

MINUTES
OF THE
ORDINARY MEETING OF THE COUNCIL
TUESDAY, 16 NOVEMBER 2021
COMMENCING AT 6.30PM

Held electronically in accordance with Regulation 14D(2)(a) of the Local Government (Administration) Regulations 1996.

Due to the State of Emergency declared in Western Australia, effective 16 March 2020 and the subsequent government directives with regard to public gatherings, in order to meet the requirements of Regulation 14E(3)(b) of the *Local Government (Administration) Regulations 1996*, the public may view this meeting electronically and the minutes and audio recording of the meeting will be available on the City's website as soon as practicable after the meeting.

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

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DISTRIBUTED: 19 NOVEMBER 2021

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1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:30pm and invited Cr Karen Wheatland to read the Acknowledgement of Country and advised those present of the Disclaimer, the Affirmation of Civic Duty and Responsibility and the Audio Recording Advice.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Meeting Procedures Local Law to ensure the efficient, effective and orderly decision making within this forum.

At 6:31pm, The Mayor invited Cr Barber to address the meeting in acknowledgment of the contributions to the City of Melville by the Late Catherine O'Neill who co-founded the Swan Estuary Reserves Action Group, worked tirelessly to preserve the foreshore habitat and was a revered teacher and Principal of Leeming Senior High School.

At 6:32pm Cr Wheatland, with permission from the Mayor, acknowledged the bravery of the young residents of the City who witnessed the recent Shark attack and warned the public of the danger.

At 6:32pm Cr Mair acknowledged the presence of the Baden Powell Scouts Group who attended in support of a new lease at the Baden Powell Reserve, the lease in which is to go to an Elected Members Engagement Session.

Mayor Honourable George Gear advised that Cr J Edinger was in attendance electronically with his approval, in accordance with Clause 14C of the *Local Government (Administration) Regulations 1996*. Cr Edinger confirmed her attendance.

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

Cr T Fitzgerald (Deputy Mayor)
Cr K Wheatland
Cr G Barber
Cr J Edinger
Cr N Robins, Cr D Macphail
Cr M Woodall, Cr J Spanbroek
Cr N Pazolli, Cr C Ross
Cr K Mair, Cr M Sandford

WARD

Palmyra – Melville – Willagee
Palmyra – Melville – Willagee
Bicton – Attadale – Alfred Cove
Bicton – Attadale – Alfred Cove (*electronic attendance*)
Bateman – Kardinya - Murdoch
Bull Creek - Leeming
Applecross – Mount Pleasant
Central

3. IN ATTENDANCE

| | |
|------------------------------------|---------------------------------|
| Mr M Tieleman | Chief Executive Officer |
| Mr S Cope | Director Urban Planning |
| Ms C Young (<i>Until 8:26pm</i>) | Director Community Development |
| Mr M McCarthy | Director Technical Services |
| Mr A Ferris | Director Corporate Services |
| Mr B Taylor | Manager Governance and Property |
| Ms C Newman | Governance Coordinator |
| Ms R Davis | Governance Officer |

At the commencement of the meeting, there were 43 members of the public in the Council Chambers, 6 members of the public and one representative from the Press in attendance electronically.

The Mayor acknowledged the attendance of Dr Jags Krishanan MLA, Member for Willetton.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Nil.

4.2 APPROVED LEAVE OF ABSENCE

- Cr Glynis Barber – Bicton-Attadale-Alfred Cove Ward

Cr Barber had approved leave of absence for this meeting, but was in attendance.

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS

5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.

Nil.

5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.

Nil.

6. QUESTION TIME

6.1 Questions with Notice

6.1.1 City of Melville Residents and Ratepayers Association Inc

- 1) *We refer to the 12 October 2021 Council meeting discussion on item C21/5865 Selection of Site Surveyor for 18 A and 18 B Tweeddale Road Applecross and the City's responses to our public question on in (sic) the same matter. Mr Hitchcock stated "This is not a compliance inspection and there is no active compliance matter under investigation by the City." If the surveyor is not being engaged for compliance investigation purposes, then:*

Question 1

- a) *Why else has Council directed the CEO to conduct the survey?*

Response

This request was made as the Council held the view that the natural ground levels on the site may have been raised contrary to the approved natural ground levels. In view of this, coupled with the expressed concerns of nearby residents, it was resolved that the site should be surveyed to establish current levels, and therefore determine whether the site level had in actual fact been artificially raised.

Question 2

- b) *Why did Mr Ferris refer to Cl 79 Sched 2 Pt10 of the Planning and Development (Local Planning Schemes) Regulations 2015 in item C21/5865 report which is only relevant for the "An authorized officer may, for the purpose of monitoring whether the local planning scheme is being complied with, at any reasonable time ..." if the survey objective was not for compliance?*

Response

The resolution of Council in respect of item P21/3936 (August 2021 OMC) was specifically worded to require a survey to be undertaken by an independent site surveyor. The reference to Clause 79 of the Regulations was included to provide the context that given the survey would be completed by an independent surveyor; such a person could not gain access to the site for the purpose of undertaking the survey, as they could not be classed as an authorized person for the purposes of Clause 79. In such circumstances, approval of the landowner would be required for the surveyor to access the site to undertake the survey.

Question 3

- c) *Why did Mr Prendergast's 24 November 2020 response to our 15 October 2020 complaint to Mr Tieleman about alleged unauthorized building work by stating "In this case however there was a resolution of Council to initiate compliance action as soon as is practical after the determination of the Section 31 DA by the JDAP."? We note Mr Prendergast's response did not deal with all issues raised.*

6.1.1 City of Melville Residents and Ratepayers Association Inc. continued.

Response

The City considers that a suitable response was provided. If there remain any outstanding concerns regarding this response please contact Mr Prendergast directly.

- 2) *Cr Duncan Macphail made statements along the lines of 'I think you are pulling a very, very long bow here to say we have rights willy nilly to enter into vacant land for the purposes of if you like taking licenced surveyor readings; it is private property'... "This is about buildings and partly built buildings and construction sites where issues of that is for the purpose of compliance. What is there at the moment is a sand pit." In essence Cr Macphail stated that there was no building work underway at site and thus the City had no right to enter the land to take a survey.*

Question 4

- a) *Were Cr Macphail's statements absolutely correct; Yes or No?*

Response

At the time the comments were made by Cr Macphail, the administration had reported that there were no concerns held regarding the levels on the land in question, and a previous compliance matter linked to the importation of sand and the erection of a temporary fence had been addressed. It was in this context that Cr Macphail commented as outlined, on the basis that there was no building work ongoing, and no outstanding compliance issues.

Question 5

- b) *Are site works/changing ground levels building work per the Building Act; Yes or No?*

Response

The response is conditional on specific site factors.

Since there is no existing building on this site:

- the changing of ground levels and site works are building work for the purposes of the Building Act only if they are being done for the purposes of construction of a building or incidental structure, or for the assembly of a relocated building or incidental structure; and
- in the case of changing ground levels only if the changing of ground levels meets the additional criterion of being to an extent that would adversely affect land beyond the boundary.

Question 6

- c) *Does the City have the power to enter vacant land or buildings if the owner does not consent under warrant and Police support for the purposes of building compliance inspection, including inspections in relation to unauthorized site works and ground level changes; Yes or No?*

6.1.1 City of Melville Residents and Ratepayers Association Inc. continued.Response

The questioner is referred to s.106(4)(b) of the Building Act 2011 in relation to applying for a warrant to enter land.

(4) *An application for a warrant must —*

(b) state that the authorised person has reasonable grounds for believing that entry to the place is necessary for a compliance purpose;

3) *Has the CEO:*

Question 7

a) *Engaged a surveyor; if so who and if not, when is it expected a surveyor will be engaged: and*

Response

A scope of works based on the Council resolution of October 2021 was developed and the request for quote was advertised to the seven suppliers on the WALGA Panel PSP002-013 Surveying on 1 November 2021. The closing date for quotes was Friday 12 November 2021. No responses were received.

Question 8

- *If a surveyor has been engaged how much will the work cost and when will the report be delivered? or*

Question 9

- *If a surveyor has not yet been engaged what is the forward schedule, including the expected receipt of the report?*

Response 8 - 9

As a surveyor has not been engaged, the matter will be referred to the Council for further consideration.

Question 10

b) *Arranged or gained access to the site? and*

Question 11

- *If so in which manner? or*

6.1.1 City of Melville Residents and Ratepayers Association Inc. continued.Question 12

- *If not what is the plan to obtain the survey?*

Response to Questions 10 – 12

As no surveyor has responded there is no need at this point in time to gain access to the site.

- 4) *We refer to our public questions on 8 Macrae Road Applecross dust issues put to 12 October Ordinary meeting of Council (OMC), for which we are yet to receive answers and our 15 June 2021 request to Mayor Gear asking why the answers to our questions put to the 15 June OMC were not included in the minutes of that meeting in accordance with DLGSC advice and local laws.*

Question 13

- a) *Why haven't we received adequate answers to the 15 June questions put to Mayor Gear over 4 months later?*

Response

Questions were received from the Association on Sunday 13 June 2021. At the Council Meeting of 15 June 2021 these questions were taken on notice with the responses to be provided in the minutes of the 20 July 2021 Ordinary Meeting of Council. The responses to the questions are correct and accurate and were provided in those minutes.

It is noted that there was one question and response omitted from the Minutes of the 20 July 2021 Ordinary Meeting of Council due to a clerical error, and is provided below:

Question

What was the total gross cost first put to Council for inclusion in the City's capital plan for the BJP work, and when was that cost first reviewed by Council.

Response

| | | |
|----------------------------|-----------|---|
| 2016/2017 and 2017/2018: | \$146,535 | (Irrigation System) |
| 2017/2018: | \$ 80,000 | (consultancy, portable toilet hire and water services installation) |
| 2019/2020 Annual Budget: | \$277,500 | (to complete 'stage 1 (of 2) for amenity building). |
| 2019/2020 Mid-Year Review: | \$220,000 | (combined stages 1 & 2 for amenity building), 17 March 2020. |
| 2020/2021 Mid-year review: | \$ 43,187 | |

N.B. stages 1 & 2 were combined for efficiencies in cost and construction impact.

6.1.1 City of Melville Residents and Ratepayers Association Inc. continued.

Question 14

- b) *Why weren't the answers to our 12 October public question included in the minutes of the 12 October meeting and why isn't Mayor Gear and Council ensuring the CEO complies with s7.8 (7) of the City's Meeting Procedures Local Law?*

Response

Ten questions, without notice, were received from the Association on Saturday 9 October 2021. Seven questions relating to the survey at 18A and 18B Tweeddale Road could be and were responded to at the meeting and the responses provided in the minutes. Three questions relating to dust required research and were taken on notice with the responses to be published in the minutes of the Ordinary Meeting of Council to be held on Tuesday, 16 November 2021.

Question 15

- c) *What are all of the compliance and enforcement actions the City could take, and under what statutory authorities, against the Macrae Road Applecross builder for the prolonged issues raised in our public questions put to the 12 October OMC?*

Response

Clause 56 of the Health Local Laws 1997 deals with nuisance from dust, fumes, offensive or foul odour, liquid waste or liquid refuse, but there is no provision to issue infringements, only to prosecute. Fines available under the Health Local Laws through the Courts are only small and do not realistically provide a deterrent or an incentive for compliance. Attending officers need to witness the dust nuisance for a successful prosecution and the court must be satisfied that it caused a nuisance.

6.1.2 Citizens for Building Reform (WA)

The City website's Planning and Building Compliance page (<https://www.melvillecity.com.au/planning-and-building/planning-and-building-compliance>) states the City is "responsible for ensuring all planning and building works comply with the requirements under the Development Act 2005 (WA) [sic], Building Act 2011 (WA), Building Regulations 2012 and our Local Planning Scheme No.6.", please confirm:

Question 16

- 1) *What powers does Council have to order the removal of an unauthorised encroachment as a result of building works completed without the adjoining land-owners' consent, unauthorised building works, and/or in breach of an approval issued by the City?*

Response

Unauthorised building work is a breach of *Section 9, Building Act 2011 – No building work without a building permit*. Court imposed penalty for a first offence, up to \$50,000, if prosecuted by the City.

A person responsible for building work is not to encroach beyond the boundaries of the works land, without consent, court order or other authority, pursuant to *Section 76, Building Act 2011*. Court imposed penalty, fine of \$25,000, if prosecuted by the City.

A Building Order can be issued by the City, at any time, to have an unauthorised encroachment removed, pursuant to *Section 112 (2), Building Act 2011*.

All building works encroachment concerns brought to the attention of the City are considered on a case by case basis.

Question 17

- 2) *What process would the City follow in responding to a complaint about an unauthorised encroachment?*

Response

City Officers are guided by the City of Melville's Compliance and Enforcement Policy, Policy No. CP-114, last review date 21 July 2020 and the City of Melville Compliance and Enforcement Guideline.

6.1.2 Citizens for Building Reform (WA), continued.

3) *Since the introduction of the Building Act in 2011 how many:*

Question 18

(a) *complaints has the City received?*

Question 19

(b) *investigations has the City undertaken?*

Response to Question 18 and 19

Planning and building compliance complaints are made to the City in different forms. Such as email, phone, front counter enquiry, Planning & Building Compliance Service Request form etc.

The City carries out, on average, between thirty to fifty building compliance investigations per month, at present.

It would be difficult to obtain an exact figure of complaints made and investigations carried out, related to the *Building Act 2011*, over the last decade, by the City.

Question 20

(c) *proposed building orders? and/or*

Question 21

(d) *building orders has the City issued in response to complaints, or from the City's own inspections, in relation to: (I) unauthorised encroachments? and/or*

Question 22

(e) *building orders has the City issued in response to complaints, or from the City's own inspections, in relation to: (II) boundary or near boundary walls, be they retaining, parapets, screens or the like?*

Response to Questions 20 - 22

The information sought in these questions can be found by viewing the City's Building Order register, which can be found here: <https://www.melvillecity.com.au/our-city/publications-and-forms/building-and-development/building-orders-register>

6.2 Questions Without Notice

6.2.1 Mr S Kepert, Mt Pleasant

I refer to pages 6-10 of the minutes of the Ordinary Meeting of Council 21st September 2021 regarding the public questions asked by Mr R Aubrey of Leeming:

Question 23

Why did the City's officers insert false responses to the Council's responses to public questions asked by Mr R Aubrey of Leeming when these are not the answers given by the Council at that meeting?

Question 24

Was the Council notified prior to the 21 September 2021 Ordinary Meeting of Council that the City's officers were attempting to insert their own untruthful answers or did they simply perform the action in the hope the Council would not notice?

Question 25

Why are the footnotes inserted by the City's officers preceded with the statement "The Administration's Response as requested by the Presiding Member" when the Presiding Member made no such requests?

Question 26

Why are the Council's answers to these public questions preceded with the statement "Response as provided by Cr Kepert" when they are the Council's actual and truthful answers to Mr R Aubrey of Leeming's public questions?

Question 27

Why did the City's officers remove text from the Council's response to the public question #9 asked by Mr R Aubrey of Leeming, (found on page 9 of the minutes) by removing the statement "... and the question is derogatory and offensive" which was part of the Council's response to Mr Aubrey's incorrect and misguided statement that Cr Kepert "fail(ed) to declare a financial interest"?

Question 28

Why did the City's officers remove text from the Council's responses to the public question #10 asked by Mr R Aubrey of Leeming (found on page 9 of the minutes) by removing the statement "... and the question is derogatory and offensive" which was part of the Council's response to Mr Aubrey's incorrect and misguided statement that Cr Kepert "failed to meet his obligations..."?

Question 29

Why did the City's officers remove the Council's response to public question #11 asked by Mr Aubrey of Leeming (found on page 10 of the minutes) and replace it with the untruthful statement "Cr Kepert did not provide a response to this question" when the Council's response "The role of the Mayor is set out in section 2.8 of the Local Government Act 1995" was given by the Council at the 21 September 2021 Ordinary Meeting of Council, was clearly captured on audio recording of that meeting and is even accessible on the City's own website?

6.2.1 Mr S Kepert, Mt Pleasant, continued.

Question 30

Regarding public question #11, why did the City's officers insert their own false text which was not the Council's answer to Mr Aubrey's public question, "On what grounds did Mayor George Gear dispense of his obligations as Mayor of the City of Melville in making the statement in the said article 'I'm not even a part of this' particularly given the officers' text has no relevance whatsoever to Mr Aubrey's public question and is fundamentally incorrect?"

Question 31

Why did the officers in their inserted text refer to a "non-compliance with a Standards Panel order" when such an action has never occurred by any Melville Councillor as has been proven and now finally understood by the officers who took legal action against a Councillor?

Question 32

Has the administration or Council apologised to Melville's ratepayers for repeatedly misinforming the Council and public on the matter and wasting City funds and Council's time on a misguided failed legal action against a Councillor?

The responses to questions without notice submitted by Mr S Kepert will be taken on notice and published in the Minutes of the December Ordinary Meeting of Council available to the public on Friday, 17 December 2021.

6.3 Questions Taken on Notice

From the Ordinary Meeting of Council 19 October 2021

6.3.1 City of Melville Residents and Ratepayers Association Inc

We refer to the 3 October 2021 social media posts in relation to Firm Construction's management of Health and Safety performance at 8 Macrae Road Applecross, and specifically DWER's advice "Nuisance dust from non-licensed premises is not regulated by DWER. Dust emissions generated from activities such as land development sites, commercial activities and light industry, woodworking, grinding, roads, trotting tracks, extractive industries involving sand or gravel extraction are generally managed by local governments."

Question 33

Why doesn't Council have policies/local laws dealing with nuisance dust compliance and enforcement and readily available on its website?

Response

Provisions to deal with nuisance from dust are contained in the City of Melville Local Health Laws 1997 and are available on the City Website. The City will draft further explanatory content for inclusion on the website to provide greater clarity.

6.3.1 City of Melville Residents and Ratepayers Association Inc, continued.

Question 34

Why doesn't Council's Delegations and Authorities Manual list delegations and authorities specifically to deal with breaches of s 49 of the Environmental Protection Act 1986; that is to protect residents from unreasonable emissions, meaning emissions or transmission of noise, odour or electromagnetic radiation which unreasonably interferes with the health, welfare convenience, comfort or amenity of any person?

Response

The *Environmental Protection Act* (EPA) is administered by the Department of Water and Environmental Regulation (DWER). There is no delegation to local government to "specifically deal with breaches of s.49", which are Tier 1 and Tier 2 offences, dealt with under s.114 of the EPA.

Officers are appointed and authorised as an Authorised Person and Inspector under sections 87 and 88 by DWER. It is not a delegation from City of Melville but an authorisation from DWER.

The CEO of the City holds three delegations pursuant to section 20 of the EPA all of which are in relation to noise matters (Refer EPA delegations 52, 112 and 119) and are listed under Part 5 of the City of Melville Statutory Delegation and Authorisation Manual. Enforcement powers are limited to non-compliance with environmental protection notices issued under s.65(1) for the matters covered by the delegation (noise only).

Question 35

Why hasn't the CEO ensured residents' dust complaints in relation to 8 Macrae Rd Applecross were investigated?

Response

The assumption in the question is incorrect. Residents' dust complaints in relation to 8 Macrae Road Applecross have been investigated

7. CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF THE COUNCIL – 12 OCTOBER 2021 Minutes 12 October 2021

COUNCIL RESOLUTION

At 6:32pm Cr Pazolli moved, seconded Cr Woodall –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 12 October 2021 be confirmed as a true and accurate record.

