

MINUTES
OF THE
ORDINARY MEETING OF THE COUNCIL
TUESDAY, 15 FEBRUARY 2022
COMMENCING AT 6.30PM

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

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

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

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The Audio Recording will be available within 10 days of the meeting and may be accessed at www.melvillecity.com.au in accordance with the provisions of the Policy.

DISTRIBUTED: 18 FEBRUARY 2022

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1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

WARD

Cr T Fitzgerald (Deputy Mayor)	Palmyra – Melville - Willagee
Cr K Wheatland	Palmyra – Melville - Willagee
Cr G Barber, Cr J Edinger	Bicton – Attadale – Alfred Cove
Cr N Robins, Cr D Macphail	Bateman – Kardinya - Murdoch
Cr Woodall	Bull Creek – Leeming (<i>electronic attendance</i>)
Cr J Spanbroek	Bull Creek – Leeming (<i>electronic attendance</i>)
Cr N Pazolli	Applecross – Mount Pleasant (<i>electronic attendance</i>)
Cr C Ross	Applecross – Mount Pleasant
Cr K Mair, Cr M Sandford	Central

3. IN ATTENDANCE

Mr M Tieleman	Chief Executive Officer
Mr S Cope	Director Urban Planning
Ms C Young	Director Community Development
Mr M McCarthy	Director Technical Services
Mr A Ferris	Director Corporate Services
Mr B Taylor	Manager Governance and Legal Services
Ms C Newman	Governance Coordinator
Ms R Davis	Governance Officer (<i>electronic attendance</i>)

At the commencement of the meeting, there were 3 members of the public in the Council Chambers, 21 members of the public and one representative from the Press in attendance electronically.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**4.1 APOLOGIES**

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS**5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.**

Nil.

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

Nil.

6. QUESTION TIME**6.1 Questions with Notice****6.1.1 Citizens for Building Reform (WA)**

Over the past six (or so) months CBR WA has received a variety of questions regarding building matters that have bedevilled the City's building services section over some years; as well as recently attracting the interest of and commentary from a couple of elected members.

As a result it is CBR WA's view that there are additional questions that need to be put to council.

Firstly in relation to building site works whether those site works are simply post demolition or in anticipate of building construction activities, we ask the City to confirm / respond to the following:

Question 1

- a. *That the Building Act in fact requires a building permit prior to the commencement of site works, including changes to ground levels, and that the Council does in fact have the authority to prosecute for unapproved site works.*

6.1.1 *Citizens for Building Reform (WA), continued.*

Response

A Building Permit for site works, including changes to ground levels, may be required and is assessed on a case by case basis and on its merits.

Section 9, Building Act 2011, states that no works are to be carried out unless a Building Permit is obtained.

Changing of ground levels of land for the purposed other types of building work is referred to in *Section 3 – Building work, (d), Building Act 2011*.

Site work is a type of building work, as stated within *Section 3 – Building work, (e), Building Act 2011*.

Section 3 – Terms Used, Building Act 2011.

Building work means —

(a) the construction, erection, assembly or placement of a building or an incidental structure; or
(b) the renovation, alteration, extension, improvement or repair of a building or an incidental structure; or

(c) the assembly, reassembly or securing of a relocated building or a relocated incidental structure; or

(d) the changing of ground levels of land for the purposes of work of a kind mentioned in paragraph (a), (b) or (c) to an extent that could adversely affect land beyond its boundaries; or

(e) site work on any land for the purposes of, or required because of, work of a kind mentioned in —

(i) paragraph (a), (b), (c) or (d); or

(ii) paragraph (a) or (b) of the definition of **demolition work**;

or

(f) other prescribed work

Unauthorised works may be addressed by a retrospective building approval through *Section 51 (2)* (Occupancy Permit) and *Section 52 (3)* (Building Approval Certificate) *Building Act 2011*. Prosecution is an option in terms of the City's Compliance and Enforcement Policy and Guidelines and the City can proceed with a prosecution where non-compliance is proven.

Question 2

b. *How many building permits has the City issued since 2012 for building site works?*

Response

The information relating to building permits that the City is required to make publicly available is on the City website <https://www.melvillecity.com.au/planning-and-building/planning-and-building-registers>.

A preliminary investigation indicates that since 1 January 2012, forty-one (41) building approvals issued for Forward Works (site works).

6.1.1 Citizens for Building Reform (WA), continued.

Secondly, in relation to what CBR WA considers an excessively protracted process for the completion of a previously approved side boundary patio, namely, at 12 Beach St Bicton. For context we refer the council to SAT [2017] CC 9 McLerie vs City of Melville, which we understand was a review of the City's decision to refuse an extension of time to complete the patio on the side boundary of the 12 Beach St property and as was clearly shown on BA-2011-2477 and BA-2011-2477/A submitted plans. Consequently we seek answers to the following questions:

Question 3

- a. *The date of the first instance that the City building services denied that they had issued a building approval for the 12 Beach St side patio?*

Response

The City advised the owner of 12 Beach Street in March 2015, “that it did not believe that there was a building permit that allowed construction of a patio roof structure at the applicants property.” (Paragraph 11 of [2016] WASAT 4).

This was confirmed in writing on 9 April 2015 when the City advised that a search of the City's records failed to find any Building Approvals issued for a Patio roof with a Boundary Parapet Wall.

Question 4

- b. *The date that SAT ruled that the City had in fact approved the patio via BA-2011-2477?*

Response

SAT found on 30 June 2017 that the Building Permit BA-2011-2477 (Two Storey Single Dwelling with Undercroft), approved on 14 May 2012, had in fact included a patio, but with insufficient detail in order to determine precisely what the patio would consist of.

Question 5

- c. *Please confirm that SAT did, in fact, find that the City's building surveyor had certified the patio even though it did not comply with current building codes?*

Response

In 2017 [SAT 9/2017] SAT found that the 2012 permit in relation to the patio approval was in error or oversight, and that the plans submitted were not clear. The SAT further commented that this was to the advantage of the applicant/builder who could have proceeded with construction of the patio.

As a consequence of not undertaking the construction in the time permitted the building permit lapsed and the SAT refused to grant the extension applied for and invited the applicant to lodge a new compliant application.

6.1.1 *Citizens for Building Reform (WA), continued.*

Question 6

- d. *What was the state regulator, Building and Energy's involvement? And what commitment(s) did the City provide Building and Energy in relation to remedying their acknowledged failings?*

Response

The extent of involvement of the Building and Energy Division of the Department of Mines, Industry Regulation and Safety was that an officer was called in evidence to SAT as a witness by the applicant to the SAT 9/2017 matter. In relation to this matter no commitments were asked for or given to the Department.

6.2 Questions Taken on Notice

Nil.

6.3 Questions without Notice

6.3.1 Dr S Peterson, Murdoch-Bateman-Kardinia

Further to the online PerthNow article by Kristie Lim on 10/02/2022 entitled "City of Melville electors' meeting calls for CEO to be replaced" Please clarify the following statements:

1. *Mr Gear said the process for appointing or dismissing a CEO was prescribed in legislation, which the council had to follow.*

Question 1

- 1.1. *Does Council itself have the power to terminate the CEO's contract?*

Question 2

- 1.2. *What is the prescribed process and legislation relevant to dismissing the CEO?*
2. *Among a small turnout of less than 30 local residents...*

Question 3

- 2.1. *What is the maximum number of members of the public that attended online, attended in person, how many of each of these were electors, and what was the maximum number of electors who voted?*

6.3.1 *Dr S Peterson, Murdoch-Bateman-Kardinya, continued.*

3. *“After the meeting, mayor [SIC] George Gear told PerthNow the City had previously appointed an external investigator to investigate Dr Peterson’s allegations, which he described as “essentially a private dispute between neighbours.”*

Question 4

- 3.1. *Which external investigator was appointed?*

Question 5

- 3.2. *When was the external investigator appointed?*

Question 6

- 3.3. *What allegation(s) were investigated?*

Question 7

- 3.4. *How much did the investigation(s) cost ratepayers?*

4. *What is the Mayor’s/Council’s basis for describing the following complaints (5–9)(Questions 8 -13) referred to by Dr Peterson in his presentation to the motion as “essentially a private dispute between neighbours” -*

Question 8

5. *Complaints about an illegal boundary screen fence built by the City officer in 4 with advice from the City but without the required planning and/or building approvals?*

Question 9

- 5.1. *Does the Council have the role and powers to enforce compliance with such illegal structures?*

Question 10

- 5.2. *Why did the City not issue a proposed building order against the City officer in 4 when, after around 2 years and 9 months of complaints (including a meeting of Dr Peterson with CEO Marten Tieleman and Legal Officer Louis Hitchcock on 16/01/2019) the City finally accepted that the structure was illegal in 2020?*

Question 11

6. *Allegations about the City’s failure to properly perform its FOI Act functions?*

Question 12

7. *Allegation that the City did work on private property owned by the City employee in 4?*

6.3.1 *Dr S Peterson, Murdoch-Bateman-Kardinya, continued.*

Question 13

8. *Allegation that the City officer in 4 had inappropriately accessed City records of the ratepayer for which they had no legitimate reason to do so, and logged derogatory and defamatory things about the ratepayer, all in breach of the City's Code of Conduct (Employees)?*

Question 14

9. *Allegation that the City officer in 4 continued making malicious calls to the ratepayer after receiving written warning for malicious calls that they had already made to the ratepayer through the nights (deliberately waking the ratepayer up) plus some malicious calls also made during the days, including during the officer's paid work hours at the City?*

Questions 1 – 14 from Dr Peterson have been Taken on Notice and will be responded to in the Minutes of the 15 March Ordinary Meeting of Council and with a response provided to the resident.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY MEETING OF THE COUNCIL – 14 DECEMBER 2021 **Minutes 14 December 2021**

COUNCIL RESOLUTION

At 6:40pm Cr Wheatland moved, seconded Cr Macphail –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 14 December 2021 be confirmed as a true and accurate record.

At 6:40pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

8.2 ANNUAL GENERAL MEETING OF ELECTORS – 2 FEBRUARY 2022**COUNCIL RESOLUTION**

At 6:41pm Cr Edinger moved, seconded Cr Fitzgerald –

That the Minutes of the Annual General Meeting of Electors held on Wednesday, 2 February 2022 be confirmed as a true and accurate record.

At 6:42pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

8.3 NOTES OF AGENDA BRIEFING FORUM – 8 FEBRUARY 2022**Notes 8 February 2022****COUNCIL RESOLUTION**

At 6:42pm Cr Wheatland moved, seconded Cr Robins –

That the Notes of Agenda Briefing Forum held on Tuesday, 8 February 2022, be received.

At 6:42pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

9. DECLARATIONS OF INTEREST**9.1 FINANCIAL INTERESTS**

Nil.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Woodall – P22/3963 Petition – Fence at 44 Ardross Street, Applecross WA 6153. Impartiality Interest under the Code of Conduct.
- Cr Wheatland - P22/3956 – Adoption of Amendment No.12 to Local Planning Scheme 6 – 71 – 77 Leach Highway and 2 – 6 Webber Street Willagee. Impartiality Interest under the Code of Conduct.

10. DEPUTATIONS**10.1 Mr M Burns, Applecross**

P22/3973 Proposed Amendment to Approved Fifteen Storey Mixed Use Development at No 55-61A Canning Beach Road and 2-6 Moreau Mews, Applecross.

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE**COUNCIL RESOLUTION**

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

That the application for new leave of absence submitted by Cr Macphail on 15 February 2022 be granted.

At 6:44pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

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

- Confidential Item M22/5890 – Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant.

13. PETITIONS

Nil.

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 6:45pm the Mayor brought forward Item P22/3973 – Proposed Amendment to Approved Fifteen Storey Mixed Use Development at No 55-61A Canning Beach Road and 2-6 Moreau Mews Applecross from Residential R12.5 to Residential R30 for the convenience of those giving a deputation.

