



City of
Melville

MINUTES

ORDINARY MEETING OF THE COUNCIL

6:30pm Tuesday, 21 February 2023

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

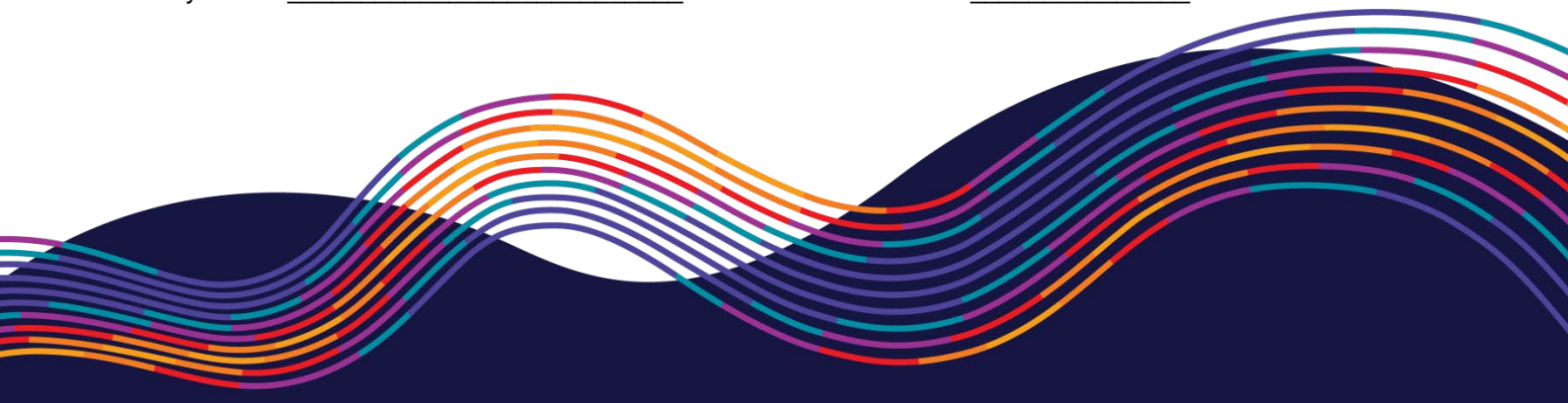
The City of Melville acknowledges the Bibbulmun people as the Traditional Owners and custodians of the lands on which the City stands today and pays its respect to the Whadjuk people, and Elders both past, present and emerging.

Minutes to be confirmed at the next Ordinary Council Meeting

These minutes are hereby confirmed as true and accurate

Mayor Gear _____

Date _____



Our Vision

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

Our Mission

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

Our Values

Excellence

Striving for the best possible outcomes

Participation

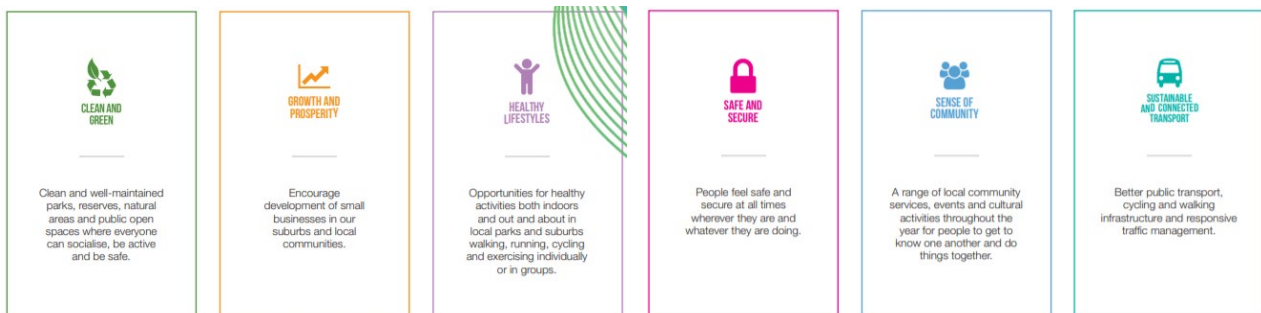
Involving, collaborating and partnering

Integrity

Acting with honesty, openness and with good intent

Caring

Demonstrating empathy, kindness and genuine concern



Disclaimer

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

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

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

Any advice provided by an employee of the City on the operation of written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as representation by the City should be sought in writing and should make clear the purpose of the request.

Audio Recording/ access to Recording

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

CONTENTS

Attendance and Apologies	6
Public Question Time	8
Confirmation of Minutes	14
Petitions	16
12.1 Mr McLerie's Confidential Correspondence Dated 18 July 2022	16

REPORTS

Items Brought Forward

CD22/8155	Dyoondalup Point Walter Multi-Use Courts	17
UP23/4015	Two Storey Single House at Lot 86 (No. 50A) Kingsall Road, Attadale 6156	31
UP23/4016	Review of Local Planning Policy 1.17 Additional Development Exemptions	42
UP23/4017	Review of Local Planning Policy 1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use and Non-Residential Development	50
UP23/4018	Review of Local Planning Policy 1.2 – Design Review Panel	55

REPORTS FROM COMMITTEES

C22/5943	Freedom of Information Process Review and Improvement Report	61
----------	--	----

REPORTS

Management Services

Nil.

Corporate Services

C23/6000-1	Investment Statements for November 2022	69
C23/6000-2	Investment Statements for December 2022	76
C23/6001-1	Schedule of Accounts Paid for November 2022	83
C23/6001-2	Schedule of Accounts Paid for December 2022	87
C23/6002-1	Statements of Financial Activity for November 2022	91
C23/6002-2	Statements of Financial Activity for December 2022	98

Community Development

CD22/8155	Dyoondalup Point Walter Multi-Use Courts	105
-----------	--	-----

Environment and Infrastructure

Nil.

Urban Planning

UP23/4015	Two Storey Single House at Lot 86 (No. 50A) Kingsall Road, Attadale 6156	105
UP23/4016	Review of Local Planning Policy 1.17 Additional Development Exemptions	105
UP23/4017	Review of Local Planning Policy 1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use and Non-Residential Development	105
UP23/4018	Review of Local Planning Policy 1.2 – Design Review Panel	105

Late Items

C23/6193	2022-2023 Mid Year Budget Review	106
M23/5953	Motions Carried at the General Meeting of Electors Held 6 February 2023	117

CONTENTS

MOTIONS

With Previous Notice

15.1	Establishment of Committee (Mr McLerie's Confidential Correspondence Dated 18 July 2022) – Submitted by Cr Edinger	131
------	--	-----

Without Previous Notice

Nil.

MATTERS FOR WHICH THE MEETING WAS CLOSED

Item 12.2	Confidential Petition – CEO Contract	134
-----------	--------------------------------------	-----

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 Edinger 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.

2 ATTENDANCE AND APOLOGIES

In Attendance

Mayor Hon. George Gear

Councillors

Cr T Fitzgerald (Deputy Mayor)
Cr K Wheatland
Cr N Pazolli
Cr C Ross
Cr D Macphail
Cr N Robins (*until 8:35pm*)
Cr G Barber
Cr J Edinger
Cr J Spanbroek
Cr M Woodall
Cr M Sandford
Cr K Mair

Ward

Palmyra – Melville – Willagee
Palmyra – Melville – Willagee
Applecross – Mount Pleasant
Applecross – Mount Pleasant
Bateman – Kardinya – Murdoch
Bateman – Kardinya – Murdoch
Bicton-Attadale-Alfred Cove Ward
Bicton – Attadale – Alfred Cove
Bull Creek – Leeming
Bull Creek – Leeming
Central
Central

Officers

Mr M Tieleman (<i>until 9:45pm</i>)	Chief Executive Officer
Mr M Duncan (<i>until 9:05pm</i>)	Acting Director Corporate Services
Mr M McCarthy (<i>until 9:45pm</i>)	Director Environment and Infrastructure
Mr G Ponton (<i>until 8:04pm</i>)	Acting Director Urban Planning
Ms G Bowman (<i>until 9:45pm</i>)	Director Community Development
Ms C Newman	Head of Governance
Ms J Head (<i>until 9:46pm</i>)	Governance Officer
Ms M Smith Poulton (<i>until 9:46pm</i>)	Business Support (Administration) Officer

At the commencement of the meeting:

Public Gallery	11
Electronic	6
Press	0

Lisa O'Malley MLA, Member for Bicton.

Apologies

Nil.

On Approved Leave of Absence

Nil.

3 DECLARATIONS BY MEMBERS

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

Nil.

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

Nil.

4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Approved Deputations:

Nil.

Written Submissions:

- City of Melville Residents and Ratepayers Association Inc.
Item 12.2 – Confidential Petition – CEO Contract

5 DISCLOSURES OF INTEREST

5.1 Financial or Proximity Interests

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

- Mr M Tieleman, CEO
Item 12.2 Confidential Petition – CEO Contract. Financial Interest.

5.2 Disclosure of Interest That May Cause a Conflict

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

- Cr Robins
Item CD22/8155 – Dyoondalup Point Walter Multi-Use Courts. Interest Under the Code of Conduct.

6 PUBLIC QUESTION TIME

At 6:33pm the Mayor opened public question time.

6.1 Questions Received with Notice

6.1.1 Mr B Chapman, Attadale

Mr Chapman was not in attendance to ask the question received with notice. A summary of the question and response is below.

I would like to draw the council's attention to the rapidly rising uptake of electric vehicles in the CoM area. The 6153 postcode alone is ranked 8th in WA for EV ownership (ref: <https://sensibletransport.org.au/project/passenger-evs-registered-in-2020/>).

I'd also like to draw attention to the surrounding, East Fremantle, Fremantle and Cockburn council's installation of EV charging bays. The CoM "CORPORATE ENVIRONMENTAL STRATEGIC PLAN 2016 - 2025 under section 6.1 lists one of the performance indicators due for delivery in the 2017-18 period as "Developing Infrastructure for Supporting Electric Vehicles". It is my understanding as a ratepayer that this KPI has not been achieved as there currently no CoM managed EV charging capability within the LGA.

Question 1

My question to the Mayor, Councillors and Director of Corporate Services is as such - What is the Council's strategy for accommodating the increased demand for EVs in the region? When can we expect to see a clear roadmap for implementation?

Response

The City is committed to progressing toward a low carbon future and has transitioned its light passenger vehicle to hybrid technology with a view to establishing an EV fleet over the coming five years.

The City also contributed toward an EV Infrastructure Charging Network Plan prepared by the South West Group (now South West Perth Metropolitan Alliance) related to regional scale EV charging infrastructure that would complement local public EV charging facilities.

There is considerable work to be completed for EV charging infrastructure including the development of planning regulations, policies, types of charging infrastructure, ownership and funding. The City is also well positioned to submit applications to the Federal and State Government who both have grant programs for charging infrastructure and software, whereby grant applications will be submitted over coming months. If successful, it is expected that a total of 22 EV chargers would be installed in Council buildings, with some available for public use. These chargers will be a combination of fast DC and standard AC chargers. Further information regarding the City's approach to EV charging will be included in the Climate Action Plan which is due to be submitted to Council in July 2023.

6.2 Questions Received at the Meeting

6.2.1 Mr McLerie, City of Melville Residents and Ratepayers

Question 1

When will Council put in clear policies to stop the CEO and the administration providing inaccurate, incomplete or misleading responses to public questions, and for Council to RESOLVE any complaints about such inappropriate responses?

Response

This question is a question for the Council to consider and the matter will be referred to the Mayor for consideration with Elected Member Group.

Question 2

Please consider 6 February Electors AGM responses by way of examples;

- a. *Marten Tieleman responded to Steve Kepert's question 6 saying he deleted the intimate image of the teenager on 7 April 2022 after the State Records Office and the Information Commissioner approved the deletion of the record the City created; so exactly when and in what form did the City receive the required legislated approvals? and*

Response

The question as posed by Mr Kepert at the AGM was responded to in the minutes of that meeting.

In response to the further question above "*in what form did the City receive the required legislated approvals*", the City received verbal advice from the Information Commissioner that it was able to delete the record, this was confirmed in and by an email from the State Records Office.

Question 3

- b. *the administration responded to the MRRA's question 3 taken on notice saying "The City does not hold any information on the status or progress of external review requests"; but doesn't the Information Commissioner provide the City notifications at least when it receives, and then when it closes its files on any complaint or external reviews so that the City could have properly answered this question.*

Response

The question posed by the CoMRRA at the AGM was "*As of 30 June 2022, what were the ages of any unresolved FOI applications at the external review stage; how many were over 6, 12, 18 or 24 months since the date of the initial FOI application lodged with the City?*". The City's response was "*The City does not hold any information on the status or progress of external review requests. This is the responsibility of the Office of the Information Commissioner.*"

In response to the question above, "*but doesn't the Information Commissioner provide the City notifications at least when it receives, and then when it closes its files on any complaint or external reviews*", there is a lag as to when the FOI Commission provides information to the City that it has received a request, have assessed and are going to deal with a matter under external review. So yes, the City has limited information, but is unable to provide the specific detailed timeframes associated with each external review request.

6.2.2 Dr S Peterson, Bateman

Dr Peterson was not in attendance to ask the questions. A summary of the questions and responses are below.

Question 1

C22/5943 Freedom of Information Process Review and Improvement Report:

Why were the documents provided for my deputation under subclause (9)(b) of the Meeting Procedures (Local Law) not published on the City's website for public inspection?

Response

Clause 6.12.9(b) of the City of Melville Meeting Procedures requires that documents to be tabled must be provided prior to the commencement of the meeting. The documents were not received by officers prior to the commencement of the meeting.

Question 2

Who was responsible for this decision and on what basis?

Response

The Head of Governance made the decision based on the requirements of the Meeting Procedures Local Law.

Question 3

Who was responsible for naming me in the published Agenda Briefing Forum notes as "Mr McLerie" and when will Chief Executive Officer Tieleman make amends for this?

Response

This was an administrative error and had been corrected prior to the receipt of this question. The City apologises for this error.

Question 4

Was CEO Tieleman aware that I mistook one City officer for another when he approved legal funding by the City for an officer to sue me under the Defamation Act?

Response

No.

6.2.3 Dr J Stevens, Bicton

Question 1

Council, will you acknowledge my petition tonight and refer it to a committee for a report on what I have asked for, that is for

"Council to take all necessary steps, using Council's powers and duties conferred upon it by the Building or other relevant Acts of Parliament and independent of the CEO and the Administration, to investigate and RESOLVE to my satisfaction the complaints that I have made since September 2021 in relation to my rear neighbours' unauthorised building works, inclusive of the retaining structures encroaching on to my land without my consent."

Response

The Head of Governance advised that the petition had been received in hard copy on Monday, 20 February 2023 and Elected Members would be advised in this week's Elected Members Bulletin. The Petition was scheduled to be presented to the Council at the 21 March 2023 Ordinary Meeting of Council.

Question 2

Why do you think that it is acceptable for a City officer to state the following: -

"Policy CP-114 states, the City undertakes enforcement actions on behalf of and in the interests of the community as a whole, not in pursuit of the interests or benefit of any individual or group. Policy CP-114 also states, in general, officers will favour the minimum level and type of enforcement action consistent with addressing the matters above (Item 10) and with the City's authority under the relevant legislation."

Does Council not believe in the principle that "a person's home is their castle" and that other people must get permission to encroach onto someone else's land and remove part of it? Surely, obtaining retrospective permission for the construction of retaining walls (limestone and pillar and post) by the Scott's without the permission of the person on the other side of the boundary, is improper and illegal, as was the removal of a low brick wall and the soil between the boundary and the fence on my property.

Will Council exercise its duties and powers and take enforcement action to help me get my land back, help stop the deterioration of my brick paving falling under the fence (witnessed by the Manager of Building and Environmental Health Services who offered no comment at the time) as the result of the illegal excavation of my land, by insisting that the soil removed should be replaced after a retaining wall of adequate height is constructed inside the boundary on the Scott's side as indicated that they should by Mr Cameron Smith, Council employee, in 2021, and deal with my neighbor's illegal building works, works that were undertaken after Mr Smith's instructions to the owners, which include retaining wall returns (two) encroaching into my property, and pool fencing encroaching into my property. The common fence cannot be moved to the correct boundary until the latter are removed and the removed earth returned to the space between the corrected retaining wall and my property.

A recent inspection was carried out on the neighbor's side of the fence and the illegally constructed retaining wall reported to be structurally sound and adequate. I was not offered an inspection on my side of the fence. I have asked the Manager of Building and Environmental Health Services for the name of the engineer who carried out this assessment so that I can contact him to find out if he took the illegally constructed pillar and post retaining wall on my property into account as part of his assessment.

6.2.3 *Dr J Stevens, Bicton, continued*

If so, I suggest that his assessment is inaccurate, particularly as I have been ordered by the Manager of Building and Environmental Health Services to remove this pillar and post retaining wall that I did not construct. Unless the neighbors would have previously built a limestone retaining wall of adequate height then this removal is likely to eventually cause collapse of the bank. Repeatedly telling me to take the matter to the courts for resolution, as has been "requested" on several occasions by the Manager Building and Environmental Health Services is, I believe, an improper option, one that the council itself should be capable of assessing and making the appropriate orders, and one which as a pensioner, I find likely to be too expensive to contemplate.

Response

The information provided by the City officer are extracts from Council Policy CP-114. The Council will consider this matter at the 21 March 2023 Ordinary Meeting of Council.

6.3 Questions Taken on Notice at Previous Meeting
13 December 2022 Ordinary Meeting of Council

6.3.1 Mr M McLerie, Bicton

Question 1

Why did the Chief Executive Officer effectively reaffirm the advice he gave to council at least week's ABF in response to an Elected Member's questions about specific provisions of the FOI Act, along the lines of:

"City officers who are no longer employees of the City are now considered private individuals and it is appropriate that their names are redacted in this version of the Weir Report that we are asking Council to decide to put out to the public.

Without double checking that advice prior to pre-emptively responding to an email the day after the ABF that the CEO accessed and read without the knowledge of the resident sender or the sole Elected Member recipient of that email?

Response

At the Ordinary Meeting of Council held 13 December 2022, in relation to the above question Mr McLerie submitted a copy of an email between himself and an Elected Member and questioned "why did you pre-emptively access, read and respond to an email that was sent from the resident to an Elected Member without their knowledge or consent?"

The City does not screen, intercept or monitor Elected Member exclusive communications.

The City technology team undertook an investigation into this matter and identified that an email handling rule independently created by an Elected Member had the unexpected consequence of sending an email copy to the City administration in certain circumstances. This was not obvious to the recipient officer so was handled according to relevant practice by the CEO.

6.3.1 Mr M McLerie, Bicton continued

Question 2

I note the FOI Act does specifically enable the identities and positions of past employees of the City to be included in any material released in under the FOI, but does not state the past employees of the City employees should be considered as private individuals. Please correct me if I am wrong.

Response

This is correct. This question is in relation the publication of the Weir Report as discussed at the 13 December 2022 Ordinary Meeting of Council. It is outlined in the associated Council Item [M22/5927 Independent Review – Weir Legal and Consulting Report](#) that the version of the Weir Report proposed for publication be redacted to remove details that could personally identify the individuals or officers associated with the report.

In his responses the CEO made it clear that the Weir report had been redacted over and above the requirements of the FOI Act.

At 6:44pm the Mayor closed public question time.

At 6:44pm the Mayor welcomed Lisa O'Malley MLA, Member for Bicton.

7 AWARDS AND PRESENTATIONS

Nil.

8 APPLICATIONS FOR NEW LEAVES OF ABSENCE

COUNCIL RESOLUTION

At 6:44pm Cr Wheatland moved, seconded Cr Macphail –

That applications of new leaves of absence submitted by Cr Barber on 21 February 2023 be received.

At 6:44pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

9 CONFIRMATION OF MINUTES

9.1 Minutes of Ordinary Meeting of the Council – 13 December 2022
[OMC Minutes – 13 December 2022](#)

COUNCIL RESOLUTION

At 6:45pm Cr Fitzgerald moved, seconded Cr Pazolli –

That the minutes of the Ordinary Meeting of Council held 13 December 2022 be confirmed as a true and accurate record

At 6:45pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

9.2 Notes of Agenda Briefing Forum – 14 February 2023
[ABF Notes – 14 February 2023](#)

COUNCIL RESOLUTION

At 6:45pm Cr Fitzgerald moved, seconded Cr Wheatland –

That the minutes of the Agenda Briefing Forum held 14 February 2023 be confirmed as a true and accurate record.

At 6:45pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

9.3 Minutes of Special Meeting of the Council – 1 February 2023
[SMC Minutes – 1 February 2023](#)

COUNCIL RESOLUTION

At 6:45pm Cr Macphail moved, seconded Cr Edinger –

That the minutes of the Special Meeting of Council held 1 February 2023 be confirmed as a true and accurate record.

At 6:45pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

9.4 Minutes of Annual General Meeting of Electors – 6 February 2023
[AGM Minutes – 6 February 2023](#)

COUNCIL RESOLUTION

At 6:46pm Cr Fitzgerald moved, seconded Cr Barber –

That the minutes of the Annual General Meeting of Electors held 6 February 2023 be confirmed as a true and accurate record.

At 6:46pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

10 NEW BUSINESS OF AN URGENT NATURE

Nil.

11 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 of the *Local Government Act 1995* to be discussed behind closed doors.

- Item 12.2 Confidential Petition – CEO Contract

12 PETITIONS

12.1 Mr McLerie's Confidential Correspondence Dated 18 July 2022

A petition signed by 13 residents of the City of Melville was received on 30 January 2023 and reads as follows:

"We, the undersigned, all being electors of the City of Melville, respectfully request Council to formally acknowledge Mr McLerie's et al. 18 July 2022 Confidential letter to Council in relation to various longstanding unresolved issues, consider the request and the proposed way forward motion contained within, and respond to Mr McLerie as soon as reasonably practicable."

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

At 6:47pm Cr Edinger moved, seconded Cr Mair –

That the petition bearing 13 signatures of residents be acknowledged and a report prepared to Council.

At 6:47pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

12.2 Confidential Petition – CEO Contract

This matter will be considered behind closed doors.
See Page 132.

13 ADOPTION OF RECOMMENDATIONS EN BLOC

COUNCIL RESOLUTION

At 6:47pm Cr Edinger moved, seconded Cr Mair –

That the recommendations for:

- **Item C23/6000-1 – Investment Statements for November 2022**
- **Item C23/6000-2 – Investment Statements for December 2022**
- **Item C23/6001-1 – Schedule of Accounts Paid November 2022**
- **Item C23/6001-2 – Schedule of Accounts Paid December 2022**

be carried En Bloc.

At 6:48pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

14 REPORTS

At 6:48pm, the Mayor brought forward Item CD22/8155 – Dyoondalup Point Walter Multi-Use Courts Concept for the convenience of those in the Gallery.