At 6:32pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

7.2 NOTES OF AGENDA BRIEFING FORUM – 9 NOVEMBER 2021 Notes 9 November 2021

COUNCIL RESOLUTION

At 6:36pm Cr Macphail moved, seconded Cr Wheatland –

That the Notes of Agenda Briefing Forum held on Tuesday, 9 November 2021, be received.

At 6:36pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

7.3 SPECIAL MEETING OF THE COUNCIL – 18 OCTOBER 2021 Minutes 18 October 2021

COUNCIL RESOLUTION

At 6:36pm Cr Pazolli moved, seconded Cr Edinger –

That the Minutes of the Special Meeting of the Council held on Monday, 18 October 2021 be confirmed as a true and accurate record.

At 6:36pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

8. AWARDS AND PRESENTATIONS

At 6:36pm, the Mayor presented awards to two members of the Waylen Bay Scouts Club:

- Evan Barrow who was presented the Milestone Two Achievement Badge
- Lachlan Morgan was presented the Milestone Three Achievement Badge

9. DECLARATIONS OF INTEREST

9.1 FINANCIAL INTERESTS

- Nil.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr J Spanbroek. M21/3923 New Lease Agreements for Sporting and Recreation Clubs. Interest under the Code of Conduct.
- Cr K Mair. M21/3923 New Lease Agreements for Sporting and Recreation Clubs. Interest under the Code of Conduct.

10. DEPUTATIONS

- 10.1 Mr M McCavana, Mr P Coombs and Mr J Newton, Leeming Sports Association**
Item M21/3923 New Lease Agreements for Sporting and Recreation Clubs

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

COUNCIL RESOLUTION

At 6:39pm Cr Wheatland moved, seconded Cr Macphail –

That the New applications of leave submitted by Cr Edinger and Cr Sandford on 16 November 2021 be granted.

At 6:39pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

That the meeting may close to members of the public, if required, to allow for items deemed confidential in accordance with Sections 5.23 (b) (c) and (e) of the Local Government Act 1995 to be discussed behind closed doors.

- M21/5865 – Confidential Item – Variation to Agreement for Lease for Melville Health, Aged and Community Care (WA) Pty Ltd
- M21/5877 – Confidential Item – Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant
- C21/5885 – Confidential Item – WALGA Energy Procurement Framework
- M21/5879 – Confidential Item – Nomination for Honorary Freeman of The City

13. PETITIONS

Nil.

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 6:41pm the Mayor brought forward M21/3923 – New Lease Agreements for Sporting and Recreation Clubs for the convenience of the public gallery.

At 6:41pm Mr M McCavana, Mr P Coombs and Mr J Newton entered the Chamber for the purpose of giving a deputation [Deputation Leeming Sports Association](#) which concluded at 6:51pm. At 6:57pm, Mr M McCavana, Mr P Coombs and Mr J Newton left the Chamber.

Disclosure of Interest

| | |
|--------------------|---|
| Member | Cr Spanbroek |
| Type of Interest | Impartiality Interest |
| Nature of Interest | Social Member of the Leeming Bowling Club |
| Request | Stay, Discuss, Vote |
| Decision Leave | Stay, Discuss, Vote |

Disclosure of Interest

| | |
|--------------------|--|
| Member | Cr Mair |
| Type of Interest | Impartiality Interest |
| Nature of Interest | Sponsor and Patron of Leeming Bowling Club |
| Request | Stay, Discuss, Vote |
| Decision Leave | Stay, Discuss, Vote |

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)

| | |
|----------------------------|---|
| Ward | : All |
| Category | : Strategic |
| Subject Index | : Community |
| Customer Index | : Community and Sports & Recreation Clubs |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : Item T21/3901 – John Connell Reserve Upgrade Proposals – Ordinary Meeting of Council held 16 February 2021. |
| Works Programme | : Not Applicable |
| Funding | : Not Applicable |
| Responsible Officer | : Jeremy Rae – Strategic Property Executive |

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)

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 (e.g. 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> |

KEY ISSUES / SUMMARY

- The City of Melville's CEO has received formal written requests from several sports and recreation clubs in Melville to have new lease agreements with maximum lease terms.
- The requests following on from the Council granting long term leases to the Melville and Mount Pleasant Bowling Clubs.
- The following Clubs and Associations have requested new long term leases and where leases have an unexpired period the lessee will be required to surrender their existing leases:-
 1. Swan River Rowing Club Inc.
 2. Tompkins Sports and Recreation Association Inc.
 3. Melville Glades Golf Club Inc.
 4. Kardinya Bowling Club Inc.
 5. Leeming Bowls and Recreation Club Inc.
 6. Leeming Sports Association Inc.
 7. Bowmen of Melville Inc.
- This report considers and recommends the term and changes to conditions of new leases and licenses to be offered.

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)**BACKGROUND**

The City of Melville has received a number of requests from Sports and Recreational Clubs and Associations who have existing lease and management license agreements with the City. Where these facilities are under the Reserves Management Orders on Crown land, like the Mt Pleasant Bowling Club, they are subject to the Minister for Lands consent under Section 18 of the Land Administration Act (LAA) 1997.

The following Clubs and Associations have requested new long term leases and will be required to surrender their existing leases:-

- Swan River Rowing Club Inc.
- Tompkins Sports and Recreation Association Inc
- Melville Glades Golf Club Inc.
- Kardinya Bowling Club Inc.
- Leeming Bowls and Recreation Club
- Leeming Sports Association
- Bowmen of Melville

The Representatives from each of the Clubs and Associations have written to the City's Chief Executive Officer requesting new long term leases and as the requested lease terms are outside the CEO's delegation, Council is requested to consider and decide on whether to grant new long term leases to the Clubs and Associations.

The City's administration preference is that existing lease and license arrangements with all Community Groups, Associations and Sporting and Recreation Clubs should run their full term under existing agreements with the view that the City will grant continued tenure via new leases and licenses based on the same terms should the Clubs and Associations wish to extend their tenure arrangements.

The Clubs and Associations wish to receive approval from Council for new long term lease arrangements similar to the maximum term granted to the Mount Pleasant Bowling Club. However, it is noted that the Mount Pleasant Bowling Club lease is not the standard lease being used and is not recommended for adoption going forward as it contains some anomalies which the Club and Council wanted included for the benefit of the club.

The new proposed standard lease and licence includes that the Lessee be responsible for maintenance, renewal and upgrades of all items within the lease premises including any fencing which encompasses the lease boundary as detailed in the maintenance schedule attaching to the agreement.

It should be noted that the Melville Bowls Club lease approved by Council last year provides for the Lessee to be responsible for all maintenance of assets within the lease premises including any boundary fencing.

Other examples of Clubs with this type of lease are; Melville Water Polo Club, Swan River Rowing Club, Melville Glades Golf Club and South of Perth Yacht Club.

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)

DETAILS

Summary of Existing Lease and License Arrangements

The City recognises that the Clubs and Associations have operated continuously for a long period of time and that the City has granted the Clubs significant benefit via peppercorn leases and license agreements to provide them with continued quiet enjoyment to conduct their activities and promote sporting activities.

By agreeing to grant new long term leases the City is required to ensure that the lease agreements are consistent both in format and with legal effect with the City's other 80 or so sporting club, association and community lease and license agreements. The City's standard lease and license agreements were previously prepared on advice from the City's solicitors to ensure the City retain legal rights attaching to the land and protection over its assets as landlord. It also ensures that the City can comply with its statutory obligations and duty of care for all its residents and ratepayers and not just members of the Clubs and Associations.

The following is a summary of the new lease term requests received by the City from the respective Clubs and Associations:-

| <u>Lessee</u> | <u>Old Tenure</u> | <u>Old Term (Expires)</u> | <u>New Tenure</u> | <u>Requested Term (Expires)</u> |
|------------------------------|-------------------|---------------------------|-------------------|---------------------------------|
| Swan River Rowing Club | Lease | 10+5+5 Years (31/12/36) | Lease | 21 Years (31/08/42) |
| Tompkins Park Sports and Rec | Lease | 10 Years (31/12/30) | Deed Variation | 2 x 10 Years (31/12/50) |
| Melville Glades Golf Club | Lease | 21 Years (31/08/28) | Lease | 21 Years (31/08/42) |
| Kardinya Bowling Club | License | 5 Years (30/06/22) | Lease | 21 Years (31/08/42) |
| Leeming Bowls and Rec Club | License | 5 Years (30/06/22) | Lease | 21 Years (31/08/42) |
| Leeming Sports Association | License | 5 Years (30/06/22) | Lease | 21 Years (31/08/42) |
| Bowmen of Melville | License | 5 Years (30/06/24) | Lease | 21 Years (31/08/42) |

The City's administration in conjunction with the Clubs has agreed the standard terms and conditions of the lease including the Special Conditions, as per its standard lease agreement. It is proposed and recommended that all future leases and licenses reflect these standard terms and conditions.

In addition the following special conditions have been amended and included and agreed to be the Club's in this report:

1. Either party can terminate the Lease for any reason upon 12 months' notice in writing to the other party in an event that is out of the control of the Lessor.
2. An additional clause - "Surrender of Lease or License" has been included in the agreements to affect the surrender and cancellation of the existing lease agreement from the Surrender date being the date of commencement of the new leases.

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)**Swan River Rowing Club (Inc.)**

Members from the Swan River Rowing Club located at Canning Bridge met with the City's CEO and staff on 3 March 2021 to discuss their current lease arrangements and need for an extension of the lease term so the Club can undertake improvements to its facilities by way of building improvements.

The current lease commenced on 1 January 2017 for an initial term of 10 years expiring on 31 December 2026 with two further terms of 5 years each. In total all the full term of the lease is 20 years with expiry on 31 December 2036. In effect the lease has a 15 year period remaining before expiry.

The current lease area is over a portion of Apex Reserve 26811 which is vested by the State Government to the City of Melville by way of Management Order with the Power to Lease for up to a maximum term of 21 years. The granting of any lease by the City is subject to approving consent from the Minister for Lands under Section 18 of the Land Administration Act (LAA). The current lease was consented to by the Minister.

As the maximum lease term the City can grant under the Management Order is 21 years, the Swan River Rowing Club has requested this term in full. The Department of Planning, Lands and Heritage (DPLH) will only permit this term if a new lease is entered into and the current lease is surrendered. In following the Department's advice the City has drafted a new lease with the Swan River Rowing Club reflecting the City's standard lease which the Swan River Rowing Club has agreed with.

Key Terms of New Lease Agreement

| | |
|--------------|--|
| Term | 21 Years |
| Further Term | Nil |
| Commencing | 1 September 2021 |
| Expiry | 31 August 2042 |
| Purpose | Recreation pursuant to the authorised uses determined by the Minister for Lands. Facilitating the sport of rowing, storage of boats and equipment and provisions of a clubhouse. |

Tompkins Park Community and Recreational Association (Inc.)

In April 2021 the Tompkins Park Community and Recreational Association contacted the City to request two further 10 year lease terms at Tompkins Park as the Club requires security of tenure so the Association can plan ongoing investments. It is proposed that the Club be offered two further 10 year lease terms by way of a Deed of Variation approved by Council.

Key Terms of Deed of Lease Variation Agreement

| | |
|--------------|--|
| Further Term | Two Further 10 Year Terms totalling 20 Years |
| Commencing | 1 January 2031 |
| Expiry | 31 December 2050 |

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)**Melville Glades Golf Club (Inc.)**

The Management of the Melville Glades Golf Club contacted the City's CEO in writing dated 14 April 2021 on behalf of its membership, requesting the City of Melville grant another 21 year term lease subject to the surrender of its existing lease which expires on 31 August 2028. The request by the Club is on the basis that it can plan future capital expenditure and to give the Club's Board certainty when making these decisions.

Key Terms of New Lease Agreement

| | |
|--------------|--|
| Term | 21 Years |
| Further Term | Nil |
| Commencing | 1 September 2021 |
| Expiry | 31 August 2042 |
| Purpose | Activities necessary for and ancillary to the functions of a golf course and related recreational activities. Notwithstanding any other provision of this Lease, the Lessee must not permit any function held at the premises to continue after 1.00am without prior written approval of the Lessor. |

Kardinya Bowling Club (Inc.)

Kardinya Bowling Club currently operates with a Management License for a term of 5 years with the license expiring on 30 June 2022. The Club has requested that the City grant a new **lease** for a term of 21 years.

Key Terms of New Lease Agreement

| | |
|--------------|--|
| Term | 21 Years (10+11) |
| Further Term | Nil |
| Commencing | 1 September 2021 |
| Expiry | 31 August 2042 |
| Purpose | Recreation pursuant to authorised uses provided by the Minister for Lands being Bowling Club Activities. The Lessor acknowledges that the whole or part of the premises may be sublet, hired out or occupied in order to profit provided that the responsibility for the coordination of such subletting, hiring or occupancy be delegated to a nominated bookings officer of the Lessee's choice and provided that the Lessee shall keep proper records of all such bookings which shall be available for inspection by the Lessor at any reasonable time upon the request of the Lessor. |

The granting of the above leases are supported in the Officer Recommendation.

At the February 2021 Council meeting (Item T21/3901) John Connell Reserve Upgrade Proposals - the Council resolved not to proceed with the Development WA Memorandum of Understanding for the John Connell Reserve Redevelopment Project and that the Council

“Brings forward the preparation of the Master Plan for the entire 122 hectare John Connell Reserve for consideration in the 2021-2022 budget “

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)

The lease Bowmen of Melville is not supported at this time, however it is recommended to reconsider this request once the City is satisfied that any new long term lease will not impact the City's ability to;

- implement future masterplan recommendations as in the case of the sporting and recreational planning for John Connell Reserve, or
- unnecessary restrict the use of playing fields by the City of Melville community, and
- until a community leases and licenses policy is developed to guide affective use of community assets.

Leeming Bowls and Recreation Club (Inc.)

Leeming Bowls and Recreation Club currently operate with a Management License with the City for a term of 5 years with the license expiring on 30 June 2022. The management license covers the bowling greens and associated infrastructure but does not cover the club room facilities. The Leeming Sports Association has a management license for the club rooms. The Club has requested that the City grant it a new lease for a term of 21 years. It is not uncommon for a longer term lease of bowling greens and associated infrastructure as the maintenance, renewal and upgrade of these facilities are the responsibility of the club and not the City. The Officer's recommend that the Council approves the new lease subject to it reflecting the appropriate maintenance obligations aligned to the shared use of the club rooms with the Leeming Sporting Association (Inc.) and the benefit of a long term lease being granted to the Club.

Leeming Sporting Association (Inc.)

Leeming Sporting Association currently operates with a Management License with the City for a term of 5 years with the license expiring on 30 June 2022. The Association has requested that the City grant it a new lease for a term of 21 years. There is no reason for this length of lease with history showing that length of lease does not impact on the licensee's/lessee's ability to successfully attain grant funding and/or self-supporting loans. Leeming Sports Association is not proposing to fund any significant capital improvement that would warrant a long term lease. The potential impact on the City's ability to schedule activity on the sports fields as access to amenities is controlled by the licensee. The Officer's recommend that the Council approves the new lease for a term of 21 years aligned to the same dates as the proposed Leeming Bowls and Recreation Club with the same maintenance obligations and lease structure which applies to the Tompkins Sports and Recreation Association lease.

Bowmen of Melville Incorporated

On 23 March 2021 the City was advised by a Councillor that the Bowmen of Melville, who lease a portion of John Connell Reserve under a License Agreement with the City for Archery purposes, requesting a long term lease as the Club would like to invest in new facilities and require long term security of tenure. On 30 March 2021 the acting President of Bowmen of Melville wrote to the City's CEO outlining the Club's request for a new 21 year lease term.

The Masterplan for John Connell Reserve will be undertaken to enhance sport and public open spaces on the Reserve. Depending on the outcome of this planning process there may be an impact of the Bowmen of Melville's lease area. As such, it is recommended that either the granting of the new lease be deferred until the outcome of this planning is known (12 months).

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not Applicable.

II. OTHER AGENCIES / CONSULTANTS

Not Applicable.

STATUTORY AND LEGAL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

The Premise leases of Swan River Rowing Club, Melville Glades Golf Club, Leeming Bowling Club and Kardinya Bowling Club have no cost implication to the City as all maintenance, renewal and upgrades are funding by the lessee/licensee.

Tompkins Park Community and Recreational Association are based on a turnover rent lease, which in essence, provides funding to the City for the renewal of the building.

The granting of a long term lease where the City is providing financial support (maintenance and renewal of buildings), as per Leeming Sports Association, has the potential to create a future financial liability to the City which may not deliver the best outcome for the community.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The risks associated for the City in granting long term leases of 21 years include:-

1. Long term master-planning planning for improvements and future uses of the leased Reserves maybe compromised in the long run as the assets are locked up with long term leases and the City may not be able to terminate the leases without the agreement by mutual consent from the Clubs and Associations. In effect tying these important community assets up.
2. Clubs and Associations potentially run a greater risk of insolvency the longer the lease term, due to many factors which are outside the control or the club and association. Ongoing solvency of the Lessee and Licensee should be a paramount consideration when granting long term leases and licenses to the parties. Under existing lease and license agreements the City is unable to terminate the agreements in the event of insolvency or membership decline of the clubs and associations. This is a significant risk to the City and community and may result in sporting and recreational reserves being tied up for years and not being used for their intended purpose.
3. The utilisation of sports fields by the community may be impacted by the ability to access amenities under the control of long term lessee's causing increase pressure on other playing fields in the City and the community's ability to be physically active in their chosen sport.

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)

4. The Council endorsed Sustainability Policy, Environmental Policy and Commitments on Climate Action may require the City to provide improvements and modification to the assets or changes to use, resource sharing arrangements and billing structures, which may or may not be agreed by the clubs at a later stage. The proposed new long term leases do not allow for this and the City is exposed to risk that may impact its ability to meet its targets in relation to these leased assets. A clause will need to be included in future lease/license agreements to enable the Council to maintain partnership, control or terminate a lease as required to meet the wider community needs specifically to meet the environmental or sustainability objectives and targets.

| Risk Statement and Consequence | Level of Risk | Risk Treatment |
|---|--|---|
| <p>There is risk that the City of Melville is tying up important sporting and recreation crown land for long term periods and foregoing the opportunity for alternative or other uses in the future.</p> | <p>Low level of risk Moderate consequences which would be rare.</p> | <p>Mitigated by inclusion of 12 month termination notice clauses in the agreements which can be exercised by either the City or the Lessee/Licensee.</p> <p>Authorising CEO to enter into new leases when masterplan activities have been completed and any potential impacts on the lease premises have been identified and quantified.</p> |
| <p>There is the risk that if the club or association collapses the City of Melville may be required by Council to grant additional funding to support their continued operation despite declining memberships and ongoing insolvency. The result would be that ratepayers would be subsidising the club members financially to the tune social and playing members which might be considered inequitable.</p> | <p>Medium/High level of risk Major consequences which include financial loss to the City potentially affecting its credit rating and inequity of financially supporting some clubs and associations at the expense of others.</p> | <p>The Lease and License agreements contain obligations on clubs and associations to provide proof of financial position and capacity to continue to operate viability. However, this is only a reporting requirement and the City is unable to enforce termination of the lease/license where Council provides additional financial support to failing clubs and associations.</p> |

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)**POLICY IMPLICATIONS**

This report proposes that Community Leasing and Licensing Policy be developed to establish a fair and equitable basis on which Community Groups, Associations and Sporting and Recreation Club leases and licenses are prepared and approved by the CEO under a modified Delegated Authority.