At 6:46pm, Mr Burns made a deputation to the Council which concluded at 6:56pm. At 7:01pm Mr Burns returned to the Public Gallery.

P22/3973 – PROPOSED AMENDMENT TO APPROVED FIFTEEN STOREY MIXED USE DEVELOPMENT AT NO 55-61A CANNING BEACH ROAD AND 2-6 MOREAU MEWS APPECROSS (REC) (ATTACHMENT)

Ward : Applecross – Mount Pleasant Ward
 Category : Operational
 Application Number : DAP-2019-4/B
 Property : No. 55-61A Canning Beach Road & 2-6 Moreau Mews, Applecross
 Proposal : Proposed Amendments to Approved 15 Storey
 Applicant : Edge Visionary Living
 Owner : Edge Holdings Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P19/3832- Development Assessment Panel Application- 15 Storey Mixed-Use Development at No 55-61A Canning Beach Road & 2-6 Moreau Mews, Applecross- Special Meeting of Council 27 November 2019
 Responsible Officer : Steve Cope
 Director Urban Planning

AUTHORITY / DISCRETION

DEFINITION

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

P22/3973 – PROPOSED AMENDMENT TO APPROVED FIFTEEN STOREY MIXED USE DEVELOPMENT AT NO 55-61A CANNING BEACH ROAD AND 2-6 MOREAU MEWS APPLECROSS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- This Responsible Authority Report (RAR) is referred to Council for information in accordance with Local Planning Policy 1.1, having been called up by Cr Pazolli and Cr Sandford.
- Approval is sought from the Metro Inner South Joint Development Assessment Panel (JDAP) for amendments to an approved 15 storey mixed use development at No. 55-61A Canning Beach Road & 2-6 Moreau Mews, Applecross.
- The changes include modifications to the height of the buildings.
- The subject site is zoned M10-Mixed Use under the Canning Bridge Activity Centre Plan.
- The proposed development has been assessed against the provisions of Local Planning Scheme No.6 (LPS6), the Canning Bridge Activity Centre Plan, LPP 1.20, as well as a number of other local and state planning policies.
- The Responsible Authority Report (RAR) has been prepared by officers and is required to be submitted to the JDAP under the Planning and Development (Development Assessment Panel) Regulations 2011 on 16 February 2022.
- The proposal was the subject of public consultation in accordance with LPP 1.1: Planning Process and Decision Making.
- During the advertising period six written submissions were received – all of which expressed concerns.
- The recommendation of the RAR is that the JDAP approve the proposal for reasons outlined in the attached RAR report to the JDAP.



Figure 1- Aerial photo of subject lot

P22/3973 – PROPOSED AMENDMENT TO APPROVED FIFTEEN STOREY MIXED USE DEVELOPMENT AT NO 55-61A CANNING BEACH ROAD AND 2-6 MOREAU MEWS APPLECROSS (REC) (ATTACHMENT)**BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	Centre C2 'RAC-0'
R-Code	:	N/A
Use Type	:	Residential (Multiple Dwellings) Restaurant Shop Office Small Bar Civic Use Uses Not Listed- Community Uses Consulting Room
Use Class	:	Discretionary (previously approved)

Site Details

Lot Area	:	6341sqm
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc.)	:	Street Lights
Site Details	:	Refer to Figure 1 above

DETAIL

Development approval is sought from the Metro Inner-South JDAP for amendments to an approved 15 storey mixed use development in the Canning Bridge Activity Centre Plan.

Refer to the attached RAR for details of the development proposed by this application.

[DAP Form 2 Responsible Authority Report](#)

[Attachment 1 Architectural Plans](#)

[Attachment 2 Architects Report](#)

[Attachment 3 Planning Consultants Report](#)

[Attachment 4 Traffic Impact Assessment](#)

[Attachment 5 Waste Management Plan Technical Note](#)

[6 Link Previous DAP Agenda incl. Plans and Associated Technical Reports](#)

[7 Link DAP Meeting Minutes 11 December 2019](#)

P22/3973 – PROPOSED AMENDMENT TO APPROVED FIFTEEN STOREY MIXED USE DEVELOPMENT AT NO 55-61A CANNING BEACH ROAD AND 2-6 MOREAU MEWS APPLECROSS (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT**

Refer to the RAR attached to this report.

STATUTORY AND LEGAL IMPLICATIONS

Under Clause 17 of the *Planning and Development (Development Assessment Panel) Regulations* the applicant is entitled to request that an amendment to an approved Development Assessment Panel application be considered by the JDAP, and that the City prepare a responsible authority report which outlines the relevant issues to assist the JDAP in making its determination.

FINANCIAL IMPLICATIONS

None applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

These are outlined in full within the RAR as attached to this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The recommendation of this report is for Council to endorse the recommendation in the RAR for the JDAP to approve the application.

Council may resolve not to endorse the recommendation of the RAR, and substitute an alternative recommendation. The resolution of the Council in this respect will ultimately inform the primary recommendation of the RAR, however reasons should be provided in the usual manner to support any alternative recommendation to the JDAP.

The minutes of the Ordinary Meeting of Council will be attached to the RAR and forwarded to the JDAP for its consideration.

Where Council wishes to provide a deputation to the JDAP in support of a resolution, a nominated person on behalf of Council may request to make a deputation at the JDAP meeting. The authorisation to grant a request to make a deputation rests with the Presiding Member of the JDAP.

P22/3973 – PROPOSED AMENDMENT TO APPROVED FIFTEEN STOREY MIXED USE DEVELOPMENT AT NO 55-61A CANNING BEACH ROAD AND 2-6 MOREAU MEWS APPLECROSS (REC) (ATTACHMENT)

At 6:47pm Cr Wheatland left the meeting and returned at 6:49pm.

At 7:36pm Cr Wheatland left the meeting and returned at 7:38pm.

OFFICER RECOMMENDATION (3973)

APPROVAL

At 7:36pm Cr Macphail moved, seconded Cr Ross –

That the Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to APPROVE the application for amendments to the previously approved 15 storey mixed use development at No. 55-61A Canning Beach Road & 2-6 Moreau Mews, Applecross.

At 7:43pm, the Mayor declared the motion

LOST (1/12)

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

At 7:44pm Cr Barber left the meeting and returned at 7:45pm.

At 7:46pm the Mayor adjourned the meeting.

At 7:54pm the Meeting resumed the meeting.

Reasons as provided by the Council

1. Need for finality and community certainty in proper and orderly planning given that this is the second amendment sought to the development.
2. Responsible Authority Report did not indicate that 50 points of additional community benefit was identified, pursuant to LPP 1.20. Further, officers indicated that there was no certainty as to the extent of the benefit, which was not finalised, and hence it was not possible to conclude that the requirements for additional community benefit were met.
3. Increased overshadowing negatively impacted on local amenity, and was not acceptable to the Council.

At 7:55pm the Mayor brought forward Item P22/3964 - Request for Scheme Amendment – Rezoning No.45-47 Canning Beach Road, Applecross from Residential R12.5 to Residential R30 for the convenience of the Public Gallery.

P22/3964 - REQUEST FOR SCHEME AMENDMENT – REZONING NO.45-47 CANNING BEACH ROAD, APPECROSS FROM RESIDENTIAL R12.5 TO RESIDENTIAL R30 (REC) (ATTACHMENT)

Ward : Applecross – Mount Pleasant
 Category : Strategic
 Application Number : DA- 2022-34
 Property : 45-47 Canning Beach Road, Applecross
 Proposal : Request for Scheme Amendment – rezoning No.45-47 Canning Beach Road, Applecross from R12.5 to R30
 Applicant : LK Advisory
 Owner : Mrs KJ Behets - Lot 52 (No.45) Canning Beach Road, Applecross
 Mr G Ferguson - Lot 166 (No.47) Canning Beach Road, Applecross
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P21/3902 – Request for Scheme Amendment - Rezoning No 45-47 Canning Beach Road, Applecross from Residential R12.5 to Residential R30 - Ordinary Meeting of Council 16 March 2021
 Responsible Officer : Gavin Ponton
 Manager Strategic Urban Planning

AUTHORITY / DISCRETION

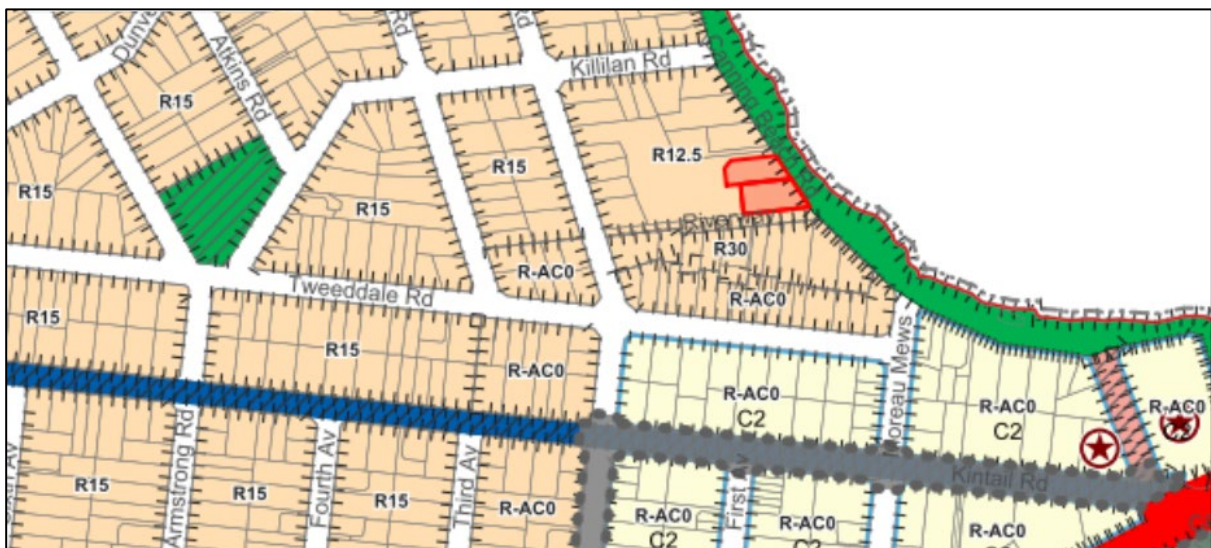
DEFINITION

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

P22/3964 - REQUEST FOR SCHEME AMENDMENT – REZONING NO.45-47 CANNING BEACH ROAD, APPECROSS FROM RESIDENTIAL R12.5 TO RESIDENTIAL R30 (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- An application for a scheme amendment has been received to rezone Lot 52 (No.45) and Lot 166 (No.47) Canning Beach Road, Applecross (site) from Residential R12.5 to Residential R30.
- This item was previously considered at the Ordinary Meeting of the Council in March 2021 where Council refused the request to initiate the amendment (P21/3902). The applicant has resubmitted the application for reconsideration with additional supporting information.
- Council is requested to consider whether the amendment should be initiated for the purposes of public advertising. If initiated a further report on the amendment would be submitted to Council for further consideration at the conclusion of the advertising period.
- The site's proximity to the Canning Bridge Activity Centre, the adjacent Residential R30 zoning and the existence of the aged care facility provide support to the notion of an up-coding. The proposal however is incremental in nature and also effectively results in a mid-block R12.5 to R30 transition.
- Review of the residential density coding on the subject lots is considered to be best undertaken as part of a more comprehensive review of the locality.
- It is recommended that the amendment not be supported at this point in time but be considered as part of the current review of Local Planning Scheme 6.



LPS6 Zoning Map - Subject properties outlined in Red.

