last year and adopted a new membership for each committee and was looking at approximately five members per committee. Additionally, the City Committee's no longer goes by the Ward system we previously had. This review changed the Terms of Reference which was adopted by the Council at the same time, and we would need to consider whether we wish to retain that membership going forward after the 2025 Local Government Elections.

The Policy & Legislation Committee is a new committee and was designed as a mechanism for Elected Members to comment on policies as they're being developed. So Elected Members will need to weigh up if they feel maintaining the current membership numbers is better, or providing the ability for active members to have input through that process.

Question 2:

Is there a limitation on numbers for the committee?

Response 2:

There are no limitations on numbers for the committees. However, Elected Members should note that the committee is not a decision making forum and they will want to consider whether they want to have more than your absolute majority number on a committee when those recommendations come to Council.

Question 3:

How many are there on the committee currently?

Response 3:

There are five members on the committee currently, and two deputies including Councillor Spanbroek.

Question 4:

If Councillor Spanbroek is appointed to the committee as a member, does that mean we would need to appoint a new deputy?

Response 4:

No, the committees are currently established to allow for any deputy to cover for any member. Additionally, the committees were restructured in way that means only those Elected Members with an interest in the committee need to be members or deputies. However, you could appoint a new deputy.

Question 5:

What is the quorum for the committee?

Response 5:

The quorum is three.

Question 6:

Can anyone attend the meeting as an observer and participate?

Response 6:

Yes, any Elected Member may attend any committee meetings as an observer. It has also been past practice to allow observers to participate in discussion at the meeting, however they have no right to vote.

Question 7:

Can the observer come along and vote at a meeting?

Response 7:

An observer can only be requested to act as a voting member if they are present at the meeting and a quorum has not been reached or members are not in attendance. The committee may give an observer voting rights where there is not full membership present.

Question 8:

Is there an issue with the request to join the committee from a governance perspective?

Response 9:

No, there are no issues with having more than five Elected Members on the committee. However, the Terms of Reference were adopted by the Council last year with a membership number of five and it will require an absolute majority decision to increase that number.

SUMMARY

- At the Ordinary Meeting of Council held on Tuesday, 10 December 2024, the Council resolved to appoint Mayor K Mair, and Councillors T Fitzgerald, K Wheatland, S Green and M Woodall as members of the Policy and Legislation (P&L) Committee from December 2024 to October 2025.
- Additionally, the Council resolved to appoint Councillors J Spanbroek and D Lim as deputies to the P&L Committee.
- A request was received on Wednesday, 16 April 2025 from Cr J Spanbroek to join the P&L Committee as a full member. This report is presented to seek the Council's approval for this request.

OFFICER RECOMMENDATION

That the Council by Absolute Majority Decision appoint Cr J Spanbroek as a member of the Policy and Legislation Committee from May 2025 until October 2025, and the Terms of Reference for the Policy and Legislation Committee be updated.

At 7:28pm, Cr J Spanbroek returned to the meeting.

Community Development

Nil.

Environment and Infrastructure**E25/67 Request for Removal of Street Tree - 21 Ferguson Street, Alfred Cove**

This item was brought forward earlier in this agenda for the convenience of those providing a deputation. Please see page 12.

E25/68 Response to Petition - Burke Drive - Traffic Calming Strategy

Deputations	Nil.
Officer Presentation	At 7:34pm, Mr M McCarthy, Director Environment & Infrastructure responded to questions which concluded at 7:37pm.
Disclosure of Interest	Nil.
Notes from Forum	General discussion took place regarding the item and officer recommendation. During discussion of the item, the following questions and/or requests for information were raised by Elected Members and will form part of the Final Ordinary Meeting of Council Agenda:

Question 1:

Are speed humps the only option? There are a lot of challenges with current speed humps installed and why is that?

Response 1:

We are not formulating a solution here without undertaking a proper assessment and will look at a range of alternatives. The issues along Burke Drive are more concerned with the incidents of crashes along that area as outlined in the report and the City needs to come up with a solution which addresses that.