ALTERNATIVE OPTIONS AND THEIR IMPLICATIONS

1. Not approve the clubs and associations requests for new long term lease agreements and continue with the existing leases and licenses running their full terms. On expiry renew the agreements in line with the existing lease and license terms under the current CEO delegation.
2. Not approve these requests for new agreements and develop and approve a Community Leasing and Licensing Policy to establish a fair and equitable basis on which community and sporting club leases and licenses are prepared and approved by the CEO under a modified Delegated Authority by Council.

CONCLUSION

The City historically provides long term leases to clubs where there is demonstrated sustainable community benefit and minimal financial support provided by the City for the provision of the facilities being leased. The requests from Swan River Rowing Club, Melville Glades Golf Club, Kardinya Bowling Club, Tompkins Park Sports and Recreational Association, Leeming Bowls and Recreation Club and Leeming Sporting Association are all in line with this principle. Bowmen of Melville also meets this objective, however given the master planning of John Connell Reserve for sport and recreational use and contamination remediation, it is prudent to wait until after the master plan is completed prior to entering into a long term lease.

A policy position needs to be developed to guide decisions relating to future leases and licenses to ensure the cost to community, sport and recreation groups, of using City of Melville buildings, facilities and services is equitable and results in a fair distribution of costs between those groups and the City's rate payers.

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)

At 6:57pm, Cr Mair foreshadowed an amendment to the Officer Recommendation.

OFFICER RECOMMENDATION (3923)**APPROVAL**

At 6:57pm Cr Fitzgerald moved, seconded Cr Sandford –

That the Council:

1. **approves the new lease terms requested by the Clubs and Associations with immediate effect and authorises the Chief Executive Officer to finalise and execute the new lease agreements in accordance with these length of term together with the special conditions: -**
 - a. **Tompkins Park Sporting Association (10 Years - Lease Variation)**
 - b. **The Swan River Rowing Club Inc. (21 Years - New Lease)**
 - c. **Melville Glades Golf Club Inc. (21 Years - New Lease)**
 - d. **Kardinya Bowling Club Inc. (21 Years - New Lease)**
 - e. **Leeming Bowls and Recreation Club Inc. (21 Years - New Lease)**
 - f. **Leeming Sporting Association Inc. (21 Years - New Lease)**
2. **notes the intention of the Bowmen of Melville Inc. desire for long term lease, however defers the decision on granting long term lease until; the impact on the City's ability to implement future planning of this site in accordance with the existing zonings; and until a policy on community leases and licenses is developed.**
3. **directs the Chief Executive Officer to prepare and finalise the leases with the sporting clubs and associations for the terms requested and rescind the current lease and license agreements with effect from the commencement date of the new lease agreements.**
4. **directs the Chief Executive Officer to develop a community leasing and licensing policy to establish a fair and equitable basis on which community groups, associations and sporting and recreation club leases and licenses are prepared and approved by the Chief Executive Officer under a modified delegated authority.**

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)

At 6:57pm the Mayor advised there was an Officer Amendment which Mr Rae spoke to at the November Agenda Briefing Forum. At 6:58pm, the changes were accepted by the Council to amend the Officer Recommendation “1. a. *Tompkins Park Sporting Association from“(10 Years – Lease Variation.)” to “(20 Years – Lease Variation.)”*”

Officer Recommendation as Amended

At 6:57pm Cr Fitzgerald moved, seconded Cr Sandford –

That the Council:

1. **approves the new lease terms requested by the Clubs and Associations with immediate effect and authorises the Chief Executive Officer to finalise and execute the new lease agreements in accordance with these length of term together with the special conditions: -**
 - a. **Tompkins Park Sporting Association (20 Years - Lease Variation)**
 - b. **The Swan River Rowing Club Inc. (21 Years - New Lease)**
 - c. **Melville Glades Golf Club Inc. (21 Years - New Lease)**
 - d. **Kardinya Bowling Club Inc. (21 Years - New Lease)**
 - e. **Leeming Bowls and Recreation Club Inc. (21 Years - New Lease)**
 - f. **Leeming Sporting Association Inc. (21 Years - New Lease)**
2. **notes the intention of the Bowmen of Melville Inc. desire for long term lease, however defers the decision on granting long term lease until; the impact on the City’s ability to implement future planning of this site in accordance with the existing zonings; and until a policy on community leases and licenses is developed.**
3. **directs the Chief Executive Officer to prepare and finalise the leases with the sporting clubs and associations for the terms requested and rescind the current lease and license agreements with effect from the commencement date of the new lease agreements.**
4. **directs the Chief Executive Officer to develop a community leasing and licensing policy to establish a fair and equitable basis on which community groups, associations and sporting and recreation club leases and licenses are prepared and approved by the Chief Executive Officer under a modified delegated authority.**

At 7:03pm Cr Wheatland left the meeting and returned at 7:05pm.

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)

Amendment

At 7:03pm, Cr Mair moved, seconded Cr Spanbroek –

Insert a new item 5 that the Council:

- 5. directs the Chief Executive Officer to prepare and present draft leases and licensing agreements to Elected Members for discussion, then circulate them to the Clubs and Associations for feedback. After which these new finalised leases will be considered at the March 2022 Meeting of Council.**

At 7:11pm during discussion and debate, the mover and the seconder consented to the inclusion of the wording “*all future*” before “*...draft leases*” and the deletion of “*After which these new finalised leases will be considered at the March 2022 Meeting of Council.*”

Amendment

COUNCIL RESOLUTION

At 7:03pm, Cr Mair moved, seconded Cr Spanbroek –

Insert a new item 5 that the Council:

- 5. directs the Chief Executive Officer to prepare and present all future draft leases and licensing agreements to Elected Members for discussion, then circulate them to the Clubs and Associations for feedback.**

At 7:23pm, the Mayor declared the motion

CARRIED (7/6)

| | | |
|------------|---|---|
| Yes | 7 | Cr Ross, Cr Barber, Cr Spanbroek, Cr Mair, Cr Robins, Cr Sandford, Cr Edinger |
| No | 6 | Cr Macphail, Cr Wheatland, Cr Woodall, Cr Pazolli, Cr Fitzgerald, Mayor Gear |

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)**Substantive Motion as Amended**

At 6:57pm Cr Fitzgerald moved, seconded Cr Sandford –

That the Council:

1. approves the new lease terms requested by the Clubs and Associations with immediate effect and authorises the Chief Executive Officer to finalise and execute the new lease agreements in accordance with these length of term together with the special conditions: -
 - a. Tompkins Park Sporting Association (20 Years - Lease Variation)
 - b. The Swan River Rowing Club Inc. (21 Years - New Lease)
 - c. Melville Glades Golf Club Inc. (21 Years - New Lease)
 - d. Kardinya Bowling Club Inc. (21 Years - New Lease)
 - e. Leeming Bowls and Recreation Club Inc. (21 Years - New Lease)
 - f. Leeming Sporting Association Inc. (21 Years - New Lease)
2. notes the intention of the Bowmen of Melville Inc. desire for long term lease, however defers the decision on granting long term lease until; the impact on the City's ability to implement future planning of this site in accordance with the existing zonings; and until a policy on community leases and licenses is developed.
3. directs the Chief Executive Officer to prepare and finalise the leases with the sporting clubs and associations for the terms requested and rescind the current lease and license agreements with effect from the commencement date of the new lease agreements.
4. directs the Chief Executive Officer to develop a community leasing and licensing policy to establish a fair and equitable basis on which community groups, associations and sporting and recreation club leases and licenses are prepared and approved by the Chief Executive Officer under a modified delegated authority.
5. directs the Chief Executive Officer to prepare and present all future draft leases and licensing agreements to Elected Members for discussion, then circulate them to the Clubs and Associations for feedback.

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)

At 7:26pm during discussion and debate, the mover and the seconder, consented to the amendment of point 2 to delete “*until; the impact on the City’s ability to implement future planning of this site in accordance with the existing zonings; and until a policy on community leases and licenses is developed.*” and replace with “*until this issue is discussed at an Elected Member workshop prior to the April 2022 Ordinary Meeting of Council.*”

Substantive Motion as Amended**COUNCIL RESOLUTION**

At 6:57pm Cr Fitzgerald moved, seconded Cr Sandford –

That the Council:

1. **approves the new lease terms requested by the Clubs and Associations with immediate effect and authorises the Chief Executive Officer to finalise and execute the new lease agreements in accordance with these length of term together with the special conditions: -**
 - a. **Tompkins Park Sporting Association (20 Years - Lease Variation)**
 - b. **The Swan River Rowing Club Inc. (21 Years - New Lease)**
 - c. **Melville Glades Golf Club Inc. (21 Years - New Lease)**
 - d. **Kardinya Bowling Club Inc. (21 Years - New Lease)**
 - e. **Leeming Bowls and Recreation Club Inc. (21 Years - New Lease)**
 - f. **Leeming Sporting Association Inc. (21 Years - New Lease)**
2. **notes the intention of the Bowmen of Melville Inc. desire for long term lease, however defers the decision on granting long term lease until this issue is discussed at an Elected Member workshop prior to the April 2022 Ordinary Meeting of Council.**
3. **directs the Chief Executive Officer to prepare and finalise the leases with the sporting clubs and associations for the terms requested and rescind the current lease and license agreements with effect from the commencement date of the new lease agreements.**
4. **directs the Chief Executive Officer to develop a community leasing and licensing policy to establish a fair and equitable basis on which community groups, associations and sporting and recreation club leases and licenses are prepared and approved by the Chief Executive Officer under a modified delegated authority.**
5. **directs the Chief Executive Officer to prepare and present all future draft leases and licensing agreements to Elected Members for discussion, then circulate them to the Clubs and Associations for feedback.**

At 7:33pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

**P21/3950 - REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT
(REC) (ATTACHMENT)**

This Item was withdrawn from the agenda.

The item was withdrawn in accordance with s.6.8 (5) of the *City of Melville Meeting Procedures Local Law 2017*.

**P21/3951 - REQUEST FOR SCHEME AMENDMENT – CHILDCARE PREMISES (REC)
(ATTACHMENT)**

| | |
|----------------------------|---|
| Ward | : City Wide |
| Category | : Strategic |
| Application Number | : Not applicable |
| Property | : Not applicable |
| Proposal | : Request for Scheme Amendment – Restriction of Childcare Premises in Residential Areas |
| Applicant | : Not applicable |
| Owner | : Various |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : Item P21-3937 - Review of Local Planning Policy 1.12 Child Care Premise and Family Day Care – Ordinary Meeting of the Council 17 August 2021. |
| Responsible Officer | : Peter Prendergast Manager Statutory 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> |
| <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> |

**P21/3951 - REQUEST FOR SCHEME AMENDMENT – CHILDCARE PREMISES (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Local Planning Scheme 6 (LPS6) was gazetted on 27 May 2016. LPS6 sets out the broad vision for the City of Melville and includes zoning and the permissible land uses in each zone.
- At the Ordinary meeting of the Council on 17 August 2021, the Council resolved to request the Chief Executive Officer to prepare for Council approval a Scheme Amendment to LPS6 to list Child Care Centres as a prohibited use (X use) for sites within residential zoning located on Primary Regional Roads (PRR's) being Canning Highway, Leach Highway and South Street.
- This proposed amendment will affect a significant number of properties along Canning Highway, Leach Highway and South Street.
- The proposal is for a scheme amendment to:
 - Introduce in the LPS6 Zoning Table (Table 3), a new split classification for Child Care Premises located within residential areas which abut PRR's;
 - Modify the existing "A" use classification within Table 3 to an A/X₄ classification with a notation detailing that such uses will be classed as an "X" use where they abut a PRR.
- Council is requested to endorse the advertising of the proposed scheme amendment.
- At the conclusion of public advertising the amendment would be re-presented to the Council for the consideration of submissions received in response to the advertising and to determine whether or not to support the amendment.

BACKGROUND

A Notice of Motion was passed at the Ordinary Meeting of the Council on 17 August 2021 to prepare a Scheme Amendment to LPS6 to classify list Child Care Premises as an prohibited use ("X" use) for sites which are zoned Residential that abut Primary Regional Roads (Canning Highway, Leach Highway and South Street).

This motion was initiated by the Council to provide greater certainty in respect of land use permissibility for child care land uses located on PRR within residential areas. It is noted that the recently amended LPP 1.12 Child Care Premises and Family Day Care which classes' lots zoned Residential zones that abut PRRs as "Undesirable", is a document of due regard in the decision making process, whereas the land use permissibility recommended by the proposed Scheme Amendment would, if endorsed by the WAPC, have full effect on the decisions taken in respect of such land uses in such locations.

**P21/3951 - REQUEST FOR SCHEME AMENDMENT – CHILDCARE PREMISES (REC)
(ATTACHMENT)**

DETAIL

Child Care Premises are currently designated A₁ within areas zoned Residential under the City's LPS 6 with a corresponding notation which states:

“the use may be subject to specific Scheme provisions and/or policy which may impose restrictions with reference to site suitability criteria, positioning on site or the amount or proportion of land or floorspace allocated to the particular use”

The City's LPP 1.12 informs the assessment of applications for Child Care Premise and Family Day Care land uses across the City of Melville. It sets out expectations in relation to the preferred locational characteristics, design criteria and the information which should be provided with an application for Child Care Premises. A review of LPP1.12 was undertaken having regard to the amendment requested by Council in April 2021 Ordinary Council Meeting. The amended LPP 1.12 was endorsed by Council in September 2021.

A number of changes were recommended by the Council at the Ordinary Meeting of Council on 17 August 2021, notably classifying Child Care Centres as 'Undesirable' when they are zoned Residential and about a PRR.

Extract from LPS 6 showing the current use classification for Child Care Premises:

Table 3 - Zoning Table

| USE AND DEVELOPMENT CLASS | ZONES | | | | | | | | | |
|---------------------------|----------------|------------------------|------------------------|----|----|-----------|--------------------|----------------|--|------------------------|
| | Residential | Centre | | | | Mixed Use | Service Commercial | Light Industry | Private clubs institutions and places of worship | Urban Development |
| | | C1 | C2 | C3 | C4 | | | | | |
| amusement parlour | X | Refer to Clause 18 (7) | Refer to Clause 18 (7) | P | D | X | D | X | X | Refer to Clause 18 (7) |
| art gallery | D | | | P | P | D | X | A | P | |
| bed and breakfast | A ₁ | | | D | D | A | X | X | X | |
| betting agency | X | | | P | P | X | X | X | X | |
| brewery | X | | | D | X | X | P | P | X | |
| bulky goods showroom | X | | | X | X | X | D | X | X | |
| caretakers dwelling | D | | | D | D | P | D | A | P | |
| car park | X | | | A | A | A | D | D | D | |
| child care premises | A ₁ | | | P | D | D | D | X | D | |
| cinema/theatre | X | | | A | X | X | X | X | X | |

Accordingly, it is proposed to modify the use classification for Child Care Premise on Table 3 in LPS6 to read A/X₄ within the Residential Zone. A note will be added below stating that the use is "X" where Child Care Premises about roads classed as "Primary Regional Roads/ Primary Distributor Roads" under the Metropolitan Region Scheme. The Schedule of Modifications is attached.

[3951 Schedule of Modifications to LPS6 1](#)

**P21/3951 - REQUEST FOR SCHEME AMENDMENT – CHILDCARE PREMISES (REC)
(ATTACHMENT)****STAKEHOLDER ENGAGEMENT**

If the Council resolved to initiate the scheme amendment to LPS6 it would be required to arrange a public advertising period. Advertising is neither required, nor is it usually undertaken in determining whether or not to initiate a scheme amendment or structure plan amendment.

I. COMMUNITY

This amendment is required to be advertised to the community. Advertising will commence following the initiation of the amendment. Formal advertising will involve notification in a local newspaper and information on the City's website.

II. OTHER AGENCIES / CONSULTANTS

The Environmental Protection Agency will be consulted as required under the Planning and Development (Local Planning Scheme) Regulations 2015 ('the Regulations').

STATUTORY AND LEGAL IMPLICATIONS

An amendment to LPS 6 requires a resolution of the Council to initiate the process, including the commencement of advertising. Procedures are specified by the Planning and Development (*Local Planning Schemes*) Regulations 2015. In summary the amendment would require advertising for comment, review of submissions and then forwarding of a recommendation on the amendment to the Western Australian Planning Commission (WAPC). The WAPC would then forward a recommendation on the proposed amendment to the Minister for Planning, for determination. It is noted that once a scheme amendment is initiated it is open for the Minister for Planning to proceed to determine the application or to make modifications to the content of the amendment.

FINANCIAL IMPLICATIONS

Should the Council resolve to proceed with the initiation of a scheme amendment costs will be incurred associated with the preparation of supporting planning reports and advertising.

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. There is a risk that the proposed amendment may be seen as inconsistent with the intentions of the Local Planning Strategy and as such may not be supported by the decision maker (WAPC).

**P21/3951 - REQUEST FOR SCHEME AMENDMENT – CHILDCARE PREMISES (REC)
(ATTACHMENT)****POLICY IMPLICATIONS**

LPP 1.12 Child Care Premises and Family Day Care, which states that child care uses on PRR's within residential area are undesirable, would require to be updated should the scheme amendment be approved by the WAPC and endorsed by the Minister. .

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could resolve to not initiative the proposed scheme amendment

CONCLUSION

The request for this Scheme Amendment reflects the position taken by the Council to seek to prevent the location of child care centres on PRR's within residential areas within the City, and reflects a broader concern held by the Council regarding the amenity implications of locating such sensitive land uses on highly trafficked roads.

It is recommended that the proposed scheme amendment be initiated to enable commencement of advertising. At the conclusion of the advertising period the amendment will be presented to Council to review submissions and consider next steps.

**P21/3951 - REQUEST FOR SCHEME AMENDMENT – CHILDCARE PREMISES (REC)
(ATTACHMENT)**

*At 7:34pm Cr Woodall left the meeting and returned at 7:39pm.
At 7:34pm Cr Barber left the meeting and returned at 7:40pm.
At 7:34pm Cr Wheatland left the meeting and returned at 7:40pm.*

At 7:34pm the Mayor adjourned the meeting.
At 7:40pm the Mayor resumed the meeting.

At 7:42pm Mr Cope returned to the meeting.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3951)**APPROVAL**

At 7:40pm Cr Pazolli moved, seconded Cr Fitzgerald –

That the Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, resolves to prepare and initiate scheme amendment No. 13 to Local Planning Scheme 6 to modify the land use classification for Child Care Premises in Table 3 – Zoning Table of Local Planning Scheme No. 6 as shown on [Schedule of Modifications to LPS6 1](#)
2. Notes the amendment is a “standard” amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
 - The amendment satisfies the definition of a standard amendment and does not reflect the characteristics of a complex or basic amendment.
3. Notes that a further report will be presented to the Council at the conclusion of the advertising process for the amendments.

At 7:45pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

M21/3923 – NEW LEASE AGREEMENTS FOR SPORTING AND RECREATION CLUBS (REC)

This Item was Brought Forward.
See Page 16.

At 7:47pm the Mayor brought forward Item P21/3954 – Amendment to Single House (Site Works and Screening) – Lot 802 (10d) Birdwood Circus, Bicton WA 6157 (Section 31 SAT Reconsideration) for the convenience of the public gallery.