Disclosure of Interest

Name: Cr Robins
Type of Interest Interest Under the Code of Conduct
Nature of Interest: Candidate for Bicton in 2021 State Election
Decision: Stay, Discuss, Vote
Council Decision Stay, Discuss, Vote

Community Development

CD22/8155 – DYOONDALUP POINT WALTER MULTI-USE COURTS CONCEPT (REC) (ATTACHMENT)

Ward : Bicton - Attadale – Alfred Cove
Category : Strategic
Subject Index : Recreation
Customer Index : City of Melville, Attadale Netball Club
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items : Item CD/8031 Active Reserve Infrastructure Strategy - June 2020
Item T22/3976 Attadale Alfred Cove Foreshore Master Plan – Ordinary Meeting of Council held 15 March 2022.
Item T22/3979 Attadale Junior Football Club request for Parking at Troy Park – Ordinary Meeting of Council held 17 May 2022.
Item CD22/8148 Tennis Strategy – Ordinary Meeting of Council held 16 August 2022
Works Programme : 2023-2024
Funding : \$1,355,000
Responsible Officer : Gail Bowman
Director Community Development

**CD22/8155 – DYOONDALUP POINT WALTER MULTI-USE COURTS CONCEPT (REC)
(ATTACHMENT)**

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

<ul style="list-style-type: none"> • During 2021 and early 2022, the Attadale Alfred Cove Foreshore Master Plan was compiled by an external consultant Element Advisory. • Item T22/3976 - Attadale Alfred Cove Foreshore Master Plan was acknowledged at the Ordinary Meeting of Council on 15 March 2022. • Among the outcomes of the Attadale Alfred Cove Foreshore Master Plan related to this item were the following two options: • Alleviate on-going parking issues for the user groups at Troy Park • Investigate the option of relocating the Attadale Netball Club to Dyoondalup Point Walter to provide an increase from four to five netball courts to address continued club growth. • After regular consultation with stakeholders, a draft multi use courts concept has been developed for five multipurpose sports courts at Dyoondalup Point Walter. • Broad community engagement was undertaken in 2022 on the draft concept design for the courts with the majority of the community feedback supporting the proposal to replace the existing grass tennis courts with the five multi-use hard courts and associated infrastructure. • The purpose of this report is to seek Council approval for the establishment of the multi-use courts at Dyoondalup Point Walter based on the concept design and to consider a financial commitment of \$1,355,000 in the 2023-2024 annual budget for project commencement in 2023-2024.
--

**CD22/8155 – DYOONDALUP POINT WALTER MULTI-USE COURTS CONCEPT (REC)
(ATTACHMENT)**

BACKGROUND

At the March 2022 Ordinary Meeting of Council, Item T22/3976 - Attadale Alfred Cove Foreshore Master Plan (AACFMP) was acknowledged with the adopted recommendations identifying a staged approach to the implementation of the AACFMP.

Specific to Troy Park the AACFMP identified a range of issues:

- The limited car parking at peak times for sporting clubs.
- The surrounding environment often flooding due to low lying land adding to the car parking problem.
- The environment was perceived as important to preserve and enhance within the site, including bird habitats, native flora and fauna (such as rainbow bee-eaters, lizards, ospreys, turtles, living stream & wetlands enhancement.).
- The available infrastructure for the continued growth in membership of both Winter and Summer sporting clubs.
- The user groups desire for improved and additional facilities to cater for such growth.
- The limited options to expand the netball footprint due to the environment constraints of the area, the requirements of the Department of Biodiversity, Conservation and Attractions (DBCA) and continued Club growth.
- The bitumen netball courts are in average condition and below contemporary standards.

AACFMP identified two outcomes for the sporting groups at Troy Park:

1. Alleviate on-going parking issues for the user groups at Troy Park.
2. Investigate the option of relocating the Attadale Netball Club to Dyoondalup Point Walter to provide an increase from four courts (currently at Troy Park) to five courts at Dyoondalup Point Walter to address continued club growth.

In relation to the above outcomes from the AACFMP the following has transpired.

In 2021 the City of Melville completed some important drainage maintenance improvements to the surrounds and roadside at Troy Park, aimed to improve the drainage and aid the reported congested parking situation.

In 2022, the City completed works to formalise parking and improve road safety along Burke Drive. The City laid down bitumen stabilised limestone to replace the current natural earth car parking, widen the space from 1.2m to 4.5m off the curb line, installed new bollards (recycled soft plastics), parking signage and laid new turf where the soil was disturbed.

The Troy Park Sports Association submitted a 19-person signature petition to the City of Melville in March 2022. The petition requested permission to allow parking in a grassed area close to the water, west of Troy Park.

At the May 2022 Council meeting item T22/3979 Attadale Junior Football Club request for Parking at Troy Park considered the request from the Troy Park Sports Association and resolved:

**CD22/8155 – DYOONDALUP POINT WALTER MULTI-USE COURTS CONCEPT (REC)
(ATTACHMENT)**

“That the CEO to reinstate temporary access for the Attadale Junior Football Club to the small section of land to the north adjoining Troy Park via entry at the water pumping station driveway off Burke Drive. This is to enable safe parking of vehicles, safety of pedestrians and safety of cyclists and motorists on Burke Drive from approximately 1 May 2022 to 28 August 2022.”

The day after the Council decision in May 2022 the City received the following feedback from the Department of Biodiversity, Conservation and Attractions.

“Given that it is a suspected Rainbow bee eater habitat as identified in the AACFMP. As you are aware we strongly support the proposed revegetation within the Development Control Area and consider that parking is incompatible with the proposed revegetation and the area’s use as Rainbow bee eater habitat. We agree that alternative parking on the dog exercise area off Burke drive is more suitable for parking and acknowledge that the longer-term proposal to improve drop off / pick up area at Troy Park may also help alleviate parking issues.”

In the short-term, point 1 above to alleviate parking issues for the user groups at Troy Park is resolved.

In regards to point 2, “Investigate the option of relocating the Attadale Netball Club to Dyoondalup Point Walter to provide an increase from four courts (currently at Troy Park) to five courts at Dyoondalup Point Walter to address continued club growth”, officers have:

- Engaged with the Attadale Netball Club and the general community and other key stakeholders to develop a concept design for courts at Dyoondalup Point Walter,
- Developed a multi-use sports courts facility with floodlighting concept, which will allow the community to utilise an area which is currently under-utilised,
- Provided a recreational opportunity that allows greater usage by the community for both organised and unstructured sporting and recreational use.

The purpose of this report is to seek Council approval for the establishment of five multi-use courts at Dyoondalup Point Waler based on the concept design and to consider a financial commitment of \$1,355,000 in the next financial year’s annual budget for project commencement in 2023/2024.

DETAIL

The City of Melville held initial discussions with the Attadale Netball Club about the possibility of a five multi-use courts facility at Dyoondalup Point Walter. The club identified that the relocation of facilities would need to include flood lighting, shelters, storage, an accessible toilet, adequate parking and designated club access to the courts to meet all their training needs

Amongst the initial requests raised by Attadale Netball Club was access to club room space for meetings and annual events. Officers introduced the club to Belgravia Leisure, the company that manages the Point Walter Golf Course on behalf of the City of Melville. Since this introduction the Attadale Netball Club have utilised the facilities at the golf course for their end of season functions and have built a positive relationship with Belgravia Leisure.

After several meetings with the Club, a draft concept design was developed for the purpose of gaining wider community feedback. The draft concept of five multi-use sports courts with floodlighting are located within the existing fenced area which currently houses three grass tennis courts and a largely unused open grass area.

**CD22/8155 – DYOONDALUP POINT WALTER MULTI-USE COURTS CONCEPT (REC)
(ATTACHMENT)**

Existing Fenced Area



Draft Concept Plan



To achieve a wider community benefit, the infrastructure required to support the multi-use courts concept would also include:

1. Shelters, public BBQ and water fountain.
2. Future formal car parking.
3. Shelters, seating and benches for the activities on the multi-courts.
4. Universal Access Toilet (UAT) and equipment storage.

The concept also provides for additional planting of trees and an improved accessible pathway through and around the multi-use sports courts, noting that none of the existing trees will require removal as a result of this proposal.

**CD22/8155 – DYOONDALUP POINT WALTER MULTI-USE COURTS CONCEPT (REC)
(ATTACHMENT)**

There are several benefits for the concept of providing five multi-use sports courts with floodlighting and relocation of the Attadale Netball Club to Dyoondalup Point Walter.

- Reduces the pressure on Troy Park facilities, especially in the winter season.
- Free's up the current Netball hard-court area at Troy Park for parking, particularly for junior football during the winter season.
- Provides purpose-built facilities that can be used by the general community.
- Provides an additional court to support the Attadale Netball Club continuing growth.
- The use of the car parking and netball courts will be available outside of the peak golf course opening hours in the winter season, thereby increasing utilisation and recreational benefit.
- Provides for floodlighting that will extend the availability for current users, particularly in the summer months.

The Attadale Netball Club support the five multi-use sports courts with floodlighting concept and would like the facility to be established as soon as is possible. However, the reality is that should the budget be forthcoming for the five multi-use courts facility at Dyoondalup Point Walter, it is estimated that the development could be completed in the first three quarters of next financial year and ready for the Attadale Netball Club season commencement in March 2024.

It is proposed that the City would undertake detailed design and arrange a pre-tender quantity surveyor (QS) cost estimate based on the concept plan over the coming months for inclusion and consideration in the 2023-2024 budget. There are funds to cover this work this financial year under the Attadale Alfred Cove Foreshore Master Plan budget.

Some of the issues raised with City officers regarding formalising the current area with multi-use courts included:

- The loss of grass tennis courts at this location .
- Introducing floodlights and potential impact on the wildlife.
- Construction of hard courts and the environmental impact.

The City responses to these issues is outlined below:

- Melville Palmyra Tennis Club offers eight grassed tennis courts at its facility which is situated less than three kilometres away. The Club would welcome the current Point Walter grass tennis court users on a hire arrangement with no requirement to become members.
- The floodlighting will comply with Australian standards, the directional lighting focussed on the formalised courts with marginal light spill expected thereby minimising the potential for wildlife disruption .
- The City of Melville recognize climate change impacts and have a reduction target roadmap aimed at minimising carbon footprint.
- The City will harness new and existing technologies to support our sustainability and carbon neutral commitments.

**CD22/8155 – DYOONDALUP POINT WALTER MULTI-USE COURTS CONCEPT (REC)
(ATTACHMENT)**

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The draft concept was publicly advertised July 25th through to August 14th 2022. Feedback was sought from the wider community to share its views about the draft Dyoondalup Point Walter Multi-Use Courts Concept Plan. The City also conducted a survey via the Melville Talks online engagement platform.

- Melville Talks webpage was established
- On site signage was installed at the current Dyoondalup Point Walter grass courts
- Direct email communication to Attadale Netball Club, Marshal's Tennis coach and the 2 tennis groups who use the courts on Sundays.
- On-site meetings with the coach and tennis groups were held prior to opening the engagement
- Direct email and phone calls to Belgravia Leisure
- Direct emails to Melville Talks page followers
- Media Release
- Emails to random sample of database
- eNews articles promoting engagement
- Facebook Posts
- Instagram Posts

Of the 225 online submissions received, 73.77% expressed overall support for the draft Dyoondalup Point Walter Multi-Use Courts Concept Plan. The online submissions breakdown was as follows:

- 53.33% support
- 20.44% support with concerns
- 25.33% do not support**
- 0.89% did not provide a level of support

** In addition to the 57 survey respondents who **do not support**, a further four (4) ex-survey submissions representing **22** additional respondents who **do not support** the Plan were also received.

Therefore, as a proportion of the total 229 submissions received, 34% (i.e. representing 79 people in total) do not support the draft Dyoondalup Point Walter Multi-Use Courts Concept Plan.

- 90.91% of participants informed us they reside within the City of Melville
- 6.42% identified as users of the existing grass tennis courts at Dyoondalup Point Walter
- 53.33% support
- 20.44% support with concerns
- 25.33% do not support**
- 0.89% did not provide a level of support

**CD22/8155 – DYOONDALUP POINT WALTER MULTI-USE COURTS CONCEPT (REC)
(ATTACHMENT)**

In considering respondent sentiment, it is noted that 68% of commentary fell in the neutral to positive categories, with 31% of respondents displaying negative sentiment toward the draft Dyoondalup Point Walter Multi-Use Courts Concept.

A summary of the feedback from the current users is as follows:

- The resident Tennis Academy advised that hard courts would be better as it would provide for a more effective business model indicating the need for volume to develop
- Two local informal tennis groups that have used the grassed courts once a week for many years, indicated they wished the grass courts to remain.

Whilst the proposal is not the desired outcome for the two informal tennis groups, the Melville Palmyra Tennis Club offers 8 grassed tennis courts at its facility which is situated less than 3 kilometres from the current Dyoondalup Point Walter grass courts. The local tennis club is able to support the groups grass court usage. There are also over a dozen grass courts at the East Fremantle Tennis Club which is less than 2.5 kilometres from the location of the existing grass courts at Dyoondalup Point Walter.

II. OTHER AGENCIES / CONSULTANTS

Officers from the City of Melville have been dealing with Department of Biodiversity, Conservation and Attractions (DBCA), Local Bicton MLA Lisa O'Malley, City of Melville Elected Members and the Users of Troy Park.

STATUTORY AND LEGAL IMPLICATIONS

The project site is zoned Parks and Recreation under the Metropolitan Region Scheme, as such will require approval from the Western Australian Planning Commission (WAPC). Additionally due to the proximity of the site to the river park the approval through WAPC will likely be in consultation with the Department of Biodiversity, Conservation and Attractions (DBCA).

FINANCIAL IMPLICATIONS

The 2021-2022 budget included funding to develop the concept plan, conduct an appropriate engagement process and prepare a cost estimate for the proposal under the Attadale Alfred Cove Foreshore Masterplan implementation budget.

Troy Park is exposed to the elements as it is situated on the banks of the Swan River. The Attadale Netball Club has issues with the lack of shade / shelter on the netball courts and the change rooms (set up for male participation).

Prior to the State Election in 2020, the Attadale Netball Club had approached the Member for Bicton for financial support to install the following at Troy Park:

- Several shelters to store belongings and retreat to during inclement weather.
- Upgrades to the female facilities at the Troy Park clubroom/change room.

Subsequently, the Attadale Netball Club were successful in receiving \$100,000 funding from the State Government for the above.

**CD22/8155 – DYOONDALUP POINT WALTER MULTI-USE COURTS CONCEPT (REC)
(ATTACHMENT)**

Since the announcement of the \$100,000 funding, the Dyoondalup Point Walter concept has taken priority over upgrades to the existing facilities. Attadale Netball Club discussed this new priority with the Member for Bicton, who has conditionally agreed for the funding to be redirected to the five multi-use sports courts with floodlighting concept.

There is also an opportunity to apply for State Government funding through the Club Night Lights program for up to one third of the lighting costs only.

The Active Reserves Infrastructure Strategy (ARIS) has listed \$131,376 for netball court resurfacing at Troy Park with a projected timeline of 2023-2024. This amount has been included in the City's long term financial plan.

The estimated breakdown of costs associated with the construction of the five multi-use sports courts with floodlighting concept is as follows:

Point Walter Netball		
Oct-22		
ITEM	Description	TOTAL
LANDSCAPE ESTIMATE		
1	Design	\$135,496
2	Irrigation	\$30,000
3	Preparation/ Demolition	\$121,790
4	Hardscape	\$612,207
5	Softscape	\$13,633
6	Specialised item/ Contractor	\$351,500
	SUBTOTAL	\$1,264,625
	15% contingency	\$190,375
	TOTAL (ex gst)	\$1,455,000

The potential funding breakdown for the project is as follows:

State Government (Member for Bicton initiated)	\$ 100,000
COM Long Term Financial Plan	\$ 131,376
Club Night Lights Program Funding (Floodlights only*)	\$ 20,000
COM Additional Budget required	\$1,203,624
Total	\$1,455,000

**Subject to funding*

The Club Night Lights Program funding is unknown. The next funding round is in March 2023 for projects under \$300,000. Officers will submit a Club Night Lights Program application for the floodlighting component only. Should this application be unsuccessful, the \$20,000 contribution can be made from Recreation Developments CSRRF Funding account.

For projects over \$300,000, the City would have to wait until September 2023. The successful applications are announced in early January 2024 and therefore would not allow for the Attadale Netball Club to start using the facilities for preseason March 2024. This scenario would also delay other proposed works at Troy Park (e.g. overflow parking solution using existing hardstand courts).

**CD22/8155 – DYOONDALUP POINT WALTER MULTI-USE COURTS CONCEPT (REC)
(ATTACHMENT)**

Officers are therefore requesting that \$1,355,000 to be allocated for consideration in the 2023-2024 financial year budget, taking into account the \$100,000 contribution from the State Government. This will allow for procurement & construction to be initiated at the start of the 2023-2024 financial year with more accurate costings from the detailed design and pre-tender QS estimate.

Should the budget allocation be approved, it provides the City with the ability to tender for proposed works following budget adoption with the aim of providing the netball club with the new training facility for the start of the 2024 netball season.

The existing costs of maintaining grassed courts which is approximately \$33,000 per annum will be redirected to maintaining hard courts and the new associated infrastructure. The new infrastructure will be included within the City of Melville Asset Management Plan.

It is estimated that the maintenance costs would be reduced to \$20,000 per annum, however the replacement of the acrylic surface (\$45,000), renewal of other new assets such as water fountain, BBQ, lighting, goals/nets (\$20,000) and replacement of UAT (\$30,000) would be a further \$20,000 after 25 years.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk*	Risk Treatment
Not to fund the concept will see a continuation of the problematic parking issues experienced each winter season.	Moderate consequences which are likely, resulting in a High level of risk	Fund the construction of the multi-court proposal
Not to fund the concept will see Attadale Netball Club struggle to provide for increasing memberships with participation at a facility that already at capacity and has operational issues.	Moderate consequences which are likely, resulting in a High level of risk	Fund the construction of the multi-court proposal
Allowing the section of land to the north adjoining Troy Park for ongoing overflow parking may directly impact the conservation of flora and fauna.	Moderate consequences which are likely, resulting in a High level of risk	Fund the construction of the multi-court proposal to enable the use of the existing netball court hardstand areas for overflow parking

POLICY IMPLICATIONS

The objective of the City of Melville’s Policy CP – 028 Physical Activity is to increase opportunities for physical activity: leading to the improved health and wellbeing of the community.

The objectives of the City of Melville’s Environmental Policy CP – 030 is to provide guidance and direction for the City to minimise our impact on the environment and prioritise climate change considerations for our strategies and operations.

**CD22/8155 – DYOONDALUP POINT WALTER MULTI-USE COURTS CONCEPT (REC)
(ATTACHMENT)**

The installation of new floodlighting infrastructure, including LED lighting goes some way to meeting several objectives of the City of Melville's Policy CP- 120 Climate Action Policy.

City of Melville's Lighting Asset Management Plan (LAMP) 2013-2032 – References the City of Melville owning and maintaining a lighting inventory.

Other policies implicated:

- CP-002 Stakeholder Engagement Policy
- CP-031 Asset Management Policy
- CP-084 Disability Access and Inclusion Policy
- CP-103 Improving Public Spaces Policy
- CP-119 Active Reserve Parking Policy
- CP-102 Urban Forest and Green Space Policy
- CP-109 Cultural Awareness Policy
- CP-057 Sustainability Policy

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Leaving the Attadale Netball Club at Troy Park is possible, though this will continue the problems associated with parking issues particularly during the winter seasons and will be difficult to accommodate any future growth of the clubs. Extending the approvals to use the environmentally sensitive area for overflow parking may be an option for the winter 2023 season, however, is not considered an ongoing option given the known fauna habitat issues and feedback from Department of Biodiversity, Conservation & Attractions.

Other locations for netball courts both in Attadale and surrounding suburbs have been investigated, including shared use with schools, however this was not considered feasible. The usage of netball courts across the area is high and, other than Fremantle Netball Association, there are no other locations with four or more courts which are not already utilised and / or floodlit.

CONCLUSION

The constraints at Troy Park for two large winter clubs is causing some conflicts between recreation users, increased parking pressures and the use of an environmentally sensitive area for overflow parking. Further development of this area is extremely limited due to the location and competing concerns.

The Dyoondalup Point Walter site has the capacity to provide 5 multi-use sports courts with floodlighting at the location. The delivery of this project also provides for greater community use due to the multi-purpose nature of the new courts. The courts include markings for netball, tennis, basketball, and broader recreational activities.

The concept achieves the Attadale Netball Clubs request for an additional netball court which is needed due to increased membership and participation. With the inclusion of the installation of floodlighting, it will allow for extended operating hours and involve further recreation opportunities for all.

**CD22/8155 – DYOONDALUP POINT WALTER MULTI-USE COURTS CONCEPT (REC)
(ATTACHMENT)**

Whilst the grass courts will be removed, the ability to play tennis onsite remains and other grass courts are available in the local area. The concept also has the potential of increasing community use by introducing a BBQ area with shelters and seating to allow for socialisation by user groups and community members.

OFFICER RECOMMENDATION (8155)

APPROVAL

At 6:48pm Cr Barber moved, seconded Cr Wheatland –

That the Council:

- 1. Approves the relocation of netball from Troy Park to Dyoondalup Point Walter 8155 Location Plan and the establishment of the five multi-use courts and associated infrastructure as per the attached concept plan 8155 Concept Plan; and**
- 2. Includes a budget allocation of \$1,355,000 for consideration in the 2023-2024 budget.**

Procedural Motion

COUNCIL RESOLUTION

At 6:54pm Cr Fitzgerald moved, seconded Cr Wheatland –

That Cr Barber be granted an extension of five minutes to speak on the matter.

At 6:54pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Amendment

COUNCIL RESOLUTION

At 6:58pm moved Cr Sandford, seconded Cr Mair –

Add point 3 to the Officer Recommendation as follows:

“3. That an extra UAT be included, in the project and this be incorporated into the budget request with a commensurate increase in the budget request being made.”

At 7:07pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

**CD22/8155 – DYOONDALUP POINT WALTER MULTI-USE COURTS CONCEPT (REC)
(ATTACHMENT)**

Substantive Motion as Amended

At 6:48 pm Cr Barber moved, seconded Cr Wheatland –

That the Council:

- 1. Approves the relocation of netball from Troy Park to Dyoondalup Point Walter 8155 Location Plan and the establishment of the five multi-use courts and associated infrastructure as per the attached concept plan 8155 Concept Plan; and**
- 2. Includes a budget allocation of \$1,355,000 for consideration in the 2023-2024 budget.**
- 3. That an extra UAT be included, in the project and this be incorporated into the budget request with a commensurate increase in the budget request being made.**

Amendment

At 7:09pm Cr Edinger moved, seconded Cr Woodall –

Add an additional point 4 to the Officer Recommendation:

- 4. Investigate the establishment of a single grass multi-use court at Point Walter.**

At 7:20pm the mover along with the seconder consented to the replacement of the words “a single” with the words “up to two” and change “court” to “courts” to read: “Investigate the establishment of up to two grass multi-use courts at Point Walter.”

COUNCIL RESOLUTION

At 7:09pm Cr Edinger moved, seconded Cr Woodall –

Add point 4 to the Officer Recommendation as follows:

- “4. Investigate the establishment of up to two grass multi-use courts at Point Walter.”**

At 7:26pm the Mayor declared the motion

CARRIED (10/3)

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

**CD22/8155 – DYOONDALUP POINT WALTER MULTI-USE COURTS CONCEPT (REC)
(ATTACHMENT)**

Substantive Motion as Amended

COUNCIL RESOLUTION

At 6:48 pm Cr Barber moved, seconded Cr Wheatland –

That the Council:

- 1. Approves the relocation of netball from Troy Park to Dyoondalup Point Walter [8155 Location Plan](#) and the establishment of the five multi-use courts and associated infrastructure as per the attached concept plan [8155 Concept Plan](#); and**
- 2. Includes a budget allocation of \$1,355,000 for consideration in the 2023-2024 budget.**
- 3. That an extra UAT be included, in the project and this be incorporated into the budget request with a commensurate increase in the budget request being made.**
- 4. Investigate the establishment of up to two grass multi-use courts at Point Walter.**

At 7:41pm the Mayor declared the motion

CARRIED (11/2)

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

Urban Planning

At 7:41pm the Mayor brought forward Item UP23/4015 – Two Storey Single House At Lot 86 (No.50A) Kingsall Road, Attadale 6156 for the convenience of the responsible officer in attendance.