P22/3964 - REQUEST FOR SCHEME AMENDMENT – REZONING NO.45-47 CANNING BEACH ROAD, APPECROSS FROM RESIDENTIAL R12.5 TO RESIDENTIAL R30 (REC) (ATTACHMENT)**BACKGROUND/DETAILS**

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

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

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

P22/3964 - REQUEST FOR SCHEME AMENDMENT – REZONING NO.45-47 CANNING BEACH ROAD, APPLECROSS FROM RESIDENTIAL R12.5 TO RESIDENTIAL R30 (REC) (ATTACHMENT)



Subject properties outlined in Red.

[3964 Applicant Scheme Amendment Report](#)

Scheme Provisions

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

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

Site Details

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

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

P22/3964 - REQUEST FOR SCHEME AMENDMENT – REZONING NO.45-47 CANNING BEACH ROAD, APPLECROSS FROM RESIDENTIAL R12.5 TO RESIDENTIAL R30 (REC) (ATTACHMENT)

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

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

To the west, also in the Residential R12.5 zone, a 3-4 storey aged care facility. This lot has an area of 6735sqm and has access from Carron Road (west) through to Canning Beach Road (east) and south along Riverway.



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

Site Context

The area around the subject lots are described as follows:

- The lots to the north along Canning Beach Road are zoned Residential R12.5 and generally consist of large single dwellings.
- The lots to the west are zoned Residential R12.5.
- To the immediate west is a recently constructed 3 storey aged care facility. This lot has an area of 6735sqm and has access from Carron Road (west) through to Canning Beach Road (via an accessway abutting the subject site to the immediate north), and south along Riverway.
- The lots to the south, located between Riverway and Canning Beach Activity Centre, are zoned R30 and act as a transition between the Residential R12.5 area and the Canning Bridge Activity Centre (CBAC).
- Further south, is Canning Bridge Activity Centre, with the H4 zone along the north of Tweeddale Road and M10 and H4 south of Tweeddale Road.

P22/3964 - REQUEST FOR SCHEME AMENDMENT – REZONING NO.45-47 CANNING BEACH ROAD, APPLCROSS FROM RESIDENTIAL R12.5 TO RESIDENTIAL R30 (REC) (ATTACHMENT)



***LPS6 Zoning Map showing Canning Bridge Activity Centre Zoning
Subject properties outlined in Red.***

PROPOSAL

The subject properties are currently zoned Residential R12.5 and are requested to be zoned Residential R30. The applicant has included concept development plans as part of the application. These plans are submitted for information purposes to demonstrate the development intentions at the R30 code. The example development includes three multiple dwellings in a three storey apartment building. A separate development application would need to be submitted if the scheme amendment were approved. It is noted that concepts are examples only and should the sites be zoned R30 then any development yield and built-form permissible under R30 may be built on the sites.

Development Yield:

Site	Lot 52 45 Canning Beach Road	Lot 166 47 Canning Beach Road
Land Area	1025sqm	1296
Grouped Dwelling Potential at R12.5 (existing)	1 dwelling	1 dwelling
Multiple Dwelling Potential at R12.5 (existing)	1 dwelling	1 dwelling
Grouped Dwelling Potential at R30 (proposed)	3 dwellings	4 dwellings
Multiple Dwelling Potential at R30 (proposed)	3 dwellings	4 dwellings

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Medium-density housing in the context of the R-Codes includes all single and grouped dwellings coded R30 and above, and all multiple dwellings coded between R30 and R60. The diversity of residential building types that can be delivered under the code are extensive and include, but are not limited to, those types shown below. The applicant in the scheme amendment application has proposed a type referred to as ‘apartment house’ which is defined as follows:

A multi-storey building that contains two to six multiple dwellings in various arrangements where at least one is above another. The building presents to the street as a single house on a parent lot and can have a common entry and circulation areas. Can include built forms known as manor house, duplex apartments (1 up 1 down) and maisonette apartments.



The applicant maintains that this form of development will provide an appropriate transition to the more intensive three storey development to the rear and the nearby Canning Bridge Activity Centre and that the design will be in keeping with the built form of the surrounding area while effectively screening the aged care facility from the public realm.

STAKEHOLDER ENGAGEMENT

Advertising Required: If the Council resolved to initiate a scheme amendment to LPS 6 it would require the completion of a public advertising period. This type of amendment, if supported for initiation, would likely be considered a standard amendment, with a 42 day advertising period. The scheme amendment would be presented to Council again at the conclusion of the advertising period, to consider any submissions and determine next steps.

I. COMMUNITY

Formal advertising will involve notification in a local newspaper, information on the City’s website and correspondence to affected landowner/occupiers.

II. OTHER AGENCIES / CONSULTANTS

Relevant servicing/government agencies would be consulted as part of the advertising process associated with an amendment to LPS6.

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STATUTORY AND LEGAL IMPLICATIONS

An amendment to LPS6 requires a resolution of the Council to initiate the process, including the commencement of advertising. Procedures are specified by the *Planning and Development (Local Planning Schemes) Regulations 2015*. As noted above, an amendment of this complexity is likely to be considered to represent a “standard amendment” as defined by the Regulations. It is noted that once a scheme amendment is initiated it is open for the Minister for Planning to proceed to determine the application or to make modifications to the content of the amendment.

FINANCIAL IMPLICATIONS

Should the Council resolve to proceed with initiation of a scheme amendment costs will be incurred in terms of items including preparation of supporting planning reports and advertising. These costs will be recovered from the applicants by way of the scheme amendment application fee.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Initiation of an amendment to achieve higher residential density for the subject properties at this time is not considered to be in keeping with the Local Planning Strategy.

Risk Statement & Consequence	Level of Risk	Risk Treatment
Approval of the amendment will set a precedent for consideration of one off ‘spot’ rezoning as opposed to the determination of suitable zonings via a comprehensive review process.	Moderate consequences which are possible, resulting in a Medium level of risk.	Deferring consideration of the proposed amendment to the comprehensive scheme review process will address this risk. Whilst it is recognised that the subject properties present a range of unique characteristics which support the case for an alternative to the current zoning, it is recommended that the option of one off spot rezonings be avoided.
Approval of the amendment will result in mid-block transition from R12.5 to R30.	Moderate consequences which are possible, resulting in a Medium level of risk.	Whilst mitigating circumstances are noted, the proposed amendment will result in a mid-block transition between low and medium coded land. Deferring consideration of the proposed amendment to the comprehensive scheme review process will ensure that this risk is addressed.
The proposed R30 built from outcomes, the “Apartment House” concept, is not able to regulated by the City should the amendment proceed.	Moderate consequences which are likely, resulting in a High level of risk.	The housing typologies presented by the applicant demonstrate potential R30 multiple dwelling outcomes which achieve a degree of compatibility with the existing streetscape. The City’s planning framework however is not able to ensure development is limited to these outcomes. Deferring consideration of the proposed amendment to the comprehensive scheme review process will provide opportunity to address this risk.

P22/3964 - REQUEST FOR SCHEME AMENDMENT – REZONING NO.45-47 CANNING BEACH ROAD, APPECROSS FROM RESIDENTIAL R12.5 TO RESIDENTIAL R30 (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could resolve to initiate the scheme amendment and allow the public consultation period to be undertaken. The public consultation period may provide additional understanding on the level of community concern and/or support for the proposed change in R-Codes. This information may assist the Council in arriving at a final position on the proposed amendment. It is noted that once the Council has initiated the amendment process it will be required to forward a recommendation on the amendment to the Western Australian Planning Commission. The WAPC would then consider the merits of the amendment and ultimately forward a recommendation to the Minister for Planning to determine the application. It is noted that the initiation of the scheme amendment and commencement of public advertising may also trigger other requests for scheme amendments to be considered outside of the formal review process.

COMMENT

The same request for rezoning was considered by Council in March 2021. Council's resolution was to unanimously refuse the request based on the following grounds:

- 1 *Having regard to Section 75 of the Planning and Development Act 2005 refuse to initiate / adopt the amendment requesting a higher density coding of residential R30 for 45-47 Canning Beach Road, Applecross, to City of Melville Local Planning Scheme No. 6.*
- 2 *Not support the requested change to the residential density coding from R12.5 to R30 at this time for the following reasons:*
 - a. *the local planning strategy will be implemented in a gradual and measured way, focussing initially on the higher priority areas.*
 - b. *The City's strategic priorities for population growth and development are in key activity centres and along selected sections of public transport corridors.*
 - c. *Local Planning Scheme 6 has only recently been implemented and it is considered that it would be premature to facilitate an increase in dwellings or development potential in this section of Applecross at this time.*
 - d. *There is not considered to be a demonstrated short term need in the area for the requested rezoning.*
 - e. *It is considered that it would be appropriate to consider this area holistically in future strategic planning in the medium to long term rather than the short term via proposed planning studies of residential coding's along key transport corridors in the city.*
- 3 *That the Chief Executive Officer advise the applicant in writing of the Council's resolution and that the request be considered in the review of LPS6.*
- 4 *That the Chief Executive Officer advises the applicant in writing of the Council's resolution and that the request be considered in the upcoming review of LPS6.*

P22/3964 - REQUEST FOR SCHEME AMENDMENT – REZONING NO.45-47 CANNING BEACH ROAD, APPECROSS FROM RESIDENTIAL R12.5 TO RESIDENTIAL R30 (REC) (ATTACHMENT)

The applicant has resubmitted the application with additional supporting information:

- *The intended changes to the planning framework have not eventuated in the manner or timeframe described in March 2021.*
- *The City has acknowledged that it is a standard amendment which formally confirms is it consistent with the local planning strategy and would have minimal impact on land in the scheme area.*
- *The amendment is not a spot re-coding. The subject land is a unique location, both in isolation and within its immediate context.*
- *The proposed amendment will enable a unique form of development that is compatible with the abutting and nearby form.*
- *Properties with this unique contextual setting should be given due consideration for a higher density code.*
- *The proposed apartment house will provide an appropriate transition to the aged care facility and assist in screening the three storey building from the public realm.*
- *There is no Council endorsed policy of CoM provision that opposes mid-block boundaries. Examples of current mid-block boundaries have been provided in figures 24 and 25 of the applicant's scheme amendment report.*

The additional information does not change the previous conclusion reached by Council resolution to not initiate the scheme amendment, noting that that it is preferable to review the suitability of the allocation of residential density via a comprehensive and measured approach. In response to the additional information the following is noted:

- The review of LPS6 has since commenced with the Council adoption of the Report of Review in December 2021. This current review provides the opportunity to comprehensively consider the proposed residential densities in this locality. The review of the planning scheme will take longer than the processing of a single scheme amendment. Progressing individual scheme amendments outside of the comprehensive review process on the basis of avoiding a longer timeframe is not recommended.
- The references to “standard amendment” in the previous assessment were made to provide information on the likely timeframes and processes should the application be initiated by Council. The references were not an indication of the proposal's compatibility with the planning framework.
- The request for the scheme amendment is an applicant driven request to up-code the density of two lots. The sites may have unique characteristics, however the proposal would be considered a spot rezoning/re-coding.

The previous assessment noted that the subject lots have characteristics which warrant investigation of their suitability at the Residential R12.5 zoning:

- The lots are in close proximity to the strategic CBACP and river foreshore;
- The lots are adjacent to existing Residential R30 land;
- The lots are well served by public transport;
- Much of the development on nearby R12.5 land is of a scale in keeping with that envisaged in a R30 zone; and
- The Residential R12.5 amenity of the lots is impacted by the existence of the adjoining aged care facility.