Regarding your question on other speed humps in place and the height of those, the City has been moving more towards the speed plateaus which have less impact on vehicles but still enable vehicles to be slowed down. However, we would explore a range of options in regard to our speed reduction strategies and the officers have direction from Elected Members that alternatives be considered that might be available to achieve the same outcome without speed bumps being involved.

Question 2:

Does Burke Drive has bike lanes?

Response 2:

No, but there is a principal shared lane. Those travelling in larger groups prefer to use the main routes along the river.

SUMMARY

- On Thursday, 6 February 2025, the City of Melville (the City) received a petition signed by 64 residents of the City of Melville requesting the City take some action such as traffic calming strategies with respect to speeding/noisy cars and motor bikes travelling along Burke Drive in Attadale.
- A new traffic survey was undertaken following the receipt of the petition which measured 85th percentile speeds higher than 50 km/h along the road.
- Large groups of bike riders that ride 50km circuits around the river tend to use the Burke Drive as a major cycle route. These groups tend to ride early in the morning, mix easily with traffic and maintain relatively high speeds. Commuters and other individuals also ride on Burke Drive all through the day.
- A total of 18 crashes have been recorded along the entire length of Burke Drive which extends for approximately 2.7 kilometres long. Nine of the total crashes recorded (50%) are casualty crashes requiring medical attention or hospitalisation.
- The traffic warrant assessment conducted on sections of Burke Drive indicated engineering intervention was recommended.
- Given the crash analysis and findings from the Traffic Warrant Assessment, it would be beneficial to conduct a detailed traffic study to identify the most suitable traffic calming measures for Burke Drive. Consultation should also be undertaken as part of the traffic study.

OFFICER RECOMMENDATION

That the Council request the Chief Executive Officer to:

- 1. Undertake a comprehensive traffic study in 2025-2026 financial year to determine the most appropriate traffic calming measures for Burke Drive, including community engagement on the proposed measures and viable speed reduction option/s; and**
- 2. Progress the detailed design and cost estimate of the preferred traffic calming arrangement based on the outcomes of the traffic study and consultation feedback; and**
- 3. Apply for Black Spot funding for proposed traffic treatments on Burke Drive; and**
- 4. Write to the Lead Petitioner on the outcome of the Council resolution.**

At 7:37pm, Cr N Robins left the meeting.

At 7:38pm, Cr N Robins returned to the meeting.

Planning

UP25/66 **Review of Local Planning Policy 1.9 - Height of Buildings and Local Planning Policy 3.1 - Residential Development**

Deputations Nil.

Officer Presentation At 7:38pm, Ms K Bainbridge, Acting Director Planning provided an officer presentation which concluded at 7:43pm. Ms K Bainbridge responded to questions which concluded at 7:50pm. [Officer Presentation – Item UP25/66](#)

Disclosure of Interest Nil.

Notes from Forum General discussion took place regarding the item and officer recommendation. During discussion of the item, the following questions and/or requests for information were raised by Elected Members and will form part of the Final Ordinary Meeting of Council Agenda:

Question 1:

Up until now the City's LPP 3.1 has had requirements regarding setbacks from the secondary street. Could you provide a further explanation of the LPP change?

Response 1:

Initially it was to increase the setback requirements from The Residential Design Codes, and concerns from the community on difficulties in understanding the codes was one of the primary motivations to trying to rationalise the policy. The intent of the changes is to align the policy with the Residential Design Codes and feedback from the community so far been that they do not have much of an issue with those changes.

Question 2:

The Supreme Court ruling from 2022 regarding LPP not being able to be more restrictive than R-Codes – where is there scope for the City to introduce provisions to improve amenity?

Response 2:

This proposed policy is to reduce ambiguity in how policy is interpreted for both officers and applicants, but is yet to be fully tested in all context. However, it is the Council's decision to move alternative motions to retain current provisions.