P21/3954 – AMENDMENT TO SINGLE HOUSE (SITE WORKS AND SCREENING) – LOT 802 (10D) BIRDWOOD CIRCUS, BICTON WA 6157 (SECTION 31 SAT RECONSIDERATION) (REC) (ATTACHMENT)

Ward : Bicton - Attadale - Alfred Cove
 Category : Operational
 Application Number : DA-2019-1200/C
 Property : Lot 802 (10D) Birdwood Circus, Bicton
 Proposal : Amendment to a Single House (Site Works and Screening)
 Applicant : Mr M J Tomasini
 Owner : Mr M J and Mrs A R Tomasini
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P21/3943 Amendment to Single House (Site Works and Screening) – Lot 802 (10D) Birdwood Circus, Bicton – Ordinary meeting of Council held 17 August 2021
 Responsible Officer : Peter Prendergast
 Manager Statutory 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> |
| <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 checked="" 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> |

**P21/3954 – AMENDMENT TO SINGLE HOUSE (SITE WORKS AND SCREENING) – LOT 802
(10D) BIRDWOOD CIRCUS, BICTON WA 6157 (SECTION 31 SAT RECONSIDERATION) (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The previous DA (ref DA-2019-1200/B) sought approval for site works and screening. This DA was the subject of consultation with affected neighbours, which resulted in submissions opposing the development.
- The DA was presented to the Development Advisory Unit (DAU) meeting held on 13 July 2021 and a report was published on the City's website.
- The development application was the subject of a call up to Council for determination at the request of by Elected Members and in accordance with the procedures outlined in the Local Planning Policy 1.1, Planning Process and Decisions Making.
- An Elected Member site visit to the application site and the site of the adjoining neighbouring property took place on 9 August 2021.
- The application was then presented to the Ordinary Meeting of the Council held 17 August 2021, at which the application was refused.
- Subsequently an appeal against the decision of the Council was lodged with the State Administrative Tribunal (SAT). The appeal was directed to mediation, and a mediation took place at the property on 22 October 2021, attended by Cr Barber on behalf of the Council, with Council Officers also in attendance.
- At the on-site mediation, it was agreed that the City would, under Section 31 of the SAT Act, reconsider the details of the development in accordance with revised plans to reduce the height of the proposed visual privacy screen.
- These plans form the basis for the subject Section 31 reconsideration. The revised plans have been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and Council policies.
- The proposed development requires a performance assessment in relation to building setbacks for the proposed screen wall, site works and visual privacy.
- Pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) reconsideration of the City's decision is required on or before 16 November 2021.
- The development as now proposed is considered to be acceptable when assessed against the relevant Design Principles of the R-Codes.
- It is recommended that planning approval is granted.

P21/3954 – AMENDMENT TO SINGLE HOUSE (SITE WORKS AND SCREENING) – LOT 802 (10D) BIRDWOOD CIRCUS, BICTON WA 6157 (SECTION 31 SAT RECONSIDERATION) (REC) (ATTACHMENT)



Figure 1: Aerial photography of subject site (No. 10D Birdwood Circus, Bicton)

BACKGROUND

Development Approval was previously granted for a two storey single house in 2019, with further amendments to the two storey house approved in 2020. This application is the result of a compliance matter where site works at the rear of the subject property occurred without approval which created visual privacy issues with the adjoining northern neighbour.

The amended application was refused at the Ordinary Council Meet held on 17 August 2021. Following an application made to SAT by the applicant and mediation between the City and the applicant, an amended application has been lodged for reconsideration pursuant to Sec 31(1) of the State Administrative Tribunal Act 2004 (WA).

Scheme Provisions

| | |
|-------------|---------------|
| MRS Zoning | : Urban |
| LPS6 Zoning | : Residential |
| R-Code | : R17.5 |
| Use Type | : Residential |
| Use Class | : Permitted |

P21/3954 – AMENDMENT TO SINGLE HOUSE (SITE WORKS AND SCREENING) – LOT 802 (10D) BIRDWOOD CIRCUS, BICTON WA 6157 (SECTION 31 SAT RECONSIDERATION) (REC) (ATTACHMENT)

Site Details

| | |
|---------------------------------------|---------------------------|
| Lot Area | : 633m ² |
| Retention of Existing Vegetation | : N/A |
| Street Tree(s) | : Yes |
| Street Furniture (drainage pits etc.) | : No |
| Site Details | : Refer to Figure 1 above |

DETAIL

In March 2021, site works occurred at the subject property where additional retaining walls were constructed and fill was added to the site. In response to concerns raised with the City, compliance action was commenced against the owner of No. 10D Birdwood Circus, Bicton.

Subsequently, a development application was lodged for an amendment to the approved two storey single house. This application sought approval for the raised ground levels and for the installation of a screening structure located adjacent to the northern boundary. This DA was refused by Council on 17 August 2021.

Following an application made to SAT, and a subsequent mediation session held at the subject property, the SAT have issued orders to require the applicant to provide to the City a set of amended plans, and for the City to consider the amended plans on or before 16 November 2021 pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA).

The applicant has provided the City with amended plans and the application has been assessed against the provisions of Local Planning Scheme No. 6 (LPS6), State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies. A performance assessment is required in respect of the matters listed below.

[3954 Plans and Application DA-2019-1200C 10D Birdwood Circus BICTON](#)

[3954 Attachment 1 Council Report Ordinary Meeting 17 August 2021](#)

Local Planning Scheme and Local Policy Requirements – State Planning Policy 7.3 Residential Design Codes/LPP3.1

| Development Requirement | Deemed to Comply standard | Proposed | Comments | Delegation to approve variation |
|---|--|--|---|---------------------------------|
| Clause 5.1.3 C3.3 Lot Boundary Setbacks CoM LPP3.1 Cl. 6 C3.4 | Lot boundary wall Setback: 6m Length: 9m max height: 3m | Setback: >6m Length: 14m (overall total) Max height: 3.3m | Requires assessment against the Design Principles of the R-Codes/LPP 3.1. | Council. |

P21/3954 – AMENDMENT TO SINGLE HOUSE (SITE WORKS AND SCREENING) – LOT 802 (10D) BIRDWOOD CIRCUS, BICTON WA 6157 (SECTION 31 SAT RECONSIDERATION) (REC) (ATTACHMENT)

| Development Requirement | Deemed to Comply standard | Proposed | Comments | Delegation to approve variation |
|---------------------------------|--|---|---|---------------------------------|
| Clause 5.3.7 C7.2 Site Works | Retaining walls, fill and excavation within the site and behind the required Street setback to comply with Table 4. Table 4 – Setback of site works and retaining walls Height of site works and/or retaining walls 2m – requires minimum setback of 2m | Retaining wall up to 1.9m in height measured above NGL TOW: 34.3m NGL: 32.37m | Requires assessment against the Design Principles of the R-Codes. | Council |
| 5.4.1 C1.1 Visual Privacy | Unenclosed outdoor active habitable spaces setback 7.5m for areas coded <R50. | 2.5m | Requires assessment against the Design Principles of the R-Codes. | Council. |

The discussion in this report relates to each design element outlined above.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: No
 Neighbour's Comment Supplied: No
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 3.4(a)
 Support/Object: N/A

The amended application has not been readvertised to the affected landowner. The original submission comments can be found in the Council Report dated 17 August 2021 (refer to attachment 1).

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

The potential remains for this matter to be the subject of a further review by the SAT depending on the outcome of this Section 31 reconsideration.

P21/3954 – AMENDMENT TO SINGLE HOUSE (SITE WORKS AND SCREENING) – LOT 802 (10D) BIRDWOOD CIRCUS, BICTON WA 6157 (SECTION 31 SAT RECONSIDERATION) (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

There are no financial implications for the City relating to this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There is no strategic risk or environmental management implications with this application.

POLICY IMPLICATIONS

There are no policy implications for the City relating to this proposal.

COMMENT

The key issues for this DA relate to the nature of the proposed screening structure, including its length, height, bulk impacts, and the extent to which visual privacy is safeguarded by it.

It is noted that since the refusal by Council of the last DA, the owners of the neighbouring property to the north have installed a patio structure which is designed to provide heightened levels of privacy for that property, particularly in respect of their use of their swimming pool which comprises a secondary outdoor living area. The patio structure is of a skillion roof design, with the lowest point of the roof (eave) being located approximately 1m off the shared boundary (refer to Fig 3 below). This patio structure itself serves to mitigate the impact of the development the subject of this report.

Given the existence of this patio structure, the screening structure that was previously proposed may now be reduced in height to plug the gap that now exists between the new patio structure on the adjoining property, and the top of the dividing fence between the two properties (refer to Fig 3 below). This means that the concerns of Council in respect of the bulk impact that the screening structure as previously proposed had towards the northern neighbours is considerably reduced, whilst the privacy concerns are addressed. The details of the proposed screen are provided as an attachment to this report (refer to plans), and depict a 5m long screen located 0.1m off the dividing fence line, at a height of 1.1m above the top of fence height.

The screening structure is proposed with a maximum height of 3.3m, average 3.05m, as depicted in Figure 2 below. The amendment to the screen as negotiated after the SAT mediation aims to mitigate impacts of building bulk and scale on the adjoining neighbour. The screen is stepped behind the existing boundary fence to create a degree of separation between it and the fence.

P21/3954 – AMENDMENT TO SINGLE HOUSE (SITE WORKS AND SCREENING) – LOT 802 (10D) BIRDWOOD CIRCUS, BICTON WA 6157 (SECTION 31 SAT RECONSIDERATION) (REC) (ATTACHMENT)

The screening structure will satisfy the visual privacy requirements of the R Codes, particularly when considered in conjunction with the recently constructed patio structure on the adjoining property which will ensure that the majority of the swimming pool area is not overlooked from the garden area of the application site. A small portion of the rear corner of the adjoining lot will remain visible but this area is not considered to be either the primary nor secondary outdoor living area of that property, and this degree of overlooking can be seen to satisfy the R Code requirements.

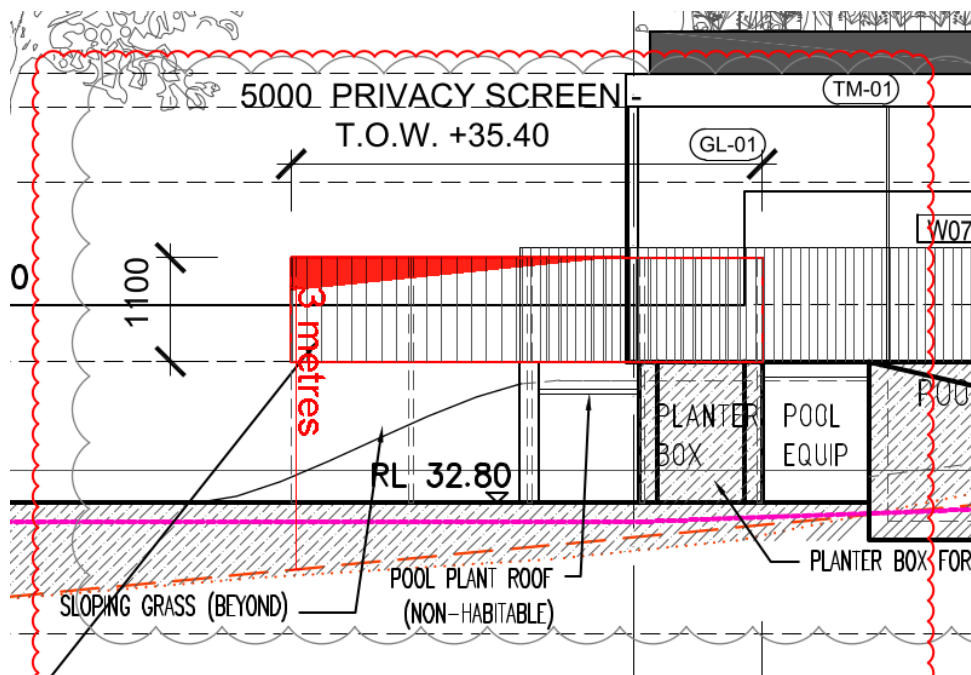


Figure 2 – Proposed screen wall height variation shown in red

P21/3954 – AMENDMENT TO SINGLE HOUSE (SITE WORKS AND SCREENING) – LOT 802 (10D) BIRDWOOD CIRCUS, BICTON WA 6157 (SECTION 31 SAT RECONSIDERATION) (REC) (ATTACHMENT)



Figure 3 – Proposed location of screen wall from viewed from the subject site. The red block indicates the location of the proposed screen structure.

Site Works

The site works context is as previously outlined (refer to attachment 1).

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may choose to refuse to grant approval for the proposed development and provide a reason for doing so. If the Council chooses to refuse the application, the applicant may exercise a right of review to the State Administrative Tribunal.

CONCLUSION

This application for amendments to the approved single house including site works and screening has been assessed and is considered to comply with the relevant planning framework, including the design principles of the R-Codes. Overall, the amended proposal has addressed the main issue of visual privacy onto the northern neighbour and the screen wall as now proposed is of reduced in height. Therefore the details proposed as part of this amended application are considered to provide an acceptable outcome which satisfies the design principles of the R Codes.

P21/3954 – AMENDMENT TO SINGLE HOUSE (SITE WORKS AND SCREENING) – LOT 802 (10D) BIRDWOOD CIRCUS, BICTON WA 6157 (SECTION 31 SAT RECONSIDERATION) (REC) (ATTACHMENT)**OFFICER RECOMMENDATION (3954)****APPROVAL**

At 7:47pm Cr Woodall moved, seconded Cr Wheatland –

That the Council approves DA-2019-1200/C for amendments to a Two Storey Single House at Lot 802 (10D) Birdwood Circus, Bicton WA 6157 subject to compliance with the following:

- A) The previous planning approval DA-2019-1200/A dated 12 August 2020 (including remaining conditions);**
- B) The enclosed approved plans (referenced Site Plan, Ground Floor Plan and Elevations) stamped as approved on 16 November 2021; and**
- C) Additional condition 13 to be added:**
 - 13. The privacy screen shown on the approved plans (marked in red) shall meet the Deemed to Comply standards of Cl. 5.4.1 of the Residential Design Codes. The privacy screen shall be installed prior to initial occupation of the development and thereafter retained in perpetuity to the ongoing satisfaction of the City.**

At 7:50pm during discussion and debate, the mover and the seconder, consented to amend part C) of the Officer Recommendation to include: “...not be more than 47cm above current dividing fence height and...” after “development.”

Substantive Motion as Amended**COUNCIL RESOLUTION**

At 7:47pm Cr Woodall moved, seconded Cr Wheatland –

That the Council approves DA-2019-1200/C for amendments to a Two Storey Single House at Lot 802 (10D) Birdwood Circus, Bicton WA 6157 subject to compliance with the following:

- A) The previous planning approval DA-2019-1200/A dated 12 August 2020 (including remaining conditions);**
- B) The enclosed approved plans (referenced Site Plan, Ground Floor Plan and Elevations) stamped as approved on 16 November 2021; and**
- C) Additional condition 13 to be added:**
 - 13. The privacy screen shown on the approved plans (marked in red) shall meet the Deemed to Comply standards of Cl. 5.4.1 of the Residential Design Codes. The privacy screen shall be installed prior to initial occupation of the development not be more than 47cm above current dividing fence height and thereafter retained in perpetuity to the ongoing satisfaction of the City.**

At 7:51pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

At 7:52pm, the Mayor brought forward Motion with Notice 16.1. Re-Configuration of Seating Arrangements in the Council Chamber for the convenience of those attending in the public gallery.

An Officer Advice note [Officer Advice](#) was circulated prior to the meeting to Elected Members for Item 16.1 Motion with Notice 16.1. Re-Configuration of Seating Arrangements.

16.1 Re-Configuration of Seating Arrangements in the Council Chamber

At 7:52pm Cr Pazolli foreshadowed an amendment.

Motion

At 7:53pm Cr Ross moved, seconded Cr Sandford –

That the Council Directs the CEO to:

- 1. Organise the re-configuration of the Council Chamber so that the Mayor and Elected Members of Council are seated at the same level in a semi-circle on a raised platform and non-elected members and support staff are seated around the perimeter of the Chamber at the standard level**
- 2. Complete the required works for the start of the 2022 Council meetings.**

Amendment

At 7:57pm Cr Pazolli moved, seconded Cr Wheatland –

That items 1. and 2. be deleted and replace with:

- “1. Arrange a trial of the Council Chamber seating arrangements that seats the Mayor on the current front bench of the Council Chamber, flanked by the Chief Executive Officer of the City and the Manager Governance with the only other staff seated at the front bench being the clerical minute taking staff. All Directors of the City are to be seated at tables at the rear of the Council Chamber behind the Councillors and deputation seating.***
- 2. After a 6 month trial period, present a report on any findings from the trial to a Council Workshop for discussion.”***

At 8:01pm the Mayor ruled the Amendment proposed by Cr Pazolli was substantially different to the Motion and ruled the amendment to be an Alternate Motion.

16.1 Re-Configuration of Seating Arrangements in the Council Chamber

Procedural Motion

COUNCIL RESOLUTION

At 8:01pm, Cr Robins moved seconded Cr Wheatland –

Dissent to the ruling that Cr Pazolli's motion is an Alternative Motion and not an Amendment.

At 8:02pm, the Mayor declared the motion

CARRIED (7/6)

| | | |
|------------|---|---|
| Yes | 7 | Cr Barber, Cr Spanbroek, Cr Wheatland, Cr Woodall, Cr Pazolli, Cr Fitzgerald, Cr Robins |
| No | 6 | Cr Ross, Cr Macphail, Cr Mair, Cr Sandford, Mayor Gear; Cr Edinger |

At 8:09pm Mr Ferris left the meeting and returned at 8:12pm.

At 8:26pm Ms Young Left the meeting and did not return.

Amendment

COUNCIL RESOLUTION

At 8:02pm Cr Pazolli moved, seconded Cr Wheatland –

That the Council requests the CEO to:

- 1. Arrange a trial of the Council Chamber seating arrangements that seats the Mayor on the current front bench of the Council Chamber, flanked by the Chief Executive Officer of the City and the Manager Governance with the only other staff seated at the front bench being the clerical minute taking staff. All Directors of the City are to be seated at the tables at the rear of the Council Chamber behind the Councillors and deputation seating.**
- 2. After a 6 month trial period, present a report on any findings from the trial to a Council Workshop for discussion.**

At 8:26pm, the Mayor declared the motion

CARRIED (8/5)

| | | |
|------------|---|---|
| Yes | 8 | Cr Barber, Cr Spanbroek, Cr Wheatland, Cr Woodall, Cr Pazolli, Cr Robins, Cr Fitzgerald, Mayor Gear |
| No | 5 | Cr Ross, Cr Macphail, Cr Mair, Cr Sandford; Cr Edinger |

16.1 Re-Configuration of Seating Arrangements in the Council Chamber

Reason for the Amendment as provided by Cr Pazoli

1. The proposed trial seating arrangement can be achieved without the need for any capital expenditure and implemented almost immediately. It is likely that the proposed trial arrangement has the capacity to realise many of the objectives / benefits claimed by the proposed physical re-configuration in the Notice of Motion but without the associated un-costed capital costs. The trial could also reveal any disadvantages that may arise in the trial configuration.
2. Given that the Council Chamber's audio system is WiFi based, the physical location of all Councillors and staff can be accommodated without the need for any technical re-arrangements and associated costs.
3. The flanked location to the Mayor of the CEO and Manager Governance (as per the current configuration) is maintained because there are a number of instances where information (assistance) needs to be passed to the Mayor without interrupting the flow of the meeting whilst Councillors are speaking during debate, deputations are in progress or Directors are answering questions referred to them by the Presiding Member.