P22/3964 - REQUEST FOR SCHEME AMENDMENT – REZONING NO.45-47 CANNING BEACH ROAD, APPECROSS FROM RESIDENTIAL R12.5 TO RESIDENTIAL R30 (REC) (ATTACHMENT)

Whilst the proposal is considered to have some merit, it is not recommended that the Council support the request at this time for the following reasons:

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

The Local Planning Strategy in conjunction with LPS6 aims to concentrate growth and development in and around activity centres and along public transport corridors. The approach ensures that the bulk of the City's suburbs can remain a low density environment. The approach aims at allowing growth to occur in strategic locations in a measured way, focussing initially on the higher priority areas. Expansion of medium density development into these low density areas reduces the effectiveness of the current approach and can detract from the amenity of the suburban areas.

CONCLUSION

It is recognised that land around the edges of major centres such as the CBAC will warrant review and consideration as pressure for development intensity increases. It is further recognised that the subject land has a number of unique characteristics that support its consideration for allocation of a higher R-Code. It is also acknowledged that this entire street block, and many of the nearby street blocks, may warrant consideration for a higher R-coding at some time in the future. It is recommended that these types of changes to the coding of residential land be considered comprehensively and holistically. Council previously resolved to not support the proposed up-coding of the subject properties. Since this time, the review of LPS6 has commenced and provides the appropriate opportunity to comprehensively examine housing outcomes and R-codings across the City.

P22/3964 - REQUEST FOR SCHEME AMENDMENT – REZONING NO.45-47 CANNING BEACH ROAD, APPECROSS FROM RESIDENTIAL R12.5 TO RESIDENTIAL R30 (REC) (ATTACHMENT)

The current proposal is considered an incremental expansion of the R30 coded area, which in turns creates an undesirable R12.5/R30 transition. It is recommended that the scheme amendment not be initiated and that the proposals be flagged for consideration in the review of LPS6.

OFFICER RECOMMENDATION (3964)**REFUSAL**

That the Council:

1. **Having regard to Section 75 of the Planning and Development Act 2005 refuse to initiate the amendment requesting a higher density coding of Residential R30 for 45-47 Canning Beach Road, Applecross, to City of Melville Local Planning Scheme No. 6.**
2. **Not support the requested change to the residential density coding from R12.5 to R30 at this time for the following reasons:**
 - a. **The local planning strategy will be implemented in a gradual and measured way, focussing initially on the higher priority areas.**
 - b. **The City's strategic priorities for population growth and development are in key activity centres and along selected sections of public transport corridors.**
 - c. **Local Planning Scheme 6 has only recently been implemented and it is considered that it would be premature to facilitate an increase in dwellings or development potential in this section of Applecross at this time.**
 - d. **There is not considered to be a demonstrated short term need in the area for the requested rezoning.**
 - e. **It is considered that it would be appropriate to consider this area holistically in future strategic planning in the medium to long term rather than the short term via proposed planning studies of residential coding's along key transport corridors in the City.**
 - f. **A review of Local Planning Scheme 6 has commenced and the proposed amendment is best assessed as part of the comprehensive review program.**
3. **That the Chief Executive Officer advise the applicant in writing of the Council's resolution and that the request be considered in the review of LPS6.**

P22/3964 - REQUEST FOR SCHEME AMENDMENT – REZONING NO.45-47 CANNING BEACH ROAD, APPECROSS FROM RESIDENTIAL R12.5 TO RESIDENTIAL R30 (REC) (ATTACHMENT)**Alternate Motion****COUNCIL RESOLUTION**

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

That the Council:

- 1. Pursuant to Section 75 of the *Planning and Development Act 2005*, resolves to prepare and initiate Scheme Amendment No. 14 to Local Planning Scheme 6 to rezone Lot 52 (No.45) and Lot 166 (No.47) Canning Beach Road, Applecross (site) from Residential R12.5 to Residential R30.**
- 2. Authorise the preparation, processing and public advertising of documentation for Scheme Amendment No. 14 to Local Planning Scheme No. 6 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 3. Resolve that the amendment is a “standard” amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:**
 - The amendment is consistent with the City’s Local Planning Strategy and the Residential Zone of Local Planning Scheme 6.**
 - The scope of the amendment is limited to the subject site.**
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**
 - The amendment satisfies the definition of a standard amendment and does not reflect the characteristics of a complex or basic amendment.**
- 4. Notes that a further report will be presented to the Council at the conclusion of the advertising period to enable consideration of submissions and recommendations to the Western Australian Planning Commission on whether the proposed amendment should be approved or modified.**

At 8:01pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Disclosure of Interest

Member	Cr Wheatland
Type of Interest	Impartiality Interest under the Code of Conduct
Nature of Interest	I live on Leach Highway
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

Officers provided an addendum to this item – [3956 Addendum](#)

P22/3956 – ADOPTION OF AMENDMENT NO.12 TO LOCAL PLANNING SCHEME 6 – 71-77 LEACH HIGHWAY AND 2-6 WEBBER STREET WILLAGEE (REC) (ATTACHMENT)

Ward	: Palmyra - Melville - Willagee Ward
Category	: Strategic
Application Number	: Not applicable
Property	: 71 – 77 Leach Highway Willagee and 2-6 Webber Street Willagee
Proposal	: Scheme Amendment - Additional Uses in the Centre.
Applicant	: Not applicable
Owner	: Various
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item P21/3934 - Initiation of Amendment No.12 to Local Planning Scheme 6 – Ordinary Meeting of Council held 21 September 2021
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

AUTHORITY / DISCRETION

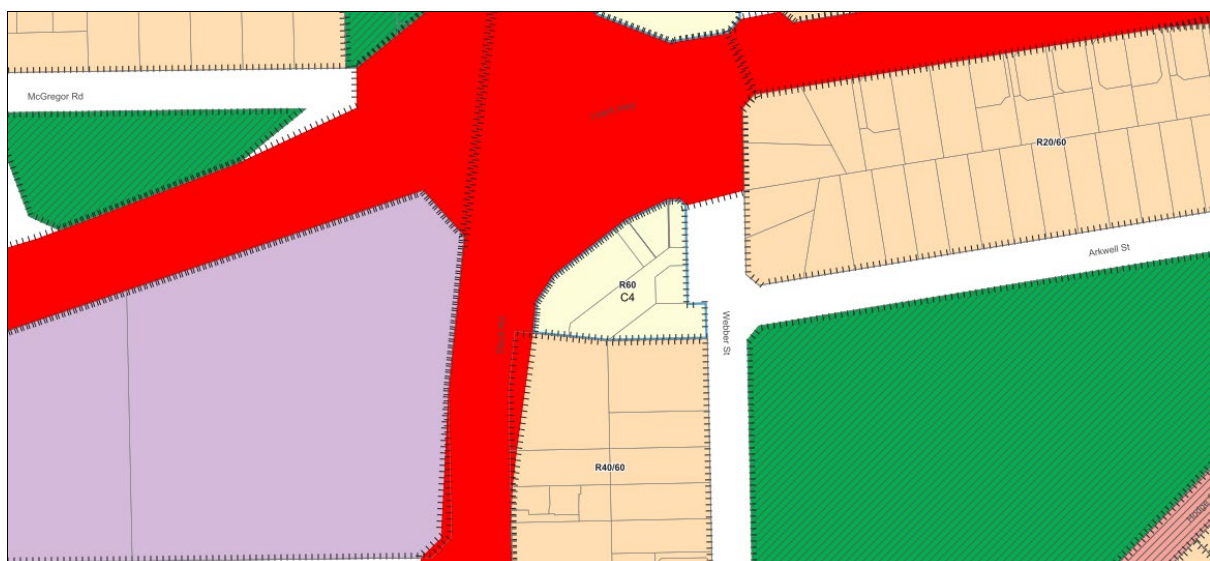
DEFINITION

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

P22/3956 – ADOPTION OF AMENDMENT NO.12 TO LOCAL PLANNING SCHEME 6 – 71-77 LEACH HIGHWAY AND 2-6 WEBBER STREET WILLAGEE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The Council initiated Local Planning Scheme 6 - Amendment 12 at its Ordinary Meeting held on 21 September 2021.
- The amendment proposes to remove the restricted use classification (R4) from the subject sites and replace the restricted use classification with a new restricted use classification that only applies to 71-77 Leach Highway. The proposed approach will allow a wider range of land uses to be considered for the centre.
- In summary, the proposed amendment will:
 - Remove the restricted use (R4) classification (allowing the normal Centre Zone C4 land use permissibility to apply) to 2-6 Webber Street;
 - Replace the existing restricted use (R4) classification with a wider range of restricted uses permitted on 71-77 Leach Highway (allowing the normal Centre Zone C4 land use permissibility to apply with the exception of Childcare and Family Day Care); and
 - Introduce an additional site requirement pursuant to Clause 33 of LPS6 to restrict the extent of retail use within the centre.
- It is also proposed to amend the Willagee Structure Plan to align with the above amendments to LPS6.
- The proposed amendment was advertised for 42 days and 2 submissions were received, both supporting the amendment.
- It is recommended that Council adopt the proposed amendment and it be progressed through forwarding to the WAPC with a recommendation for approval. Key issues of parking and potential impacts on nearby centres will continue to be managed. Council may also wish to consider a modification to the amendment to designate the entire site to standard C4 as discussed in the alternative options section.



Current LPS6 zoning map of subject site and surrounds

**P22/3956 – ADOPTION OF AMENDMENT NO.12 TO LOCAL PLANNING SCHEME 6 – 71-77
LEACH HIGHWAY AND 2-6 WEBBER STREET WILLAGEE (REC) (ATTACHMENT)****BACKGROUND**

A Notice of Motion was passed at the Ordinary Meeting of the Council on 16 February 2021 to investigate review of land use restrictions at 71-77 Leach Highway and 2-6 Webber Street, Willagee with a view to modifying Local Planning Scheme 6 to provide greater flexibility in land use permissibility.

Following a review of the planning history of the centre, LPS6 and the Willagee Structure Plan, it was considered that the centre is the subject of restrictive land use controls which are noted to be constraining its operation. Historically these land use restrictions have sought to respond to:

- a) A long term likelihood that car parking spaces near the centre will be reduced with the construction of a Leach Highway/Stock Road interchange; and
- b) An objective to manage retail uses at the centre to ensure that the Archibald Hub remained the primary retail centre for Willagee.

A review of the operation of the centre and the existing controls established that there is opportunity to reduce the land use restrictions whilst maintaining regard to the above objectives. Specifically an amendment would allow for alignment with the land use controls at the centre with the standard Centre C4 zone requirements, but with an inclusion of the need to manage retail uses. Under the arrangement, proposed uses would need to demonstrate compliance with standard parking requirements and larger retail uses would be required to demonstrate that the desired retail hierarchy in Willagee was not detracted from.

The initial officer recommendation was for a scheme amendment to:

- remove the restricted (R4) classification thereby defaulting to the standard LPS6 zoning table (table 3) which identifies the permissibility of uses of land for all zones including Centre (C4); and
- introduce an additional site requirement pursuant to Clause 33 of LPS6 to restrict the extent of retail use within the centre.

Council considered this request at the 21 September 2021 Meeting and resolved to initiate a scheme amendment but with some modifications specifically relating to restrictions on childcare and family day care uses in the vicinity of Leach Highway and Stock road. In summary, the modified amendment is summarised as follows:

- remove the restricted use (R4) classification (allowing the normal Centre Zone C4 land use permissibility to apply) to 2-6 Webber Street (consistent with officer recommendation);
- replace the existing restricted use (R4) classification with a wider range of restricted uses permitted on 71-77 Leach Highway. This will allow the normal Centre Zone C4 land use permissibility to apply with the exception of Childcare and Family Day Care (modification to the officer recommendation); and
- introduce an additional site requirement pursuant to Clause 33 of LPS6 to restrict the extent of retail use within the centre (consistent with officer recommendation).