UP23/4015 – TWO STOREY SINGLE HOUSE AT LOT 86 (NO.50A) KINGSALL ROAD, ATTADALE 6156 (REC) (ATTACHMENT)

Ward	: Bicton-Attadale-Alfred Cove
Category	: Operational
Application Number	: DA-2022-816
Property	: Lot 86 (No.50A) Kingsall Road, Attadale 6156
Proposal	: Two Storey Residential Dwelling
Applicant	: Mr S Delaporte
Owner	: T and S Delaporte
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable
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>

UP23/4015 – TWO STOREY SINGLE HOUSE AT LOT 86 (NO.50A) KINGSALL ROAD, ATTADALE 6156 (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The proposed development was presented to the Development Advisory Unit meeting held 12 December 2022 and was deferred pending further clarification regarding assessment of solar access.
- Upon receipt of this clarification, the report was finalised as part of the meeting held on 10 January 2023, whereby a report was published on the City's website.
- The development application has now been called up to the Council for determination in accordance with the procedures outlined in Local Planning Policy 1.1.
- Development approval is sought for a two storey Single House at Lot 86 (No.50A) Kingsall Road, Attadale.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), relevant local planning policies including Local Planning Policy 3.1 – Residential Development (LPP3.1), Local Planning Policy 1.9 Height of Buildings, and the provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes).
- The proposed development requires a performance assessment in relation to a number of aspects including the lot boundary setbacks and solar access.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1). In response, one objection was received relating to the amenity impact caused by the development.
- Notwithstanding the objection received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes.
- It is recommended that approval be granted subject to conditions.



Figure 1 – Aerial Photography

UP23/4015 – TWO STOREY SINGLE HOUSE AT LOT 86 (NO.50A) KINGSALL ROAD, ATTADALE 6156 (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning : Urban
 LPS Zoning : Residential
 R-Code : R25
 Use Type : Single House
 Use Class : Permitted

Site Details

Lot Area : 407m²
 Retention of Existing Vegetation : Not Applicable
 Street Tree(s) : No
 Street Furniture (drainage pits etc) : Yes
 Site Details : Refer to Figure 1 above

[4015 - Plans 50A Kingsall Road, Attadale](#)

DETAIL

In June 2022 a development application was lodged for a two-storey single house at Lot 86 (No.50A) Kingsall Road, Attadale 6156.

In response to concerns raised by the City of Melville, revised plans were submitted in September 2022 which reduced the boundary wall length, increased some side setbacks, and reduced the overshadowing. These amended plans are the subject of this report.

The application has been assessed against the provisions of LPS6, the R-Codes and relevant local planning and council policies. A performance assessment is required in respect of the matters listed below.

State Planning Policy 7.3 - Residential Design Codes Volume 1

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
NORTH 5.1.3 Lot boundary setbacks	GF Foyer (bulk) 1.0m GF Alfresco 1.0m GF Hall (bulk) 1.5 m GF Fireplace (bulk) 1.5m UF Bed 3 (bulk) 2.8m UF Void/Stair (bulk) 1.8m	0.7m 0.8m 0.9m 1.35m 1.2m 1.4m	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)

UP23/4015 – TWO STOREY SINGLE HOUSE AT LOT 86 (NO.50A) KINGSALL ROAD, ATTADALE 6156 (REC) (ATTACHMENT)

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
SOUTH 5.1.3 Lot boundary setbacks	GF Alfresco/Living (bulk) 1.5 m UF Bath/Toilet (bulk) 2.8	1m 2.3m	Requires a performance assessment against the Design Principles of the R-Codes.	DAU
5.1.4 Open Space	50%	47.18%	Requires a performance assessment against the Design Principles of the R-Codes.	Manager Statutory Planning (MSP)
5.4.2 Overshadowing	25%	31.9%	Requires a performance assessment against the Design Principles of the R-Codes.	DAU

Local Planning Policy 3.1 Residential Development

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 4 Garage width C2.1 Garage Width	Maximum 50%	57.4%	Requires assessment against the Design Principles of the R-Codes.	MSP
Clause 6 Boundary Walls C3.2iii Boundary Wall Length	Permitted 13.5m	14m	Requires assessment against the Design Principles of the R-Codes.	DAU

The officer comment below is limited to lot boundary setback, boundary wall length and overshadowing as these issues were the subject of the objection received. The proposed elements in relation to open space and garage width are considered to meet the relevant design principles and are supported on that basis.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 1.7.6
 Support/Object: One objection received

UP23/4015 – TWO STOREY SINGLE HOUSE AT LOT 86 (NO.50A) KINGSALL ROAD, ATTADALE 6156 (REC) (ATTACHMENT)

A summary of the content of the objection received and an officer’s response is provided in the table below.

Summary of Issues Raised	Officer’s Comment	Action (Condition/ Uphold/ Not Uphold)
Natural light to OLA and major openings reduced as a result of overshadowing.	Since initial advertising, plans have been amended and overshadowing has been reduced, now considered to be an acceptable level.	Not Uphold
Natural direct light reduced to street facing and other major openings as a result of boundary wall.	See comments in report below. Note the subject dwelling is set back further from the street boundary than the objector’s dwelling.	Not Uphold
Natural light reduced substantially and objector dwelling complying.	The R-Codes allows for a performance based assessment of each proposal based on its merits. The proposed setback meets the relevant design principles as outlined in the comments in the report below.	Not Uphold
Boundary wall in front setback impacting objector’s front fence.	The subject dwelling set back further than objector dwelling.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the Applicant will have the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval and the applicant chooses to have the decision reviewed, there are likely costs for the City including legal fees and consultant fees.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposal has been assessed against the prevailing planning policy framework. A performance assessment is sought in respect of a number of matters including lot boundary setbacks and solar access. (see comments section below).

UP23/4015 – TWO STOREY SINGLE HOUSE AT LOT 86 (NO.50A) KINGSALL ROAD, ATTADALE 6156 (REC) (ATTACHMENT)

COMMENT

Lot Boundary Setbacks and Boundary Walls

The proposed development is seeking a performance assessment for lot boundary setbacks to the southern boundary on the ground and upper floor and for the total boundary wall length as outlined above in the detail section of this report. The design principles contained in Clause 5.1.3 Lot Boundary Setbacks of the R-codes seek to reduce the impact of building bulk on adjoining properties, maintain visual privacy, maintain amenity for outdoor living areas and contribute to the streetscape. The boundary wall and setback variations are considered to meet the design principles as discussed below.

- In relation to the ground floor, this is well articulated with some sections of boundary walls and setbacks ranging between 1.0 and 1.5 metres.
- The existing boundary walls on adjoining property also reduce the areas of the ground floor which are visible from external areas on that lot.
- The proposed ground level of the dwelling natural ground level (NGL) is approximately 500mm less than the adjoining dwelling which reduces the visible bulk when viewed from that side.
- The boundary wall to the front aligns with that of the adjoining dwelling, reducing the total ground floor length which impacts the neighbouring open areas and ensures a positive contribution to the street as discussed below.
- The rear of the total area is an open alfresco which again reduces the impact of building bulk as viewed from the southern side.
- In relation to the upper floor this is also well articulated with setbacks ranging between 1.5 and 2.3 metres.
- As noted, above much of the upper floor will be obscured from the adjoining property due to the existing boundary walls. The roof to the adjoining alfresco area also obscures much of the upper floor, minimising its bulk.
- The setbacks permit adequate natural light into habitable rooms both directly and indirectly and the rear alfresco area is unaffected. Regarding ventilation, the articulated setbacks on both sides with both upper and ground floor permit adequate ventilation into and around both the subject and south adjoining dwelling.
- As there are no major openings or active outdoor habitable spaces facing the south adjoining lot which are raised more than 0.5m above NGL, no issues relating to visual privacy are created.

In relation to the lot boundary wall length this is considered to meet the design principles for following reasons:

- The boundary wall to the front aligns with that of the adjoining dwelling, reducing the total ground floor length which is visible to the neighbouring open areas. The alignment of this wall also ensures it is consistent with the existing and desired streetscape.
- The boundary wall in the central portion of the lot is adjacent to the central outdoor living area of the adjoining property. Due to the difference in floor levels between properties, the height of this wall from the adjoining property will be approximately 2.5 metres. This ensures the development will not have an undue bulk impact on the adjoining dwelling.

UP23/4015 – TWO STOREY SINGLE HOUSE AT LOT 86 (NO.50A) KINGSALL ROAD, ATTADALE 6156 (REC) (ATTACHMENT)

- The boundary wall protects the privacy of the occupants of the adjoining outdoor living area due to the fact there are no windows in this area.
- The height of the proposed boundary walls meets the deemed to comply standards. As the dwelling NGL is lower than the neighbour which reduces the visible bulk.
- The boundary walls do not impact on light and ventilation for the adjoining property. As discussed below, the solar access for the adjoining property is considered to meet the relevant design principles. The shadow cast onto the adjoining property is from the upper floors not the boundary walls. As the boundary walls have no major openings there are no overlooking issues or loss of visual privacy for the subject site or south adjoining property.
- By aligning the dwelling with the south boundary, the subject site makes better use of the north orientation for more direct light into habitable rooms (through both major and minor openings). The outdoor living area is at the rear of the lot as shown in the ground floor plan below which creates a large area of functional outdoor space, situated behind the dwelling for improved privacy.
- Major openings are predominantly on the north side ground floor, with highlight and other minor openings permitted direct natural light into the north side of the subject dwelling without compromising visual privacy for north adjoining lots. As shown in Figure 2, most overshadowing falls on boundary walls, covered areas, or openings to non-habitable areas such as the hallway.

The Design Principles in Clause 5.4.2 solar access for adjoining dwellings aim to ensure there is sufficient solar access for the proposed dwelling and the adjoining dwelling. In relation to the adjoining dwelling the Design Principles seek to protect outdoor living areas, major openings, and solar collectors.

The proposed development is considered to meet these principles for the following reasons:

- The design of the adjoining property ensures that the majority of the proposed shadow falls onto roofed areas, boundary walls and areas which do not contain major openings such as the hallway.
- Due to the orientation of the lots the major opening to the adjoining family room and the master bedroom will continue to receive access to some midday sun. The adjoining covered alfresco area is already shadowed by its roof and is not designed in an optimal manner to receive winter sunlight.
- There are no solar collectors on the adjoining dwelling.
- The proposed development is designed with some north facing windows and while its outdoor living area is not optimally located for winter sun, it opens onto an unenclosed outdoor area which will receive this.

**UP23/4015 – TWO STOREY SINGLE HOUSE AT LOT 86 (NO.50A) KINGSALL ROAD,
ATTADALE 6156 (REC) (ATTACHMENT)**



Figure 4: View west across the vacant site 50A Kingsall Road showing objector dwelling on LHS

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The statutory alternative for refusal of the application for planning approval is the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

CONCLUSION

The application is considered to satisfy the provisions of LPS6, the Design Principles of the Residential Design Codes, and Local Planning Policy. On this basis, it is recommended that the proposal be approved subject to conditions.

UP23/4015 – TWO STOREY SINGLE HOUSE AT LOT 86 (NO.50A) KINGSALL ROAD, ATTADALE 6156 (REC) (ATTACHMENT)

At 7:41pm Cr Barber foreshadowed an alternate motion.

At 7:41pm Cr Wheatland left the meeting and returned at 7:43pm.

OFFICER RECOMMENDATION (4015)

APPROVAL

At 7:41pm Cr Edinger moved, seconded Cr Fitzgerald –

That the Council approves the development subject to the following conditions:

- 1. The development must comply with the approved plans at all times, unless otherwise approved in writing by the City of Melville.**
- 2. All stormwater generated on site is to be retained on site in accordance with the City's stormwater design guidelines.**
- 3. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Environment & Infrastructure Services department. The crossover shall be designed to be;**
 - a. a maximum width of 6m; and**
 - b. located a minimum of 2m away from the outside of the trunk of any street tree; and**
 - c. a minimum of 1m from any existing street infrastructure.**
- 4. The approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.**
- 5. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of Local Planning Policy LPP3.1 Residential Development, to the satisfaction of the City.**
- 6. Any street walls and fences (including the height of any retaining walls) constructed within the primary / secondary street setback area shall meet the requirements contained under clause 3 of Local Planning Policy LPP3.1 Residential Development to the satisfaction of the City.**
- 7. Prior to the initial occupation of the development, the boundary wall/s shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.**
- 8. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.**
- 9. Prior to the initial occupation of the development, the on-site tree (as indicated in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing satisfaction of the City.**

UP23/4015 – TWO STOREY SINGLE HOUSE AT LOT 86 (NO.50A) KINGSALL ROAD, ATTADALE 6156 (REC) (ATTACHMENT)

10. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, sales, administration, and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the City and are to be removed prior to initial occupation of the development
11. Unless otherwise approved in writing by the City, all trees located on the verge adjacent to the land on which the development is to take place shall be protected throughout construction of the development via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria:
- a. A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
 - b. If an approved crossover, front fence, footpath, road or similar is located within the 2m radius of the TPZ, the TPZ fencing shall be located the minimum distance from the approved works that is required to complete the works.
 - c. Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
 - d. The following actions shall not be undertaken within any TPZ:
 - i. Storage of materials, equipment, fuel, oil dumps or chemicals;
 - ii. Servicing or refuelling of equipment or vehicles;
 - iii. Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device);
 - iv. Open-cut trenching or excavation works (whether or not for laying of services);
 - v. Changes to the natural ground level of the verge;
 - vi. Location of any temporary buildings including portable toilets; or
 - vii. The parking of vehicles or machinery.

At 7.46pm the Mayor declared the motion

LOST (2/11)

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

At 7:49pm Cr Barber withdrew her alternative motion from the table and requested the reasons in her alternative motion be included as the reasons for the officer recommendation being lost.

Reasons for the motion being lost as provided by Cr Barber

1. The overshadowing of the adjoining property is significantly more than the deemed to comply provisions in the R-Codes; and
2. There are a substantial number of other setback variations that would affect the amenity of the adjoining properties to the north and south of the development.

UP23/4016 – REVIEW OF LOCAL PLANNING POLICY 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Local Planning Policy 1.17 – Additional Development Exemptions (LPP 1.17) provides for exempt development types across the City such as patios and non-residential demolition.
- Where a development meets the standards outlined in the policy, it is exempt from the need for development approval from the City.
- LPP 1.17, makes it easier for customers to pursue minor alterations to their property without the need for a development application.
- A review of LPP 1.17 is required to make it easier for customers and decision makers to interpret, which will in turn make it easier for customers to do business in the City. This aligns with several the City's objectives and strategies.
- Several additional exemptions have been identified, especially for non-residential development, which will streamline the process for minor development to commercial properties in the City.
- The key changes to LPP 2.2 relate to:
 1. Updates to the policy objectives, scope and statement to clarify the status of this policy in the context of other documents in the planning framework.
 2. Updated provisions relating to patio additions.
 3. New provisions relating to minor additions and alterations to non-residential properties.
 4. New provisions relating to external fixtures, antennas and satellite dishes.
- The proposed changes to LPP1.17 are not considered to be minor and therefore will require advertising for a minimum of 21 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).
- It is recommended that Council adopt the draft policy for advertising. Following, the advertising a report on submissions will be presented back to Council. If no submissions are received it is recommended the advertised version of the policy is adopted.

BACKGROUND

The Planning and Development (Local Planning Schemes) Regulations were gazetted in August 2015 and came into effect on 19 October 2015. Clause 61 of Schedule 2 of the Regulations details the types of works and land uses which are exempt from development approval.

In relation to residential works and subject to meeting the conditions set by the R Codes and/or local planning policy, development approval is not required for:

- The erection or extension of a single house.
- The erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport, or swimming pool on the same lot as a single house or a grouped dwelling.
- The demolition of a single house and associated structures; and
- Other works as described in a local planning policy.

Local Planning Policy 1.17 Additional Development Exemptions (LPP 1.17) was adopted by Council in April 2016 to augment the provisions of Clause 61 and to remove the need for development approval for a range of minor projects.

UP23/4016 – REVIEW OF LOCAL PLANNING POLICY 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)

In 2020 the State Government expanded the scope of the Regulations to allow for additional development exemptions. In response, the City removed some exemptions from LPP 1.17 to avoid duplication of exemption.

Scheme Provisions

MRS Zoning	: N/A
LPS Zoning	: N/A
R-Code	: N/A
Use Type	: N/A
Use Class	: N/A

Site Details

Lot Area	: N/A
Street Tree(s)	: N/A
Street Furniture (drainage pits etc.)	: N/A
Site Details	: N/A

DETAIL

In reviewing LPP 1.17 it was considered that the specific wording of the policy required amendment to be more readily understood by customers, and that the inclusion of additional exemptions which are not addressed by the Regulations would streamline the development process, especially for small-business owners.

The policy objectives, scope and statement have been amended to specify the status of LPP 1.17 more clearly, which provides for additional development exemptions beyond those listed in the Regulations.

It is proposed to make amendments to the exemption for patios to provide greater clarity and include interpretation notes from the R-Codes.

It is also proposed to retain the existing development exemption for demolition. This allows for demolition of any building type if it is not impacted by heritage considerations. It is considered burdensome to require a development application for demolition as the amenity and safety considerations associated with this work are adequately covered by the demolition permit issued by the City's Building Services.

Exemptions for over-height dividing fences and alterations to non-residential properties are proposed to be included in the policy. Additional exemptions for external fixtures such as air conditioning units, satellite dishes and antennas are also proposed to be included in the policy.

[4016 LPP 1.17 Additional Development Exemptions with Track Changes](#)

UP23/4016 – REVIEW OF LOCAL PLANNING POLICY 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)

These additions and changes are described below.

Patios

The current exemption allows for patios to be constructed closer to the property boundary than allowed by the deemed-to-comply provisions of the R-Codes. The amendments are intended to clarify that patios can be set closer to the lot boundary than 1 metre provided certain criteria are met. The R-Codes include a note clarifying that support posts less than 450mm in dimension are not considered to comprise a boundary wall. This note is to be included in the policy to alert customers of this allowance, rather than requiring a customer to refer to several documents.

These changes are considered to make this policy clearer resulting in a more consistent interpretation by customers and decision makers.

Dividing Fences

At present, a dividing fence of up to 1.8m in height is a sufficient fence and exempt from requiring development approval.

Fencing located forward of the street setback line fencing is subject to the requirements of Local Planning Policy 3.1 Residential Development.

Given natural ground level may be raised by 0.5m without the need for approval and given the existing 1.8m high tolerance for dividing fences, it is considered that a dividing fence with a maximum height of 2.3m should be allowed as of right.

This exemption would formalise the existing allowances for dividing fence heights and remove the need for residents to apply to the City to make changes to their dividing fence in addition to liaising with their neighbour.

Non-Residential Development

Currently a property owner for a non-residential property would need to make a development application to the City of Melville for works such as reroofing a property, its painting, or the alteration of cladding materials. The policy changes proposed will make works of this nature exempt from requiring development approval and streamline the development process for tenants and property owners.

The exemption of these works would allow for business owners to upgrade their properties without needing to wait for development approval. This exemption would not exempt the need to apply for any necessary approval under the Building Code of Australia.

External Fixtures

The current provisions of the R-Codes are such that external fixtures such as rainwater storage tanks, letterboxes, air conditioning units and meter boxes are permitted provided they are:

- *Not visible from the primary street.*
- *Are designed to integrate with the building; or*
- *Are located so as to not be visually obtrusive.*

UP23/4016 – REVIEW OF LOCAL PLANNING POLICY 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)

Antennas and satellite dishes likewise meet the deemed-to-comply requirements of the R-Codes where they are not visible from any primary or secondary street.

It is proposed that the external fixtures which are not located on the front elevation of a building be exempt from requiring development approval. This includes elements such as rainwater tanks and air conditioning units. The current requirements of the R-Codes are such that an external fixture which is visible from the street requires development approval. For example, an air conditioning unit which is attached to the side of a building but is visible from the street would be technically subject to development approval prior to installation. It is considered that these elements are generally consistent with the expected appearance of residential dwellings throughout the City of Melville, and many dwellings in the City already benefit from such features. As such it is considered appropriate that these be exempted from requiring development approval.

The allowances for antennas and satellite dishes are also proposed to be amended to include standard antennas and satellite dishes to the roof and other parts of the building other than those attached to the front elevation. This will enable the installation of these features without requiring development approval, provided they are not sited on the front elevation.

It is proposed to include an exemption for letterboxes which are not located within vehicle sightline areas, and which meet the fencing requirements of Local Planning Policy 3.1 – Residential Development Policy. As the R-Codes are worded currently, a resident or business adding a letterbox to a property would not meet the deemed-to-comply requirements of the R-Codes. This is because a letterbox is an external fixture as defined in the R-Codes and this would be visible from the primary street. This additional exemption will ensure that standard letterboxes are exempted from requiring development approval.

STAKEHOLDER ENGAGEMENT

Under the provisions of the Regulations, amendments to planning policy must be advertised unless the City is of the opinion that the changes are minor. It is considered that the proposed additional exemptions result in a requirement to advertise the amended policy for 21 days including newspaper and online consultation. Subject to the resolution of Council in respect of these amendments, the details of the policy will be subject to advertising in accordance with the Regulations.

Advertising Required:	To be carried out
Neighbour's Comment Supplied:	Not Applicable
Reason:	Not Applicable
Support/Object:	Not Applicable

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

UP23/4016 – REVIEW OF LOCAL PLANNING POLICY 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

No statutory or legal implications have been identified as a part of this review.

FINANCIAL IMPLICATIONS

There are no financial implications identified in relation to this policy change.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The Local Planning Policy 1.17 has been reviewed to ensure it remains consistent with the current planning framework and will continue to provide a sound basis for the assessment and determination of planning applications. In its amended form, the policy is intended to allow for additional convenience and flexibility to customers and ratepayers through exempting the need for development approval for additional works.

COMMENT

The Regulations permit local governments to exempt works over and above the allowances of clause 61 of the Regulations through the adoption of a Local Planning Policy.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may choose not to amend the policy; however, this is not recommended as the changes to the policy are intended to increase convenience for customers and ratepayers.

CONCLUSION

Under the provisions of Clause 61(i) works specified in a local planning policy are exempt from requiring development approval. The amendments to the wording in the policy are considered to assist customers and decision-makers in understanding the policy, and the additional development exemptions will provide for greater streamlining of the development process, especially for business owners within the City.

It is recommended that the Council resolve to adopt the amended policy with consultation in accordance with Clause 4 of the Regulations.

UP23/4016 – REVIEW OF LOCAL PLANNING POLICY 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)

At 7:51pm Cr Spanbroek left the meeting

OFFICER RECOMMENDATION (4016)

APPROVAL

At 7:53pm Cr Mair moved, seconded Cr Wheatland –

That the Council:

1. Pursuant to Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* endorse the amended [Local Planning Policy 1.17 – Additional Development Exemptions](#) for the purposes of public consultation for a minimum of 21 calendar days; and
2. where no submissions in objection are received in response to the consultation undertaken, authorise the Chief Executive Officer to proceed with the final adoption of Local Planning Policy 1.17 – Additional Development Exemptions.

Amendment

COUNCIL RESOLUTION

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

That the inclusion of the words “with the addition of a requirement for neighbour consultation for dividing fences between 1.8m and 2.3m in height” in Point 1 to read:

- “1. Pursuant to Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* endorse the amended [Local Planning Policy 1.17 – Additional Development Exemptions](#) with the addition of a requirement for neighbour consultation for dividing fences between 1.8m and 2.3m in height for the purposes of public consultation for a minimum of 21 calendar days; and”**

At 7:54pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

At 7:54pm Cr Spanbroek returned to the meeting.