SUMMARY

- The City continuously reviews and updates the local planning policies regularly to ensure that best practice is enacted in relation to planning decision making.
- Local Planning Policy 1.9 – Height of Buildings (LPP1.9) currently provides guidance regarding the interpretation and application of building height controls throughout the City, in order to ensure that the height of buildings is consistent with the desired character of the locality.
- Local Planning Policy 3.1 – Residential Development (LPP3.1) currently provides an alternative set of deemed-to-comply (DTC) criteria for certain design elements of the Residential Design Codes of Western Australia (R-Codes) Volume 1.
- It has been identified that a review of LPP 1.9 and LPP 3.1 presents an opportunity to:
 - Amalgamate LPP 1.9 and LPP 3.1 into one comprehensive Local Planning Policy (LPP), governing the City's assessment of low and medium density residential developments. This will mean that LPP1.9 is proposed to be rescinded and the appropriate building height provisions incorporated into LPP3.1.
 - Simplify the City of Melville's planning framework and ensure no ambiguity in terms of consistency with recent decisions made by the State Administrative Tribunal (SAT) and Supreme Court in relation to local frameworks being inconsistent with the R-Codes.
 - Remove and modify existing provisions contained within LPP 3.1 to enhance contribution to high quality residential development or the residential amenity of the City of Melville.
 - Rationalise the deemed to comply residential building heights within the City of Melville to bring it into closer alignment with the R-Codes.
- It is recommended that the draft amended LPP 3.1 is advertised for a period not less than 21 days, and a further report be presented to the Council to consider the outcomes of advertising.

OFFICER RECOMMENDATION**That the Council:**

1. **Revoke Local Planning Policy 1.9 – Height of Buildings as currently adopted as per Schedule 2 Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
2. **Pursuant to Schedule 2 Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to adopt the amended Local Planning Policy 3.1 Residential Development for the purposes of public consultation for a period of not less than 21 calendar days; and**
3. **Where no submissions in objection are received in response to the consultation undertaken, that the final adoption of amended Local Planning Policy 3.1 Residential Development shall be authorised by the Chief Executive Officer.**

UP25/67 Review of Local Planning Policy 1.4 - Provision of Public Art in Development Proposals

Deputations	Nil.
Officer Presentation	At 7:51pm Ms K Bainbridge, Acting Director Planning was available to answer questions on the matter.
Disclosure of Interest	Nil.
Notes from Forum	No discussion took place regarding the item and officer recommendation.

SUMMARY

- At the December 2024 Ordinary Meeting of Council (OMC), Council resolved to advertise proposed changes to Local Planning Policy 1.4 – Provision of Public Art in Development Proposals (LPP1.4).
- Advertising was undertaken 29 January 2025 to 19 February 2025 via the City’s website, social media channels, locally circulating newspaper and direct emails to industry professionals. Five submissions were received during the consultation period (Attachment 2)
- Minor administrative changes have been made in response to the submissions received. These changes are reflected in Attachment 1 of this report.
- It is recommended that the amended LPP1.4 is adopted and a notice to advise the public of the changes to LPP1.4 will be published on the City’s website and in the local newspaper.

OFFICER RECOMMENDATION**That the Council:**

1. Pursuant to Clause 5, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts the changes to Local Planning Policy 1.4 - Provision of Public Art in Development Proposals as detailed in Attachment 1.
2. Endorses the publication of a notification of the changes in the local newspaper and on the City’s website as required by the Schedule 2 Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

UP25/68 Review of Local Planning Policy 1.6 - Parking and Access

Deputations	Nil.
Officer Presentation	At 7:51pm, Ms K Bainbridge, Acting Director Planning provided an officer presentation which concluded at 7:57pm. Ms K Bainbridge responded to questions which concluded at 7:57pm. Officer Presentation – Item UP25/68
Disclosure of Interest	Nil.
Notes from Forum	No discussion took place regarding the item and officer recommendation.