The proposed amendment was advertised for 42 days. The City has engaged with the community via Melville Talks on the City of Melville website, via a newspaper advertisement and via letters to all properties within the centre and immediately adjoining the centre. A total of 2 submissions were received. The comments received in these submissions are detailed below:

P22/3956 – ADOPTION OF AMENDMENT NO.12 TO LOCAL PLANNING SCHEME 6 – 71-77 LEACH HIGHWAY AND 2-6 WEBBER STREET WILLAGEE (REC) (ATTACHMENT)

No.	Submission	Response
1	Support the amendments.	Noted.
2	Support the amendments. This location is not suitable for a childcare Centre due to noise and air pollution from Leach and Stock roads.	The amendment proposes the normal Centre Zone C4 land use permissibility to apply with the exception of Childcare and Family Day Care for land in the vicinity of Leach Highway and Stock Road. Refer to background section for more detail.

Scheme Provisions

MRS Zoning : Urban / Primary Regional Road
 LPS Zoning : Centre
 R-Code : R60
 Use Type : Not Applicable

Details



Subject properties outlined in Red.

**P22/3956 – ADOPTION OF AMENDMENT NO.12 TO LOCAL PLANNING SCHEME 6 – 71-77
LEACH HIGHWAY AND 2-6 WEBBER STREET WILLAGEE (REC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT**

Advertising Required: Yes

I. COMMUNITY

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

Amendment 12 and associated modifications to the Willagee Structure Plan were publicly advertised from 4 November to 16 December 2021 (42 days).

Submissions received are documented in this report and provided as an Attachment:

[3956 - LPS6 Amendment 12 - Submissions](#)

II. OTHER AGENCIES / CONSULTANTS

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

The following relevant agencies were also consulted on the proposed amendment: Main Roads WA and WAPC. No response was received from these authorities.

STATUTORY AND LEGAL IMPLICATIONS

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

The amendment was initiated by Council in September, including the commencement of advertising. Following advertising, all submissions are reported to Council for consideration (current step). The resolution from Council will then be forwarded to the Western Australian Planning Commission (WAPC) for consideration. The WAPC will be responsible for determining the Structure Plan amendment, whereas the scheme amendment will be forwarded to the Minister for Planning for determination.

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

FINANCIAL IMPLICATIONS

There are no financial implications with this request.

**P22/3956 – ADOPTION OF AMENDMENT NO.12 TO LOCAL PLANNING SCHEME 6 – 71-77
LEACH HIGHWAY AND 2-6 WEBBER STREET WILLAGEE (REC) (ATTACHMENT)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Adoption of an amendment is in keeping with the Local Planning Strategy.

POLICY IMPLICATIONS

Local Planning Policy 1.12 *Childcare Premise and Family Day Care* was updated in August 2021 and applies to the assessment of all applications for planning approval in respect of the child care premises proposals. Clause 1.3 of LPP1.12 notes that the establishment of Child Care Premises in Centre zones (including C4 zones) *is supported in land use terms given their proximity to shopping centres, workplaces and public transport. However, where development approval is required a design, car parking, traffic and amenity assessment will be undertaken;*

Clause 1.1 of LPP1.12 also states that sites located on Canning Highway, Leach Highway and South Street are undesirable for childcare use due to *harmful traffic fumes, excessive noise levels and road safety risks impacting on the health of children, staff and visitors to the child care centre and surrounding road users.* This statement applies to residential zoned land only and not to centre zones.

The detail of this amendment will preclude Child Care Premises and Family Day Care from the portion of the centre fronting Leach Highway and Stock Road by not including these uses in the proposed list of Restricted Uses. This approach differs to the general position of the LPP that these uses are supported in Centres. If approved, this aspect of the scheme amendment (to prohibit Child care and Family day Care from portion of this Centre) would prevail over the LPP content.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS**Option 1: Modify the Amendment**

The original amendment content proposed to align the land use controls for the entire Centre with the standard C4 controls. Under this approach Child Care Premises would be a D use, meaning that the suitability of the uses would be assessed using discretion. Should an assessment conclude that a proposed location would be adversely impacted by factors such as noise, fumes or traffic then these factors would allow the decision maker to refuse the application. An alternative option for the current scheme amendment would be to align with the standard C4 controls and allow Child Care Premises applications to be assessed on their merits.

Option 2: Not adopt the Amendment

The Council could decide not to adopt the scheme amendment and not adopt the associated modifications to the Willagee Structure Plan, if its preference was to maintain the existing situation. Under this option the scheme amendment and structure plan amendment would be forwarded to the WAPC with a recommendation that the amendment not be proceeded with. The WAPC and ultimately the Minister for Planning would determine the amendment outcome.

**P22/3956 – ADOPTION OF AMENDMENT NO.12 TO LOCAL PLANNING SCHEME 6 – 71-77
LEACH HIGHWAY AND 2-6 WEBBER STREET WILLAGEE (REC) (ATTACHMENT)****CONCLUSION**

The Leach Highway/Webber Street centre is the subject of restrictive land use controls which are noted to be constraining its operation.

Review of the operation of the centre and the existing controls has established that there is opportunity to reduce the land use restrictions whilst maintaining regard to the above objectives. Specifically it is proposed to align the land use controls at the centre with the standard controls applicable to a Centre C4 zone for the Webber Street properties and to closely align the land uses controls along Leach Highway to a Centre C4 zone (with the exception of childcare and family day care). The amendment will also address the requirement to manage retail uses in the centre. Under this arrangement, proposed uses would need to demonstrate compliance with standard parking requirements and larger retail uses would be required to demonstrate that the desired retail hierarchy in Willagee was not detracted from. Modifications introduced by Council to prohibit child care and family day care uses for portions of the centre adjacent to Leach Highway and Stock Road are included in the proposed final amendment.

The proposed approach will allow a wider range of land uses to be considered for the centre and is expected to improve its operation. Key issues of parking and potential impacts on nearby centres will continue to be managed. Advertising of the proposed amendment has indicated support for the proposed changes.

In view of the above, it is recommended that the scheme amendment be recommended for final approval. Associated modifications to the Willagee Structure Plan area also recommended to be forwarded to the WAPC for final approval.

P22/3956 – ADOPTION OF AMENDMENT NO.12 TO LOCAL PLANNING SCHEME 6 – 71-77 LEACH HIGHWAY AND 2-6 WEBBER STREET WILLAGEE (REC) (ATTACHMENT)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3956)

APPROVAL

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

That the Council, pursuant to Part 5 of the Planning and Development Act 2005, adopts Scheme Amendment No. 12 to Local Planning Scheme No. 6 for final approval as follows:

1. Modify the permitted land uses applicable to 71 – 77 Leach Highway Willagee as follows:

a.	<p>Clause 20 - Restricted Uses. Table 5 - Restricted uses for land in Scheme area</p>	<p>Replace the restricted uses (R4) from Table 5 with the following:</p> <table border="1"> <thead> <tr> <th>Land use</th> <th>Classification</th> </tr> </thead> <tbody> <tr><td>Amusement Parlour</td><td>D</td></tr> <tr><td>Art Gallery</td><td>P</td></tr> <tr><td>Bed And Breakfast</td><td>D</td></tr> <tr><td>Betting Agency</td><td>P</td></tr> <tr><td>Caretakers Dwelling</td><td>D</td></tr> <tr><td>Car Park</td><td>A</td></tr> <tr><td>Civic Use</td><td>P</td></tr> <tr><td>Club Premises</td><td>A</td></tr> <tr><td>Commercial Vehicle Parking</td><td>A</td></tr> <tr><td>Community Purpose</td><td>D</td></tr> <tr><td>Consulting Room</td><td>P</td></tr> <tr><td>Convenience Store</td><td>P</td></tr> <tr><td>Education Establishment</td><td>D</td></tr> <tr><td>Exhibition Centre</td><td>D</td></tr> <tr><td>Fast Food Outlet</td><td>D²</td></tr> <tr><td>Funeral Parlour</td><td>A</td></tr> <tr><td>Garden Centre</td><td>D</td></tr> <tr><td>Home Business</td><td>D</td></tr> <tr><td>Home Occupation</td><td>D</td></tr> <tr><td>Home Office</td><td>P</td></tr> <tr><td>Home Store</td><td>P</td></tr> <tr><td>Hospital</td><td>A</td></tr> <tr><td>Hotel</td><td>A</td></tr> <tr><td>Liquor Store - Small</td><td>D</td></tr> <tr><td>Market</td><td>D</td></tr> <tr><td>Medical Centre</td><td>D</td></tr> <tr><td>Motor Vehicle Wash</td><td>A</td></tr> <tr><td>Office</td><td>P¹</td></tr> <tr><td>Place of Worship</td><td>A</td></tr> <tr><td>Reception Centre</td><td>A</td></tr> <tr><td>Recreation Private</td><td>D</td></tr> <tr><td>Restaurant/Cafe</td><td>P</td></tr> <tr><td>Serviced Apartments</td><td>D</td></tr> <tr><td>Service Station</td><td>A</td></tr> <tr><td>Shop</td><td>P</td></tr> </tbody> </table>	Land use	Classification	Amusement Parlour	D	Art Gallery	P	Bed And Breakfast	D	Betting Agency	P	Caretakers Dwelling	D	Car Park	A	Civic Use	P	Club Premises	A	Commercial Vehicle Parking	A	Community Purpose	D	Consulting Room	P	Convenience Store	P	Education Establishment	D	Exhibition Centre	D	Fast Food Outlet	D ²	Funeral Parlour	A	Garden Centre	D	Home Business	D	Home Occupation	D	Home Office	P	Home Store	P	Hospital	A	Hotel	A	Liquor Store - Small	D	Market	D	Medical Centre	D	Motor Vehicle Wash	A	Office	P ¹	Place of Worship	A	Reception Centre	A	Recreation Private	D	Restaurant/Cafe	P	Serviced Apartments	D	Service Station	A	Shop	P
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**P22/3956 – ADOPTION OF AMENDMENT NO.12 TO LOCAL PLANNING SCHEME 6 – 71-77
LEACH HIGHWAY AND 2-6 WEBBER STREET WILLAGEE (REC) (ATTACHMENT)**

b.	Add to Clause 33 – Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan.	Small Bar	D ¹
		Tavern	A ¹
		Telecommunications Infrastructure (TI)3	A ³
		Veterinary Centre	A
		<p>For a development proposal involving a retail use in excess of 1000sqm NLA, a retail sustainability impact assessment study is required to be submitted. The required Retail Impact Assessment is to satisfactorily demonstrate that the proposal will not detract from the function of other centres as envisaged by the Willagee Structure Plan, in particular the primacy of the Willagee Neighbourhood Centre / Archibald Hub Policy Area.</p> <p>The Retail Sustainability Assessment shall accord with the requirements and scope of Section 6.5 Retail Sustainability Assessments of State Planning Policy 4.2 Activity Centres for Perth and Peel.</p>	

2. Resolve that the amendment is a “standard” amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
- The amendment is consistent with the City’s Local Planning Strategy and the Centre C4 zone of Local Planning Scheme 6.
 - The scope of the amendment is limited to the subject site.
 - The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
 - The amendment satisfies the definition of a standard amendment and does not reflect the characteristics of a complex or basic amendment.