Amendment

At 8:26pm Cr Mair moved seconded Cr Sandford -

That Item 2 be deleted and replaced with:

2. **That the CEO prepare a report outlining options, timeframes and potential costs of alternative solutions including a desk for the Mayor, CEO and Manager Governance at the same level as Elected Members.**

At 8:29pm during discussion and debate, the mover along with the seconder, consented to amend the motion to include "*Within the 6 months of the commencement of the trial period*" at the beginning of the sentence and the deletion of the word "*That*" before "*the CEO.*"

At 8:32pm Cr Spanbroek left the meeting and returned at 8:33pm.

Amendment

At 8:26pm Cr Mair moved seconded Cr Sandford -

That Item 2 be deleted and replaced with:

2. **Within the 6 months of the commencement of the trial period, the CEO prepare a report outlining options, timeframes and potential costs of alternative solutions including a desk for the Mayor, CEO and Manager Governance at the same level as Elected Members.**

16.1 Re-Configuration of Seating Arrangements in the Council Chamber

Procedural Motion

COUNCIL RESOLUTION

At 8:32pm Cr Pazolli moved, seconded Cr Wheatland –

That the Motion be Put.

At 8:35pm, the Mayor declared the motion

CARRIED (12/1)

| | | |
|------------|----|--|
| Yes | 11 | Cr Clive Ross, Cr Macphail, Cr Spanbroek, Cr Wheatland, Cr Mair, Cr Sandford, Cr Woodall, Cr Pazolli, Cr Robins, Cr Fitzgerald, Mayor Gear, Cr Edinger |
| No | 1 | Cr Barber |

At 8:35pm Cr Spanbroek left the meeting and returned at 8:38pm.

Amendment

COUNCIL RESOLUTION

At 8:26pm Cr Mair moved seconded Cr Sandford –

That Item 2 be deleted and replaced with:

- 2. Within the 6 months of the commencement of the trial period, the CEO prepare a report outlining options, timeframes and potential costs of alternative solutions including a desk for the Mayor, CEO and Manager Governance at the same level as Elected Members.**

At 8:36pm, the Mayor declared the motion

CARRIED (10/2)

| | | |
|------------|----|---|
| Yes | 10 | Cr Ross, Cr Barber, Cr Wheatland, Cr Mair, Cr Sandford, Cr Woodall, Cr Pazolli, Cr Fitzgerald, Mayor Gear; Cr Edinger |
| No | 2 | Cr Macphail, Cr Robins |

16.1 Re-Configuration of Seating Arrangements in the Council Chamber

Substantive Motion as Amended

COUNCIL RESOLUTION

At 7:53pm Cr Ross moved, seconded Cr Sandford –

That the Council requests the CEO to:

- 1. Arrange a trial of the Council Chamber seating arrangements that seats the Mayor on the current front bench of the Council Chamber, flanked by the Chief Executive Officer of the City and the Manager Governance with the only other staff seated at the front bench being the clerical minute taking staff. All Directors of the City are to be seated at the tables at the rear of the Council Chamber behind the Councillors and deputation seating.**
- 2. Within the 6 months of the commencement of the trial period, the CEO prepare a report outlining options, timeframes and potential costs of alternative solutions including a desk for the Mayor, CEO and Manager Governance at the same level as Elected Members.**

At 8:40pm, the Mayor declared the motion

CARRIED (12/1)

| | | |
|------------|----|--|
| Yes | 12 | Cr Ross, Cr Barber, Cr Wheatland, Cr Spanbroek, Cr Mair, Cr Sandford, Cr Woodall, Cr Pazolli, Cr Fitzgerald, Mayor Gear; Cr Edinger, Cr Robins |
| No | 1 | Cr Macphail |

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)

| | | |
|----------------------------|---|---|
| Ward | : | All |
| Category | : | Policy |
| Subject Index | : | Elected Members Profile |
| Customer Index | : | Elected Members |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : | M19/5709 – Election of Representatives to Advisory, Local Government and Community Committees, 21 October 2019 and M19/5714 – Election of Representatives to Advisory, Local Government and community Committees, Part 2 19 November 2019. |
| Works Programme | : | Not Applicable |
| Funding | : | Not Applicable |
| Responsible Officer | : | Julie Head Governance Officer |

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 (e.g. 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> |

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)**KEY ISSUES / SUMMARY**

- This report provides the Council with the opportunity to review the continuation of each Committee and if still required, to elect representatives to the various Occasional, Advisory and Community Committees for a term of two years.
- This report reviews the Advisory and Community Committees and recommends continued representations as required by Council Policy CP-021 Advisory and Management Committees.

BACKGROUND

The biennial review of the various Advisory, Local Government and Community Committees and the Elected Member and officer representation on each Committee is due to be undertaken.

The last review was held in October 2017 after the October 2017 biennial election. It is proposed that the term for membership of all Committees be two years and be concurrent with the Local Government election cycle.

DETAIL

Part of the process for electing representatives on Committees should include a review of the need for the Committee to see if it should continue, combine with another Committee or be disbanded. Policy CP-021 Advisory and Management Committees - requires that review of the City's Advisory and Management Committees be undertaken at least once every four years and that a report be presented to the Council on the performance and role of each Committee. Each Committee is to be assessed and a determination made on whether the Committee will continue. This review was last undertaken in 2019.

Under Section 5.10(4) of the *Local Government Act 1995*, where a Council representative is required on any Standing or Advisory Committee of the Council, His Worship the Mayor has the right to be appointed as one of the representatives. This does not apply to representation on non-Council committees.

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)

1. ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES 2021-2023

1.1. BEELIAR REGIONAL PARK COMMUNITY ADVISORY COMMITTEE

Meeting Frequency - Meets first Thursday of every even month starting between 5.00pm - 5:30pm.

Function - The Beelihar Regional Park Community Advisory Committee was formed in 1996 and is chaired by Professor Phillip Jennings. The Committee is administered by the Regional Parks Branch of the Department of Biodiversity, Conservation and Attractions. The Committee currently meets every two months on a Thursday evening at the Cockburn Wetlands Education Centre.

The Committee provides an avenue for the public to be formally involved in implementing the Beelihar Regional Park Management Plan. The Committee provides a forum at which issues affecting the Park are discussed.

Previous Representatives – The 2019-2021 elected representative on the Committee were Cr Wheatland, with Cr Pazolli as the Deputy. The officer representative on the Committee is the City's Environmental Officer.

No officer in attendance, contact is City of Melville Environmental Officer.

Committee Representation - One (1) Elected Member and One (1) Deputy.

| NOMINATIONS FOR 2021-2023 | DEPUTY |
|----------------------------------|---------------|
| Nil | |

1.2 CITY OF MELVILLE NEIGHBOURHOOD WATCH COMMITTEE

Meeting Frequency - Meets bi monthly on the third Monday from 6:00pm – 7:30pm

Function - to advise the Council on matters associated with Neighbourhood Watch coordination within the City of Melville area.

Previous Representatives - In 2019-2021 the representative on the Neighbourhood Watch City of Melville Committee was Cr Mair with former Cr Kepert as the Deputy.

The Committee consists of Representatives from -

- City of Melville
- Neighbourhood Watch Volunteers
- WA Police

Officer in Attendance -

- Safer Melville Coordinator
- Coordinator or Team Leader Community Safety Service (CSS)

Committee Representation One (1) Elected Member and One (1) Deputy.

| NOMINATIONS FOR 2021-2023 | Deputy |
|----------------------------------|---------------|
| Cr Spanbroek | Cr Mair |
| Cr | |

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)

1.3 CITY OF MELVILLE ROAD SAFETY AND TRAVELSMART WORKING GROUP

Meeting Frequency - Meets monthly on the second Tuesday of the month from 4:00pm - 6:00pm or as required.

Vision - Increase the proportion of residents using active transport modes and reduce the number and severity of road crashes in the City of Melville.

Objectives –

- Support the local implementation of the State Road Safety Strategy.
- To formulate, review and promote TravelSmart initiatives.
- To actively engage in initiatives that will improve road safety and TravelSmart behaviour amongst City of Melville residents.

Representatives - There were no nominations for elected representatives on the City of Melville Road Safety and Travel Smart Committee 2019-2021.

Working Group Representation - Elected Member or the Deputy

Officers in Attendance -

- TravelSmart Officer
- Traffic and Road Safety Coordinator
- Community Members
- Representatives (x4)

Committee Representation – Up to Two (2) Elected Member representatives and One (1) Deputy.

| NOMINATIONS for 2021-2023 | Deputy |
|----------------------------------|---------------|
| Cr Barber | Cr Spanbroek |
| Cr | |

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)

1.4 DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS (FORMALLY SWAN RIVER TRUST)

Meeting Frequency - Meets first Monday of each month at 9.00am

Function - manage and protect the Swan River.

Representatives - The 2021-2023 delegates to the Swan River Trust were former Cr Keperth with Cr Barber as the deputy.

The Trust representatives will consist of -

Representatives from -

- The City of Melville
- Swan River Trust
- Planning & Development Environmental Quality Committee

Officer in Attendance -To be determined depending on the issue i.e. Environmental Coordinator, Director Urban Planning, or Director Technical Services.

Committee Representation - One (1) Elected Member and One (1) Deputy.

| NOMINATION for 2021-2023 | Deputy |
|--------------------------|------------|
| Cr Ross | Cr Pazolli |

1.5 JANDAKOT AIRPORT COMMUNITY AVIATION CONSULTING GROUP

Meeting Frequency - Meets every 3 months at 4:00pm for between thirty & sixty minutes, next meeting 27 November 2019.

Function – provide a forum for discussion of all aspects of Airport planning and operations.

Representatives - The Council representatives on the 2019-2021 Jandakot Airport Community Aviation Consulting Group were former Cr Robartson with Cr Woodall as the Deputy.

The Committee consists of Representatives from –

- City of Melville
- Civil Aviation Authority
- Trades & Labour Council
- Ministry for Planning
- City of Cockburn
- City of Canning
- Aviation Industry

No officer in attendance, City of Melville contact is Manager Strategic Urban Planning.

Committee Representation - One (1) Elected Member and One (1) Deputy

| NOMINATION 2021-2023 | DEPUTY |
|----------------------|------------|
| Cr Spanbroek | Cr Woodall |

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)

1.6 MELVILLE CARES INC

Meeting Frequency - Meets last Tuesday of each month at 1.30pm

Function - to provide home care services for residents in need with the aim of maintaining persons in their own homes for as long as possible.

Representatives

The 2019-2021 representatives on the Melville Cares Inc Board were Cr Barber with Cr Sandford as the Deputy. City of Melville has no automatic nomination rights to the Melville Cares Board. Councillors will need to nominate for Melville Cares Board.

The Board consists of Representatives from -

- City of Melville
- Melville Cares Presiding Member
- Melville Cares Deputy Presiding Member
- Melville Cares Secretary
- Melville Cares Treasurer
- Community representatives (6)

Officer in Attendance – Not Required, Officers can be available as requested.

Committee Representation - One (1) Elected Member and One (1) Deputy.

| NOMINATION 2021-2023 | DEPUTY |
|-----------------------------|---------------|
| Cr Barber | Cr Edinger |

1.7 MELVILLE CITIZENS RELIEF FUND (Inc)

Meeting Frequency - Meets bi-monthly - Wednesday evening.

Function - oversee the management of the Relief Fund and distribution of the financial feature of the emergency relief fund and food parcels of approved applicants, who reside within the City of Melville. Applicants are vetted by the Financial Counsellor.

City of Melville Representatives - The 2019 – 2021 City of Melville representatives on the Melville Citizens Relief Fund (Inc.) were Cr Fitzgerald with Cr Robins as the Deputy.

Officer in Attendance - not required, occasional attendance by Financial Counsellor.

Note – *Former Cr Robartson is a member of this Committee in his own right as a member of the Community.*

Committee Representation - One (1) Elected Member and One (1) Deputy.

| NOMINATION 2021-2023 | DEPUTY |
|-----------------------------|---------------|
| Cr Fitzgerald | Cr Robins |

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1.8 MELVILLE/COCKBURN CHAMBER OF COMMERCE INC

Meeting Frequency - Meets on a Wednesday once a month.

Function – assisting local businesses in the City of Melville, with the role of the representative being to enhance the communication lines between the Chamber and the Council.

Representatives - The 2019-2021 representatives to Melville/Cockburn Chamber of Commerce were Cr Mair with Cr Sandford as the Deputy. Council Members will act as observers and do not have seats on the Board.

Officer in Attendance – Director Urban Planning.

Committee Representation - One (1) Elected Member and One (1) Deputy.

| NOMINATION 2021-2023 | DEPUTY |
|----------------------|-------------|
| Cr Mair | Cr Macphail |

1.9 MELVILLE LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC)

Meeting Frequency - Meets quarterly on a Wednesday at 10am at the Civic Centre, next meeting is scheduled for 10am on Wednesday 24 November 2021.

Function –

The Melville LEMC brings together key stakeholders in emergency management within its boundaries to plan and prepare for emergency management incidents and to meet the requirement of relevant legislation, policy statements and other emergency management related standards. The LEMC conducts planning and encourages information exchange on emergency management issues and hazards and is not an operational group

Representatives

The 2019-2021 Elected representatives on the Melville Local Emergency Management Committee were Cr Mair and Cr Wheatland, with Cr Robins and Cr Barber as the respective Deputies.

The Committee consists of –

City of Melville:

- 2 Elected Members
- Manager Natural Areas and Parks
- Manager Resource Recovery and Waste
- Manager Neighbourhood Development
- Coordinator Environmental Health
- Coordinator Rangers and Emergency Management

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WA Police

- District Emergency Management Advisor Metropolitan
- Superintendent South Coastal Region
- District Officer South Coastal Region (Beeliar)
- District Officer State Emergency Service (SES) South Coastal Metropolitan Region
- Department of Communities
- Senior District Emergency Services Officer
- District Local Welfare Coordinator

Additional Stakeholders:

Stakeholders shall include, but not be limited to, one representative from:

- St John Ambulance
- Department of Health
- DFES
- Fiona Stanley Hospital
- St John of God Hospital
- Melville SES
- Red Cross Society
- Murdoch University
- Westfield Shopping Centre, Booragoon
- South Metropolitan TAFE (Murdoch)

Committee Representation - Two (2) Elected Members and Two (2) Deputies.

| NOMINATIONS 2021-2023 | DEPUTIES |
|------------------------------|-----------------|
| Cr Nil | Cr |
| Cr | Cr |

1.10 MURDOCH PRECINCT STRATEGIC GROUP

Meeting Frequency - Meets quarterly on a Thursday - at 7.00am.

Function - to share information on the proposed development of the Murdoch Precinct.

Representatives

The 2019-2021 representatives on the Murdoch Precinct Strategic Group were Cr Macphail and Cr Woodall with former Cr Robartson and Cr Robins as respective deputies.

The Committee consists of representatives from -

- City of Melville
- St John of God Healthcare Murdoch
- Murdoch Challenger TAFE
- Spotless Linen
- Rangeview Remand Centre
- Murdoch University
- Murdoch Police Service
- Department of Planning Lands and Heritage
- City of Cockburn
- Health Department of WA

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- Public Transport Authority
- Main Roads WA
- Fiona Stanley Hospital
- Western Power
- Department of Agriculture & Food
- Wesfarmers Energy
- South West Group
- LandCorp

Officers in Attendance -

- Chief Executive Officer
- Director Urban Planning
- Director Technical Services
- Manager Strategic Urban Planning

Committee Representation - One (1) Bateman-Kardinya-Murdoch Ward Member and one (1) other Elected Member and Two (2) Deputies including one Bateman-Kardinya-Murdoch Member

| NOMINATIONS 2021-2023 | DEPUTIES |
|------------------------------|-----------------|
| Cr Macphail | Cr Spanbroek |
| Cr | Cr |

1.11 PERTH AIRPORTS MUNICIPALITIES GROUP

Meets quarterly on Thursdays at 7.00pm.

Representatives

The 2019-2021 representatives on the Perth Airports Municipalities Group were former Cr Keperth with former Cr Barton as Deputy.

The objects of the Group are -:

- (a) To provide a forum of meaningful discussion on issues which affect Metropolitan Airports and their environs;
- (b) To investigate, report and formulate recommendations in respect of matters affecting or likely to affect the development of Metropolitan Airports;
- (c) To monitor the use and environmental impact of Metropolitan Airports on neighbouring communities;
- (d) To advise relevant State and Federal ministers, State and Commonwealth government departments, the Noise Management Committee, and the Owner/s of Perth and Jandakot airports on issues of major concern affecting airports and the surrounding communities;

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- (e) To establish and maintain a strong partnering relationship with the Owner/s of Perth and Jandakot airports for the purpose of open and effective dialogue to identify, discuss, advise, research and seek proactive resolutions to issues affecting the airports and the immediate local community;
- (f) To provide a conduit and consultation mechanism for the expression of community views and a proper exchange of information with members of the community;
- (g) To consider all proposals affecting airport development and operations before policy decisions are made and before changes are effected in relevant legislation and regulations;
- (h) To liaise with the airport emergency procedures committees where necessary on matters involving emergency co-ordination and rescue response;
- (i) To pursue active participation on AMAC and such other bodies that may come into existence for the purpose of fostering participation in the development, use and monitoring the impact of airports;
- (j) To promote the economic benefits of civil aviation airports; and
- (k) To liaise with local government on issues of concern to the community, and to provide a forum for discussion of planning and development

Committee Representation - One (1) Elected Member.

No officer in attendance, contact is CoM City of Melville Environmental Officer.

Committee Representation – One (1) Elected Member and One (1) Deputy.

| NOMINATION 2021-2023 | DEPUTY |
|-----------------------------|---------------|
| Cr Ross | Cr Robins |

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1.12 RESOURCE RECOVERY GROUP (FORMERLY SOUTHERN METROPOLITAN REGIONAL COUNCIL)

(Meets every two months on Thursdays at 5:00pm)

Function - Acts as the Board of Directors for development and operations of the Southern Metropolitan Regional Council's Regional Resource Recovery Centre, and other activities applicable under the Southern Metropolitan Regional Council's Terms of Reference

Representatives

The 2019-2021 representatives on the Southern Metropolitan Regional Council was former Cr Keperth with former Cr Robartson as Deputy.

The Committee consists of -

One (1) Elected Member from –

- City of Melville
- Town of East Fremantle
- City of Fremantle

Officers in Attendance -

- Director Technical Services – Advising Officer
- Director Corporate Services - alternate Advising Officer.

Committee Representation - One (1) Elected Member and One (1) Deputy

| NOMINATION 2021-2023 | DEPUTY |
|-----------------------------|---------------|
| Cr Wheatland | Cr Robins |

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)**1.13 SAFER MELVILLE ADVISORY COMMITTEE**

Meeting Frequency - (Meetings held every two months on the third Wednesday of the month at 5.30pm)

Next meeting scheduled to be held Wednesday, 17 November 2021

Vision - To promote safety and injury reduction for people living, working and visiting the City of Melville by applying the *Safe Communities* framework.

Scope - The *Safe Community* framework promotes a model where all sectors of the community work together in a coordinated and collaborative way, forming partnerships to promote safety, manage risk, increase the overall safety of all its members and reduce the fear of harm.

The scope of safety adopted by the Safer Melville Advisory Committee includes:

- Intentional (e.g. domestic violence) and unintentional injury (road safety, fall prevention, child safety)
- Community Safety (crime prevention, CPTED, perceptions of safety, community violence)
- Risk Management (Sports and recreation safety, community events)
- Environment
- Community Health (mental health, physical activity, drugs and alcohol)
- Emergency Management (Natural disaster management)

The Safer Melville Advisory Committee supports the right of all individuals living, working or visiting the City of Melville to carry out their daily life without fear or risk of harm or injury; and the shared responsibility of organisations, businesses, government agencies and all other people in the community to ensure this is possible.