UP23/4016 – REVIEW OF LOCAL PLANNING POLICY 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)

Substantive Motion as Amended

COUNCIL RESOLUTION

At 7:54pm Cr Mair moved, seconded Cr Wheatland –

That the Council:

- 1. Pursuant to Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* endorse the amended [Local Planning Policy 1.17 – Additional Development Exemptions](#) with the addition of a requirement for neighbour consultation for dividing fences between 1.8m and 2.3m in height for the purposes of public consultation for a minimum of 21 calendar days; and**
- 2. where no submissions in objection are received in response to the consultation undertaken, authorise the Chief Executive Officer to proceed with the final adoption of Local Planning Policy 1.17 – Additional Development Exemptions.**

At 7:54pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

At 7:54pm Cr Pazolli left the meeting and returned at 7:56pm.

At 7:55pm the Mayor brought forward Item UP23/4017 Review of Local Planning Policy 1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use and Non-Residential Development for the convenience of the responsible officer in attendance.

UP23/4017 – REVIEW OF LOCAL PLANNING POLICY 1.3 WASTE AND RECYCLABLES COLLECTION FOR MULTIPLE DWELLINGS, MIXED USE AND NON-RESIDENTIAL DEVELOPMENT (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Application Number : N/A
 Property : N/A
 Proposal : Review of Local Planning Policy 1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use and Non-Residential Development.
 Applicant : N/A
 Owner : N/A
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P14/3559 – Initiation of New Council Policy: Waste And Recyclables Collection For Multiple Dwellings, Mixed Use Developments And Non - Residential Developments – Ordinary Meeting of Council held 21 October 2014
 P16-3718 Review of Planning Policies – Ordinary Meeting of Council held 20 September 2016
 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 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 (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>

UP23/4017 – REVIEW OF LOCAL PLANNING POLICY 1.3 WASTE AND RECYCLABLES COLLECTION FOR MULTIPLE DWELLINGS, MIXED USE AND NON-RESIDENTIAL DEVELOPMENT (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Policy No. LPP1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments (LPP1.3), was first approved in 2014 and has been the subject of two minor reviews since that time. LPP1.3 aims to achieve development that is functionally designed and effectively managed in terms of waste management and collection.
- In July 2019, the three bin Food Organics Garden Organics (FOGO) system was rolled out to all residential properties across the City of Melville with the aim to reduce the amount of waste being sent to landfill and increase resource recovery. This is in line with the Waste Avoidance and Resource Recovery Strategy 2030 to increase material recovery to 70% by 2025.
- In response to this new service standard, various examples of waste generation figures and guidelines available locally and state-wide that incorporated a FOGO waste collection system have been reviewed.
- In response, minor changes to LPP1.3 are required to ensure new residential developments prepare appropriate waste management plans to account for the FOGO service. It is also proposed to update the standards for non-residential development to reflect the Victorian guidelines which are considered to represent best practice.
- The changes to Policy No. LPP1.3 require public advertising as required by the Planning and Development (Local Planning Schemes) Regulations 2015.
- If no submissions are received during the advertising process it is recommended the changes be approved as proposed and a notice placed in the newspaper.

BACKGROUND

The City of Melville Local Planning Policy No. LPP1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments has operated for several years and was last updated on 6 August 2019. The information included in the policy to date reflects a two-bin system (waste and recycling) that the City of Melville had in place until July 2019.

The FOGO three bin system was rolled out over three months, July to September 2019. It is the State Government and Waste Authority's best practice waste management service and the only system that meets State material recovery targets of 70% by 2025. Policy No. LPP1.3 is required to be updated to incorporate the changes associated with the new standard waste collection system, the three bin FOGO service.

The proposed changes will provide better guidance for architects, builders, developers, designers and building managers when designing waste management facilities and services for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments. It will ensure that all residents at these developments have access to adequate waste, recycling, and FOGO services.

The Policy includes waste generation rates that should be used to estimate residential waste, recycling, and FOGO generation in multi-unit developments.

UP23/4017 – REVIEW OF LOCAL PLANNING POLICY 1.3 WASTE AND RECYCLABLES COLLECTION FOR MULTIPLE DWELLINGS, MIXED USE AND NON-RESIDENTIAL DEVELOPMENT (REC) (ATTACHMENT)

DETAIL

History of FOGO in the City of Melville.

In October 2017, the City rolled out a three bin FOGO trial. The trial involved 7000 residents and it took place within select areas, in collaboration with the City of Fremantle, Town of East Fremantle and Southern Metropolitan Regional Council.

The yearlong trial ran in parts of Bicton, Willagee, Mt Pleasant, Brentwood, and Bull Creek, with homes receiving a new 240 litre lime green-lidded FOGO bin for their food and garden waste. The dark green general waste bin was replaced with a 140-litre red-lidded bin for rubbish that couldn't be composted. The yellow-lidded recycling bin has remained the same and was collected on alternate weeks to the red-lidded bin.

In October 2018, Council decided to roll out the three bin FOGO system. The rollout started from mid-July and finished towards the end of September 2019. Most rateable properties in the City now have the new three bin system in place. Several multi-unit developments are yet to transition to this new service while currently receiving general waste and recycling services. These developments required additional resources to rollout a FOGO service with most now on the standard FOGO service.

Review of LPP1.3

A number of changes to LPP1.3 are proposed as a part of this policy review. These include:

- renaming the policy to make reference to FOGO;
- the addition of new policy objectives;
- updates to the body of the policy to refer to the Waste Avoidance and Resource Recovery Act 2007;
- Updated tables for the calculation of residential and non-residential waste, recycling and FOGO.
- A number of changes throughout the document aimed at making it easier to understand and interpret.

A summary of these changes is provided under each header below.

New objectives

Policy No. LPP1.3 has been operational for a number of years and has been the subject of regular reviews to ensure it meets the City's requirements related to waste management within new developments however is required to incorporate the changes associated with the new waste collection FOGO system. The most recent review was undertaken in 2019. This was an administrative review to make reference to updated planning documents including State Planning Policy 7.3 Residential Design Codes Volume 1 and 2.

The most recent updates to the policy provide improved guidance to Council staff and developers including architects, builders, designers and building managers when considering the design of waste management facilities and the provision of waste infrastructure and collection services for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments.

UP23/4017 – REVIEW OF LOCAL PLANNING POLICY 1.3 WASTE AND RECYCLABLES COLLECTION FOR MULTIPLE DWELLINGS, MIXED USE AND NON-RESIDENTIAL DEVELOPMENT (REC) (ATTACHMENT)

Any future designs and plans that are proposed to be submitted to Council for planning approval will ensure that all residents at multiple dwellings developments have access to adequate waste, recycling and FOGO services. The updated Policy includes waste generation rates that should be used to estimate residential waste, recycling and FOGO generation for each of the proposed multi-unit development.

Attached to this report is a copy of the Policy No. LPP1.3 with track changes.

[4017 Local Planning Policy 1.3 with Track Changes](#)

R-CODE REQUIREMENTS

There are no R-Code requirements applicable to this report.

STAKEHOLDER ENGAGEMENT

Advertising of LPP1.3 is required in accordance with the provisions of the Regulations as detailed below under the header of community and other agencies/consultants. The results of the advertising process will be the subject of a future report to Council.

Advertising Required:	Yes
Neighbour's Comment Supplied:	N/A
Reason:	As per the Regulations
Support/Object:	Not applicable at this stage. Results of advertising to be the subject of a future report to Council.

I. COMMUNITY

The Regulations came into effect on 19 October 2015. Clauses 4 and 5 of Schedule 2 of the Regulations contains requirements for creating and amending a local planning policy. In accordance with clause 5 the process for amending a Local Planning Policy is the same as for creating a new Local Planning Policy unless the proposed changes are minor in nature.

In this instance the changes to the policy are not minor. Advertising of the changes will take place in accordance with Clause 87 of the regulations and is likely to include at a minimum information on this City's website.

II. OTHER AGENCIES / CONSULTANTS

There are no other agencies who are required to be consulted with as a part of this policy review.

STATUTORY AND LEGAL IMPLICATIONS

Local planning policies augment the provisions of Local Planning Scheme No.6 and provide a sound basis for planning decisions. Provided a policy is soundly based, they are given due regard when a decision is under review in the State Administrative Tribunal.

UP23/4017 – REVIEW OF LOCAL PLANNING POLICY 1.3 WASTE AND RECYCLABLES COLLECTION FOR MULTIPLE DWELLINGS, MIXED USE AND NON-RESIDENTIAL DEVELOPMENT (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

There are no financial implications for the City which result from this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

No strategic, risk and environmental implications have been identified in the preparation of this report.

POLICY IMPLICATIONS

LPP 1.3 is proposed to be updated as detailed in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council may resolve not to proceed with the review of LPP1.3. This is not recommended as the current policy does not align with the City's current waste management operations.

CONCLUSION

The amendment to LPP1.3 is required in order to reflect the City's current waste collection protocols, specifically in relation to FOGO. It is recommended that the changes outlined to the policy be adopted for advertising.

OFFICER RECOMMENDATION (4017)

APPROVAL

At 7:55pm Cr Fitzgerald moved, seconded Cr Wheatland –

That the Council:

- 1. Endorse [Local Planning Policy 1.3](#) as modified for advertising for a minimum of 21 days as required by the Planning and Development (Local Planning Schemes) Regulations 2015; and**
- 2. If no submissions are received during the advertising period, delegate authority to the CEO to proceed with the policy without modification and for a notice to be published in the local newspaper as required by the Planning and Development (Local Planning Schemes) Regulations.**

At 7:58pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

At 7:58pm the Mayor brought forward Item UP23/4018 Review of Local Planning Policy 1.2 – Design Review Panel for the convenience of the responsible officer in attendance.

**UP23/4018 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)
(ATTACHMENT)**

Ward : All
 Category : Operational
 Application Number : Not Applicable
 Property : Not Applicable
 Proposal : Review of Local Planning Policy 1.2 – Design Review Panel
 Applicant : Not Applicable
 Owner : Not Applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P16/3718 Review of Planning Policies – Ordinary Meeting of Council held 20 September 2016.
 Item P19/3809 Review of Local Planning Policy 1.2 Architectural and Urban Design Advisory Panel and Council Policy 68 Street Numbering – Ordinary Meeting of Council held 17 September 2019.
 Item UP22/4007 Review of Local Planning Policy 1.2 – Design Review Panel - Ordinary Meeting of Council held 13 December 2022.
 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 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 (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>

**UP23/4018 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)
(ATTACHMENT)**

KEY ISSUES / SUMMARY

- In May 2022, a Notice of Motion was passed by the Council for a Terms of Reference to be prepared for the Design Review Panel (DRP) and a presentation be made to an Elected Members Engagement Session (EMES) at an appropriate time.
- A presentation was made to an EMES on 27 September 2022.
- At the December 2022, Ordinary Council Meeting, Council considered proposed changes to Local Planning Policy 1.2 Design Review Panels (LPP1.2). The Officers recommendation was not supported and instead Council resolved to require the re-drafting of draft LPP to incorporate several additional requirements including for the DRP to include membership of non-specialist professionals, including a community representative and an academic, with a preference for both to be residents of the City. The Council also sought advice regarding separation from the City of South Perth.
- It is noted the amendments required by the Council are inconsistent with the provisions of State Planning Policy 7.0 Design of the Built Environment which outlines the function and composition of design panels. In these circumstances, the Planning and Development (Local Planning Schemes) Regulations 2015 require a Local Planning Policy to be referred to the Western Australian Planning Commission for consideration.
- It is recommended that the draft LPP be advertised for public comment and to enable referral to the WAPC. Results of advertising and any advice from the WAPC will be the subject of a future report to Council.

BACKGROUND

The detailed background to the review of LPP1.2 is provided in the previous Council report UP22/4007 presented to the Ordinary Meeting of Council held on 13 December 2022.

At the December OMC, Council resolved to reject the officer recommendation and directed the re-drafting of Local Planning Policy 1.2 Design Review Panels (LPP1.2). The Council also sought advice regarding the creation of a separate City of Melville Panel to deal with developments at the Canning Bridge Activity Centres that fell within the City of Melville.

DETAIL

The previous report on this matter provided details of the minor changes proposed by officers including:

1. clarification of the relationship between this policy and the Canning Bridge Design Review Panel;
2. an update to the size and composition of the panel.

[4018 LPP 1 2 Design Review Panel with Track Changes \(February 2023 update\)](#)

**UP23/4018 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)
(ATTACHMENT)**

The report also provided detailed information for the consideration of Elected Members in relation to the role of the DRP, specifically that it is independent, apolitical, and intended to provide expert technical advice. The DRP is not a decision maker. An officer advice note was circulated to Elected Members prior to the December Ordinary Council Meeting which provided further detail in relation to the role of the DRP.

LPP1.2 has now been updated in response to the resolution of the Elected Members. Clause 2 - Membership now contains reference to a community member and an academic being on the panel as well as a preference for panel members to be residents of the City of Melville.

Clause 3.4 has been moved to Clause 4.4 as this relates to operational matters rather than referral requirements. The clause has been updated to specifically state that the DRP will ensure proposed designs meet the relevant local planning framework and have appropriate regard to sustainability.

Creating a Separate Canning Bridge Design Review Panel for City of Melville Developments:

The CBACP specifies the establishment of Design Advisory Group to consider development across both Cities of Melville and South Perth. Design advice on developments across the CBACP is currently provided by this shared group. Separating the Design Panels may be achievable and could be formalised through consideration of an amendment to the CBACP. Separating the Design Panels is likely to create additional administrative requirements and may detract from the achievement of a consistent design approach across the CBACP. The WAPC may also not support an amendment to the CBACP to formalise separate design panels.

Local Planning Scheme and Local Policy Requirements

There are no local planning schemes or policy requirements applicable to this report.

R-Code Requirements

There are no R-Code requirements applicable to this report.

STAKEHOLDER ENGAGEMENT

Advertising of LPP1.2 is required in accordance with the provisions of the Regulations as detailed below under the header of community and other agencies/consultants. The results of the advertising process will be the subject of a future report to Council.

Advertising Required:	Yes
Neighbour's Comment Supplied:	N/A
Reason:	As per the Regulations
Support/Object:	Not applicable at this stage. Results of advertising to be the subject of a future report to Council.

**UP23/4018 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)
(ATTACHMENT)**

I. COMMUNITY

The Planning and Development Regulations came into effect on 19 October 2015. Clauses 4 and 5 of Schedule 2 of the Regulations contains requirements for creating and amending a local planning policy. In accordance with clause 5 the process for amending a Local Planning Policy is the same as for creating a new Local Planning Policy unless the proposed changes are minor in nature.

In this instance the changes to the policy are not minor. Advertising of the changes will take place in accordance with Clause 87 of the regulations and is likely to include at a minimum, information on the City's website.

II. OTHER AGENCIES / CONSULTANTS

Clause 4(4) of Schedule 2 of the Regulations requires that Council advise the Western Australian Planning Commission (WAPC) if it is of the opinion that it is inconsistent with any State Planning Policy.

As noted in the body of the report City officers have identified that the proposed policy changes being pursued by Elected Members are inconsistent with the provisions of State Planning Policy 7.0 Design of the Built Environment (SPP 7.0) and the Design Review Guide produced by the State Government. State Policy provisions specifically identify the composition and operation of Design Review Panels. The changes proposed by Council conflict with those specifications. In these circumstances the detail of the Policy is required to be referred to the WAPC. Advice from the WAPC will be sought during the LPP advertising period and any response will be subject of a future Council report.

STATUTORY AND LEGAL IMPLICATIONS

Local planning policies augment the provisions of Local Planning Scheme No.6 and provide a sound basis for planning decisions. Provided a policy is soundly based, they are given due regard when a decision is under review in the State Administrative Tribunal.

A Local Planning Policy which is inconsistent with a State Planning Policy is likely to have little or no standing in the decision making process.

FINANCIAL IMPLICATIONS

There are no financial implications for the City which result from this report.

The operating cost of the Design Review Panel varies on a yearly basis and is dependent on the number and complexity of applications received each year. The cost of running the DRP in the 2021/22 financial year was approximately \$20,800.

There is a fee for publishing consultation documents in the local newspaper however this is within the usual operating budget of planning services.

**UP23/4018 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)
(ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
The changes to LPP1.2 are inconsistent with the provisions of SPP7.0. This may result in the WAPC raising concerns in relation to the policy and further delaying the administrative changes which are required.	Medium	Council may choose to endorse the original officer recommendation and adopt the minor changes to LPP1.2.
The proposed changes may raise expectations in the community with regard to the role of the DRP and the community in the decision making process.	Medium	Refer above.
The ongoing review prevents the City from undertaking an expressions of interest process for new DRP members. This limits the ability for the City to deal with conflicts of interest for major projects and the ability for the City to obtain extra expertise where required.	Medium	Refer above.

POLICY IMPLICATIONS

Local Planning Policy 1.2 Design Review is proposed to be updated as detailed above.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council may resolve to amend LPP1.2 as originally recommended by officers at the December 2022 Ordinary Meeting of Council. The officer’s recommendation provides enhancements to the Design Panel operations and retains consistency with State Planning Policy.

CONCLUSION

An amended version of LPP1.2 has been prepared in accordance with the Council resolution from the December 2022 Ordinary Council Meeting.

This policy will be advertised in accordance with the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and forwarded to the WAPC. A report on submissions and any advice from the WAPC will be provided to a future Council meeting.

**UP23/4018 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)
(ATTACHMENT)**

At 8:01pm Cr Edinger left the meeting and returned At 8:02pm.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (4018)

APPROVAL

At 7:58pm Cr Fitzgerald moved, seconded Cr Sandford –

That the Council:

- 1. Endorse the [Draft Local Planning Policy 1.2](#) as modified for advertising for a minimum of 21 days, and forwarding to the Western Australian Planning Commission, in accordance with the Planning and Development (Local Planning Schemes) Regulations; and**
- 2. Notes that a further report will be presented to Council at the conclusion of the advertising period to review any submissions received and to consider any response from the Western Australian Planning Commission.**

At 8:03pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

14.1 Reports from Committees

At 8:03pm Mr Duncan, Acting Director Corporate Services provided advice to the meeting on the Amendment tabled by Cr Edinger.

At 8:04pm Mr Ponton left the meeting and did not return.

C22/5943 – FREEDOM OF INFORMATION PROCESS REVIEW AND IMPROVEMENT REPORT (REC)

Ward	:	All
Category	:	Operational
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not Applicable
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Paul Prior Innovation & Projects Manager

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 may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**C22/5943 – FREEDOM OF INFORMATION PROCESS REVIEW AND IMPROVEMENT REPORT
(REC)**

KEY ISSUES / SUMMARY

- The CEO instigated a review of City's Freedom of Information processes to address efficiency matters and to address concerns raised by the Office of the Information Commission as to their high level of involvement.
- A petition was submitted to the 20 September 2022 Ordinary Meeting of Council in relation to Freedom of Information, with the matter being referred to the FMARC Committee for consideration.
- The issues raised in the petition were considered as part of the existing internal review to identify key issues and associated process improvements.
- The internal review has resulted in a number of improvement opportunities across:
 - Process / Case Management
 - Training
 - Oversight and Support
 - Technology
- This matter was considered at the Financial Management, Audit, Risk and Compliance Committee meeting held 8 December 2022.

BACKGROUND

The City of Melville has a high number of Freedom of Information (FOI) applications relative to other similar councils, a significant portion (approx. 85%) of the FOI workload at City of Melville is attributable to a small number of applicants.

The Chief Executive Officer (CEO) has expressed some concerns around the City's FOI process. Whilst it is acknowledged that some of the supporting systems are not ideal for efficient operation and are being reviewed, in line with normal expectations a process and operational review has been initiated. This review has been undertaken by an officer with experience in the administration of the FOI Act (1992) at both State and Local Government but independent from the City's existing approach.

In August 2022, the CEO received correspondence from the Office of the Information Commissioners (OIC) office expressing concern with their involvement in external reviews over several years.

As directed by the CEO, the review scope was to consider:

- If Current FOI Case Management and practices have contributed to the number of complaints and applications proceeding to external review and
- Based on the nature of the applications and applicants to determine if a more formal application of provisions of the FOI Act is applicable

The review was delivered by the Manager Projects and Innovation, who has significant experience in FOI matters at both State and Local government but is independent of the current processes. As part of the review process a meeting was held at the Office of the Information Commissioner to discuss the concerns and approach. The Information Commissioner indicated support for the approach being taken by the City.

**C22/5943 – FREEDOM OF INFORMATION PROCESS REVIEW AND IMPROVEMENT REPORT
(REC)**

Separately, at the 20 September 2022 Ordinary Meeting of Council, a petition relating to Freedom of Information at the City of Melville was presented, with the Council resolving:

“That the petition bearing 20 signatures of residents be acknowledged and referred to the next Financial Management, Audit, Risk and Compliance Committee for consideration and report.”

This report will also consider the matters raised in the petition and provide context in terms of the internal review.

DETAIL

The petition refers to two requests, the first being:

1. *Direct the CEO to arrange, as a matter of priority within 2 months, for the Information Commissioner (IC) or their representative to meet with Council to ensure all Elected Members are fully informed on the principles of Open Government, the FOI Act intent and objectives and the City’s obligations therein, and the IC’s perspective on the City’s performance and other issues since 2015.*

The role and responsibilities of the Information Commissioner are enshrined in legislation. This includes awareness of rights and responsibilities within the FOI Act (1993). They are not directly responsible for the concepts or function of open government.

The Information Commissioner reports annually to State Parliament and operates independently of any agency as the final arbitrator in all Freedom of Information related matters including legal interpretation of the Act. The Information Commissioner does not provide a performance audit function but interacts with all agencies regularly. Where specific concerns are identified these are raised with the agency in accordance with their [role](#):

- Ensuring that agencies are aware of their responsibilities under the FOI Act; and
- Providing assistance to members of the public and agencies on matters relevant to the FOI Act.

The internal review makes recommendations regarding improvements in training on responsibilities under the FOI Act.

The second request in the petition is as follows:

2. *Cause an independent review of the City’s FOI administrative processes and performance since 2015 to be conducted, and a report with recommendations for improvement to be put to the 6 (sic) December 2022 ordinary meeting of Council. The review should include, amongst other things, the age of all applications upon finalization, applicant feedback, summary of performance blockers, proposed KPIs and public reporting of such, and the effectiveness of Council’s oversight and governance.”*

C22/5943 – FREEDOM OF INFORMATION PROCESS REVIEW AND IMPROVEMENT REPORT (REC)

The delivery of FOI outcomes is required to be within the definitions and sections of the *FOI Act (1992)*. This includes expectations on both the applicant and agency. The *FOI Act (1992)*, as the primary privacy legislation tool for WA state agencies, enshrines a variety of exemptions to the release of information which means applicants are not always “satisfied”. As a legal instrument, a truly independent review could only be adequately provided by an accredited legal practitioner who is unlikely to have the relevant systems and process techniques to deliver customer service outcomes.

At the time of receiving the petition, the City had already commenced the internal review of its Freedom of Information practices.

Review Recommendations

The review has identified some opportunities to improve the current process. The changes are focused on eradicating inconsistencies in the application of the legislation and improve the timeliness response to applicants whilst also reducing the overall resource burden on the organisation.

The review also considered how technology could support improvements. Whilst digital lodgment of applications was already supported, a more robust workflow design would support better outcomes. Adjustments in case file and the introduction of specialized redacting software were identified to improve transparency and efficiency internally whilst also providing greater clarity for the applicant.

Oversight of FOI activities were also examined, and improvements identified which will benefit the organisation and its applicants to ensure a robust consistent approach.

Finally, strategies to facilitate fewer formal methods of information release were considered as means of complimenting the FOI process.