P22/3956 – ADOPTION OF AMENDMENT NO.12 TO LOCAL PLANNING SCHEME 6 – 71-77 LEACH HIGHWAY AND 2-6 WEBBER STREET WILLAGEE (REC) (ATTACHMENT)

3. In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 adopt the following proposed amendments to the Willagee Structure Plan:

	WILLAGEE STRUCTURE PLAN CENTRE STRUCTURE PLAN PART ONE	Modifications Required (strike out = text to be replaced/deleted, Bold = additional text)
a	Section 5: Land Use and Subdivision Sub clause 5.1: Land Use Permissibility	Land use permissibility within the structure plan area shall be in accordance with the corresponding zone or reserve under the Scheme. Except for the following: Pursuant to Table 5 in Part 3 of the Scheme, land uses are restricted in the Centre Zone on the corner of Leach Highway and Stock Road, Willagee. Existing instances of non-conforming uses may continue to operate in accordance with Part 3 of the Scheme. Pursuant to Clause 33 of the Scheme, a retail sustainability impact assessment study is required for a retail use above 1000sqm.
b	Section 7: Policy Area Design Principles Sub clause 7.4 Leach Highway Policy Area Point V	To encourage non-retail development in the Leach Highway Restricted Local Centre Sector in anticipation of the major changes scheduled for Stock Road and the Leach Highway/Stock Road intersection
c	Section 7: Policy Area Design Principles Sub clause 7.4.2 Leach Highway Restricted Local Centre First dot point	Restrict commercial land uses, with new instances of Convenience Store, Corner Store, Garden Centre, Lunch Bar, Restaurant, Service Station and Shop land uses not permitted Ensure retail development is of a scale and character that does not detrimentally impact nearby centres.
	WILLAGEE STRUCTURE PLAN CENTRE STRUCTURE PLAN PART TWO	Modifications Required (strike out = text to be replaced/deleted, Bold = additional text)

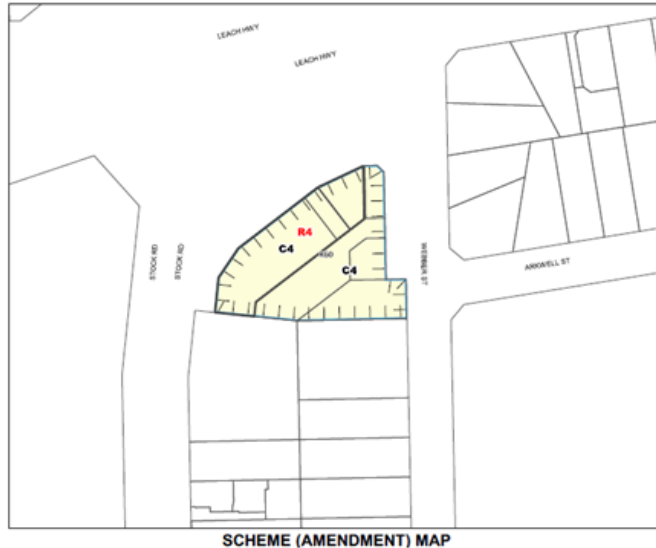
**P22/3956 – ADOPTION OF AMENDMENT NO.12 TO LOCAL PLANNING SCHEME 6 – 71-77
LEACH HIGHWAY AND 2-6 WEBBER STREET WILLAGEE (REC) (ATTACHMENT)**

d	<p>Part 2 Leach Highway Policy Area</p>	<p>The Leach Highway Policy Area aims to facilitate higher density town house development as an incentive to move residential access away from Leach Highway. A split density code encourages amalgamation of private lots to achieve higher density development that does not require access from Leach Highway. New housing provides opportunity to incorporate quiet building design (for noise amelioration), to improve the amenity of housing in this location.</p> <p>The Policy Area also provides for restricted commercial use at the intersection of Stock Road and Leach Highway to provide for small scale office uses in this location, rather than retail which will be impacted by access changes associated with the potential construction of an interchange. It is envisaged existing retailers servicing the local residential catchment will locate in the Webber Policy Area, or the Archibald Hub. Larger retailers, requiring high way exposure and larger format sites, will be attracted to the opposite Melville centre. Design guidelines for commercial uses within the Leach Highway Policy Area will address access, parking, built form, and landscaping to enhance the amenity of this location.</p> <p>The policy area also seeks to ensure that retail development within the local centre, located at the corner of Leach Highway and Stock Road, is of a scale and character that does not detrimentally impact nearby centres.</p>
e	<p>Part 4 Archibald Hub – Willagee’s Heart</p>	<p>A redeveloped Archibald Hub will be the heart of Willagee, and a place for people to meet and access daily services. Key services that will drive the redevelopment and expansion of the Archibald Hub include a new medical centre, new community centre, local indigenous centre, and retail (IGA and a range of smaller shops and cafes). These services will be supported by residential development, with upper floor residential.</p> <p>To ensure essential services locate in the hub, and serve the entire Willagee community, it is important to not expand retail at other local centres</p> <p>To ensure the Archibald hub remains the primary retail centre within the Structure Plan area, it is important that retail land use in the other local centres do not undermine the hierarchy of centres in the Structure Plan area.</p>

P22/3956 – ADOPTION OF AMENDMENT NO.12 TO LOCAL PLANNING SCHEME 6 – 71-77 LEACH HIGHWAY AND 2-6 WEBBER STREET WILLAGEE (REC) (ATTACHMENT)

f	<p>Part 4 Stock Road Restricted Commercial</p>	<p>In future, this area will be impacted by noise and land impacts of on and off ramps at the intersection of Leach Highway and Stock Road. The long term access and egress of this site is likely to be considerably restricted, with access only via Webber Street.</p> <p>Office development in this location will benefit from highway exposure, but will not rely on immediate highway access for 'drive by' trade. The area will not support substantial retail that would convenience elsewhere in Willagee, but just enough to service the offices spaces above or give the office tenants a shop front for their business.</p> <p>Whilst retail development is permissible, the structure plan will seek to ensure that retail development is of a scale and character that does not detrimentally impact the hierarchy of nearby centres.</p>
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4. Amending the Scheme Map to remove the R4 designation to 2-6 Webber Street, Willagee and apply it only to 71-77 Leach Highway as per amendment map in [3956 - Scheme Amendment 12 Map](#) and below:



5. Directs the CEO pursuant to regulation 58 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to provide the amendment to the Western Australian Planning Commission within 21 days.

At 8:04pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

P22/3959 - ROAD CLOSURE – SOUTH STREET, MURDOCH (REC)

Ward : Bateman – Kardinya - Murdoch
 Category : Operational
 Application Number : DA-2021-1112
 Property : South Street, MURDOCH
 Proposal : Road Closure
 Applicant : Stewart Urban Planning Pty Ltd
 Owner : State of Western Australia C/- Public Trustee
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P17/3741 - Proposed Road Reserve Closure, Murdoch Mixed Use Precinct Activity Centre Plan
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

P22/3959 - ROAD CLOSURE – SOUTH STREET, MURDOCH (REC)

KEY ISSUES / SUMMARY

- A Western Power transformer is currently located on a portion of road reserve on South Street abutting Lot 118 (No.2) Fiona Wood Road, Murdoch.
- The City is currently involved in preliminary discussions with Development WA and the applicant regarding a mixed use development on the properties bounded by Barry Marshall Parade, Fiona Wood Road, Yubarl Lane and Bedbrook Row. It is anticipated that a development application will be lodged in due course.
- As part of the future development of the site, it is proposed to relocate the existing substation to the basement level of the building.
- When the substation is relocated, this portion of land will no longer be required for road reserve and is proposed to be amalgamated with the parent lot.
- A total of four submissions were received from services agencies during the thirty five day comment period. The submissions raise no objections to the proposal.
- It is recommended that the Council support the road closure and advise the Minister for Lands of its decision.



Note: Circled area in shaded green shows parcel of road reserve proposed to be closed as a part of this application.

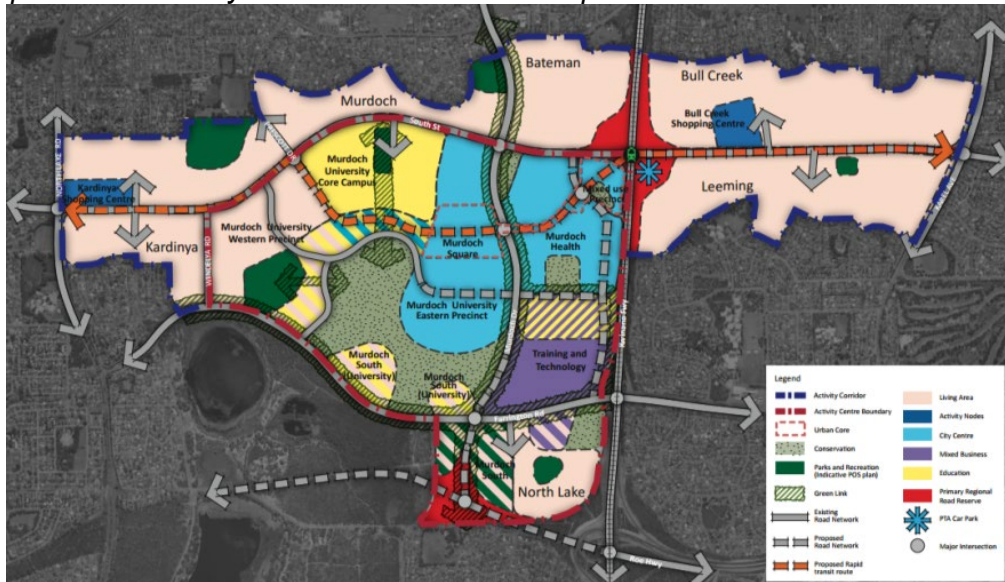
P22/3959 - ROAD CLOSURE – SOUTH STREET, MURDOCH (REC)

BACKGROUND

Lot 118 (No.2) Fiona Wood Road, Murdoch is located within the Murdoch Health and Knowledge Precinct, which is part of the wider Murdoch Activity Centre. The Murdoch Health and Knowledge Precinct is expected to accommodate future residential development as well as significant amounts of health, retail and commercial uses to complement the existing health and education uses.

A number of planning documents have been approved in recent years including the Murdoch Specialised Activity Centre Structure Plan, the Murdoch Mixed Use Precinct Activity Centre Structure Plan and Local Planning Policy 4.4 ‘Murdoch Health and Knowledge Precinct’. These will form the basis for assessment of future development applications in the area.

Murdoch Specialised Activity Centre Structure Plan Map



Scheme Provisions

- MRS Zoning : Urban
- LPS Zoning : Urban Development
- R-Code : Not Applicable
- Use Type : Not Applicable
- Use Class : Not Applicable

Site Details

- Lot Area : Not Applicable
- Street Tree(s) : None
- Street Furniture (drainage pits etc) : Western Power Transformer Box
- Site Details : Vacant Land/Road Reserve

P22/3959 - ROAD CLOSURE – SOUTH STREET, MURDOCH (REC)**DETAIL**

The portion of land, which is the subject of this road closure request, is located on South Street Road Reserve adjacent to Lot 118 (No.2) Fiona Wood Road. This portion of land is in the care and control of Main Roads Western Australia. The land is currently occupied by a Western Power transformer. The portion of land to be excised from the road reserve will be amalgamated into the adjacent development site, which is identified under the planning framework to be developed for a mix of residential, office, commercial, retail and health related uses. As part of the future development of the site, it is proposed to relocate the existing substation to the basement level of the building.

Western Power is aware of this proposal and raises no objection subject to detailed design work being completed.

Local Planning Scheme and Local Policy Requirements

Not applicable.

R-Code Requirements

Not applicable.

STAKEHOLDER ENGAGEMENT

Advertising Required:	Yes
Neighbour's Comment Supplied:	No
Reason:	Consultation required under s 58 <i>Land Administration Act 1997</i>
Support/Object:	Support

COMMUNITY

Under Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998*, the permanent closure of roads requires public advertising.

A public notice regarding the road closure was placed in two editions of the Perth Now (Melville) newspaper resulting in a consultation period of 35 days. Letters were only sent to service providers in this instance as there are no residential or commercial owners abutting the subject site who can be impacted by the proposal. Written comments were received from a number of the service providers in response to the advertising undertaken as detailed below

P22/3959 - ROAD CLOSURE – SOUTH STREET, MURDOCH (REC)

II. OTHER AGENCIES / CONSULTANTS

Nine agencies were consulted, four of whom responded citing they have no objection to the road closure.