Objectives -

1. Provide leadership and consultation in the identification, development and evaluation of activities and programs aligned with the *Safe Communities* framework in the City of Melville.
2. Facilitate formation of *Safe Communities* Partnerships amongst key stakeholders within the district of the City of Melville to reduce injury and improve safety for individuals and the wider community.
3. Provide education and information to individuals, businesses and the wider community on injury prevention and safety.
4. Promote and support opportunities for the community to feedback issues and concerns relating to injury and safety in the City of Melville through the community members represented on the committee.
5. Prioritise and facilitate sustainable community based programs and links to improve safety and prevent injury in the City of Melville.
6. Periodically review the progress of the City of Melville Community Safety & Crime Prevention Plan.

Representatives

The 2019-2021 representatives on the Safer Melville Advisory Committee were Cr Woodall and Cr Robins with former Cr Barton and former Cr Kepert as respective deputies.

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Committee Representation

Where possible external representation from:

- Palmyra Police Station
- Murdoch Police Station
- Community Engagement Division – WA Police
- Department of Education
- Department of Premier and Cabinet - Aboriginal Affairs portfolio
- Department of Health - South Metro Health Service
- Department of Communities – Housing, and Child Protection and Family Support portfolios
- Department of Justice – Corrective Services portfolio, Wandoo Prison
- Fiona Stanley Hospital
- Injury Matters
- Melville Cockburn Chamber of Commerce
- Road Safety and Travel Smart Committee
- Community (up to four representatives)

Officers in Attendance –

- Director Community Development (as required)
- Manager Neighbourhood Amenity
- Coordinator Community Safety Service
- Safer Melville Coordinator

Committee Representation– Two (2) with One (1) Elected Member as Deputy.

| NOMINATIONS 2021-2023 | DEPUTIES |
|------------------------------|-----------------|
| Cr Woodall | Cr Spanbroek |
| Cr Mair | |

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)**1.14 SOUTH WEST GROUP ENVIRONMENTAL FORUM (FORMERLY SOUTH WEST REFERENCE GROUP)****AND****SOUTH WEST CORRIDOR DEVELOPMENT AND EMPLOYMENT FOUNDATION**

The City has been advised that these two committees now hold combined meetings and therefore require one representative and one deputy across the two committees combined.

SOUTH WEST GROUP ENVIRONMENTAL FORUM (FORMERLY SOUTH WEST REFERENCE GROUP)

Meeting Frequency - Four to six times per year

Function - oversee the implementation of the Regional Natural Resources Management (NRM) Strategy development by the South West Group.

To provide advice and feedback on the identification and implementation of priority projects and activities progressed through the Regional NRM Strategy.

To actively engage with key stakeholders (government, corporate and community) to progress NRM projects and activities that benefit the region.

To identify opportunities to improve collaboration on NRM activities between South West Group member Councils and stakeholder organisations

Representatives - The 2019-2021 delegates to the South West Group Environmental Forum (formerly South West Reference Group) were Cr Wheatland, with former Cr Robartson as the Deputy.

The Perth Region NRM South West Reference Group representatives consist of -

- One representative from the six member Local Government Agencies of the South West Group.
- South West Group Director

Officer in Attendance -

- Director Technical Services

Committee Representation One (1) Elected Member and One (1) Deputy for combined meetings of the South West Group Environmental Forum (Formerly South West Reference Group) with the South West Corridor Development and Employment Foundation Committee

SOUTH WEST CORRIDOR DEVELOPMENT AND EMPLOYMENT FOUNDATION

Meeting Frequency - Six times per year and Annual General Meeting, all meetings are combined with South West Group Environmental Forum

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Function –

- Facilitate and promote development of the South West Metropolitan Region.
- Carry out projects to promote regional development and skills development
- Manage the Industry Direct web portal.

Representatives

The 2019-2021 representatives on the South West Corridor Development Foundation (Inc.) were former Cr Keperth with Cr Macphail as Deputy.

The Committee includes -

Representatives from -

- City of Melville
- City of Cockburn
- City of Rockingham
- City of Fremantle
- City of Kwinana
- Town of East Fremantle
- Director South West Group
- Business Foundations
- Melville Cockburn Chamber of Commerce
- Rockingham Kwinana Chamber of Commerce
- Fremantle Chamber of Commerce
- Bridging the Gap Rockingham

Officer in Attendance -

- Director South West Group
- Director Urban Planning (as required)

Committee Representation

One (1) Elected Member and One (1) Deputy for combined meetings of the South West Group Environmental Forum (Formerly South West Reference Group) with the South West Corridor Development and Employment Foundation Committee

| NOMINATION 2021-2023 | DEPUTY |
|-----------------------------|---------------|
| Cr Macphail | Cr Barber |

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)

1.15 SOUTH WEST GROUP BOARD

Meeting Frequency - Meets four times a year, meeting commencing at 5.30pm.

The South West Group will be managed by a Board consisting of the Mayor and the CEO of each member local government authority. Board members are ex officio and their appointments are for the same term for which they hold office.

Function - The Board is responsible for and has the authority to determine the policy, practices, management and operations of the South West Group and shall work towards a secure and long term future of the organisation.

To further assist board members in their deliberations and to facilitate regional development the Board has established the following committees, which report directly to the Board:

- CEO Forum
- South West Group Environment and Services Committee (now the Perth Region NRM South West Reference Group)
- South West Group Planning and Infrastructure Committee
- Shared Services Committee
- Technical Directors' Committee

The Board consists of -

The Mayor and CEO Representatives from -

- City of Melville
- Town of East Fremantle
- City of Kwinana
- City of Cockburn
- City of Fremantle
- City of Rockingham

Board Representation

Mayor and CEO

| REPRESENTATIVES 2021-2023 | DEPUTY |
|----------------------------------|---------------|
| Mayor | Deputy Mayor |
| CEO | |

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)

1.16 SOUTH WEST REGIONAL ROAD GROUP

Meeting Frequency - Meets as needed but generally twice per annum at the location of the host Council

Next meeting scheduled to be held 14 November 2019

Function - The South West Metropolitan Regional Road Group (SWMRRG) is a sub group of the Metropolitan Regional Road Group (MRRG).

The Metropolitan Regional Road Group manages and administers State allocated funding for Road Projects and Black Spot Programs on the local road network within the policies and guidelines established by the State Road Funds to Local Government Advisory Committee.

The Metropolitan Regional Road Sub Groups such as the SWMRRG were established to assist the MRRG with the management and consideration of local roads issues and funding.

Representatives -

The 2019-2021 delegate to the South West Regional Road Group was former Cr Kepert with Cr Robins as the Deputy.

The Metropolitan Local Governments are divided into six Sub Groups with membership being an Elected Member and Technical Representative from each Local Government. Each Sub Group then appoints one representative Elected Member and Technical representative to the MRRG Technical and Elected Members Meetings.

The City of Melville is part of the South West Group comprising the Cities of Cockburn, Fremantle, Kwinana, Rockingham and the Town of East Fremantle.

Officer in Attendance -

- Manager Engineering

Committee Representation

One (1) Elected Member and One (1) Deputy

| NOMINATION 2021-2023 | DEPUTY |
|----------------------|--------|
| Nil | |

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)

1.17 WESTERN AUSTRALIAN LOCAL GOVERNMENT (WALGA) - SOUTH METROPOLITAN ZONE

Meeting Frequency - Meets bi-monthly on the last Monday of the month at 5.30pm at the location of the host Council.

Function - examine issues relative to the industry within the South Metropolitan Zone and provide feedback to Zone Representatives voting at the Local Government Association and Western Australian Municipal Association.

Representatives

The 2019-2021 delegates to the Local Government Association of Western Australia (Inc.) - South Metropolitan Zone, were Cr Macphail, Cr Barton and former Cr Kepert with Cr Pazolli as Deputy.

The Zone Membership will consist of -

Three (3) Elected Members

Representatives from -

- City of Fremantle
- Town of East Fremantle
- City of Cockburn
- City of Rockingham
- City of Kwinana
- Local Government Association

Officer in Attendance -

- Chief Executive Officer

Committee Representation

Three (3) Elected Members and One (1) Deputy

| Nominees for 2021-2023 | DEPUTIES |
|-------------------------------|-----------------|
| Cr Karen Wheatland | Cr Mair |
| Cr Macphail | |
| Cr Barber | |

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)

1.18 YOUTH SPORTS SCHOLARSHIP ASSESSMENT PANEL

Meeting Frequency - Annual for Assessment purposes.

Function - The Youth Sports Scholarship is targeted at young athletes (aged 12 to 19 years) in all sports that have represented the State or at a higher level. The City is supporting suitably identified elite young athletes (Scholarship winners) that live in the City of Melville by providing membership to LeisureFit Booragoon and LeisureFit Melville as part of their training regime as they continue to succeed in their chosen sport.

Representatives

The 2019-2021 representatives on the Youth Sports Scholarship Assessment Panel were Cr Fitzgerald, Cr Barber and Cr Wheatland with Cr Macphail as Deputy.

The Committee consists of

One (1)

- Elected Member
- Representative from Department of Local Government, Sport and Cultural Industries (1);

Officers in Attendance –

- Healthy Melville Coordinator – Recreation Development; or
- Recreation Development Officer

Committee Representation

Three (3) Elected Members and One (1) Deputy

| Nominees for 2021-2023 | Deputies |
|-------------------------------|-----------------|
| Cr Karen Wheatland | |
| Cr Barber | |
| Cr Fitzgerald | |

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

There is no public consultation required for this report.

II. OTHER AGENCIES / CONSULTANTS

There has been consultation with the committees and organisations named in this report where required.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications in this report other than the Council must adopt the nominations by Absolute Majority.

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The strategic implications are that the City should have representation on key Committees named in this report to ensure the City's position is considered by significant Committees. There are no risk implications.

POLICY IMPLICATIONS

Under the Council Policy Number CP-021 - Advisory and Management Committees, the number of Elected Members on Advisory Committees should be restricted to no more than one-third of the total number of members of the Committee. This does not prevent other Elected Members from attending as observers.

Where one third of the total number of Members is not a whole number the lesser number shall apply, i.e. thirteen members equal four Elected Members.

The Policy requires that a report be presented to the Council every four years. The report will outline the objectives, role, terms of reference, membership and achievements or benefits of each Advisory Committee and recommend that the Committee continue, combine with another Committee or be disbanded. The performance and role will be assessed and a determination made on which Advisory Committees will continue.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternative option is not to have Elected Member representation on some Committees and where permitted, for Officers to represent the City.

CONCLUSION

The Council should review the continuation of each Committee and where retained and continued, a representative or representatives should be appointed to each Committee.

Previous practice has been that that Elected Member representation on advisory and community meetings is distributed equally amongst members so share workload and representation.

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)

At 8:41pm the Mayor advised the Meeting that the officer amendments presented at the November Agenda Briefing Forum had been accepted for Item M21/5872 - Election of Representatives to Committees 2021-2023.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5872)
ABSOLUTE MAJORITY**

At 8:41pm Cr Wheatland moved, seconded Cr Woodall –

1. That by absolute majority decision, the appointments to the following Management and Advisory, Local Government and Community Committees, be adopted.

1.1. **BEELIAR REGIONAL PARK COMMUNITY ADVISORY COMMITTEE**

| | |
|----------------------------------|---------------|
| REPRESENTATIVES 2021-2023 | DEPUTY |
| Nil | |

1.2. **CITY OF MELVILLE NEIGHBOURHOOD WATCH COMMITTEE**

| | |
|----------------------------------|----------------|
| REPRESENTATIVES 2021-2023 | DEPUTY |
| Cr Spanbroek | Cr Mair |

1.3. **CITY OF MELVILLE ROAD SAFETY AND TRAVELSMART WORKING GROUP**

| | |
|---------------------------------|---------------------|
| REPRESENTATIVE 2021-2023 | DEPUTY |
| Cr Barber | Cr Spanbroek |

1.4. **DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS (FORMALLY SWAN RIVER TRUST)**

| | |
|----------------------------------|-------------------|
| REPRESENTATIVES 2021-2023 | DEPUTY |
| Cr Ross | Cr Pazolli |

1.5. **JANDAKOT AIRPORT COMMUNITY AVIATION CONSULTING GROUP -**

| | |
|---------------------------------|-------------------|
| REPRESENTATIVE 2021-2023 | DEPUTY |
| Cr Spanbroek | Cr Woodall |

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)

1.6 MELVILLE CARES INC

| | |
|----------------------------------|-------------------|
| REPRESENTATIVES 2021-2023 | DEPUTY |
| Cr Barber | Cr Edinger |

1.7 MELVILLE CITIZENS RELIEF FUND (Inc)

| | |
|---------------------------------|------------------|
| REPRESENTATIVE 2021-2023 | DEPUTY |
| Cr Fitzgerald | Cr Robins |

1.8 MELVILLE/COCKBURN CHAMBER OF COMMERCE INC

| | |
|----------------------------------|--------------------|
| REPRESENTATIVES 2021-2023 | DEPUTY |
| Cr Mair | Cr Macphail |

1.9 MELVILLE LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC)

| | |
|----------------------------------|-----------------|
| REPRESENTATIVES 2021-2023 | DEPUTIES |
| Nil | |

1.10 MURDOCH PRECINCT STRATEGIC GROUP

| | |
|----------------------------------|---------------------|
| REPRESENTATIVES 2021-2023 | DEPUTIES |
| Cr Macphail | Cr Spanbroek |
| Nil | |

1.11 PERTH AIRPORTS MUNICIPALITIES GROUP

| | |
|---------------------------------|------------------|
| REPRESENTATIVE 2021-2023 | DEPUTY |
| Cr Ross | Cr Robins |

1.12 RESOURCE RECOVERY GROUP (FORMERLY SOUTHERN METROPOLITAN REGIONAL COUNCIL)

| | |
|----------------------------------|------------------|
| REPRESENTATIVES 2021-2023 | DEPUTY |
| Cr Wheatland | Cr Robins |

M21/5872 - ELECTION OF REPRESENTATIVES TO COMMITTEES 2021-2023 (AMREC)

1.13 SAFER MELVILLE ADVISORY COMMITTEE

| REPRESENTATIVES 2021-2023 | DEPUTIES |
|----------------------------------|---------------------|
| Cr Woodall | Cr Spanbroek |
| Cr Mair | |

1.14 SOUTH WEST GROUP ENVIRONMENTAL FORUM (FORMERLY SOUTH WEST REFERENCE GROUP) AND SOUTH WEST CORRIDOR DEVELOPMENT AND EMPLOYMENT FOUNDATION

| REPRESENTATIVE 2021-2023 | DEPUTY |
|---------------------------------|------------------|
| Cr Macphail | Cr Barber |

1.15 SOUTH WEST GROUP BOARD

| REPRESENTATIVES 2021-2023 | DEPUTY |
|----------------------------------|---------------------|
| Mayor | Deputy Mayor |
| CEO | |

1.16 SOUTH WEST REGIONAL ROAD GROUP

| REPRESENTATIVES 2021-2023 | DEPUTY |
|----------------------------------|---------------|
| Nil | |

1.17 WESTERN AUSTRALIAN LOCAL GOVERNMENT (WALGA) - SOUTH METROPOLITAN ZONE

| REPRESENTATIVES 2021-2023 | DEPUTY |
|----------------------------------|----------------|
| Cr Wheatland | Cr Mair |
| Cr Macphail | |
| Cr Barber | |

1.18 YOUTH SPORTS SCHOLARSHIP ASSESSMENT PANEL

| REPRESENTATIVES 2021-2023 | DEPUTIES |
|----------------------------------|-----------------|
| Cr Wheatland | |
| Cr Fitzgerald | |
| Cr Barber | |

At 8:48pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

M21/5000 – 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 15 September 2021 up to and including 18 October 2021 for the Council's noting.

M21/5000 – 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 |
|--------------------|---|---|---------------|
| CS2187 | City of Melville and J and D Lawrence Pty Ltd | Section 70A of the Transfer of Land Act 1983 for Subdivision at No. 1 Sergeant Road, Melville | DA-2021-965 |
| CS2188 | City of Melville and Imby Langenbach | Section 70A of the Transfer of Land Act 1983 for Subdivision at Lot 141 (71) Holman Street, Alfred Cove | DA-2020-1518 |

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.*

M21/5000 – 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 15 September 2021 up to and including 18 October 2021.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (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 15 September 2021 up to and including 18 October 2021.

At 8:51pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

C21/6000 - INVESTMENT STATEMENTS FOR SEPTEMBER 2021 (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

| | | |
|-------------------------------------|----------------|---|
| <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 & 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 (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 September 2021 for the Council's information and noting.