SUMMARY

- At the June 2024 Ordinary Meeting of Council (Attachment 1), a report was presented to Council recommending several changes to Local Planning Policy 1.6 – Parking and Access, in particular, to clearly articulate the City’s expectations to applicants, the community and decision makers in relation to pedestrian sight lines and vehicle ramp gradients.
- At that meeting, Council resolved to advertise proposed changes to LPP1.6 for a period of 21 days pursuant to Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Eight submissions were received during the public consultation period with all submissions making suggested changes to the advertised version of LPP1.6. The summarised submissions and officer comments to those submissions are contained within Attachment 2 of this report.
- After public consultation concluded, the City engaged with officers from the Department of Planning, Lands and Heritage (DPLH) for their initial comment and referral of the amended LPP1.6 to the Western Australian Planning Commission (WAPC) in relation to the aspects of the policy which require WAPC approval (i.e. sightlines and vehicle access gradients).
- LPP 1.6 was presented to the Statutory Planning Committee (SPC) of the WAPC on 26 February 2025 which approved certain elements of the policy and provided recommendations for other elements (Attachment 3).
- Minor administrative changes have been made in response to the submissions received during consultation and SPC approval of certain elements. These changes are reflected in Attachment 4 of this report.
- The policy was then presented to an Elected Member Engagement Session (EMES) on 22 April 2025 with no further changes required. LPP 1.6 (Attachment 4) is now being presented to Council for final adoption.
- A notice to advise of the changes to the policy will be published on the City website and in the local newspaper along with all submitters receiving notification of the final adoption.

OFFICER RECOMMENDATION

That the Council:

- 1. Pursuant to Clause 5, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts the changes to Local Planning Policy 1.6 – Parking and Access (as detailed in Attachment 4).**
- 2. Endorses the publication of a notification of the changes in the local newspaper and on the City’s website as required by the Planning and Development (Local Planning Schemes) Regulations 2015.**

At 7:56pm, Mr G Tuffin left the meeting.

At 8:02pm, Mr G Tuffin returned to the meeting.

CONFIRMED

UP25/69 Local Planning Policy 1.1 - Planning Processes and Decision Making (Minor Administrative Changes)

Deputations	Nil.
Officer Presentation	At 7:57pm, Ms K Bainbridge, Acting Director Planning provided an officer presentation which concluded at 8:00pm. Ms K Bainbridge responded to questions which concluded at 8:16pm. Officer Presentation – Item UP25/69
Disclosure of Interest	Nil.
Notes from Forum	General discussion took place regarding the item and officer recommendation. During discussion of the item, the following questions and/or requests for information were raised by Elected Members and will form part of the Final Ordinary Meeting of Council Agenda:

Question 1:

Would Elected Members be able to access the RAR via the DAP Agenda, and if so could a link to that be sent out in the EMB?

Response 1:

Once the RAR is submitted to the DAP Secretariat we can arrange for a copy of the DAP agenda to be circulated to Elected Members through the Elected Members Portal and electronic distribution. Please note that the RAR is published online a couple days after it's provided to the DAP secretariat.

Question 2:

Are Elected Members able to attend a meeting to do a deputation?

Response 2:

Yes, Elected Members can make deputations as an individual, however it is important to make sure that the deputation is not made on behalf of the Council, as the City's is already represented by two Elected Members on the panel.

Question 3:

Are RAR reports going to be submitted on the basis of discussion and feedback with elected Members?

Response 3:

The new legislation which came into effect from 1 May 2025 has essentially cut out a mechanism for Elected Members to be involved in the report preparation process and it is important that the report is from a technical and impartial standpoint based on assessment of the proposal against the applicable planning framework. Input into the assessment process can be made in the form of a submission during the formal engagement process or through a deputation to the DAP in an elected member or community member capacity. Elected members should consider any conflict of interest obligations before making a

deputation to the DAP.

Question 4:

Are the regulations proposed changes or have they come into effect already?

Response 4:

The regulations have come into effect from 1 May 2025.

Question 5:

Is the substantive effect of these changes that they cut out a mechanism for Elected Members to determine the content of the RAR recommendation?

Response 5:

Yes, this is correct. The intent of the change is to only have the CEO or sub-delegates prepare the report, so there would be no Elected Member input into the report preparation and recommendation.