The following recommendations are made:

- 1 Ensure all actions regarding on-going large applications are complete and all relevant information is with Office of the Information Commissioner (OIC) to support resolution.
- 2 FOI Process / Case Management
 - a. All FOI files to be structured consistently.
 - b. FOI files to be created and stored in ECM from lodgement of application.
 - c. Current internal document search process to be updated to devolve responsibility to staff to search for information in a prescribed timeframe and hold them accountable for it (using OIC templates). The goal is to enable the FOI decision maker to spend more time reviewing documents, liaising with stakeholders, and making decisions rather than searching for documents.

A clear communication to staff to be sent from CEO to inform them they are responsible for a timely accurate response to FOI Coordinator for documents and apply consequences for non-compliance. This should include that all staff keep a record of all searching efforts made (search terms, topics, and scope) which is to be provided to the FOI Coordinator to collate and demonstrate to the applicant and subsequent reviewer(s).

**C22/5943 – FREEDOM OF INFORMATION PROCESS REVIEW AND IMPROVEMENT REPORT
(REC)**

- d. Apply a stronger focus on working with the applicants to provide a narrow scope by utilising section 14 (ambit of application may be reduced by agreement) and if required section 20 (agency may refuse to deal with application in certain cases). Note: Section 20 of the FOI Act is only applicable after all efforts to assist the applicant have been exhausted. City of Melville has a 0.8 FTE to administer FOI activities so processing all applications must fit into this resource.
- e. Source and utilise OIC templates where possible for all formal interactions in the administration of the FOI Act.
- f. Create Document Schedules for every application regardless of size.
- g. Eliminate the practice of providing Partial Notices of Decision. Ensure cases are manageable and supported by one notice of decision (refer 2d above).
- h. For repeat / non-cooperative and large applications all applicable fees are to be charged.
- i. Respond to all requests for information by OIC within timeframe specified even if requesting extra time. This will assist City of Melville to establish a stronger / closer relationship with OIC to mitigate issues.
- j. Continue to engage and build stronger relationships across the Local Government sector with other FOI Coordinators.

3 FOI Training

- a. Seek assistance from the OIC to tailor and deliver training to City of Melville staff on their responsibilities under the FOI Act.
- b. Executive and Management Leadership Teams to have presentation / briefing from OIC to ensure appropriate accountability and enforcement of the FOI process.

4 FOI Oversight

- a. On-going-case management – The FOI Coordinator to report weekly to Manager Projects & Innovation on case management.
- b. Remove multiple parties in the oversight of FOI administration and align it with Manager Projects and Innovation (who has oversight of Information Management).
- c. The process of Internal Review as prescribed in the FOI Act will be undertaken by the Manager Projects and Innovation.
- d. Internal reviews to be limited to reviewing the original FOI access decision in accordance with legislative requirements.
- e. Provide the FOI Coordinator with improved support to assist with the implementation of these recommendations.

**C22/5943 – FREEDOM OF INFORMATION PROCESS REVIEW AND IMPROVEMENT REPORT
(REC)**

- 5 Technology utilised to support FOI Administration
 - a. Fully utilise Pathway for reporting and build out functionality as required including file linkage to ECM.
 - b. Schedule a review and assessment of redacting software. A Business Analyst is to be assigned to conduct an analysis of alternatives to Adobe, specifically to allow FOI Coordinator to apply specific clauses to each redacted section of an FOI folio.
- 6 Staff / Responsibilities
 - a. The FOI Coordinator to be the **decision maker** – responsible to lead the FOI function and deliver according to agreed process.
 - b. FOI operational support be provided by the City's Information Officer as part of their role.
 - c. Where workloads may require further resourcing, general support to be provided by the Business Support team on request.
- 7 Increase use of professional judgement for each case to determine if it may be appropriate to work with the applicant outside the FOI process to assist them to access the required documents. This is a method that may be considered if the applicant formally agrees to exclude unwanted information from the scope of the application.
- 8 Open by Design principles to be implemented to coincide with our transition to a new Information Management system. The system change is designed to improve the City's Information Management practices including the formal implementation of an Information Management Policy which highlights information deemed unclassified.
- 9 Once FOI the review is complete and recommendations considered by CEO, schedule a meeting with OIC to discuss City of Melville FOI review and actions moving forward.
- 10 Once recommendations are endorsed, the Manager Projects and Innovation and Director Corporate Services meet with repeat applicant(s) to articulate City of Melville has reviewed FOI practices, is implementing new processes to improve efficiency and service to applicants and will be applying a more formal interpretation regarding accepting appropriate scope to ensure we have ability to service all customers.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Engagement with the community is not required for this report.

II. OTHER AGENCIES / CONSULTANTS

Office of the Information Commissioner.

**C22/5943 – FREEDOM OF INFORMATION PROCESS REVIEW AND IMPROVEMENT REPORT
(REC)**

STATUTORY AND LEGAL IMPLICATIONS

Freedom Of Information (FOI) Act (1993) is the legislation being addressed within this report.

State Records Act (2000) is supporting legislation relevant to the efficient delivery of FOI activities.

FINANCIAL IMPLICATIONS

No direct financial implications although increased oversight and resourcing will require budget consideration and adjustment.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
The City fails to meet its obligations under the FOI Act (1992)	A Possible likelihood with Minor consequences which could result in a Medium level of risk	Implementation of the recommendations within this report along with ongoing process monitoring and improvements

POLICY IMPLICATIONS

There are no policy implications associated with this matter.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The City could choose to retain the current status quo. This would change the risk profile with an increased likelihood of engagement by the Office of the Information Commissioner.

CONCLUSION

The City is undertaking a significant change process in the approach to information management. The approach, methodology and processes associated with administering the City's legislative FOI requirements forms a small but visible part of these activities. This report identifies and recommends a series of improvements to the FOI internal processes to improve broader outcomes.

**C22/5943 – FREEDOM OF INFORMATION PROCESS REVIEW AND IMPROVEMENT REPORT
(REC)**

COMMITTEE RECOMMENDATION (5943)

APPROVAL

At 8:06pm Cr Pazolli moved, seconded Cr Mair –

That the Council:

- 1. Notes the Freedom of Information Process Review as an operational change to deliver improved Freedom of Information process outcomes; and**
- 2. That the CEO invite the FOI Commissioner to present to Elected Members regarding the obligations and functions of the FOI; and**
- 3. Directs the CEO to write to the lead petitioner advising of the outcome of the internal review.**

At 8:24pm Cr Barber left the meeting and returned At 8:27pm.

At 8:27pm Cr Woodall left the meeting and returned At 8:31pm.

Amendment

COUNCIL RESOLUTION

At 8:34pm Cr Edinger moved, seconded Cr Sandford –

Replace the committee recommendation with:

“Requests the report be referred back to the FMARC Committee for discussion on the contents of future FOI reports.”

At 8:34pm the Mayor declared the motion

CARRIED (10/3)

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

Substantive Motion as Amended

COUNCIL RESOLUTION

At 8:06pm Cr Pazolli moved, seconded Cr Mair –

That the Council requests the report be referred back to the FMARC Committee for discussion on the contents of future FOI reports.

At 8:35pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

14.2 REPORTS OF THE CHIEF EXECUTIVE OFFICER

Corporate Services

C23/6000-1 – INVESTMENT STATEMENTS FOR NOVEMBER 2022 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

<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 November 2022 for the Council's information and noting.

C23/6000-1 – INVESTMENT STATEMENTS FOR NOVEMBER 2022 (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 November 2022.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2022		
SUMMARY BY FUND		
Municipal		\$51,386,769
Reserve		\$156,394,974
Trust		\$-
Citizen Relief		\$224,848
TOTAL		\$208,006,591
SUMMARY BY INVESTMENT TYPE		
11AM		\$9,783,289
31Days at Call		\$-
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$179,623,302
TOTAL		\$208,006,591
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$120,792,634
	A+	\$42,713,957
A Category (A+ to A-)	A	
	A-	
BBB+ Category	BBB+	\$44,500,000
TOTAL		\$208,006,591

C23/6000-1 – INVESTMENT STATEMENTS FOR NOVEMBER 2022 (REC)

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

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 17,700,000	8.51%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 25,000,000	12.02%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 19,500,000	9.37%	15.00%	✓
CBA	AA-	AA Category	\$ 27,500,000	13.22%	30.00%	✓
Macquarie	A+	A Category	\$ 3,013,957	1.45%	25.00%	✓
NAB	AA-	AA Category	\$ 50,751,074	24.40%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 39,700,000	19.09%	25.00%	✓
Westpac	AA-	AA Category	\$ 24,841,560	11.94%	30.00%	✓
TOTAL			\$ 208,006,591	100%		

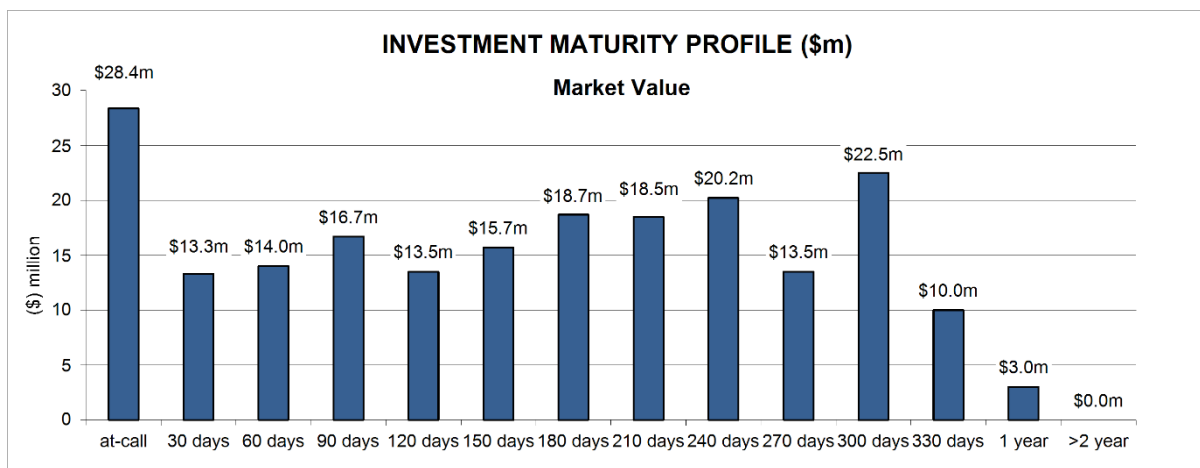
*Standard & Poor's ratings. Source: Policy No. CP-009: Investment of Funds

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

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 120,792,634	58%	80%	✓
A Category (A+ to A-)	\$ 42,713,957	21%	50%	✓
BBB+ Category	\$ 44,500,000	21%	25%	✓
TOTAL	\$ 208,006,591	100%		

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

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



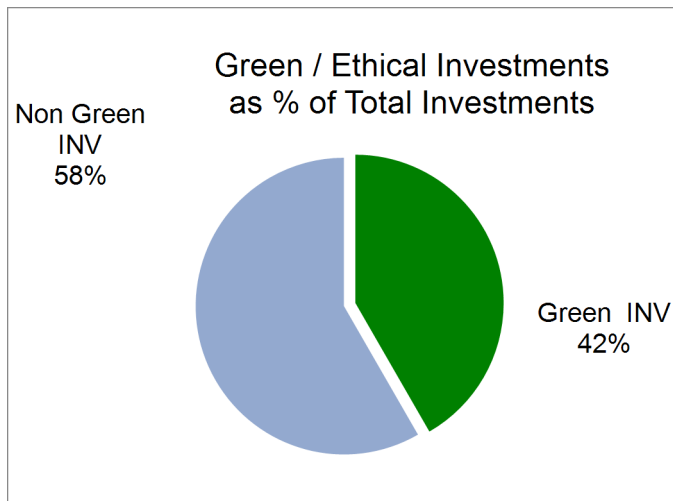
C23/6000-1 – INVESTMENT STATEMENTS FOR NOVEMBER 2022 (REC)

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

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

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

The total investment in green/ethical investments as at 30 November 2022 was \$86,700,000 or 42% of total investment holdings being in non-fossil fuels institutions, compared to \$83,700,000 (39%) in October 2022. The total investments holding for November and October were \$208,006,591 and \$217,200,230 respectively.



Green / Ethical Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 19,500,000
CBA	AA-	AA Category	\$ 27,500,000
Suncorp	A+	A Category	\$ 39,700,000
TOTAL			\$ 86,700,000

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

This report is available to the public on the City’s website.

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.

C23/6000-1 – INVESTMENT STATEMENTS FOR NOVEMBER 2022 (REC)

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).

The *Local Government (Financial Management) Regulations 1996* (regulation 19C) allows local governments to deposit funds for a fixed term of three years 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.

FINANCIAL IMPLICATIONS

For the period ending 30 November 2022:

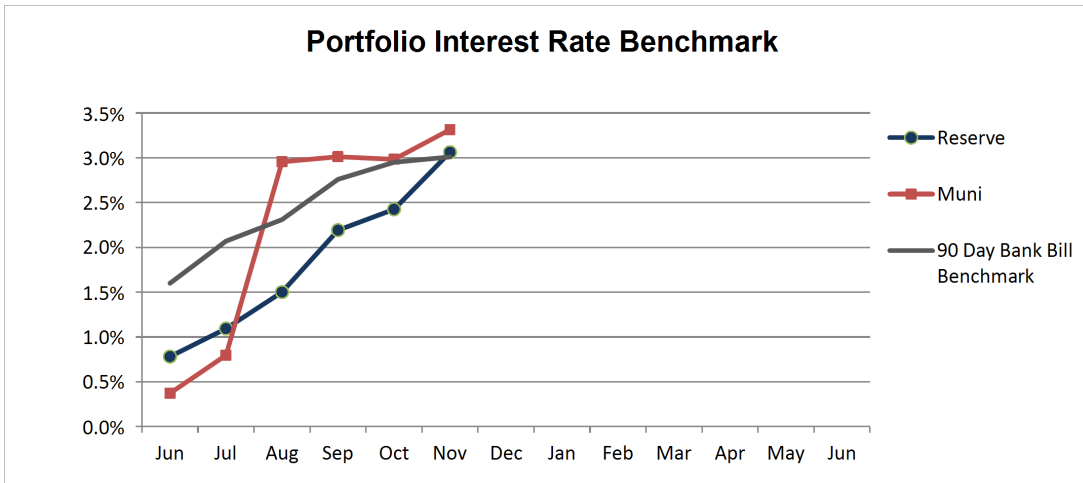
Investment earnings on Municipal and Trust Funds were \$531,103 against a year to date budget of \$93,750 representing a positive variance of \$437,353.

The weighted average interest rate for Municipal and Trust Fund investments as at 30 November 2022 was 3.32% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 3.01%.

Investment earnings on Reserve accounts were \$1,485,489 against a year to date budget of \$691,667 representing a positive variance of \$793,822 .

The weighted average interest rate for Reserve account investments as at 30 November 2022 was 3.06% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 3.01%.

C23/6000-1 – INVESTMENT STATEMENTS FOR NOVEMBER 2022 (REC)



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.

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.

C23/6000-1 – INVESTMENT STATEMENTS FOR NOVEMBER 2022 (REC)

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 3.32% to 3.06% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 3.01%.

42% 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 39% in October 2022.

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 (6000-1)

NOTING

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

At 6:48pm the Mayor declared the motion

CARRIED UNANIMOUSLY EN BLOC (13/0)

C23/6000-2 – INVESTMENT STATEMENTS FOR DECEMBER 2022 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

<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 31 December 2022 for the Council's information and noting.

C23/6000-2 – INVESTMENT STATEMENTS FOR DECEMBER 2022 (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 31 December 2022.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 DECEMBER 2022		
SUMMARY BY FUND		
Municipal		\$60,443,639
Reserve		\$143,238,104
Trust		\$-
Citizen Relief		\$224,848
TOTAL		\$203,906,591
SUMMARY BY INVESTMENT TYPE		
11AM		\$15,183,289
31Days at Call		\$-
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$170,123,302
TOTAL		\$203,906,591
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$116,692,634
A Category (A+ to A-)	A+	\$42,713,957
	A	
	A-	
BBB+ Category	BBB+	\$44,500,000
TOTAL		\$203,906,591

C23/6000-2 – INVESTMENT STATEMENTS FOR DECEMBER 2022 (REC)

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

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 8,200,000	4.02%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 25,000,000	12.26%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 19,500,000	9.56%	15.00%	✓
CBA	AA-	AA Category	\$ 27,500,000	13.49%	30.00%	✓
Macquarie	A+	A Category	\$ 3,013,957	1.48%	25.00%	✓
NAB	AA-	AA Category	\$ 50,751,074	24.89%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 39,700,000	19.47%	25.00%	✓
Westpac	AA-	AA Category	\$ 30,241,560	14.83%	30.00%	✓
TOTAL			\$ 203,906,591	100%		

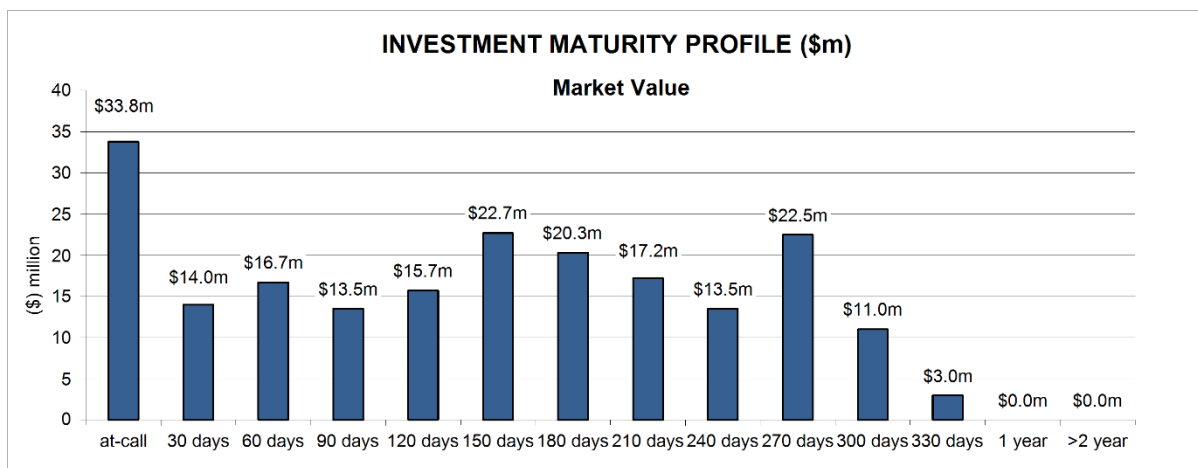
*Standard & Poor's ratings. Source: Policy No. CP-009: Investment of Funds

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

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 116,692,634	57%	80%	✓
A Category (A+ to A-)	\$ 42,713,957	21%	50%	✓
BBB+ Category	\$ 44,500,000	22%	25%	✓
TOTAL	\$ 203,906,591	100%		

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

The below graph summarises the maturity profile of the City's investments at market value as at 31 December 2022. The immediacy of the demand for funds depends on the particular Fund or Reserve Account(s) of the City. The maturity profile provided in the table above meets the liquidity requirements of the Council policy.



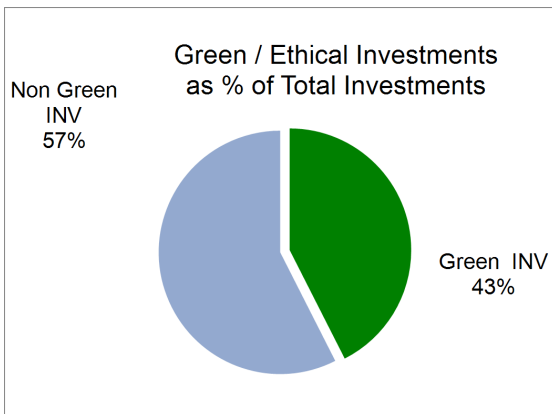
C23/6000-2 – INVESTMENT STATEMENTS FOR DECEMBER 2022 (REC)

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

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

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

The total investment in in green/ethical investments as at 31 December 2022 was \$86,700,000 or 43% of total investment holdings being in non-fossil fuels institutions, compared to \$86,700,000 (42%) in November 2022. The total investments holding for December and November were \$203,906,591 and \$208,006,591 respectively.



Green / Ethical Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 19,500,000
CBA	AA-	AA Category	27,500,000
Suncorp	A+	A Category	\$ 39,700,000
TOTAL			\$ 86,700,000

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

This report is available to the public on the City’s website.

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.

C23/6000-2 – INVESTMENT STATEMENTS FOR DECEMBER 2022 (REC)

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).

The *Local Government (Financial Management) Regulations 1996* (regulation 19C) allows local governments to deposit funds for a fixed term of three years 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.

FINANCIAL IMPLICATIONS

For the period ending 31 December 2022:

Investment earnings on Municipal and Trust Funds were \$832,759 against a year to date budget of \$112,500 representing a positive variance of \$720,259.

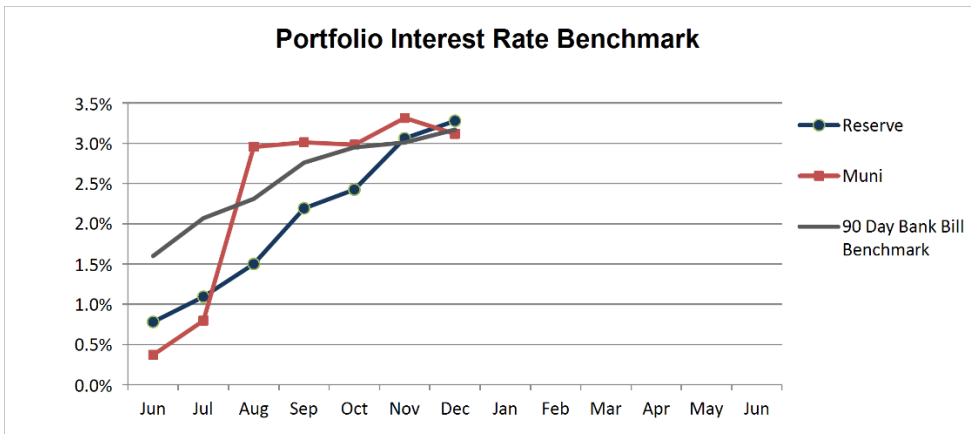
The weighted average interest rate for Municipal and Trust Fund investments as at 31 December 2022 was 3.12% which compares unfavourably to the benchmark three month bank bill swap (BBSW) reference rate of 3.17%.

Investment earnings on Reserve accounts were \$1,759,036 against a year to date budget of \$830,000 representing a positive variance of \$929,036.

The weighted average interest rate for Reserve account investments as at 31 December 2022 was 3.28% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 3.17%.

A combination of interest rates being raised significantly, and lower than expected expenditure from operating and reserve accounts has contributed to a positive variance in investment earnings. The current official cash rate as determined by the Reserve Bank of Australia (RBA) is 2.85%, compared to 0.85% in June 2022 when the budget was approved.

C23/6000-2 – INVESTMENT STATEMENTS FOR DECEMBER 2022 (REC)



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.

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.

C23/6000-2 – INVESTMENT STATEMENTS FOR DECEMBER 2022 (REC)

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 3.12% to 3.28% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 3.17%.

43% 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 42% in November 2022.

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 (6000-2)

NOTING

That the Council notes the Investment Report for the period ending 31 December 2022.

At 6:48pm the Mayor declared the motion

CARRIED UNANIMOUSLY EN BLOC (13/0)

C23/6001-1 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2022 (REC) (ATTACHMENT)

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

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<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 November 2022 and recommends that the Schedule of Accounts Paid be noted.