C21/6000 - INVESTMENT STATEMENTS FOR 30 SEPTEMBER 2021 (REC)

BACKGROUND

The City has cash holdings as a result of timing differences between the collection of revenue and its expenditure. 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 September 2021.

| CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2021 | | |
|--|------|----------------------|
| SUMMARY BY FUND | | |
| Municipal | | \$54,738,211 |
| Reserve | | \$161,016,181 |
| Trust | | \$- |
| Citizen Relief | | \$224,057 |
| TOTAL | | \$215,978,449 |
| SUMMARY BY INVESTMENT TYPE | | |
| 11AM | | \$6,855,926 |
| 31Days at Call | | \$6,000,000 |
| 60Days at Call | | \$2,000,000 |
| 90Days at Call | | \$16,600,000 |
| Term Deposit | | \$184,522,523 |
| TOTAL | | \$215,978,449 |
| SUMMARY BY CREDIT RATING | | |
| AAA Category | AAA | |
| AA Category (AA+ to AA-) | AA- | \$140,977,734 |
| A Category (A+ to A-) | A+ | \$10,000,716 |
| | A | |
| | A- | |
| BBB+ Category | BBB+ | \$65,000,000 |
| TOTAL | | \$215,978,449 |

C21/6000 - INVESTMENT STATEMENTS FOR 30 SEPTEMBER 2021 (REC)

Exposure to an individual institution is limited according to Council policy and in September 2021 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 | \$ 7,000,000 | 3.24% | 30.00% | ✓ |
| AMP | BBB+ | BBB+ Category | \$ - | 0.00% | 15.00% | ✓ |
| Bankwest | AA- | AA Category | \$ - | 0.00% | 30.00% | ✓ |
| Bank of Queensland | BBB+ | BBB+ Category | \$ 33,000,000 | 15.28% | 15.00% | ✓ |
| ING Bank | A- | A Category | \$ - | 0.00% | 25.00% | ✓ |
| Bendigo & Adelaide | BBB+ | BBB+ Category | \$ 32,000,000 | 14.82% | 15.00% | ✓ |
| CBA | AA- | AA Category | \$ 53,500,000 | 24.77% | 30.00% | ✓ |
| Macquarie | A+ | A Category | \$ 7,000,716 | 3.24% | 25.00% | ✓ |
| NAB | AA- | AA Category | \$ 50,036,174 | 23.17% | 30.00% | ✓ |
| St George | AA- | AA Category | \$ - | 0.00% | 30.00% | ✓ |
| Suncorp | A+ | A Category | \$ 3,000,000 | 1.39% | 25.00% | ✓ |
| Westpac | AA- | AA Category | \$ 30,441,560 | 14.09% | 30.00% | ✓ |
| TOTAL | | | \$ 215,978,449 | 100% | | |

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

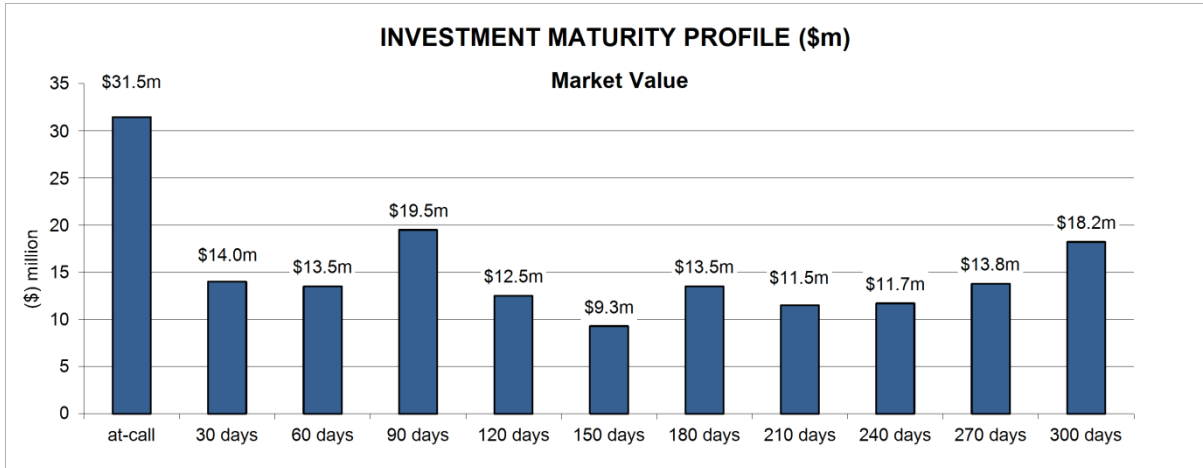
The City's investments were invested within the limits allowed in each category rating for September 2021 except BBB+ rating which exceeded the policy limit by 5%. The City has invested \$65m under BBB+ category of which \$32m is Green investment with Bendigo & Adelaide. This is a result of the timing of investment maturities and will be adjusted to be within policy in October 2021.

| 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-) | \$ 140,977,734 | 65% | 80% | ✓ |
| A Category (A+ to A-) | \$ 10,000,716 | 5% | 50% | ✓ |
| BBB+ Category | \$ 65,000,000 | 30% | 25% | ✗ |
| TOTAL | \$ 215,978,449 | 100% | | |

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

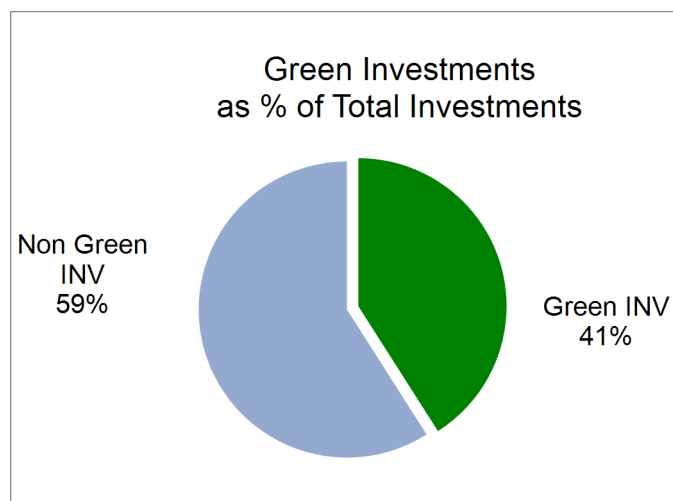
C21/6000 - INVESTMENT STATEMENTS FOR 30 SEPTEMBER 2021 (REC)

The below graph summarises the maturity profile of the City’s investments at market value as at 30 September 2021. 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.



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

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 30 September 2021 was \$88,500,000 or 41% of total investment holdings being in non-fossil fuels institutions, compared to \$88,500,000 (40%) in August 2021. The total investments holding for September and August were \$215,978,449 and \$222,977,935 respectively.



C21/6000 - INVESTMENT STATEMENTS FOR 30 SEPTEMBER 2021 (REC)

| Green Investment with financial institutions | | | |
|--|---------------|------------------------|--------------------------|
| Institution | Credit Rating | Credit Rating Category | Funds held at period end |
| Bendigo & Adelaide | BBB+ | BBB+ Category | \$ 32,000,000 |
| CBA | AA- | AA Category | \$ 53,500,000 |
| Suncorp | A+ | A Category | \$ 3,000,000 |
| TOTAL | | | \$ 88,500,000 |

Green investments are invested in three banks listed above, in accordance with the council credit rating policy. Green Term Deposits with CBA are currently limited or no longer available as the pool of funds with them has reached full capacity. Other banks offer a lower interest rate on Green Investment.

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 oversight 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.

C21/6000 - INVESTMENT STATEMENTS FOR 30 SEPTEMBER 2021 (REC)

FINANCIAL IMPLICATIONS

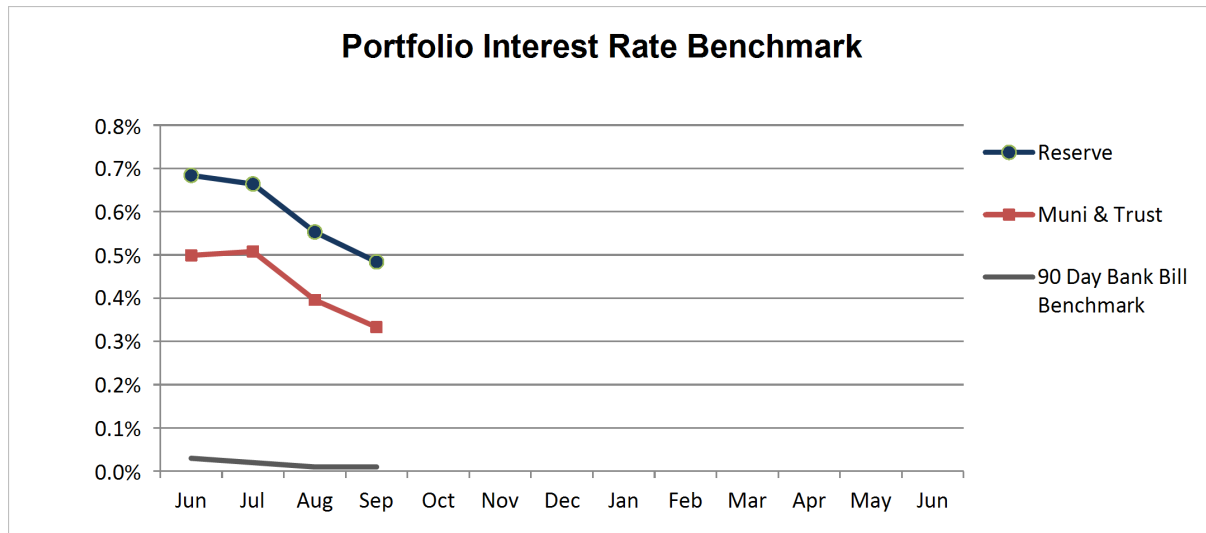
For the period ending 30 September 2021:

- Investment earnings on Municipal and Trust Funds were \$26,881 against a year to date budget of \$62,500 representing a negative variance of \$35,619.

The weighted average interest rate for Municipal and Trust Fund investments as at 30 September 2021 was 0.33% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.01%.

- Investment earnings on Reserve accounts were \$225,801 against a year to date budget of \$300,000 representing a negative variance of \$74,199.

The weighted average interest rate for Reserve account investments as at 30 September 2021 was 0.48% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.01%.



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.

C21/6000 - INVESTMENT STATEMENTS FOR 30 SEPTEMBER 2021 (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 0.33% to 0.48% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.01%.

41% 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 40% in August 2021.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6000)**NOTING**

That the Council notes the Investment Report for the period ending 30 September 2021.

At 8:51pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2021 (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> |
| <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 & 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 September 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 details of payments made under delegated authority to suppliers for the period of September 2021 and recommends that the Schedule of Accounts Paid be noted.

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2021 (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 September including Payment Register numbers, Cheques: 802-803, Electronic Funds Transfers batches: 725-730, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 16 November 2021.

A total of \$15,093,398 direct creditor payments were paid during the month, of which, 29% of payments (excluding \$8.49m of ESL payment to DFES) were paid to suppliers located within the City of Melville and 35% to suppliers within the South West Group, compared to 24% and 34% of total of \$7,229,747 direct creditor payments made over August 2021 respectively. The biggest payment of \$8,498,949 made during the month was the ESL payment to the Department of Fire and Emergency Services (DFES). 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 SEPTEMBER 2021 | | |
|--|---|----------------------------|
| <i>Payments made under Delegated Authority DA-035</i> | | |
| MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS | | |
| Cheques | Chq Payment Register No. 802 and 803 | \$1,065.00 |
| | Chq Payment on Restricted Funds Register No. | \$0.00 |
| | Less Cancelled Chqs | \$0.00 |
| Electronic Funds Transfers | EFT Payment Register No. 726,727 and 730 | \$14,640,310.72 |
| | EFT Payment on Restricted Funds Register No. 111, 725,728 and 729 | \$245,692.32 |
| | Less Cancelled EFTs | (\$8,230.72) |
| | | \$14,878,837.32 |
| Direct Debits | Bank Fees | \$22,736.63 |
| | Ampol Fuel | \$90,818.85 |
| Direct Payments | | \$101,005.35 |
| | Total Direct Creditor Payments | \$15,093,398.15 |
| Payroll | Total Pay 5, 6 and 7 | \$5,744,663.26 |
| | | Total Payroll |
| Cards | Corporate Cards | \$6,237.05 |
| | Purchase Cards | \$44,335.00 |
| | American Express | \$12,041.86 |
| | | Total Card Payments |
| Total Direct Creditor Payments from Municipal Account | | \$20,900,675.32 |

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2021 (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 | | (\$4,466,473.33) |
| Reserve | | \$4,466,473.33 |
| Trust | | \$0.00 |
| <i>Total Interfund Transfers</i> | | \$0.00 |
| <i>New Municipal Investments</i> | | |
| Bank of Queensland | 1/09/2021 | \$3,000,000.00 |
| Westpac Bank | 3/09/2021 | \$2,000,000.00 |
| Westpac Bank | 7/09/2021 | \$1,000,000.00 |
| National Australia Bank | 10/09/2021 | \$3,000,000.00 |
| ANZ Bank | 15/09/2021 | \$3,000,000.00 |
| National Australia Bank | 14/09/2021 | \$1,000,000.00 |
| National Australia Bank | 14/09/2021 | \$2,000,000.00 |
| Westpac Bank | 16/09/2021 | \$1,000,000.00 |
| Westpac Bank | 23/09/2021 | \$4,000,000.00 |
| <i>Total New Investments</i> | | \$20,000,000.00 |
| Grand Total | | \$40,900,675.32 |

Details of the payments are shown in attachment [6001 Payment Details September 2021](#). 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.

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR SEPTEMBER 2021 (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

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

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 \$40,900,675.32.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001)**NOTING**

That the Council notes the Schedule of Accounts paid for the period September 2021 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 Payment Details September 2021](#).

At 8:51pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2021 (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

| | | |
|-------------------------------------|------------------|---|
| <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> |

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 September 2021 and recommends that they be noted by the Council. • The variances for the month of 30 September 2021 and recommends that they be noted by the Council. • Year-end processes are still underway and therefore the final figures for September 2021 may be different from what is presented in this report. • The Budget amendments required for the month of 30 September 2021 and recommends that they be adopted by Absolute Majority decision of the Council. |
|--|

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2021 (AMREC)
(ATTACHMENTS)****BACKGROUND**

The Statements of Financial Activity for the period ending 30 September 2021 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

OVERALL SUMMARY OF THE CITY'S FINANCIAL POSITION

- End of financial year processes for 2020-2021 are complete with the audit conducted by the OAG still underway. Pending the audit the final figures for 2020-2021 may be different to what is presented in this report.
- The Municipal cash balance at the end of the month is \$54,738,211. This reflects that the City has a positive financial position to meet its obligations.
- The investment holding in reserve accounts for September is \$161,016,181, which is unchanged from August 2021. 74% of the City's investment holdings are 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 September 2021 was \$88,500,000 or 41% of total investment holdings, compared to \$88,500,000 (40%) in August 2021.
- Rates raised as at September were \$91,754,311 with a positive variance of \$128,954 compared to the approved budget of \$91,625,357. This is mainly due to the impact of interim rate adjustments processed on various residential improved properties following the preparation of the 2021-2022 Annual Budget. These adjustments are subsequently reflected in the value of the rates raised in 2021-2022.
- Total debtor collections for the period ending September equalled \$75,778,959 as a result of the 1st rates instalment due 28 August. The Rates collection target is 60.2% and the actual collection is tracking slightly higher at 60.5%. The year to date total outstanding debtors (including all rates and sundry debtors) is \$50,938,132.

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 or 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.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2021 (AMREC)
(ATTACHMENTS)**

Variances

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

[6002B Rate Setting Statement Nature or Type September 2021](#): Rate Setting Statement by Nature or Type

[6002H Statement of Variances September 2021](#): Statement of Variances in Excess of \$100,000

Revenue

Rates raised as at September were \$91,754,311, compared to a year to date budget of \$91,625,357. The positive variance of \$128,954 is due to the impact of 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 | 117,626,054 | 117,193,581 | 0% | 100,346,228 | 17% |
| Payments Received | (73,883,527) | (66,944,926) | 10% | (59,856,384) | 23% |
| Closing Balance | 50,234,390 | 56,740,517 | -11% | 49,632,332 | 1% |

Total rate debtor collections for the month equalled \$6,938,601.

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 | 1,711,840 | 1,415,333 | 21% | 1,341,888 | 28% |
| Receipts | (1,895,432) | (1,490,171) | 27% | (924,390) | 105% |
| Prepayments | 5,184 | 5,415 | -4% | 17,486 | -70% |
| Closing Balance | 703,742 | 812,727 | -13% | 1,673,849 | -58% |

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2021 (AMREC)
(ATTACHMENTS)**

Sundry debtor balances decreased by \$108,985 over the course of September from \$812,727 to \$703,742 of which total 90 day sundry debtors over \$1,000 for the month is \$115,611 representing 16% of total sundry debtors.

Money Expended in an Emergency and Unbudgeted Expenditure

A small fire in the Civic Centre on 9th August 2021 resulted in emergency and unbudgeted expenditure. Urgent expenditure was required to make the building fit for re-occupation by the staff, Elected Members and members of the public as soon as possible. As per the Local Government Act 1995 Section 6.8, this was authorised in advance by the Mayor and was reported to the October meeting of Council.

The total spend to the end of September was \$38,263 with further expenditure to occur in the proceeding month. The City will make an insurance claim with Local Government Insurance Services (LGIS) for expenditure in excess of \$50,000 which is the City's insurance excess on property claims.

Budget Amendments

Details of Budget Amendments requested for the month of September 2021 are shown in attachment [6002J Budget Amendments September 2021](#). Variances greater than \$50,000 processed in September 2021 are highlighted in the attachment.

Significant budget amendments include;

- Increased funding required for the Links Road Safe Active Street project amounting to \$574,197. Additional costs were the result of poor weather conditions, extensive reinstatement work and insufficient budget allocation for the LED luminaire upgrade to existing streetlights. The increase will be funded by a transfer from Reserves.
- Increased funding required for the Shirley Strickland Redevelopment Project amounting to \$402,804. An additional \$150,000 for the playground has been reallocated from the Play Space Renewal Program. This is the result of the detailed design being finalised and general increases across the construction market. An additional \$252,804 in funding from Reserves is also required to cover building, lighting and path variations in excess of original contingency sum.

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.

Sundry Debtor - \$1,311.70 for function room hire was written off under delegated authority. The City issued several statements and overdue reminder notices to the debtor. The debt was sent to the City's debt collection agent who issued a first demand letter with no success. In this instance it would not be economically viable for further legal action.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2021 (AMREC)
(ATTACHMENTS)**

Rate Debtors - \$18,249.19 across various properties was written off under delegated authority. Rebates had been applied to a number of properties where the owner was not eligible for a rebate. This occurred due to an administrative error during the change of ownership process. Due to the age of the rebates, it was not considered appropriate to seek remediation from the owner prior to 2021-2022. New reporting and checklists have been implemented to prevent this occurring again in the future.

The following attachments form part of the Attachments to the Agenda for the month of September 2021.

| DESCRIPTION | LINK |
|---|---|
| Statement of Financial Activity By Nature or Type | 6002A Statement Nature Type September 2021 |
| Rate Setting Statement by Program | 6002B Rate Setting Program September 2021 |
| Rate Setting Statement by Nature or Type | 6002B Rate Setting Nature Type September 2021 |
| Representation of Net Working Capital | 6002E Net Working Capital September 2021 |
| Reconciliation of Net Working Capital | 6002F Reconciliation Net Working Capital September 2021 |
| Notes on Rate Setting Statement reporting on variances of 10% or \$100,000 whichever is greater | 6002H Notes Rate Setting Statement September 2021 |
| Details of Budget Amendments requested | 6002J Budget Amendments September 2021 |
| Summary of Rates Debtors | 6002L Summary Rate Debtors September 2021 |
| Graph Showing Rates Collections | 6002M Rates Collections Graph September 2021 |
| Summary of General Debtors aged 90 Days Old or Greater | 6002N General Debtors Aged 90days September 2021 |

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:

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2021 (AMREC)
(ATTACHMENTS)****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.

(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 September 2021](#): Notes on Statement of Variances in excess of \$100,000 by Nature or Type.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2021 (AMREC)
(ATTACHMENTS)****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 Recovery Team (IRRT) to coordinate and plan the City's response to the State Government directions regarding Covid-19.

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 September 2021.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2021 (AMREC)
(ATTACHMENTS)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)
NOTING and ABSOLUTE MAJORITY**

That the Council:

- Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 30 September 2021 as detailed in the following attachments:**

| DESCRIPTION | LINK |
|---|--|
| Statement of Financial Activity By Nature or Type | <u>6002A Statement Nature Type September 2021</u> |
| Rate Setting Statement by Program | <u>6002B Rate Setting Program September 2021</u> |
| Rate Setting Statement by Nature or Type | <u>6002B Rate Setting Nature Type September 2021</u> |
| Representation of Net Working Capital | <u>6002E Net Working Capital September 2021</u> |
| Reconciliation of Net Working Capital | <u>6002F Reconciliation Net Working Capital September 2021</u> |
| Notes on Rate Setting Statement reporting on variances of 10% or \$100,000 whichever is greater | <u>6002H Notes Rate Setting Statement September 2021</u> |
| Details of Budget Amendments requested | <u>6002J Budget Amendments September 2021</u> |
| Summary of Rates Debtors | <u>6002L Summary Rate Debtors September 2021</u> |
| Graph Showing Rates Collections | <u>6002M Rates Collections Graph September 2021</u> |
| Summary of General Debtors aged 90 Days Old or Greater | <u>6002N General Debtors Aged 90days September 2021</u> |

- By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for September 2021
[6002J Budget Amendments September 2021](#)**

At 8:51pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

15. EN BLOC ITEMS**COUNCIL RESOLUTION**

At 8:49pm Cr Fitzgerald moved, seconded Cr Barber –

That the recommendations for the following items be carried En Bloc:

- M21/5000 Common Seal Register**
- C21/6000 Investment Statements September 2021**
- C21/6001 Schedule of Accounts Paid September 2021**
- C21/6002 Statements of Financial Activity for September 2021**

At 8:51pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

At 8:50pm Ms Davis left the meeting and returned at 8:51pm.