Agency	Summary of Submission	Officer's Comment
Telstra	No objection	Noted
Water Corporation of WA	No objection	Noted
AARNet Pty Ltd	No objection	Noted
Main Roads	No objection	Noted

STATUTORY AND LEGAL IMPLICATIONS

The permanent closure of roads is administered under Section 58 of the Land Administration Act 1997 and Regulation 9 of the Land Administration Regulations 1998.

FINANCIAL IMPLICATIONS

There are no financial implications for the City as a result of the proposed road closures. Any costs associated with the closures will be met by the applicant.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There is no Council Policy that relates to the proposed road closures.

COMMENT

As described in the detail section of this report, the portion of land, which is the subject of this road closure request, is located on South Street Road Reserve adjacent to Lot 118 (No.2) Fiona Wood Road. This parcel of land currently houses a Western Power substation. The substation will be replaced by a new substation which will be located in the basement of a future development on this adjacent site development. Western Power is aware of this new arrangement and has no objections with the proposed substation arrangement.

The proposed road closure has no impact on traffic and pedestrian movement along South Street and is consistent with the intent of the various planning documents which apply to the site. In particular the proposed relocation of the substation into the basement level of a future development will ensure this infrastructure is screened from view of the public realm allowing for a more attractive and engaging development to take place.

P22/3959 - ROAD CLOSURE – SOUTH STREET, MURDOCH (REC)**INTERNAL REFERRALS**

No comments have been received from service areas within the City of Melville.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could elect not to support the proposed road closures. This is not recommended as the relocation of the substation into the basement level of a future development will result in an improved built form and streetscape outcome.

CONCLUSION

The permanent closure of this portion of road reserve and its amalgamation within the adjoining lot has no impact on traffic movement within the Murdoch Mixed Use Precinct. It is recommended that the proposed road closure be supported and that the Council decision be forwarded to the Minister for Lands for finalisation.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3959)**APPROVAL**

At 8:04pm Cr Robins moved, seconded Cr Macphail –

That the Council:

- 1. Pursuant to Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998* resolves to close the portion of South Street road reserve shown as Lot 118 of Deposited Plan 422789.**
- 2. Directs the CEO to request the Minister for Lands to close the portion of road.**
- 3. Resolves to advise relevant agencies of the Council's resolution.**

At 8:04pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Disclosure of Interest

Member Cr Woodall
 Type of Interest Interest under the Code of Conduct
 Nature of Interest Petitioner contributed to Liberal Party Bateman campaign
 Request Leave
 Decision Leave Leave

At 8:05pm having declared an interest, Cr Woodall left the meeting.

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

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

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>

**P22/3963 – PETITION – FENCE AT 44 ARDROSS STREET APPLECROSS WA 6153 (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

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

OTHER AGENCIES / CONSULTANTS

Not Applicable.

STATUTORY AND LEGAL IMPLICATIONS

Not Applicable.

FINANCIAL IMPLICATIONS

Not Applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not Applicable.

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

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

The accompanying petition seeks that the Council (City) exercise its discretion to approve the retrospective application for the fence as constructed. It cites the following as justification to support the desired outcome:

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

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

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

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

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

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

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

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

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

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

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

[3963 Advice Note Item 13 1 Petition Fence 44 Ardross Street Applecross](#)**CONCLUSION**

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

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

OFFICER RECOMMENDATION (3963)

REFUSAL

That the Council:

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

Procedural Motion

COUNCIL RESOLUTION

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

Defer this item until Elected Members have reviewed the Local Planning Policy LPP 3.1 Residential Development Part 4, Fences and Street Walls.

At 8:11pm, the Mayor declared the motion

CARRIED (8/4)

Yes	8	Cr Ross, Cr Barber, Cr Edinger, Cr Mair, Cr Sandford, Mayor Gear, Cr Spanbroek, Cr Pazolli
No	4	Cr Macphail, Cr Wheatland, Cr Fitzgerald, Cr Robins

Reasons for the deferral as provided by Cr Mair

The Elected Members will have the Local Planning Policy LPP 3.1 Residential Development Part 4, Fences and Street Walls presented on February 22 for consideration. Any change to this Policy could affect the outcome of the decision on the fence at 44 Ardross St, Applecross. To proceed with the current motion may prove to be unfair to the residents living at 44 Ardross St.

P22/3964 - REQUEST FOR SCHEME AMENDMENT – REZONING NO.45-47 CANNING BEACH ROAD, APPLECROSS FROM RESIDENTIAL R12.5 TO RESIDENTIAL R30 (REC) (ATTACHMENT)

Item Brought Forward
See Page 17.

T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)

Ward	: Applecross - Mount Pleasant
Category	: Operational
Subject Index	: Street Trees
Customer Index	: Resident at 73 Beamish Avenue, Brentwood
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	: Jeff Bird Manager Natural Areas and Parks

AUTHORITY / DISCRETION

DEFINITION

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

T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Request from a resident for removal of the street tree on the verge adjacent to 73 Beamish Avenue, Brentwood.
- The tree is commonly known as the Queensland Box Tree.
- Officers assessed the tree, recommended it be retained and advised the resident in September 2021.
- Resident asked for review of this decision through the Mayor, Ward Councillors and Director Technical Services, resulting in a report for a Council decision regarding retention or removal in accordance with CP-029 Tree Policy.
- The Officer's recommendation is to not support the request for the removal of the Queensland Box verge tree at 73 Beamish Avenue, Brentwood given its healthy condition and contribution to the streetscape amenity.

BACKGROUND

This report presents the background information regarding resident requests for the tree to be removed, maintenance history of the tree in question, community feedback on the request for tree removal and information provided by an independent Arboriculture Consultant on the condition of the tree. Photos of the tree located on the verge of 73 Beamish Avenue, Brentwood are attached below.

[3958 – Photo 1 of Tree](#)

[3958 – Photo 2 of Tree](#)

[3958 – Photo 3 of Tree](#)

DETAIL

The resident of 73 Beamish Avenue, Brentwood has requested that the City tree on the verge be removed, the tree in question is a mature *Lophostemon confertus* (Queensland Box) tree.

The Queensland Box Tree is mature and in good health with a good coverage of healthy canopy. It is at a height of 13 metres and has a canopy spread of 10 metres. Following assessment by a City arborist, it was estimated that tree has an anticipated useful life expectancy of up to 20 years with an amenity dollar value of \$17,100. The amenity dollar value has been determined by City Officers utilising the City of Melville's Tree Evaluation Method.

This request for tree removal has been a result of the resident's opinion that the tree is;

- inappropriate for the site
- has choked and killed the lawn
- is a slip hazard from debris, mainly in the form of fallen nuts
- is a safety hazard to persons and property
- prevents access to a person with a disability
- will be significantly and unavoidably damaged by development

**T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)**

Officers have assessed the central location of the tree in relation to the proposed development under construction and conclude that there are more than adequate setbacks to accommodate a 6 metre wide driveway in the proposed location of the garage, without adversely impacting on the tree (refer to Photo 1) or the infrastructure.

According to the City's tree management records, the Queensland Box Tree has been subject to three previous maintenance requests since December 2012 involving the following works:

- 5/12/2012 - Prune tree branches from powerlines and concerned branches that may be at risk of falling onto roof (completed).
- 25/03/2020 - Prune trees to allow for demolition company to access the site (completed)
- 13/04/2021 - Remove tree as it drops nuts and is located to close to driveway (this request)

In addition to the City Officer's arboricultural assessment, an independent arboriculture consultant was engaged to assess the tree and provided the following summary:

- The tree is an early mature *Lophostemon confertus* (Queensland Box) and is at a height of 12.6 meters and has a canopy spread of up to approximately 12.0 meters and trunk diameter of 65 centimeters. The tree displays a healthy vitality with suitable overall foliage coverage, color, size, with lateral and apical growth showing adequate extension, indicative of a sound and healthy root system.
- The consulting arborist states in the report that the tree provides significant aesthetic and amenity value to the surrounding streetscape and there is no sound arboricultural justification for tree removal or significant canopy reduction pruning works at this time.
- Three recommendations were made as a result of the inspection are proposed to be implemented should the tree be retained including:
 1. Selectively prune any deadwood.
 2. Ensuring the tree is adequately watered weekly during the summer months due to building works adjacent the tree.
 3. Re-inspecting the tree in 12 months.
- A visual amenity valuation took place using the Helliwell System, which is used by this consultant to assess the amenity value of a tree; and using this method the tree was valued at \$10,242. [3958 - Arboriculture Advice](#)

Lophostemon confertus (Queensland Box Tree)

Within the City, there are approximately 2,760 *Lophostemon confertus* (Queensland Box) trees located on verges. These trees were regularly planted by local governments in the past across Perth as well as in Sydney and Melbourne.

The trees are considered useful as a street tree due to its disease and pest resilience, its high tolerance to air pollution and drought as well as their relatively light to moderate maintenance requirements. The tree is considered one of the hardiest and most successful street trees utilised by local governments and widespread across the Perth metropolitan area.

**T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)**

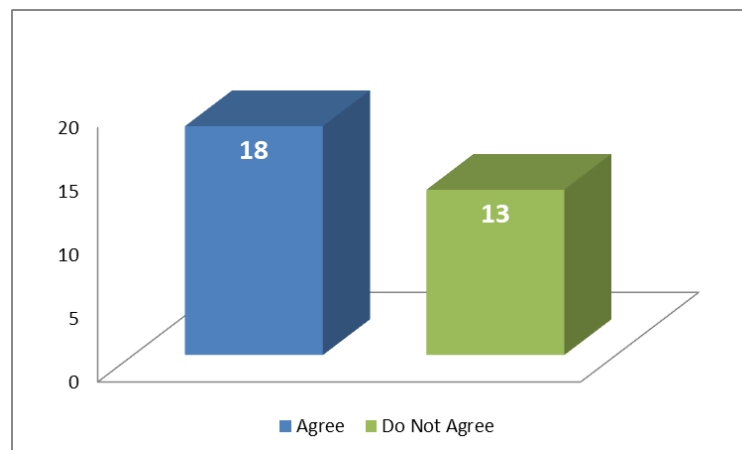
Unfortunately the trees do drop a fair amount of debris, mainly the nuts, which are considered a nuisance by many in the community, noting that all trees drop foliage and other materials during their life. Many local governments have chosen not to plant these species of trees as a result of the complaints received.

The City does not plant new Queensland Box trees at this point but will monitor industry best practice and consider planting of these trees in the future.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The Tree Policy requires the City to consult with residents in the local area where reports are presented to Council in order to gain community feedback on the tree removal request. The consultation process involved writing to residents in the local area who may be impacted by the decision and seeking feedback on their preference to remove or retain the tree. Residents were advised that their feedback would be included in the report and used to assist in the decision making process. A copy of the survey form is attached for information. [3958 – Survey Form](#)



As can be seen in the above graph, of the 85 properties surveyed 31 residents provided feedback related to the tree removal request at 73 Beamish Avenue, Brentwood, with 18 (58%) supporting its removal and replacement with an alternative tree. [3958 – Residential Feedback Summary](#)

II. OTHER AGENCIES / CONSULTANTS

Arboriculture Consultant, Paperbark Technologies conducted a site visit to inspect the tree at 73 Beamish Avenue on 4 January 2022 and provided the above attached report.

STATUTORY AND LEGAL IMPLICATIONS

No legal or statutory advice has been sought on this item.

**T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**Tree Removal and Replacement

The cost to procure the independent Arboriculture Report was approximately \$350.

If the decision to remove the tree is approved by the Council, all costs associated with the removal and replacement is to be paid for by the person seeking the removal (applicant) as if the tree was authorised for removal under Clause 6.4 of Tree Policy CP-029 as outlined below.