Question 6:

Given the regulations require the Council to carry the cost of the RAR, why would we bother?

Response 6:

The City of Melville receives two fees when considering a DAP application; one is the DAP fee paid to the secretariat to facilitate the meeting and the other is a normal local government fee for the city to process and assess the application, both payable by the applicant in order for us to carry out the assessment.

Question 7:

Can the officers in another form bring the RAR to an Elected Member Engagement Session or another in house meeting?

Response 7:

This question was taken on notice and a response will be provided in the Final Agenda for the Ordinary Meeting of Council to be held on Tuesday, 20 May 2025.

Question 8:

Is it possible to make it clear through our communications in relation to this process on what the changes are and that effectively the Council has no say on the assessments?

Response 8:

Yes, communications will be reviewed as part of this process to ensure information on the changes is communicated clearly in our online content and letters we send out. Elected Members are also encouraged to advise members of the community who may contact them to make submissions to assist officers in assessing proposals.

Question 9:

Would the City be bound in any way by policies of the City? In that way would Council have somewhat more of a removed control over the process?

Response 9:

Yes, Elected Members are engaged and make decisions on planning frameworks. Having good planning frameworks assists the City officers greatly in their assessments.

Question 10:

How are we going to teach residents about planning principles? Noting that will need to encourage good submissions and provide more information on contentious issues.

Response 10:

There does need to be more education in the community in regard to planning processes and matters and we anticipate the City will need to do some work to keep the community aware of the changes and encourage good quality submissions. The City will consider this as part of the changes, and will look into whether we could hold information sessions in the evening during the advertising period.

Question 11:

When advertising through this process is it possible to include a small disclosure saying it will be adjudicated by the DAP panel?

Response 11:

This question was taken on notice and a response will be provided in the Final Agenda for the Ordinary Meeting of Council to be held on Tuesday, 20 May 2025.

SUMMARY

- Following most recent review of Local Planning Policy 1.1 – Planning Processes and Decision Making in November 2024, the State Government has made further legislative changes which have necessitated administrative review of this policy.
- The legislative changes are the introduction of the *Local Government (Development Assessment Panels) Regulations 2025* which came into effect on the 01 May 2025 and introduce a compulsory delegation for the CEO (or sub-delegate) to report to the Development Assessment Panel.
- This means that the Responsible Authority Report can no longer be ‘called-up’ by elected members to confirm or alter the recommendation prior to being submitted to the Development Assessment Panel for determination.
- The relevant section of Local Planning Policy 1.1 – Planning Processes and Decision Making has been updated to remove reference to call up procedures for Responsible Authority Reports.
- This change is administrative in nature as it is to ensure correct procedure in accordance with legislative requirements and therefore advertising is not required as per Schedule 2 Clause 5 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- The recommendation is to adopt the changes to Local Planning Policy 1.1 – Planning Processes and Decision Making and publish in accordance with Schedule 2 Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

OFFICER RECOMMENDATION**That the Council:**

1. **That the Council adopt Local Planning Policy 1.1 – Planning Process and Decision Making as modified; and**
2. **Request the CEO publish the updated Local Planning Policy 1.1 – Planning Processes and Decision Making as per Schedule 2, Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

At 8:14pm, Cr M Woodall left the meeting and did not return.

13 MOTIONS WITH PREVIOUS NOTICE

Nil.

14 MOTIONS WITHOUT PREVIOUS NOTICE (APPROVAL BY ABSOLUTE MAJORITY)

Nil.

15 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC**C25/272 Confidential Employee Matter**

Deputations Nil.

Officer Presentation At 8:17pm Ms C Newman, Head of Governance was available to answer questions on the matter.

Disclosure of Interest Nil.

Notes from Forum No discussion took place regarding the item and officer recommendation. Therefore the meeting did not go behind closed doors. .

16 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

Nil.

17 CLOSURE

There being no further business to discuss, the Presiding Member confirmed Cr K Wheatland and Cr T Fitzgerald were still in attendance electronically and declared the meeting closed at 8:18pm.