**P21/3954 – AMENDMENT TO SINGLE HOUSE (SITE WORKS AND SCREENING) – LOT 802
(10D) BIRDWOOD CIRCUS, BICTON WA 6157 (SECTION 31 SAT RECONSIDERATION) (REC)
(ATTACHMENT)**

This Item was brought forward.
See Page 39.

**M21/5878 – DEVELOPMENT ASSESSMENT PANELS CITY OF MELVILLE NOMINATIONS
(REC)**

| | | |
|----------------------------|---|---|
| Ward | : | All |
| Category | : | Operational |
| Subject Index | : | Development Assessment Panels |
| Customer Index | : | Development Assessment Panels |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : | M18/5637 – City of Melville Local Government Members for Development Assessment Panels – Extension of Terms - Ordinary Meeting of Council 21 August 2018. M19/5713 - City of Melville Local Government Members for Development Assessment Panels – Ordinary Meeting of Council held 19 November 2019 |
| 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 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> |

**M21/5878 – DEVELOPMENT ASSESSMENT PANELS CITY OF MELVILLE NOMINATIONS
(REC)****KEY ISSUES / SUMMARY**

- Development Assessment Panels (DAPs), also known as Joint Development Assessment Panels (JDAPs) and Local Development Assessment Panels (LDAPs) commenced on 1 July 2011.
- Since 26 January 2019 the City has been represented by Cr Pazolli and Cr Woodall, with former Cr Kepert and Cr Wheatland as the Alternate Members.
- Following the Local Government Elections, Cr Pazolli, Cr Woodall and CR Wheatland are the remaining representatives for the City of Melville, with their terms expiring 26 January 2022.
- Notification has been received from the Director General, Department of Planning, Lands and Heritage requesting nominations for the DAP Local Government Memberships for the 27 January 2022 to 26 January 2024 term.

BACKGROUND

At the Ordinary Meeting of Council held 19 November 2019, the Council resolved to nominate Cr Pazolli and Cr Woodall as members of the City of Melville Development Assessment Panel Members for the term expiring on the 26 January 2022. Cr Kepert and Cr Wheatland were nominated as the Alternate Members one and two respectively, for the term expiring on the 26 January 2022.

Following the 2021 Local Government Elections, Cr Pazolli, Cr Woodall and Cr Wheatland are the City's remaining representatives to the Development Assessment Panel, with terms ending 26 January 2022. Prior to this expiry date, the Council will need to nominate four (4) DAP members for appointment by the Minister for Planning.

DETAIL

Correspondence has been received from the Department of Planning, Lands and Heritage requesting the City provide nominations for two members and two alternates to the Development Assessment Panel (DAP) for terms expiring 26 January 2024. The nominations are required by Friday 19 November 2021, to ensure local interests are represented in future DAP determinations. Once nominations are received, the Minister will appoint local government DAP members for the term ending 26 January 2024

Each DAP consists of five panel members, three being specialist members and two local government elected members. Under the DAP regulations, each DAP will determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme. The DAP regulations state that DAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

The Minister makes the formal appointment of nominations to the DAP and DAP members are required to undertake training prior to being able to perform their role on a DAP. The Department encourages existing members to attend refresher training, if appointed again.

**M21/5878 – DEVELOPMENT ASSESSMENT PANELS CITY OF MELVILLE NOMINATIONS
(REC)**

In its correspondence to the City, from the Department of Planning, Lands and Heritage provided the following advice:

“The McGowan Government launched OnBoardWA as part of its commitment to increase the diversity and backgrounds of Government board and committees along with the total number of women appointed.

I encourage you to consider diversity of representation when putting forward your local government nominations in supporting this important election commitment.”

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Advertising of the Local Government Development Assessment Panel nomination is not required under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

II. OTHER AGENCIES / CONSULTANTS

No other consultation with external agencies is required.

STATUTORY AND LEGAL IMPLICATIONS

DAPs are to make decisions based on the existing planning framework of the local government within which the application site is located.

Where an application to review a decision made by a DAP is lodged with the State Administrative Tribunal (SAT), members of the DAP who made the decision may be called upon to represent the DAP at SAT.

The *Planning and Development (Development Assessment Panels) Regulations 2011* deals with the appointment and terms of office of DAPS members, particularly Regulation 29 as follows:

- (1) *A DAP member holds office for the term specified in the member's instrument of appointment.*
- (2) *The term of office specified in an instrument of appointment must not exceed 3 years.*
- (3) *A person's eligibility for reappointment as a DAP member or the term for which a person may be reappointed is not affected by an earlier appointment.*

**M21/5878 – DEVELOPMENT ASSESSMENT PANELS CITY OF MELVILLE NOMINATIONS
(REC)****FINANCIAL IMPLICATIONS**

Sitting fees are paid for the local government DAP members when determining applications. DAP members are also paid \$400.00 upon completion of the compulsory training and \$200.00 upon the completion of re-training and \$425.00 for attending proceedings at the State Administrative Tribunal in relation to a DAP decision, in accordance with the *Planning and Development (Development Assessment Panels) Regulations 201*, Schedule 2 – Fees for DAP Members.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The Minister for Planning must remove a DAP member if they cease to hold a position or qualification which made them eligible to sit as a DAP member, this includes non-attendance of compulsory training, before they can sit on a DAP and determine applications.

DAP members are bound by similar requirements regarding behaviour and conflict of interest as Elected Members, such as:

- Declare direct or indirect interest in a matter;
- Not to disclose or make improper use of information acquired as a member;
- Not accepting “prohibited” gifts;
- Comply with the Code of Conduct;
- Not to make any statement regarding the competence or honesty of a local government employee or public sector employee.

The primary risk is that the City does not nominate representatives and does consequently not have a voice on the DAP. There are no other risks associated with this report.

POLICY IMPLICATIONS

There are no policy implications that relate to this matter.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Should the Council not nominate members, the Minister has the ability to appoint community representatives to represent the City of Melville on the DAP. The community representatives would be selected from residents within the local government area who are considered to have relevant knowledge or experience which will enable them to represent the interests of their local community. The implication of this option is that the City of Melville and its interests will not be represented in the determination of the applications by the DAP.

CONCLUSION

Cr Pazolli, Cr Woodall and Cr Wheatland will remain Council members on DAP until the 26 January 2022 and nominations for new members and alternative DAP members are required by Friday 19 November 2021.

**M21/5878 – DEVELOPMENT ASSESSMENT PANELS CITY OF MELVILLE NOMINATIONS
(REC)**

At 8:53pm a secret ballot was held to determine the Development Assessment Panel Members and the Development Assessment Panel Alternate Members. At 8:57pm the Mayor declared the results of the Ballot.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5878)**APPROVAL**

At 8:57pm Cr Wheatland moved, seconded Cr Barber–

That the Council:

1. **Nominates Councillor Pazolli and Councillor Woodall as the City of Melville Development Assessment Panel Members for the term expiring on the 26 January 2024.**
2. **Nominates Councillor Ross and Councillor Sandford as the City of Melville Development Assessment Panel Alternate Members for the term expiring on the 26 January 2024.**
3. **Confirms that Councillor Sandford is to be the Local Joint Development Assessment Panel Alternative Member one and Councillor Ross is the Development Assessment Panel Member two.**
4. **Directs the Chief Executive Officer to forward the confirmation of the City of Melville nominees for the Development Assessment Panel to the Director General of the Department Planning.**

At 8:57 pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16.1 Re-Configuration of Seating Arrangements in the Council Chamber**

This Item was Brought Forward.
See Page 48.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**17.1 CD21/8142 – 21 September 2021 OMC – Review of Dog Exercise Areas****Procedural Motion****COUNCIL RESOLUTION**

At 8:58pm Cr Sandford moved, seconded Cr Barber –

That Cr Mair be permitted to present to the Council a Motion Without Notice relating to the Review of Dog Exercise Areas.

At 9:00pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

At 9:02pm Cr Woodall left the meeting and returned at 9:06pm.

Motion

At 9:02pm Cr Mair moved, seconded Cr Barber–

That Council agree to the following new terms of reference for the community consultation that it has directed the CEO to undertake relating to a dog swim area on the Bicton Foreshore:

- 1. Community views are to be sought on the proposal that a dog swim area be permitted on the Bicton Foreshore along Blackwall Reach Parade between Braunton Street and Kent Street.**
- 2. The CEO is to report to Council on the outcome of the consultation at the March 2022 Ordinary Meeting of Council and make an appropriate recommendation.**

17.1 CD21/8142 – 21 September 2021 OMC – Review of Dog Exercise Areas

At 9:11pm, the mover along with the seconder, consented to the inclusion of the words *“in a small section be set aside for a dog swim area”* after *“Bicton Foreshore...”* in part 1 of the motion.

Motion

At 9:02pm Cr Mair moved, seconded Cr Barber–

That Council agree to the following new terms of reference for the community consultation that it has directed the CEO to undertake relating to a dog swim area on the Bicton Foreshore:

- 1. Community views are to be sought on the proposal that a dog swim area be permitted on the Bicton Foreshore in a small section be set aside for a dog swim area along Blackwall Reach Parade between Braunton Street and Kent Street.**
- 2. The CEO is to report to Council on the outcome of the consultation at the March 2022 Ordinary Meeting of Council and make an appropriate recommendation.**

At 9:12pm, the mover and the seconder, consented to the inclusion of the words *“in a small section”* after *“permitted”* and deletion of *“in a small section be set aside for a dog swim area”* in Part 1 of the Motion.

Substantive Motion as Amended

COUNCIL RESOLUTION

At 9:02pm Cr Mair moved, seconded Cr Barber –

That Council agree to the following new terms of reference for the community consultation that it has directed the CEO to undertake relating to a dog swim area on the Bicton Foreshore:

- 1. Community views are to be sought on the proposal that a dog swim area be permitted in a small section on the Bicton Foreshore along Blackwall Reach Parade between Braunton Street and Kent Street.**
- 2. The CEO is to report to Council on the outcome of the consultation at the March 2022 Ordinary Meeting of Council and make an appropriate recommendation.**

At 9:13pm, the Mayor declared the motion

CARRIED (11/2)

| | | |
|------------|----|--|
| Yes | 11 | Cr Ross, Cr Macphail, Cr Barber, Cr Spanbroek, Cr Mair, Cr Sandford, Cr Woodall, Cr Pazolli, Cr Robins, Cr Edinger, Mayor Gear |
| No | 2 | Cr Fitzgerald, Cr Wheatland |

17.1 CD21/8142 – 21 September 2021 OMC – Review of Dog Exercise Areas**Reasons for the motion as provided by Cr Mair**

1. Bicton Baths is a popular swimming location on the Swan River. It's well used by diving trainers, for children's swimming lessons, sport, leisure activities and for annual events.
2. Introducing dogs to the busy family area on timed season sessions would be difficult to enforce. This would also create confusion for dog owners who may not remember when they could use the area. Signage is no assistance since people do not generally read signs.
3. Bicton Baths is designated for people only and should remain that way.
4. More suitable locations for dog swim areas could be found along Blackwall Reach Parade from Braunton Street to Kent Street. This is the area favoured by a number of community members seeking a dog swim area.
5. The current recommendation without the Proposed Motion of Notice will be unachievable for Officers since their report is due at the December Meeting of Council. They are currently not able to meet that deadline. The new date in March will give officers sufficient time to consult with the community and present their report to Council.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**Procedural Motion****COUNCIL RESOLUTION**

At 9:14pm Cr Woodall moved, Seconded Cr Barber –

That the meeting be closed to the members of the public to allow for items deemed confidential in accordance with section 5.23(2)(b),(c) and (e) of the Local Government Act 1995, to be discussed behind closed doors.

At 9:14pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Confidential Pages Extracted

**M21/5879 – CONFIDENTIAL ITEM – NOMINATION FOR HONORARY FREEMAN OF THE CITY
(AMREC) (ATTACHMENT)**

Ward : All
 Category : Policy
 Subject Index : Elected Member Profile
 Customer Index : Clive Robartson
 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 : 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 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 to note.</i> |

**M21/5879 – CONFIDENTIAL ITEM – NOMINATION FOR HONORARY FREEMAN OF THE CITY
(AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Honorary Freeman of the City is the City of Melville's highest award and recognises outstanding services and meritorious service to the City of Melville.
- Council Policy CP-012 – Honorary Freeman of the City of Melville provides guidance on the nomination process.
- This report considers the nomination of Mr Clive Robartson to the award of Honorary Freeman of the City.

BACKGROUND

Council Policy CP-012 – Honorary Freeman of the City provides for this award to be bestowed. An Honorary Freeman is to recognise outstanding and meritorious service to the City of Melville and an Honorary Freeman is to be invited at all City of Melville Civic Functions.

Elected Members can only be nominated for the Honorary Freeman award at the conclusion of their term of office.

A nomination for Mr Clive Robartson to receive the Award of Honorary Freeman of the City has been received, signed by nine Elected Members, as required by the Policy. [Nomination for Honorary Freeman of the City](#)

DETAIL

Mr Clive Robartson retired from his role as an Elected Member of the City of Melville at the 16 October 2021 Local Government Elections. Mr Robartson was an Elected Member for the City of Melville from 1982 until 1987 and from 1990 until 2021, a total of 36 years. He also served as Deputy Mayor in 1993, 2005 and 2011.

Mr Robartson's contribution to the local government industry has been formally recognised through the following awards:

- | | |
|------|--|
| 1999 | Awarded the City of Melville Distinguished Services Award |
| 2007 | Recipient of the Local Government Medal |
| 2010 | Awarded Member of the Order of Australia for services to community and local government. |

Mr Robartson has represented the City of Melville and the local government industry on a number of local, state and national committees, including but not limited to:

- Melville Citizen's Relief Fund
- Southern Metropolitan Regional Council
- Australian Landcare Council
- Waste Management Board of WA
- Melville Aged Homes Board (Alchera)

**M21/5879 – CONFIDENTIAL ITEM – NOMINATION FOR HONORARY FREEMAN OF THE CITY
(AMREC) (ATTACHMENT)**

The recipient of the Award receives a badge which identifies them as a Freeman of the City of Melville and is invited to all City of Melville Civic Functions. The Award is personal to the recipient and is not transferrable to heirs or successors.

Previous Honorary Freeman of the City include:

- Ronald Francis Carroll, former Councillor and Mayor
(served for a total of 35 years)
- Harry Stickland AM, former Councillor, Deputy Mayor and Mayor
(served for a total of 30 years)
- Jack Fingall Howson OBE JP, former Councillor and Mayor
(served for a total of 24 years)

The current Honorary Freeman of the City is:

- Margaret June Barton OAM JP, former Councillor and Mayor
(served for a total of 32 years and also retired at the 16 October 2021 Local Government elections)

The Policy does not preclude having more than one Honorary Freeman at any time.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No community consultation is associated with this Award.

II. OTHER AGENCIES / CONSULTANTS

No consultation with external agencies is associated with this Award.

STATUTORY AND LEGAL IMPLICATIONS

There are no Statutory or Legal Implications associated with this Award. The Award is at the discretion of the Council under policy.

FINANCIAL IMPLICATIONS

There are no specific financial implications associated with this Award.

**M21/5879 – CONFIDENTIAL ITEM – NOMINATION FOR HONORARY FREEMAN OF THE CITY
(AMREC) (ATTACHMENT)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

POLICY IMPLICATIONS

Nominations for Honorary Freeman of the City are in accordance with Council Policy CP-012 – Honorary Freeman of the City of Melville.

It should be noted that the Policy requires any decision associated with awarding the title of Honorary Freeman is required to be made with a Special Majority of Council, which is a 75% majority of the Council. The term “special majority” was deleted from the *Local Government Act 1995* with the introduction of the *Local Government Amendment Bill 2019*. Under this piece of legislation all decisions that previously would have required a Special Majority would now require an Absolute Majority.

As such, the decision to award the title of Honorary Freeman of the City of Melville will require an Absolute Majority decision.

The policy will be updated to reflect the changes to legislation as part of the next review, that is due in the near future.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council has the option to not award the title of Honorary Freeman of the City.

CONCLUSION

Mr Clive Robartson has served as a Councillor and Deputy Mayor to the City of Melville for 36 years, with 31 years being continuous service, and has represented the City of Melville at a local, state and national level. The nomination for the award was supported by nine Elected Members.

OFFICER RECOMMENDATION (5879)**ABSOLUTE MAJORITY**

At 9:53pm Cr Macphail moved, seconded Cr Spanbroek –

That:

- 1. In recognition of former Councillor Clive Robartson’s outstanding and meritorious service to the City of Melville, by absolute majority decision, the Council awards the title of Honorary Freeman of the City of Melville to Mr Clive Robartson**
- 2. That this award be made public and announced at the City of Melville Mayoral Dinner scheduled to be held on Friday 26 November 2021.**

**M21/5879 – CONFIDENTIAL ITEM – NOMINATION FOR HONORARY FREEMAN OF THE CITY
(AMREC) (ATTACHMENT)**

Procedural Motion

At 9:36pm Cr Sandford moved, seconded Cr Ross –

That the motion be deferred.

At pm, the Mayor declared the motion

LOST (3/10)

| | | |
|------------|----|---|
| Yes | 3 | Cr Ross, Cr Sandford, Cr Edinger |
| No | 10 | Cr Macphail, Cr Barber, Cr Spanbroek, Cr Wheatland, Cr Mair, Cr Woodall, Cr Pazolli, Cr Robins, Cr Fitzgerald, Mayor Gear |

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5879)

ABSOLUTE MAJORITY

At 9:53pm Cr Macphail moved, seconded Cr Spanbroek –

That:

- 3. In recognition of former Councillor Clive Robartson's outstanding and meritorious service to the City of Melville, by absolute majority decision, the Council awards the title of Honorary Freeman of the City of Melville to Mr Clive Robartson**
- 4. That this award be made public and announced at the City of Melville Mayoral Dinner scheduled to be held on Friday 26 November 2021.**

At 9:40pm, the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (10/3)

| | | |
|------------|----|---|
| Yes | 10 | Cr Macphail, Cr Barber, Cr Spanbroek, Cr Wheatland, Cr Mair, Cr Woodall, Cr Pazolli, Cr Robins, Cr Fitzgerald, Mayor Gear |
| No | 3 | Cr Ross, Cr Sandford, Cr Edinger |

**M21/5879 – CONFIDENTIAL ITEM – NOMINATION FOR HONORARY FREEMAN OF THE CITY
(AMREC) (ATTACHMENT)****Procedural Motion****COUNCIL RESOLUTION**

At 9:41pm Cr Woodall moved, seconded Cr Pazolli –

That the meeting comes out from behind closed doors.

At 9:43pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

At 9:43pm the meeting was reopened to the public. No members of the public returned to the meeting

At 9:44pm, the Mayor advised the meeting of the following Council Resolutions made behind Closed Doors:

- M21/5865 – Confidential Item – Variation to Agreement for Lease For Melville Health, Aged and Community Care (WA) Pty Ltd – The Council resolved (8/5) to defer this matter to an Elected Member Engagement Session and be presented to the December 2021 Meeting of Council.
- M21/5877 – Confidential Item – Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant – This matter was withdrawn from the Agenda.
- C21/5885 – Confidential Item – Provision of Electricity to City of Melville Facilities – The Officer Recommendation was Carried Unanimously.
- M21/5879 – Confidential Item – Nomination For Honorary Freeman Of The City – The Officer Recommendation was Carried 10/3

19. CLOSURE

There being no further business, the Mayor closed the meeting at 9:45pm.