C23/6001-1 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2022 (REC) (ATTACHMENT)

BACKGROUND

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

A total of \$11,512,286 direct creditor payments were paid during the month, of which, 16% of payments were paid to suppliers located within the City of Melville and 27% to suppliers within the South-West Group, compared to 18% and 32% of total of \$17,115,269 direct creditor payments made over October 2022 respectively.

The biggest payment of \$3,796,378 made during the month was the ESL payment to the Department of Fire and Emergency Services (DFES). Approximately 95% 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.

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 November including Payment Register numbers, Cheques: 829-830, Electronic Funds Transfers batches: 800-804, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 3 February 2023.

The below table details the Summary of Payments Made for the period:

SCHEDULE OF PAYMENTS MADE NOVEMBER 2022		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
Cheques	Chq Payment Register No. 829 and 830	\$1,463.22
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	-
Electronic Funds Transfers	EFT Payment Register No. 801,802 and 804	\$11,119,414.94
	EFT Payment on Restricted Funds Register No. 800,803 and 125 and 126	\$235,079.32
	Less Cancelled EFTs	(\$8,124.75)
		\$11,347,832.73
Direct Debits	Bank Fees	\$16,391.78
	Ampol Fuel	\$132,040.32
Direct Payments		\$16,021.03
	Total Direct Creditor Payments	\$11,512,285.86
Payroll	Total Pay 10 and 11	\$4,067,729.37
	Total Payroll	\$4,067,729.37
Cards	Westpac Corporate Cards	\$4,535.36
	Westpac Purchase Cards	\$80,461.90
	American Express	\$8,018.58
	Total Card Payments	\$93,015.84
	Total Direct Creditor Payments from Municipal Account	\$15,673,031.07

C23/6001-1 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2022 (REC) (ATTACHMENT)

Schedule of Payments Made continued.

INTERFUND & INVESTMENT TRANSACTIONS			
<i>Interfund Transfers</i>			
Loan			\$0.00
Citizen Relief Trust			\$0.00
Citizen Relief Operating			\$0.00
Municipal		(\$6,993,638.92)	
Reserve		\$6,993,638.92	
Trust			\$0.00
<i>Total Interfund Transfers</i>			\$0.00
<i>New Municipal Investments</i>			
Westpac Bank	1/11/2022		\$800,000.00
Suncorp Bank	4/11/2022		\$1,000,000.00
NAB Bank	10/11/2022		\$1,500,000.00
Suncorp Bank	10/11/2022		\$2,000,000.00
Westpac Bank	17/11/2022		\$500,000.00
Westpac Bank	23/11/2022		\$800,000.00
<i>Total New Investments</i>			\$6,600,000.00
Grand Total			\$22,273,031.07

Details of the payments are shown in attachment [6001-1 Payment Details November 2022](#).

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

STAKEHOLDER ENGAGEMENT

There are no stakeholder engagement implications in relation to this report.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

C23/6001-1 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2022 (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

CONCLUSION

The Schedule of Payments for the month totals \$22,273,031.07.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001-1)

NOTING

That the Council notes the Schedule of Accounts paid for the period November 2022 as approved in accordance with delegated authority DA-035 and detailed in attachment [6001-1 Payment Details November 2022](#).

At 6:48pm the Mayor declared the motion

CARRIED UNANIMOUSLY EN BLOC (13/0)

C23/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2022 (REC) (ATTACHMENT)

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

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<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 December 2022 and recommends that the Schedule of Accounts Paid be noted.

C23/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2022 (REC) (ATTACHMENT)

BACKGROUND

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

A total of \$8,687,287 direct creditor payments were paid during the month, of which, 18% of payments were paid to suppliers located within the City of Melville and 24% to suppliers within the South-West Group, compared to 16% and 27% of total of \$11,512,286 direct creditor payments made over November 2022 respectively.

The largest payment of \$909,678 made during the month was the FOGO, gate fees and overheads payment to the Resource Recovery Group (RRG). Approximately 95% 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.

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 December including Payment Register numbers, Cheques: 831-832, Electronic Funds Transfers batches: 805-811, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 3 February 2023.

The below table details the Summary of Payments Made for the period:

SCHEDULE OF PAYMENTS MADE DECEMBER 2022		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
Cheques	Chq Payment Register No. 831 and 832	\$801.78
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	\$0.00
Electronic Funds Transfers	EFT Payment Register No. 806,807,808,810 and 811	\$8,416,400.53
	EFT Payment on Restricted Funds Register No. 805 and 809 and 127	\$131,418.75
	Less Cancelled EFTs	(\$5,449.39)
		\$8,543,171.67
Direct Debits	Bank Fees	\$18,181.30
	Ampol Fuel	\$121,427.28
Direct Payments		\$4,506.73
	Total Direct Creditor Payments	\$8,687,286.98
Payroll	Total Pay 12 and 13	\$4,616,247.19
	Total Payroll	\$4,616,247.19
Cards	Westpac Corporate Cards	\$6,484.37
	Westpac Purchase Cards	\$55,279.63
	American Express	\$5,456.26
	Total Card Payments	\$67,220.26
Total Direct Creditor Payments from Municipal Account		\$13,370,754.43

C23/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2022 (REC) (ATTACHMENT)

Schedule of Payments Made continued.

INTERFUND & INVESTMENT TRANSACTIONS			
<i>Interfund Transfers</i>			
Loan			\$0.00
Citizen Relief Trust			\$0.00
Citizen Relief Operating			\$0.00
Municipal			\$8,156,870.43
Reserve			(\$8,156,870.43)
Trust			\$0.00
<i>Total Interfund Transfers</i>			\$0.00
<i>New Municipal Investments</i>			
Westpac Bank	2/12/2022		\$1,500,000.00
Westpac Bank	8/12/2022		\$1,500,000.00
Westpac Bank	12/12/2022		\$1,200,000.00
Westpac Bank	16/12/2022		\$1,300,000.00
Westpac Bank	22/12/2022		\$600,000.00
Westpac Bank	23/12/2022		\$3,000,000.00
<i>Total New Investments</i>			\$9,100,000.00
Grand Total			\$22,470,754.43

Details of the payments are shown in attachment [6001-2 Payment Details December 2022](#).

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

STAKEHOLDER ENGAGEMENT

There are no stakeholder engagement implications in relation to this report.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

C23/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2022 (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

CONCLUSION

The Schedule of Payments for the month totals \$ 22,470,754.43.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001-2)

NOTING

That the Council notes the Schedule of Accounts paid for the period December 2022 as approved by the Director Corporate Services in accordance with delegated authority DA-035 and detailed in attachment [6001-2 Payment Details December 2022](#).

At 6:48pm the Mayor declared the motion

CARRIED UNANIMOUSLY EN BLOC (13/0)

**C23/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2022 (AMREC)
(ATTACHMENTS)**

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

AUTHORITY / DISCRETION

DEFINITION

<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"> • Year-end processes are still underway and therefore the final figures for November 2022 may be different from what is presented in this report. • The Statements of Financial Activity by Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 30 November 2022 and recommends that they be noted by the Council. • The variances for the month of 30 November 2022 and recommends that they be noted by the Council. • The Budget amendments required for the month of 30 November 2022 and recommends that they be adopted by Absolute Majority decision of the Council.
--

**C23/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2022 (AMREC)
(ATTACHMENTS)**

BACKGROUND

The Statements of Financial Activity for the period ending 30 November 2022 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 2021-2022 are still underway and therefore the final figures for 2021-2022 may be materially different to what is presented in this report.
- The City's total investments holding for November were \$208m of which the Municipal cash balance at the end of the month was \$51.4m and \$156.4m was held in reserve accounts, which are restricted to the defined purpose for which the reserve account was established.
- The investment in green/ethical term deposits as at 30 November was \$86.7m or 42% of total investment holdings, compared to \$83.7m (39%) in October 2022.
- The 2022-2023 rates generated to November totalled \$96.13m, \$0.27m higher than budgeted due to interim adjustments in respect of both Commercial and Residential improved properties.
- Total debtor collections for November 2022 equalled \$4.5m. The rates collection progress for the month of November has met the target. As at 30 November 2022, 72.1% of the 2022-2023 rates, including prior year arrears, had been collected compared to 71.7% for the same period in previous year 2021-2022. The total outstanding debtors (including all rates and sundry debtors) is \$35.5m as of 30 November 2022.

DETAIL

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

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

**C23/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2022 (AMREC)
(ATTACHMENTS)**

Variances

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

[6002-1B Statement Nature Type November 2022](#): Rate Setting Statement by Nature or Type
[6002-1H Statement of Variances November 2022](#): Statement of Variances in Excess of \$100,000

Revenue

Rates raised as at November were \$96,126,468, compared to a year to date budget of \$95,851,936. The positive variance of \$274,532 is due to minor adjustments in respect of both Commercial and 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	5,453,565	5,453,565	0%	6,491,862	-16%
Debtors Raised	119,874,366	119,582,899	0%	118,082,059	2%
Payments Received	(90,376,136)	(86,697,564)	4%	(88,068,392)	3%
Closing Balance	34,951,795	38,338,900	-9%	36,505,530	-4%

Total rate debtor collections for the month equalled \$3,678,572.

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	642,878	642,878	0%	882,151	-27%
Invoices Raised	3,404,036	3,020,992	13%	2,832,430	20%
Receipts	(3,505,556)	(2,729,551)	28%	(3,080,270)	14%
Prepayments	8,480	5,907	44%	2,944	188%
Closing Balance	549,838	940,227	-42%	637,255	-14%

Sundry debtor balances decreased by \$390,389 over the course of November from \$940,227 to \$549,838 of which total 90-day sundry debtors over \$1,000 for the month is \$177,136, representing 32% of total sundry debtors.

**C23/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2022 (AMREC)
(ATTACHMENTS)**

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for November 2022.

Budget Amendments

Details of Budget Amendments requested for the month of November 2022 that reflect effective changes to budgets are shown in attachment [6002-1J Budget Amendments November 2022](#). Budget amendments that are purely administrative and detail movements between budget responsible officers are not included in the attachment. This reporting is aligned with legislative requirements.

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

Granting of Concession or Writing Off Debts Owed to the City

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

Sundry Debtors

An amount of \$5,670 in rent was written off as compensation for lost revenue. A roof leak at LeisureFit Melville resulted in classes being cancelled, damaged equipment and clean-up costs.

Rate Debtors

There were no rates written off for the month of November.

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

DESCRIPTION	LINK
Statement of Financial Activity By Nature or Type	6002-1A Statement Nature Type November 2022
Rate Setting Statement by Program	6002-1B Rate Setting Program November 2022
Rate Setting Statement by Nature or Type	6002-1B Rate Setting Nature Type November 2022
Representation of Net Working Capital	6002-1E Net Working Capital November 2022
Reconciliation of Net Working Capital	6002-1F Reconciliation Net Working Capital November 2022

**C23/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2022 (AMREC)
(ATTACHMENTS)**

DESCRIPTION	LINK
Notes on Rate Setting Statement reporting on variances of 10% or \$100,000 whichever is greater	6002-1H Notes Rate Setting Statement November 2022
Details of Budget Amendments requested	6002-1J Budget Amendments November 2022
Summary of Rates Debtors	6002-1L Summary Rate Debtors November 2022
Graph Showing Rates Collections	6002-1M Rates Collections Graph November 2022
Summary of General Debtors aged 90 Days Old or Greater	6002-1N General Debtors Aged 90 Days November 2022

STAKEHOLDER ENGAGEMENT

There are no stakeholder engagement implications in relation to this report.

STATUTORY AND LEGAL IMPLICATIONS

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

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

34. Financial activity statement report — s. 6.4

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

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

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

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

**C23/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2022 (AMREC)
(ATTACHMENTS)**

(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 [6002-1H Notes Rate Setting Statement November 2022](#): Notes on Statement of Variances in excess of \$100,000 by Nature or Type.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There are no alternative options in relation to this report.

**C23/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2022 (AMREC)
(ATTACHMENTS)**

At 8:35pm Cr Robins left the meeting and did not return.
At 8:35pm Cr Wheatland left the meeting.

CONCLUSION

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002-1)
NOTING and ABSOLUTE MAJORITY**

At 8:35pm Cr Fitzgerald moved, seconded Cr Mair –

That the Council:

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

DESCRIPTION	LINK
Statement of Financial Activity By Nature or Type	<u>6002-1A Statement Nature Type November 2022</u>
Rate Setting Statement by Program	<u>6002-1B Rate Setting Program November 2022</u>
Rate Setting Statement by Nature or Type	<u>6002-1B Rate Setting Nature Type November 2022</u>
Representation of Net Working Capital	<u>6002-1E Net Working Capital November 2022</u>
Reconciliation of Net Working Capital	<u>6002-1F Reconciliation Net Working Capital November 2022</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$100,000 whichever is greater	<u>6002-1H Notes Rate Setting Statement November 2022</u>
Details of Budget Amendments requested	<u>6002-1J Budget Amendments November 2022</u>
Summary of Rates Debtors	<u>6002-1L Summary Rate Debtors November 2022</u>
Graph Showing Rates Collections	<u>6002-1M Rates Collections Graph November 2022</u>
Summary of General Debtors aged 90 Days Old or Greater	<u>6002-1N General Debtors Aged 90 Days November 2022</u>

- By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for November 2022 [6002-1J Budget Amendments November 2022](#).**

At 8:35pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

**C23/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2022 (AMREC)
(ATTACHMENTS)**

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

AUTHORITY / DISCRETION

DEFINITION

<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

This report presents:

- The Statements of Financial Activity by Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 31 December 2022 and recommends that they be noted by the Council.
- The variances for the month of 31 December 2022 and recommends that they be noted by the Council.
- The Budget amendments required for the month of 31 December 2022 and recommends that they be adopted by Absolute Majority decision of the Council.

**C23/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2022 (AMREC)
(ATTACHMENTS)**

BACKGROUND

The Statements of Financial Activity for the period ending 31 December 2022 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 2021-2022 has been completed and the audited annual financial statements including auditors' opinion issued by the Office of Auditor General has been published on the City's website.
- The City's total investments holding for December were \$203.9m of which the Municipal cash balance at the end of the month was \$60.4m and \$143.2m was held in reserve accounts, which are restricted to the defined purpose for which the reserve account was established.
- The investment in green/ethical term deposits as at 31 December was \$86.7m or 43% of total investment holdings, compared to \$86.7m (42%) in November 2022.
- The 2022-2023 rates generated to December totalled \$96.13m, \$0.238m higher than budgeted due to interim adjustments in respect to both Commercial and Residential improved properties.
- Total debtor collections for December 2022 equalled \$4.9m. The rates collection target was 76.4% and the actual collection was tracking slightly below at 75.9%, compared to 77% for same period in previous year 2020-2021. The total outstanding debtors (including all rates and sundry debtors) is \$30.0m as of 31 December 2022.

DETAIL

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

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

Variances

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

[6002-2B Statement Nature Type December 2022](#): Rate Setting Statement by Nature or Type
[6002-2H Statement of Variances December 2022](#): Statement of Variances in Excess of \$100,000

**C23/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2022 (AMREC)
(ATTACHMENTS)**

Revenue

Rates raised as at December were \$96,135,019, compared to a year to date budget of \$95,896,928. The positive variance of \$238,090 is due to due to interim adjustments in respect of both Commercial and 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	5,453,565	5,453,565	0%	6,491,862	-16%
Debtors Raised	119,917,070	119,874,366	0%	118,200,403	1%
Payments Received	(95,071,925)	(90,376,136)	5%	(94,840,374)	0%
Closing Balance	30,298,709	34,951,795	-13%	29,851,891	1%

Total rate debtor collections for the month equalled \$4,695,789.

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	642,878	642,878	0%	882,151	-27%
Invoices Raised	3,910,220	3,404,036	15%	3,113,396	26%
Receipts	(3,799,314)	(3,505,556)	8%	(3,374,722)	13%
Prepayments	6,286	8,480	-26%	5,552	13%
Closing Balance	760,070	549,838	38%	626,376	21%

Sundry debtor balances increased by \$210,232 over the course of December from \$549,838 to \$760,070 of which total 90-day sundry debtors over \$1,000 for the month is \$167,565, representing 22% of total sundry debtors.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for the month of December 2022.

**C23/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2022 (AMREC)
(ATTACHMENTS)**

Budget Amendments

Details of Budget Amendments requested for the month of December 2022 that reflect effective changes to budgets are shown in attachment [6002-2J Budget Amendments December 2022](#). Budget amendments that are purely administrative and detail movements between budget responsible officers are not included in the attachment. This reporting is aligned with legislative requirements.

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

Granting of Concession or Writing off Debts Owed to the City

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

Sundry Debtors

There were no sundry debts written off for the month of December.

Rate Debtors

There were no rates written off for the month of December.

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

DESCRIPTION	LINK
Statement of Financial Activity By Nature or Type	6002-2A Statement Nature Type December 2022
Rate Setting Statement by Program	6002-2B Rate Setting Program December 2022
Rate Setting Statement by Nature or Type	6002-2B Rate Setting Nature Type December 2022
Representation of Net Working Capital	6002-2E Net Working Capital December 2022
Reconciliation of Net Working Capital	6002-2F Reconciliation Net Working Capital December 2022
Notes on Rate Setting Statement reporting on variances of 10% or \$100,000 whichever is greater	6002-2H Notes Rate Setting Statement December 2022
Details of Budget Amendments requested	6002-2J Budget Amendments December 2022
Summary of Rates Debtors	6002-2L Summary Rate Debtors December 2022
Graph Showing Rates Collections	6002-2M Rates Collections Graph December 2022
Summary of General Debtors aged 90 Days Old or Greater	6002-2N General Debtors Aged 90days December 2022

**C23/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2022 (AMREC)
(ATTACHMENTS)**

STAKEHOLDER ENGAGEMENT

There are no stakeholder engagement implications in relation to this matter.

STATUTORY AND LEGAL IMPLICATIONS

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

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

34. Financial activity statement report — s.6.4

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

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

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

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

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

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

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

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

(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.

**C23/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2022 (AMREC)
(ATTACHMENTS)**

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 [6002-2H Notes Rate Setting Statement December 2022](#): Notes on Statement of Variances in excess of \$100,000 by Nature or Type.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There are no alternative options in relation to this report.

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 December 2022.

**C23/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2022 (AMREC)
(ATTACHMENTS)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002-2)
NOTING and ABSOLUTE MAJORITY**

At 8:36pm Cr Mair Moved, seconded Cr Pazolli –

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 December 2022 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature or Type	<u>6002-2A Statement Nature Type December 2022</u>
Rate Setting Statement by Program	<u>6002-2B Rate Setting Program December 2022</u>
Rate Setting Statement by Nature or Type	<u>6002-2B Rate Setting Nature Type December 2022</u>
Representation of Net Working Capital	<u>6002-2E Net Working Capital December 2022</u>
Reconciliation of Net Working Capital	<u>6002-2F Reconciliation Net Working Capital December 2022</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$100,000 whichever is greater	<u>6002-2H Notes Rate Setting Statement December 2022</u>
Details of Budget Amendments requested	<u>6002-2J Budget Amendments December 2022</u>
Summary of Rates Debtors	<u>6002-2L Summary Rate Debtors December 2022</u>
Graph Showing Rates Collections	<u>6002-2M Rates Collections Graph December 2022</u>
Summary of General Debtors aged 90 Days Old or Greater	<u>6002-2N General Debtors Aged 90days December 2022</u>

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for December 2022 [6002-2J Budget Amendments December 2022](#).**

At 8:36pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

Community Development

CD22/8155 – DYOONDALUP POINT WALTER MULTI-USE COURTS CONCEPT

Item Brought Forward

See page 17

Urban Planning

UP23/4015 – TWO STOREY SINGLE HOUSE AT LOT 86 (NO.50A) KINGSALL ROAD, ATTADALE 6156 (REC) (ATTACHMENT)

Item Brought Forward

See page 31

UP23/4016 – REVIEW OF LOCAL PLANNING POLICY 1.17 ADDITIONAL DEVELOPMENT EXEMPTIONS

Item Brought Forward

See page 42

UP23/4017 – REVIEW OF LOCAL PLANNING POLICY 1.3 WASTE AND RECYCLABLES COLLECTION FOR MULTIPLE DWELLINGS, MIXED USE AND NON-RESIDENTIAL DEVELOPMENT

Item Brought Forward

See page 50

UP23/4018 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL

Item Brought Forward

See page 51

Late Items

C23/6193 – 2022-2023 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Budgeting – Review
 Customer Index : Not Applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item C22/6191 Special Meeting of Council held 21 June 2022 – Consideration and Adoption of the 2022-2023 Budget.
 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 (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>

C23/6193 – 2022-2023 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- A Mid-Year Budget Review (the Review) is required to be undertaken in accordance with the *Local Government (Financial Management) Regulations 1996*.
- This report presents the results of the Review for the period 1 July 2022 to 31 December 2022 and highlights the significant positive and negative variations that require budget amendment.
- The revised closing position indicates a balanced budget, which has been achieved by using temporary cost savings and a transfer from the Rates Equalisation Reserve to fund several permanent requests for increased funding – this approach is not financially sustainable and therefore not recommended in the longer term which will now be addressed in the review of the Long Term Financial Plan.
- This report recommends that the Council notes the results of the Review, and by Absolute Majority, approves the recommended budget amendments required to the 2022-2023 Budget as a result of the Review.

BACKGROUND

The City of Melville reviews its actual versus budget position on an ongoing basis and a budget variation listing is submitted to Council in the monthly Statements of Financial Activity Report.

The Financial Management Regulations (33A) specify that Local Governments must at the least undertake a formal budget review between 1 January and 31 March each year, have it reviewed and adopted by the Council and submit the findings to the Department of Local Government, Sport and Cultural Industries. The City of Melville has undertaken the Review within this period based on the financial year to date revenue and expenditure position as at 31 December 2022.

DETAIL

A review of budgets has been undertaken by Budget Responsible Officers, and then reviewed by Financial Services and the Executive and Management Leadership Teams.

As presented, the amended financial position for the City as at 31 December 2022 will have no impact to the closing position. This is the net result of both positive and negative variances across both operating and capital budgets and funds to be set aside and funds to be used from specific purpose reserve accounts.

C23/6193 – 2022-2023 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

The following table is a summary of the 2022-2023 Mid-Year Review results, with positive variances shown as \$xxx and negative variances shown as (\$xxx) i.e. in red parentheses:

	Variance between Revised Budget and Budget Review \$
Revenue from Operating Activities (excluding rates)	
Operating Grants, Subsidies and Contributions	52,641
Fees and Charges	(50,549)
Interest Earnings	4,203,500
Other Revenue	1,304,247
Expenditure from Operating Activities	
Employee Costs	(524,198)
Materials and Contracts	(680,994)
Utility Charges	(23,300)
Other Expenditure	(46,329)
Net Operating Variance	4,235,018
Operating Activities Excluded from Budget - (Profit)/loss on asset disposals	(25,900)
Investing Activities	
Non-operating grants, subsidies and contributions	812,250
Proceeds from disposal of assets	25,900
Purchase of furniture and equipment	(417,000)
Purchase of plant and equipment	(407,183)
Purchase of land and buildings	(635,637)
Purchase of infrastructure assets	1,097,767
Net Investing Variance	476,097
Financing Activities	
Net Reserve Fund Transfers	(4,885,215)
Net Financing Variance	(4,885,215)
Rates	200,000
Net Variance as at 31 December 2022 surplus/(deficit)	0

Key findings are shown below and amendments are shown in line with the Adopted Annual Budget format in attachment: [6193A Mid Year Budget Review 2022-2023 Summary Amendments](#).

Whilst the reporting levels adopted by the Council when adopting the 2022-2023 Budget, at its Ordinary Meeting of Council held on 21 June 2022, were 10% or \$100,000 (whichever is greater), some commentary has been provided on variances less than these amounts where considered necessary to gain a full understanding of the amended net position resulting from the Mid-Year Review.

C23/6193 – 2022-2023 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Key material findings in the Operating Budget:

Operating Grants, Subsidies and Contributions Income - \$52,641 Positive Variance

- Increase of \$20,000 for Lotterywest grant funding for various cultural development events.
- Increase of \$40,000 for grant funding from the Southwest Aboriginal Land & Sea Council for the Aboriginal Ranger Program. This funding partly offsets the employment cost increase required for the Aboriginal Ranger trainee positions.

Fees and Charges Income – (\$50,549) Negative Variance

- Increase in fees and charges income for Leisurefit Centres by \$121,483 in line with the higher activity levels expected. This increase partly offsets the employment cost increase required for Leisurefit Centres to meet the demands of the higher activity levels.
- Reduction of \$180,000 to income from the Public Tree levy due to the staff position to coordinate the assessment of this fee not yet being recruited.

Interest Earnings - \$4,203,500 Positive Variance

- Increase of \$1,175,000 to interest income from investment of municipal funds due to significant increases to the market interest rate after the 2022-2023 budget adoption.
- Increase of \$2,990,000 to interest income from investment of reserve funds due to significant increases in the market interest rate after the 2022-2023 budget adoption. 100% of this increase and a further \$553,716 which was not set aside to reserves due to affordability at the time of the 2022-2023 budget adoption is now being set aside to reserves.

Other Revenue - \$1,304,247 Positive Variance

- Increase of \$675,346 to reflect the final recovery of Lehman Brothers managed CDO investment losses dating back to the 2008 Global Financial Crisis. This amount is set aside to various reserves using the distribution basis applied for previous recoveries.
- Increase of \$80,000 to reflect the unplanned income received from the sale of excess bin liners from a previous year purchase to the City of Nedlands.
- Increase of \$512,001 relating to the recoup of expenditure of the Perth South West Metropolitan Alliance based on their adopted budget. This amount is fully offset by increases to employment, materials and contracts and other expenditure budgets for the Perth South West Metropolitan Alliance.

Employee Costs - (\$524,198) Negative Variance

- Increase of \$315,000 relates to the Perth South West Metropolitan Alliance and fully offset by increased revenue.
- Increase of \$42,000 for a permanent Senior Governance Position with ongoing annual commitments.
- Increase of \$86,000 in People and Culture for two permanent staff positions in relation to Organisational Development and Learning and Development with ongoing annual commitments.
- Increase of \$40,000 in People and Culture for the Employee Assistance Program.

C23/6193 – 2022-2023 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

- Increase of \$12,000 in Community Development for a permanent Child Safety Officer position with ongoing annual commitments.
- Increase of \$11,000 in Community Development for a contract Youth Programming and Digital Engagement Officer position.
- Increase of \$89,000 in Natural Areas for two trainees on contract for the Aboriginal Ranger Program.
- Increase of \$30,000 in Ranger and Emergency Management for a contract Parking Officer position in relation to Canning Bridge.
- Increase of \$30,000 in Community Safety Services for a contract Community Safety Officer position.
- Increase of \$40,000 in First Nations Engagement for training costs for Elected Members and the Executive Leadership Team in relation to Cultural Awareness - Uluru Statement from the Heart.
- Increase of \$144,984 for additional staffing levels required at the Leisurefit Centres.
- Increase of \$23,000 in Urban Planning for a contract Business Support Trainee position.
- Increase of \$119,000 in Urban Planning for additional costs related to staff resignations and temporary assistance.
- Reduction of \$411,000 relating to temporary savings such as vacant staff positions, excess leave replacement budgets and lower actual hours worked than budgeted.

Materials and Contracts Expenditure - (\$680,994) Negative Variance

- Increase of \$171,000 relates to the Perth South West Metropolitan Alliance and fully offset by increased revenue.
- Increase of \$190,000 in Information Technology (IT) services relates to outsourcing costs associated with the delivery of IT projects.
- Increase of \$30,000 in Place Facilitation for professional consultancy costs for the trial Future Town Square – Canning Bridge Markets.
- Increase of \$80,000 in People and Culture for Legal Fees.
- Increase of \$80,000 to IT services licencing costs budget for Domain Based Message Authentication, Reporting and Conformance (DMARC) and Network Detect & Respond (NDR).
- Increase of \$55,000 in Healthy Melville for professional consultancy costs for Tennis and Wheeled Sports strategies and the Bill Elson master plan.
- Increase of \$40,000 in Cultural Services for professional consultancy costs related to the detailed design of the new Canning Bridge Library and Creative Studios.
- Increase of \$50,160 in Ranger and Emergency Services for the purchase and installation of vehicle mounts.
- Increase of \$100,000 in Civil Asset Maintenance for additional costs required to respond to findings of the path audit.
- Net reduction of \$142,005 relating to temporary minor increases and decreases to various budgets.

C23/6193 – 2022-2023 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Key material findings in the Capital Budget:

Non Operating Grants, Subsidies and Contributions - \$812,250 Positive Variance

- Increase of \$100,000 for CSRFF funding for the Mt Pleasant Bowling Club.
- Increase of \$149,097 for Main Roads Regional Grant (MRRG) funding for the Riseley Street - Almondbury to Marmion Road project.
- Increase of \$354,025 for National Black Spot funding for the Marmion Street/Norma Road Stage 1 project.
- Increase of \$145,000 for Federal Government election funding for the Karoonda Reserve – Netball project.
- Increase of \$64,128 for funding from Main Roads Direct Grants.

Purchase of Furniture and Equipment - (\$417,000) Negative Variance

- Information Technology Capital Equipment – Increase of \$137,000 due to additional funds required for printers and the Intranet Future Vision project. This amount is offset by an increase to funds used from the Information Technology Reserve.
- Parking Meters – Increase of \$300,000 for equipment purchases for the purchase of 48 new ticketless parking meters to replace the older meters due to the unavailability of 3G from Optus. This amount is offset by an increase to funds used from the Parking Facilities Reserve.

Purchase of Plant and Equipment - (\$407,183) Negative Variance

- Increase of \$97,000 to the Heavy Vehicles replacement budget due to market prices increases for two Isuzu Crew Cabs.
- Increase of \$166,073 to the Light Vehicles budget due to the upgrade of a utility for the Point Walter golf course maintenance, two tool tray canopies to be fitted to two works vehicles and the purchase of a new utility for the Aboriginal Ranger Program.
- Increase of \$144,110 to the Heavy Plant budget due to market price increases for two trailers and a spraying unit, the advancing of the replacement of a mower for Point Walter maintenance and the purchase of a new sprayer and trailer for the Aboriginal Ranger Program.

The above increases are partly offset by an increase of \$207,520 to funds used from the Fleet Services Vehicles, Plant and Equipment Replacement Reserve to cover the amendments related to replacements only.

Purchase of Land and Buildings – (\$635,637) Negative Variance

A detailed listing of budget amendments is included in attachment [6193B Significant Capital Works Project Budget Amendments 2022-2023](#).

Key amendments include:

- Increase of \$383,607 for the Mount Pleasant Bowling Club project as approved by council at OMC 13/12/2022. This increase is partially offset by increased CSRFF funding.

C23/6193 – 2022-2023 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

- Increase of \$209,030 for the Civic Centre Main Hall – MTC Conversion - \$159,000 of this increase is as per council approval at OMC 19/07/2022 while a further \$50,000 is required for sustainability amendments.
- Increase of \$150,000 for the Bicton Boy Scouts Roof/Air Conditioning works as per the latest quotes.
- Increase of \$102,282 for the Heathcote Swan House Airconditioning works due to price escalations.
- Decrease of \$50,000 due to the cancellation of the Leisurefit Booragoon – New Pool Business Case project.
- Reduction of \$298,434 from various projects that are anticipated to be under budget to offset additional funding requests.

These budget adjustments are offset against amendments to funds used from the Community Facilities, Land and Property and New and Upgrade Reserves.

Purchase of Infrastructure Assets – \$1,097,767 Positive Variance

A detailed listing of budget amendments is included in attachment [6193B Significant Capital Works Project Budget Amendments 2022-2023](#).

Key amendments include:

- Increase of \$165,442 for the Karoonda Reserve – Netball project – this increase is partially offset by increased Federal Government election funding.
- Increase of \$135,000 required for further drainage improvement works at various locations to protect verges.
- Increase of \$200,00 for the Archibald Street path renewal project due the path being identified as high risk.
- Increase of \$151,529 for the new Fenced Dog Play at Piney Lakes due to cost escalations linked with delays arising from additional community engagement, further Council requirements and supply issues.
- Increase of \$150,000 to the Footpath Panel Replacement project to replace panels as identified in the path condition audit.
- Increase of \$354,025 for the Marmion Street/Normal Road stage 1 road project due to consolidation of two projects – this increase is fully offset by an increase to the National Black Spot funding budget.
- Increase of \$210,000 for the Riseley Street - Almondbury to Marmion Road project due to night works and materials cost escalation – this increase is partially offset by an increase to the MRRG funding budget.
- Increase of \$204,746 for the Archibald Street - Stacey to North Lake Road project due to materials cost escalation and issues with sub grade break through.
- Decrease of \$118,885 to the Bridges Road (Prinsep Road -Money Road) – this project is to be added to the 2023-2024 capital works program due to the lack of contractor resources and increased cost estimate.
- Decrease of \$230,259 to the Leeming Recreation Centre Carpark - Stage 1 project due to completion under budget.
- Decrease of \$237,315 to the Point Walter Western Boat Ramp/Groyne project – this amount will be quarantined in the Infrastructure Asset Management reserve to be drawn down in 2023-2024 when negotiations with Department of Biodiversity, Conservation and Attractions have been finalised.

C23/6193 – 2022-2023 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

- Decrease of \$1,794,012 to the Mount Henry Design/Construction project – this amount will be quarantined in the Infrastructure Asset Management reserve to be drawn down in 2023-2024 when works are due to commence.
- Net decrease of \$445,320 from various infrastructure projects to offset additional funding requests.

These budget adjustments are offset against amendments to funds used from the Infrastructure Asset Management, Public Open Space and New and Upgrade Reserves.

The delivery of the capital works program by the end of the financial year is still subject to the timing of procurement processes, availability of contractors and various other unforeseen events and factors beyond the control of the City. A few projects have been fully budgeted to meet the requirements of a tender process but may be cash flowed over subsequent financial years. Therefore, based on historical trends it is possible that approximately \$20m of the capital works program budget will be carried forward to the next financial year.

Key material findings in relation to Reserve Accounts:

Net Funds Used/Funds Set Aside – (\$4,885,215) Negative Variance

- Increase of \$3,543,716 representing interest income being set aside to various reserves.
- Increase of \$675,346 representing recovered Lehman Brothers managed CDO investments losses being set aside to various reserves.
- Increase of \$36,000 and \$144,000 to funds set aside to the Community Facilities Reserve and New and Upgrade Reserve respectively to reflect 90% of the \$200,000 increase in interim rates income.
- Increase of \$207,520 to funds used from the Fleet Services Vehicles, Plant and Equipment Replacement Reserve to fund replacement costs of heavy vehicles and heavy plant.
- Increase of \$137,000 to funds used from the Information Technology Reserve to fund additional costs related to Printer purchases and the Intranet Future Vision project.
- Increase of \$300,000 to funds used from the Parking Facilities reserve to fund the purchase of 48 new ticketless parking meters.
- Increase of \$84,733 to funds drawn from the Rates Equalisation Reserve to fund the deficit resulting from the 2022-2023 mid-year budget review.
- Increase of \$605,995 to funds used from the Community Facilities reserve in line with amendments made to the expenditure and income budgets related to the buildings capital works program, including the Mount Pleasant Bowling Club Improvements, Civic Centre Main Hall - MTC Conversion and Bicton Boy Scouts Roof /Air Conditioning Works projects.
- Reduction of \$1,996,042 to the funds used from the Infrastructure Asset Management Reserve in line with amendments made to the expenditure and income budgets related to the Infrastructure Assets capital works program including the Mount Henry Jetty Design / Construction, Point Walter Western Boat Ramp/Groyne and Leeming Rec Centre Carpark - Stage 1 projects.
- Increase of \$203,354 to the funds used from the New and Upgrade Works reserve in line with amendments made to the expenditure and income budgets related to the Buildings and Infrastructure Assets capital works program including the New Fenced Dog Play - Piney Lakes and New POS Extension Davis Lawlor.

C23/6193 – 2022-2023 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

- Increase of \$40,000 to funds used from the Land and Property Reserve for the New Library and Cultural Centres Business Case.
- Reduction of \$75,687 to funds used from the Public Open Space and Urban Forest reserve in line with amendments made to the Urban Forest Tree renewal program and Goolugatup Heathcote Lower Development project.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not Applicable.

II. OTHER AGENCIES / CONSULTANTS

Not Applicable.

STATUTORY AND LEGAL IMPLICATIONS

Local Government (Financial Management Regulations) 1996:

33A. Review of budget

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
- (b) consider the local government's financial position as at the date of the review; and*
- (c) review the outcomes for the end of that financial year that are forecast in the budget.*

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

FINANCIAL IMPLICATIONS

After taking into account the various positive and negative variances and Reserve Funds adjustments, the mid-year Budget Review has identified an overall balanced budget after Reserve transfers.

However, this is based on the accrual accounting concept and not necessarily reflective of the cash position. At the time of writing this report, the City had outstanding debtors of \$22.2m. The cash position of the City will continue to be monitored to ensure there is adequate cash flow to fund operations.

C23/6193 – 2022-2023 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Furthermore, it must be noted that a balanced budget has been maintained by redirecting many short term budget surpluses in the form of employment cost savings from vacant positions and temporary underspends in maintenance budgets for civil assets and natural areas and parks towards many funding requests that create ongoing additional funding commitments to the foreseeable future. While in the short term this approach presents as practical, a continuation of similar measures in the longer term is not recommended due to being financially unsustainable. A key focus of the current review of the Long-Term Financial Model and Plan will be ensuring the City is operating in a sustainable manner over the long term.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no specific strategic, risk and environmental management implications associated with the Review.

POLICY IMPLICATIONS

The Review has been conducted in accordance with the Accounting Policy CP-025 using the Programme and Sub Programme categories and Financial Sustainability – Forward Financial Planning and Funding Allocation Policy CP-008.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

After considering the review the Council is to determine whether or not to adopt the review, any parts of the review, or any recommendations in the review.

CONCLUSION

The Budget Review has identified several areas requiring budget amendments. Overall, the net impact of the 2022-2023 Budget Review is represented by a balanced budget after Reserve transfers.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION(6193) ABSOLUTE MAJORITY APPROVAL

At 8:36pm Cr Macphail moved, seconded Cr Barber –

That the Council:

- 1. Notes the 2022-2023 Mid-Year Budget Review and attachments [6193A Mid Year Budget Review Summary Amendments](#) and [6193B Significant Capital Works Project Budget Amendments](#); and**
- 2. By Absolute Majority decision adopts the budget review with the following amendments to be made to the Rate Setting Statement adopted in the 2022-2023 Annual Budget.**

C23/6193 – 2022-2023 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

	Variance between Revised Budget and Budget Review \$
Revenue from Operating Activities (excluding rates)	
Operating Grants, Subsidies and Contributions	52,641
Fees and Charges	(50,549)
Interest Earnings	4,203,500
Other Revenue	1,304,247
Expenditure from Operating Activities	
Employee Costs	(524,198)
Materials and Contracts	(680,994)
Utility Charges	(23,300)
Other Expenditure	(46,329)
Net Operating Variance	4,235,018
Operating Activities Excluded from Budget - (Profit)/loss on asset disposals	(25,900)
Investing Activities	
Non-operating grants, subsidies and contributions	812,250
Proceeds from disposal of assets	25,900
Purchase of furniture and equipment	(417,000)
Purchase of plant and equipment	(407,183)
Purchase of land and buildings	(635,637)
Purchase of infrastructure assets	1,097,767
Net Investing Variance	476,097
Financing Activities	
Net Reserve Fund Transfers	(4,885,215)
Net Financing Variance	(4,885,215)
Rates	200,000
Net Variance as at 31 December 2022 surplus/(deficit)	0

At 8:36pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

M23/5953 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD 6 FEBRUARY 2023 (REC)

Ward : All
 Category : Operational
 Subject Index : Council Administration – Annual General Meeting
 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 : Not Applicable
 Works Programme : Not Applicable
 Funding : No specific funding has been provided in the current budget to implement the motions that were supported and the General Meeting off Electors, should the Council adopt any of those motions.
 Responsible Officer : Marten Tieleman
 Chief Executive 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 (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

- The City of Melville General Meeting of Electors (GME) was held on Monday, 6 February 2023, for the community to receive the Community Annual Report 2021-2022 for the year ended 30 June 2022 and discuss any items of general business.
- Four motions were submitted by the community prior to the meeting, all of which were supported by those in attendance.
- In this report Officers have provided comment on the motions and presented recommendations for the consideration of the Council.

**M23/5953 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
6 FEBRUARY 2023 (REC)**

BACKGROUND

Section 5.27 of the *Local Government Act 1995* requires that:

- “(1) *A general meeting of the electors of a district is to be held once every financial year.*
- “(2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- “(3) *The matters to be discussed at general electors’ meeting are to be those prescribed.”*

The *Local Government (Administration) Regulations 1996 – Regulation 15 Matters to be discussed at general meeting*, prescribes that:

“For the purposes of section 5.27(3), the matters to be discussed at a general electors meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.”

The Community Annual Report 2021-2022 was presented to, and accepted by the Council at the Ordinary Meeting held 13 December 2022 (Item M22/5946).

DETAIL

At the commencement of the Annual General Meeting of Electors, 27 Electors of the City of Melville were in attendance in the Conference Room and 24 members of the public were in attendance via live-stream and one member of the press online.

All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

- (a) at the first ordinary council meeting after that meeting; or
- (b) at a special meeting called for that purpose, whichever happens first.

If at a meeting of the Council, a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

**M23/5953 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
6 FEBRUARY 2023 (REC)**

Four motions were presented to the meeting and endorsed by the community.

These supported motions are now presented for the Council to consider as follows:

GME MOTION 1

That the Council discontinue installation of “semi-mountable kerb” and revert back to “barrier kerb”, as with its flat top and defined edge the barrier kerb is a safer option for all pedestrians rather than the wider, higher, sloping, semi-mountable kerb.

Officer Comment

There are a wide variety of kerb profiles available in road design such as barrier, semi mountable and mountable kerbing. The City chooses kerb type on a case by case basis and uses all kerb types in road design as is appropriate. The City will be guided by Main Roads WA, Austroads and WALGA design guidelines and consider relevant standards such as AS1428.1 (2021) Design for Access and Mobility.

It would create undesirable design constraints and be inconsistent with industry practice to completely stop installing a particular kerb type which is recommended for use in many situations. It could also reduce the safety level of some designs.

There is no safety or crash data to support barrier kerbs being safer than semi-mountable kerbs for pedestrians. In fact, since July 2015 the City has recorded 753 insurance claim incidents, with 56 incidents (7.4%) related to trips on footpaths and no incidents (0%) from trips related to kerbs. There were 11 incidents (1.4%) related to vehicles hitting kerbs recorded during the above period.

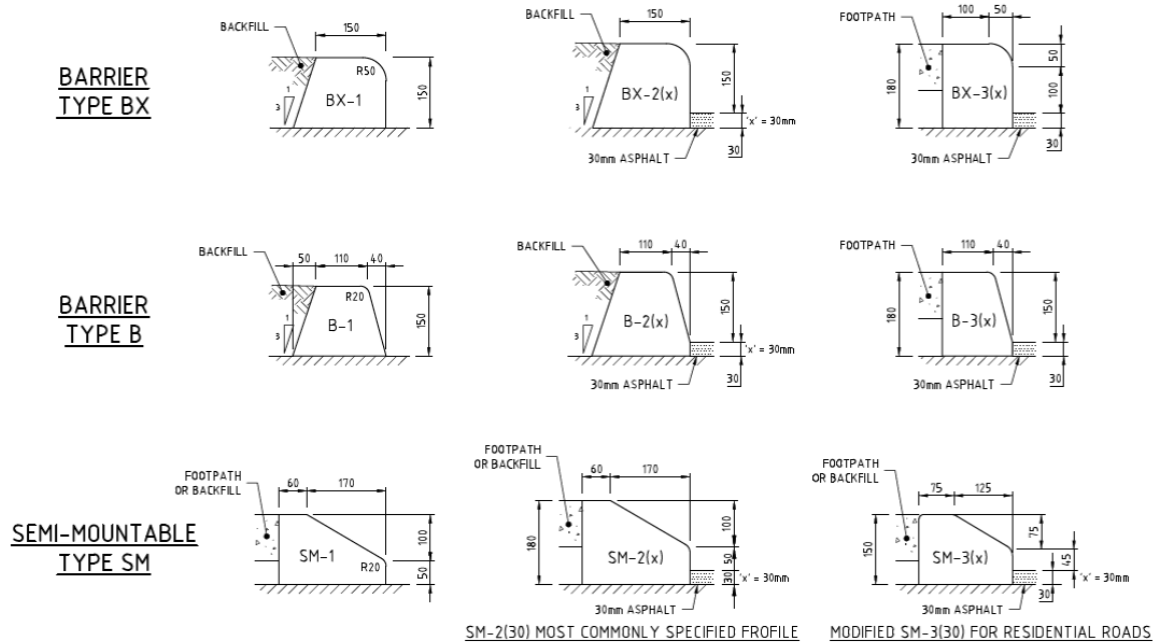
Barrier kerb is suggested by Main Roads WA (MRWA) in their Guideline “Design of Kerbing” for ‘Built up areas adjacent to footpaths with considerable pedestrian traffic, shared use paths and also at bus bays’. The City does generally use barrier kerbing when there is considerable pedestrian traffic, however there are not many areas which meet this criteria. The guideline also notes that ‘Semi-mountable kerbing may also be used along pedestrian and cycle paths’. Therefore, the City is meeting MRWA guidelines when using semi-mountable kerbing.

‘AustRoads Guide to Road Design Part 6A – Paths for walking and cycling’ does not include any recommendations on what profile kerb should be used adjacent to paths apart from noting that semi-mountable can be installed to separate pedestrian paths from cycle paths. There is a small section of general guidance on the types of kerbing used in various roads in ‘Austroads Guide to Road Design Part 3 – Geometric Design’ however it also notes that reference should be made to local guidelines as there is variability in kerb profiles in different regions. Therefore, the AustRoads guidelines are followed by the City. As noted previously different factors need to be looked at on a case-by-case basis when selecting a kerb type.

As well as Austroads Guidelines the City designs its footpaths to meet AS1428.1:2021 Design for Access and Mobility where possible. There is no recommendation in this standard on roadside kerb type. It should be noted that neither barrier kerbing or semi-mountable or even most mountable kerbs would be classed as accessible according to the standard. This is why the City installs pedestrian ramps which do meet the standard in safe and convenient locations for all people to use to cross a road.

M23/5953 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD 6 FEBRUARY 2023 (REC)

The kerb profile diagram taken from a City drawing in the submission is misleading to use when comparing size of the semi-mountable kerb and barrier kerb. The original full precast barrier kerb height of 170mm was not shown as, due to a number of road resurfacings, the height had been reduced. Therefore, only the kerbing above the road surface is showing. The latest standard in barrier kerbing is the same height as semi-mountable. Please see some examples below of the City's standard kerbs.



The City has a suite of kerb mould types it utilises for its road projects. These kerb types vary in shape and size to suit different environments. The most common kerb used for road rehabilitation on local access roads is the SM3. This kerb type reduces the impact to existing crossovers and verges. The semi-mountable is also generally a little wider to cater for the chamfer and provide more stability. If regularly hit, barrier kerbing is more likely to become unstable and break away from position.

The traditional precast concrete kerb shown in the submission as a comparison to semi-mountable is not used anymore as it presents a number of health and safety issues in particular manual handling. Metropolitan local Governments have been using in situ concrete kerbs for over 40 years.

Existing precast barrier kerbs are being replaced where they have reached the end of their useful lives. This includes lack of kerb face resulting from subsidence, extensive chipping and fracturing, a number of resurfacings and loss of drainage channel control. When the precast kerb was in new condition the kerb face would have been in the order of 170mm which is higher than all the Semi-Mountable kerb moulds.

The City does not always replace kerbing when road resurfacing unless it has reached the end of its useful life or there is a specific design reason to adjust. Where possible the road will be milled out and asphalt replaced to meet the existing levels.

**M23/5953 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
6 FEBRUARY 2023 (REC)**

Semi-mountable kerbing is often chosen for the following reasons:

- It is generally more stable and durable than barrier kerbing
- It clearly delineates the edge of the road
- Semi-mountable kerbing allows an errant driver to recover more easily if struck by a vehicle. Semi-mountable kerbing is prioritised at intersections / roundabouts, medians and islands for this reason. It is in the interest of path users that an errant driver can correct their mistake without losing control
- It is high enough to discourage entry onto the verge but unlike barrier kerbing it is forgiving enough not to cause a vehicle to lose control should it hit the kerb
- The non-intimidating nature of semi-mountable kerbs also helps drivers to pull closer to the kerb on embayed parking
- The semi-mountable kerb has also proved to be safer for cyclist and bike users when riding close to the edge to the road. The chamfered edge prevents the cyclist pedals and bikers' feet from clipping the kerb resulting in them losing control.

As previously noted, different factors apply to the choice of kerbing in different situations and designers need the full range of kerb options to make the best decision.

Local Governments in the Metropolitan area use similar kerb types as the City of Melville on their roads including the installation of semi-mountable kerbing on local roads when replacing kerbs, particularly in the older suburbs. Many of the newer suburbs use mountable kerbing on local access roads even when adjacent to paths along the kerb.

Reason for Recommendation

The reasons for the recommendation are all noted in the above comment. It would create undesirable design constraints and be inconsistent with industry practice to completely stop installing a particular kerb type which is recommended for use in many situations.

The City is organising an information session for Elected Members on this subject in March 2023. External agencies such as MRWA and WALGA will be invited to give an independent viewpoint. The Mover of the motion will be invited to the session and can further discuss his issues.

GME MOTION 2

That this meeting has no confidence in the strategic planning and statutory planning functions at the City of Melville.

Officer Comment

Local governments are responsible for planning their local communities by ensuring appropriate planning controls exist for land use and development. To do this, the Council is required to prepare instruments such as a Local Planning Strategy, a Local Planning Scheme, Activity Centre Plans, Precinct Plans and Local Planning Policies. These instruments define the planning function of the City by establishing the statutory framework which is then used to determine development applications and guide strategic planning decisions.

**M23/5953 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
6 FEBRUARY 2023 (REC)**

The relevant decision maker, being Council, Development Assessment Panel, officer or other agency, will be bound to determine applications based on the applicable planning framework.

The Local Planning Strategy, Activity Centre Plans and Precincts Plans are approved by the Western Australian Planning Commission, based on recommendations provided by the Council. The Local Planning Scheme and any amendments to the Scheme are required to conform with the State Planning Regulations and State Planning Policy. The Council's role is to provide recommendations with regard to Local Planning Schemes and amendments to Schemes, with final determination made by the Minister for Planning. Local Planning Policies are required to be consistent with the Local Planning Scheme and State Planning Policy. Development assessment is also bound by a range of other State legislative controls including the Residential Design Codes. As a Central Sub Region Local Government, the Council's planning framework will be required to have regard to specific State Government objectives for the inner metropolitan area.

Council's Local Planning Strategy is approved and up to date and Local Planning Scheme 6 has only recently entered its first five-year review period. These approved documents provide the current foundation to the strategic and statutory planning framework for the City. In December 2021, the Council resolved to endorse the Local Planning Strategy and the City's Activity Centre Plans as operating satisfactorily. Notwithstanding this endorsement, the planning framework includes opportunity and requirement for regular review of its components. The review opportunities seek to maintain confidence in the planning functions and acknowledge that circumstances, expectations, and views of different stakeholders are subject to change. The review processes enable investigation of potential responses to local issues whilst maintaining regard to requirements of State objectives and legislation. It is noted that Council is actively reviewing its planning functions and has recently initiated its five yearly review of the Local Planning Scheme. A review of the Canning Bridge Activity Centre Plan has also been undertaken with a draft Plan to be considered by Council in early 2023. The review has been undertaken by independent planning consultants and informed by stakeholder engagement. Other Activity Centre Plans are scheduled for review in the coming years. This review program for the City's planning framework provides opportunity for Council to explore its planning functions and to seek to influence changes to the desired planning of the local community.

The resolution is noted. Council is advised the ongoing review of the planning framework, including the current review of Local Planning Scheme 6, provides opportunity for Council to seek to influence changes to the current strategic and statutory planning framework under which the City operates.

Reason for Recommendation

The Council has the opportunity and requirement to review its planning functions. Review of strategic objectives and priorities will be reflected in potential modifications to development controls, which in turn will guide the determination of development proposals. Review processes can explore local issues however will be required to maintain regard to the State planning objectives and legislation. Current review processes including that for Local Planning Scheme 6 and the Canning Bridge Activity Centre Plan provide opportunity for Council to seek modification to current provisions with a view to enhancing confidence in the local planning functions.

**M23/5953 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
6 FEBRUARY 2023 (REC)**

GME MOTION 3

The Electors ask Council to implement a Privacy policy, in line with the principles set out by the Australian Human Rights Commission, Australia’s Privacy Act 1998 (sic) (Cth) and other legislation, to ensure the City takes all reasonable steps to protect the public’s rights to privacy. The Policy must ensure sufficient controls are introduced to prevent the recurrence of incidents such as; the unlawful or unnecessary publication or release of residents’ personal information or the Administrations’ monitoring of communications between residents and Elected Members.

Officer Comment

The drafting of a Council Policy, in conjunction with other proposed legislative changes and the City’s other information management activities associated with the City’s digital transformation strategy is being designed to modernise practice and information accessibility. Relevant recent considerations include:

- Open by Design – The FOI Act and Information Release in WA. This guidance was released by the Office of the Information Commissioner in September 2022;
- Privacy and Responsible Information Sharing proposed Western Australian State Legislation.

Once further clarity on the proposed legislation is available a report to Council encompassing any recommendation for a Privacy Policy along with other necessary frameworks and strategies will be provided.

Reason for Recommendation

In line with the resolution a review of all relevant legislation which includes the *Australian Privacy Principles Guidelines Privacy Act 1988*, *Local Government Act 1995*, *Building Act 2011*, and the *Freedom of Information Act 1992* etc is required, to determine if a Privacy Policy is required and to its content.

Desktop research of any other Local Government Privacy Policies would also be undertaken, and a report presented to a future meeting of the Council.

GME MOTION 4

The Electors ask Council to develop and implement Complaints and Investigations policies, procedures, and other capabilities, in consultation with the community, to empower Council to accept, and/or investigate independent of the Administration, resolve and monitor and publicly report on all complaints against the Administration and the CEO in an efficient and timely manner.

**M23/5953 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
6 FEBRUARY 2023 (REC)**

Officer Comment

The City is currently reviewing the management of complaints under legislation, including the referral of matters to external oversight bodies and those where employee contracts apply, to provide a clear, process-based framework that ensures the efficient:

- submission of complaints; and
- triaged into appropriate channels; and
- effective management to enable appropriate reporting and provide value add data.

Opportunities for the Council to independently manage/investigate complaints require further research to ensure compliance with legislation.

The proposed Local Government Reforms provide for a range of functions for dealing with complaints associated with a local government and these proposed functions may require consideration in the development of any policies and procedures.

Reason for the Recommendation

The drafting of policies and procedures outlined in Motion 4 from the AGM will need to be researched and give consideration to:

- all relevant legislation and employee contracts
- current best practice in reporting of complaints at state and federal levels of government
- the integration with the City's current Complaints Handling Policy and the Customer First Charter, standards and approach
- the integration with external oversight bodies.

Research is required to be able to present a report to the Council with guidance on the options for undertaking the actions outlined in the motion.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The date, time, location, and purpose of the General Meeting of Electors was advertised in the local newspapers, on the City of Melville website and on City of Melville noticeboards at the Civic Centre, Libraries and Recreation Centres in accordance with the requirements of the Local Government Act. Additional social media advertising was also undertaken.

The advertising and holding of the General Meeting of Electors gave members of the community the opportunity to participate in the discussion, question time and voting on the motions.

There has been no specific consultation or engagement with the Community in preparing this report.

II. OTHER AGENCIES / CONSULTANTS

At this point in time legal advice has not been sought regarding these motions.

**M23/5953 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
6 FEBRUARY 2023 (REC)**

STATUTORY AND LEGAL IMPLICATIONS

Relevant statutory and legal implications need to be considered in relation to each separate motion presented and supported at the General Meeting of Electors. Legislation relevant to each respective motion is included in the Officer Comment.

FINANCIAL IMPLICATIONS

No funding has been provided in the current year budget to implement or undertake any actions in relation to the motions carried. Funding requirements may be required depending on the Council resolution in relation to each motion.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic and risk implications will need be considered depending on the Council resolution in relation to each motion.

There is a risk of dissatisfaction among some members of the community, should the Council not support the motions carried at the electors meeting. There is a risk of the Council acting beyond its legal authority should the Council support motions for which the Local Government does not have power. The officer comments and rationale and the recommendations presented may assist to mitigate this risk.

POLICY IMPLICATIONS

There are no policy implications or proposed changes to policy relating to the motions supported at the General Meeting of Electors. Two new policies were proposed in the GME motions.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Four motions were supported at the meeting. Various options are available in respect to some of the options however, no alternative options are proposed by the administration in relation to the motions carried at the General Meeting of Electors.

CONCLUSION

This report considers the motions presented and supported at the Annual Electors Meeting and provides officer comment and recommendation in relation to each motion.

**M23/5953 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
6 FEBRUARY 2023 (REC)**

OFFICER RECOMMENDATION (5953-1)

APPROVAL

GME MOTION 1

That the Council note Motion 1 carried at the Annual Electors Meeting held 6 February 2023, relating to the City discontinuing the installation of “semi-mountable kerb” and reverting back to “barrier kerb”, and the mover of the motion be acknowledged for his continuing interest in road safety issues and that he be advised of the City’s considerations when deciding on the installation of kerbing as noted in this report and that he be invited to attend a proposed briefing the City is arranging with the relevant agencies regarding this matter.

Procedural Motion

COUNCIL RESOLUTION

At 8:37pm Cr Sandford moved, seconded Cr Edinger –

That the Council defer the consideration of Motion 1 from the Annual General Meeting of Electors held 6 February 2023 relating to the City discontinuing the installation of semi-mountable kerb and reverting to barrier kerb until after the March 2023 briefing with relevant agencies to which the mover will be invited. That this matter be reconsidered at the 16 May 2023 Ordinary Meeting of Council.

At 8:41pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

At 8:39pm Cr Wheatland returned to the meeting.

OFFICER RECOMMENDATION (5953-2)

APPROVAL

At 8:41pm Cr Fitzgerald Moved, Cr Barber seconded –

GME MOTION 2

That the Council note:

- a) Motion 2 as carried at the Annual Electors Meeting held 6 February 2023, relating to having no confidence in the strategic planning and statutory planning functions at the City; and
- b) that the strategic planning functions and statutory planning decision making functions of the City are determined by the adopted local planning framework and that the Council has opportunity to seek to influence that framework through its ongoing review, including the current review of the Canning Bridge Activity Centre Plan and Local Planning Scheme 6.

**M23/5953 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
6 FEBRUARY 2023 (REC)**

Amendment

COUNCIL RESOLUTION

At 8:42pm Cr Sandford moved, seconded Cr Mair –

To add an additional point c) to read as follows:

“That the appointment of a new Director of Planning provides an opportunity to ensure that the City improves its service delivery standards.”

At 8:56pm the Mayor declared the motion

CARRIED (9/3)

Yes	9	Mayor Gear, Cr Ross, Cr Edinger, Cr Mair, Cr Sandford, Cr Wheatland, Cr Pazolli, Cr Fitzgerald, Cr Spanbroek
No	3	Cr Woodall, Cr MacPhail, Cr Barber

Substantive Motion as Amended

At 8:41pm Cr Fitzgerald moved, seconded Cr Barber –

GME MOTION 2

That the Council note:

- a) **Motion 2 as carried at the Annual Electors Meeting held 6 February 2023, relating to having no confidence in the strategic planning and statutory planning functions at the City; and**
- b) **that the strategic planning functions and statutory planning decision making functions of the City are determined by the adopted local planning framework and that the Council has opportunity to seek to influence that framework through its ongoing review, including the current review of the Canning Bridge Activity Centre Plan and Local Planning Scheme 6.**
- c) **That the appointment of a new Director of Planning provides an opportunity to ensure that the City improves its service delivery standards.**

Procedural Motion

COUNCIL RESOLUTION

At 9:04pm Cr Pazolli moved, seconded Cr Macphail –

That the Motion be put.

At 9:05pm the Mayor declared the motion

CARRIED (7/5)

Yes	7	Mayor Gear, Cr Ross, Cr Sandford, Cr Wheatland, Cr Pazolli, Cr Fitzgerald, Cr Macphail
No	5	Cr Edinger, Cr Barber, Cr Spanbroek, Cr Woodall, Cr Mair,

**M23/5953 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
6 FEBRUARY 2023 (REC)**

Substantive Motion as Amended

COUNCIL RESOLUTION

At 8:41pm Cr Fitzgerald moved, seconded Cr Barber –

GME MOTION 2

That the Council note:

- a) **Motion 2 as carried at the Annual Electors Meeting held 6 February 2023, relating to having no confidence in the strategic planning and statutory planning functions at the City; and**
- b) **that the strategic planning functions and statutory planning decision making functions of the City are determined by the adopted local planning framework and that the Council has opportunity to seek to influence that framework through its ongoing review, including the current review of the Canning Bridge Activity Centre Plan and Local Planning Scheme 6.**
- c) **That the appointment of a new Director of Planning provides an opportunity to ensure that the City improves its service delivery standards.**

At 9:05pm the Mayor declared the Motion

CARRIED (10/2)

Yes	10	Mayor Gear, Cr Ross, Cr Sandford, Cr Wheatland, Cr Pazolli, Cr Fitzgerald, Cr Macphail, Cr Spanbroek, Cr Mair, Cr Edinger,
No	2	Cr Barber, Cr Woodall,

**M23/5953 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
6 FEBRUARY 2023 (REC)**

At 9:05pm Mr M Duncan left the meeting and did not return.

OFFICER RECOMMENDATION (5953-3)

APPROVAL

At 9:05pm Cr Fitzgerald moved, Cr Pazolli seconded –

GME MOTION 3

That the Council note Motion 3 as carried at the Annual Electors Meeting held 6 February 2023, relating to the City developing a Privacy Policy and that the CEO present a report on the options for the development of a draft Privacy Policy for the consideration of the Council.

At 9:06pm the mover and the seconder consented to the addition of the words *“to the June 2023 Ordinary Meeting of Council”* after *“that the CEO present a report”* to read:

“That the Council note Motion 3 as carried at the Annual Electors Meeting held 6 February 2023, relating to the City developing a Privacy Policy and that the CEO present a report to the June 2023 Ordinary Meeting of Council on the options for the development of a draft Privacy Policy for the consideration of the Council.”

Substantive Motion

COUNCIL RESOLUTION

At 9:05pm Cr Fitzgerald moved, Cr Pazolli seconded –

That the Council note Motion 3 as carried at the Annual Electors Meeting held 6 February 2023, relating to the City developing a Privacy Policy and that the CEO present a report to the June 2023 Ordinary Meeting of Council on the options for the development of a draft Privacy Policy for the consideration of the Council.

At 9:07pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

**M23/5953 – MOTIONS CARRIED AT THE GENERAL MEETING OF ELECTORS HELD
6 FEBRUARY 2023 (REC)**

OFFICER RECOMMENDATION (5953-4)

APPROVAL

At 9:07pm Cr Fitzgerald Moved, seconded Cr Woodall –

GME MOTION 4

That the Council note Motion 4 as carried at the Annual Electors Meeting held 6 February 2023, relating to the Council developing and implementing Complaints and Investigations Policies, and that the CEO present a report to the Council considering the options for the development of a policies and procedures for the management and investigation of complaints by the Council.

At 9:08pm the mover and the seconder consented to the addition of the words “by June 2023” after “that the CEO present a report” to read:

“That the Council note Motion 4 as carried at the Annual Electors Meeting held 6 February 2023, relating to the Council developing and implementing Complaints and Investigations Policies, and that the CEO present a report to the Council by June 2023 considering the options for the development of a policies and procedures for the management and investigation of complaints by the Council.”

Substantive Motion

COUNCIL RESOLUTION

At 9:07pm Cr Fitzgerald moved, seconded Cr Woodall –

That the Council note Motion 4 as carried at the Annual Electors Meeting held 6 February 2023, relating to the Council developing and implementing Complaints and Investigations Policies, and that the CEO present a report to the Council by June 2023 considering the options for the development of a policies and procedures for the management and investigation of complaints by the Council.

At 9:12pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

15 MOTIONS WITH PREVIOUS NOTICE

15.1 Establishment of Committee (Mr McLerie's Confidential Correspondence Dated 18 July 2022) – Submitted by Cr Edinger

At 9:13pm Cr Edinger Moved, Cr Sandford seconded –

That Council resolves to, in relation to Ordinary Meeting of Council February 2023 Item 12.1 Mr McLerie's Confidential Correspondence Dated 18 July 2022 and to the finalisation of matters with the City of Melville appoint and delegate authority to a committee of no more than 3 Elected Members, one of whom shall be a Bicton-Attadale-Alfred Cove Ward Councillor, to:

- a. Engage directly in good faith discussions with the Complainants;
- b. Develop, in consultation with the Complainants, a mutually agreed process to move forward;
- c. Select and, with the assistance of the City, retain the services of a commercial mediator;
- d. Present a report on progress to date to the April 2023 Ordinary Meeting of Council.

Procedural Motion

COUNCIL RESOLUTION

At 9:18pm Cr Barber moved, seconded Cr Ross–

That Cr Edinger be granted an extension of five minutes to speak on the matter.

At 9:18pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

Motion

At 9:13pm Cr Edinger Moved, Cr Sandford seconded –

That Council resolves to, in relation to Ordinary Meeting of Council February 2023 Item 12.1 Mr McLerie's Confidential Correspondence Dated 18 July 2022 and to the finalisation of matters with the City of Melville appoint and delegate authority to a committee of no more than 3 Elected Members, one of whom shall be a Bicton-Attadale-Alfred Cove Ward Councillor, to:

- a. Engage directly in good faith discussions with the Complainants;
- b. Develop, in consultation with the Complainants, a mutually agreed process to move forward;
- c. Select and, with the assistance of the City, retain the services of a commercial mediator;
- d. Present a report on progress to date to the April 2023 Ordinary Meeting of Council.

15.1 Establishment of Committee (Mr McLerie’s Confidential Correspondence Dated 18 July 2022) – Submitted by Cr Edinger, continued.

Procedural Motion

COUNCIL RESOLUTION

At 9:31pm Cr Macphail moved, seconded Cr Wheatland –

That Cr Fitzgerald be granted an extension of five minutes to speak on the matter.

At 9:31pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

Motion

At 9:13pm Cr Edinger Moved, Cr Sandford seconded –

That Council resolves to, in relation to Ordinary Meeting of Council February 2023 Item 12.1 Mr McLerie’s Confidential Correspondence Dated 18 July 2022 and to the finalisation of matters with the City of Melville appoint and delegate authority to a committee of no more than 3 Elected Members, one of whom shall be a Bicton-Attadale-Alfred Cove Ward Councillor, to:

- a. Engage directly in good faith discussions with the Complainants;
- b. Develop, in consultation with the Complainants, a mutually agreed process to move forward;
- c. Select and, with the assistance of the City, retain the services of a commercial mediator;
- d. Present a report on progress to date to the April 2023 Ordinary Meeting of Council.

Procedural Motion

COUNCIL RESOLUTION

At 9:35pm Cr Mair, Seconded Cr Ross –

That the Council defer the motion to be discussed at an Elected Member Engagement Session in April 2023 and presented back to the 16 May 2023 Ordinary Meeting of Council.

At 9:38pm the Mayor declared the motion

CARRIED (7/5)

Yes	7	Mayor Gear, Cr Ross, Cr Sandford, Cr Pazolli, Cr Spanbroek, Cr Mair, Cr Edinger
No	5	Cr Macphail, Cr Barber, Cr Wheatland, Cr Woodall, Cr Fitzgerald

15.1 Establishment of Committee (Mr McLerie's Confidential Correspondence Dated 18 July 2022) – Submitted by Cr Edinger

Reasons for the Motion as provided by Cr Edinger

Objective

To settle all planning, building and other issues since 2012 to the satisfaction of the complainants.

Benefit

- Global settlement will enable all claims to be efficiently settled at the same time
- The City publicly acknowledges and apologizes to the complainants
- The "drawing of a line" in relation to various complaints and issues dating from 2012.

Potential Risks

- If settlement is not achieved the matter may proceed to Court
- Court proceedings will undoubtedly result in reputational damage of the City and expense to the ratepayers of the City.

The Council needs to act ensure good governance in all of its dealings.

In July 2022 Mr McLerie wrote to Council stating that "it is reasonable and prudent for us to ask Council to mutually agree an understanding of the intent, scope, and basis of our agreement prior to us investigating further time and resources".

A petition has been presented to the February 2023 Ordinary Meeting of Council concerning "various longstanding unresolved issues, consider the request and the proposed way forward"

This motion is seeking to ensure that the way forward is agreed upon by Council in a formalised manner.

16 MOTIONS WITHOUT PREVIOUS NOTICE (approval by absolute majority)

Nil.

17 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC

Procedural Motion

COUNCIL RESOLUTION

At 9:39pm Cr Barber moved, seconded Cr Sandford –

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

At 9:39pm the Mayor declared the motion

CARRIED (11/1)

Cr Fitzgerald requested his vote against the motion be recorded.

Disclosure of Interest

Name:	Mr M Tieleman
Type of Interest	Financial Interest
Nature of Interest:	The person the subject of the petition
Decision:	Leave
Council Decision	Leave

At 9:45 pm having declared and interest in the matter Mr M Tieleman left the meeting and did not return.

At 9:45pm Ms G Bowman left the meeting and did not return.

At 9:45pm Mr M McCarthy left the meeting and did not return.

At 9:46pm Ms J Head left the meeting and did not return.

At 9:46pm Ms M Smith Poulton left the meeting and did not return.

At 9:45pm Cr Wheatland left the meeting and returned at 9:47pm.

12.2 Confidential Petition – CEO Contract

The contents of this page have been extracted as this item is a confidential matter and was considered behind closed doors.

18 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

At 10:04pm the Mayor advised that the matters behind closed doors related to a petition and the Council unanimously resolved:

“That the petition bearing 19 signatures of residents be acknowledged and referred to the Governance Committee.”

19 CLOSURE

There being no further business to discuss, the Mayor closed the meeting at 10:05pm.