In the event a tree is authorised for removal as part of a development application, (including planning, building, demolition and crossover application), the following will occur:

- The applicant will approach the City to formally request the approved trees removal process to commence.
- The applicant will pay the invoice provided by the City for:
 - Tree removal.
 - Stump grinding to min 300mm below ground level.
 - Traffic management cost as required.
 - Two replacement trees.
 - Establishment of replacement trees for 3 years.
- Upon receipt of this payment the City will arrange:
 - Tree removal and stump grinding within approximately 10 weeks
 - Tree replacement during the next planting season after development works have been completed.
- A minimum of one street tree shall be replaced on the verge adjacent to the development, where sufficient space.
- Where sufficient space additional trees may be placed on the verge at the City's discretion.

The City would manage the removal and replacement process utilising the City's tree pruning contract, Supply of Tree Pruning Services. The contracted rates have been market tested and are very competitive.

The removal cost for the tree is \$430 which includes stump grinding. As per the Tree Policy, two trees would need to be purchased as replacements for the tree removed. Each tree will cost \$440 for a total of \$880. A total of \$1,310 would be invoiced to the applicant.

Tree Retention

If the decision by Council is to retain the tree, it would be managed within on-going operational budgets with works related to:

- The implementation of recommendations from the independent Arborist Report;
- Pruning – formative, remedial (due to damage), asset/boundary clearance;
- Health treatments – fertiliser, microbes, pesticide applications; and
- Removal at end of useful life (ULE), including stump grinding and replacement.

**T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
<p>A Council decision to remove healthy trees will result in community opposition and reputational damage. This may set a future precedent requesting the removal of healthy trees.</p> <p>Inconsistent with other Council City's policies and strategies to protect and enhance the City's green spaces.</p>	<p>Major consequences which are possible, resulting in a High level of risk</p>	<p>During the decision making process ensure Council is aware and consider the following endorsed Council Policies and Strategy documents.</p> <p>Environmental Policy CP-030</p> <p>Urban Forest and Green Space Policy CP-102</p> <p>CP- 029 Tree Policy Urban Forest Strategic Plan – Part A</p>

POLICY IMPLICATIONS

Environmental Policy CP-030 – Policy Statement - The City aims to prevent, manage and minimise environmental impacts associated with its activities, while conserving and enhancing the City of Melville's biodiversity and environmental quality, thereby maintaining and creating healthy surroundings for the community.

Tree Policy CP-029 – Policy Statement - All trees are assets of the City that contribute to the well-being of the community and to the natural environment. The City recognises and values the significance of trees within the urban setting for the many social, economic and environmental benefits they provide. The City is committed to protecting, maintaining and increasing its tree population.

Urban Forest and Green Space Policy CP-102 – Policy Statement:

1. To protect, preserve and enhance the aesthetic character of the City of Melville.
2. To realise the social, environmental and economic benefits of trees and other vegetation as an integral element of the urban environment.
3. To contribute to community wellbeing by integrating and aligning the efficient provision of physical, social and green infrastructure and management of natural areas to achieve community wellbeing today and tomorrow.
4. To encourage a sense of shared responsibility and balance individual and community rights to equitably distribute the costs and the benefits of a greener City.
5. To ensure that the urban forest and green spaces that are integral to the City's sense of place are not compromised in areas of increased residential density.

**T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)**

Declaration of Climate Emergency and Carbon Neutral by 2030 – The retention of trees provides a positive contribution towards carbon management as they convert CO₂ to oxygen and play a role in improving air quality. It would take ten years or more for the planted tree to reach a level of maturity to replicate the carbon abatement function associated with the mature Queensland Box subject to this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONSApprove the removal of the tree

Approve the removal and replacement of the tree, all costs associated with this process is the responsibility of the applicants seeking removal (\$1,310).

Replace with transplanted mature tree

Remove tree and replace with mature tree that will reduce the impact of the loss of the existing mature tree, funded by the applicant seeking removal. Costs would include the tree, installation, including crane and traffic management as required, watering and management of the tree to warranty requirements for 24 months after planting. A mature tree can range from \$5,000 to \$15,000 dependent on the height and species of tree.

CONCLUSION

Specific aspirations in the City of Melville's Strategic Community Plan 2020 – 2030 include reference to the importance of trees through:

- Clean and Green - We want our pathways, well-shaded for when temperatures soar and a place where people are encouraged to be physically and mentally healthy in an attractive outdoor environment.
- Healthy Lifestyle - Opportunities for a healthy lifestyle both indoors and outdoors and about in local parks and suburbs walking, running, cycling and exercising individually or in groups.

Removing a healthy mature tree may resolve a resident concerns associated with this request, however the multiple benefits that the tree has provided (e.g. shade, amenity, heat reduction, habitat, oxygen generation, contribution to visual streetscape) will take many years to replace and impact on its contribution toward adapting to the impacts of climate change.

There are a number of risks in removing healthy trees, particularly along street verges where multiple functions essential for living are required to be undertaken and located, (path, crossovers, and utilities such as power, water, gas and communications).

Verges are one of the key locations outside of parks and bushlands where the City can not only protect trees but can add to the urban forest tree canopy cover.

**T22/3958 - REQUEST TO REMOVE STREET TREE AT 73 BEAMISH AVENUE, BRENTWOOD
(REC) (ATTACHMENT)**

In addition, there is a reputational risk for the Council in removing healthy trees as this goes against its Climate Emergency Declaration and Carbon Neutral commitments, and is also inconsistent with its sustainability, environment and urban forest policies.

OFFICER RECOMMENDATION (3958)**REFUSAL****That the Council:**

- 1. For the reasons outlined in Item T22/3958 – Request to Remove Street Tree at 73 Beamish Avenue, Brentwood, does not support the request for the removal and replacement of the *Lophostemon confertus* (Queensland Box) verge tree at 73 Beamish Avenue, Brentwood**
- 2. Directs the CEO to advise the applicant seeking removal of the tree of this decision.**

Procedural Motion**COUNCIL RESOLUTION**

At 8:11pm Cr Pazolli moved, seconded Cr Ross –

That Item T22/3958 - Request to Remove Street Tree at 73 Beamish Avenue, Brentwood be deferred to the 15 March 2022 Ordinary Meeting of Council.

At 8:11pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)**Reason for the deferral as provided by Cr Pazolli**

To allow the applicant the opportunity to make a deputation to the Council on this item.

At 8:12pm Cr Woodall returned to the meeting.

T22/3966 - SUPPLY OF GENERAL MAINTENANCE SERVICES (REC) (CONFIDENTIAL ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Tenders
 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 : 2022
 Funding : As outlined in the confidential attachment
 Responsible Officer : Mario Murphy – Manager City Buildings

AUTHORITY / DISCRETION

DEFINITION

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

T22/3966 - SUPPLY OF GENERAL MAINTENANCE SERVICES (REC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

To recommend the acceptance of the applications as contained in the confidential attachment T22/3966 RFT212212 Contract and Tender Advisory Unit Minutes.

BACKGROUND

The City of Melville (City) is seeking a qualified and experienced Contractor to undertake the supply of General Maintenance Services in various locations across the City. These locations include, but shall not be limited to:

- Buildings/ Facilities and surrounding areas
- Parks
- Reserves
- Carparks
- PAW's (Public Access Ways)

The Contract period is for an initial term of two years (24 months) with two additional 24 month option periods which will be exercised at the sole discretion of the City. The City will appoint one Contractor for the provision of the services under the Contract. Please note the City does not guarantee the amount of work which will be required as part of this Contract.

At the discretion of the City, the Contractor may be eligible to be awarded Capital Project work up to the value of \$25,000.00 excl. GST, without the City seeking competitive quotes, provided a formal quote has been submitted by the Contractor and accepted by the City.

Quoted works under \$25,000.00 excl. GST, that are rejected by the City and Capital Works above \$25,000.00 excl. GST, will be competitively quoted in accordance with the City's Purchasing Policy and procedures.

The City reserves the right to engage a contractor outside of this Contract for maintenance and or repair of systems unique to a specific contractor/supplier or facility.

DETAIL

Qualitative scores were achieved by joint agreement of the evaluation panel members at the evaluation meeting after each panel member had scored the submission individually. The City set five qualitative criteria for this Request, being Demonstrated Experience, Key Personnel, Sustainable Procurement, Local Buy and Methodology.

The Respondents' hourly rates were compared to each other.

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

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

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

T22/3966 - SUPPLY OF GENERAL MAINTENANCE SERVICES (REC) (CONFIDENTIAL ATTACHMENT)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

No stakeholder engagement has been required or undertaken for the tender process.

II. OTHER AGENCIES / CONSULTANTS

No external agencies or consultants were required or engaged for the tender process.

STATUTORY AND LEGAL IMPLICATIONS

Local Government (Functions and General) Regulations 1996 Section 3.57 11 (1) "A Local Government is required to invite tenders before it enters into a contract for another person to supply goods or services".

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

FINANCIAL IMPLICATIONS

As outlined in the confidential attachments.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The provision of these services has no major strategic implications.

The provision of these services has no major environmental management implications.

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

POLICY IMPLICATIONS

CP-023 Procurement of Products or Services

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No suitable alternatives have been identified.

T22/3966 - SUPPLY OF GENERAL MAINTENANCE SERVICES (REC) (CONFIDENTIAL ATTACHMENT)**CONCLUSION**

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

The recommended Respondent is the highest qualitatively ranked submission and offer the lowest price of the shortlisted submissions therefore they offer the best value for money.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3966)**APPROVAL**

At 8:12pm Cr Wheatland moved, seconded Cr Barber –

That the Council:

- 1. Accept the recommendation as contained in the Confidential Attachment – T22/3966 RFT212212 Contract and Tender Advisory Unit Minutes, and**
- 2. Upon resolution the recommendation, directs that the successful respondent's name be inserted below this point 2, awarded;**

**Crab Claw Holdings PTY LTD ATF The EMSO Investment Trust
T/AEMSO Maintenance
ABN 86 429 376 448**

At 8:12pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

**T22/3967 – SUPPLY OF TREE MAINTENANCE FOR THE CITY OF MELVILLE (REC)
(ATTACHMENT)**

Ward : All
 Category : Operational
 Subject Index : Tender
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Tree Pruning, Stump Grinding & Ad-hoc Contractor budgets.
 Responsible Officer : Jeff Bird – Manager Natural Areas & Parks

AUTHORITY / DISCRETION

DEFINITION

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

T22/3967 SUPPLY OF TREE MAINTENANCE FOR CITY OF MELVILLE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

To Recommend the acceptance of a tender submitted for the Supply of Tree Maintenance for City of Melville.

BACKGROUND

The City of Melville (“City”) is seeking for a suitably qualified and experienced Contractor to perform maintenance services on trees located within City owned land. Services shall include the removal, chipping, stump grinding and disposal of green waste material at various sites within the City or alternatively at the Regional Resource Recovery Centre (RRRC) in Canning Vale.

The Contract period is for an initial term of three years with two additional 12 month option periods which will be exercised at the sole discretion of the City. The Contractor shall be able to provide sufficient resources to prune approximately 125 trees per month. The figure is indicative only and the City does not guarantee this volume of work.

The Contract excludes scheduled maintenance programmes on trees located under power lines that are within the road reserve.

This Contract does not preclude the City from conducting tree pruning utilising its own resources

DETAIL

Qualitative scores were achieved by joint agreement of the evaluation panel members at the evaluation meeting after each panel member had scored the submission individually. The City set four qualitative criteria for this Request, being Demonstrated Experience, Capacity to Deliver, Local Buy and Methodology.

The Evaluation Panel reviewed all Respondent offers and prepared an Evaluation Report, identifying the recommended Respondent.

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

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

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

II. OTHER AGENCIES / CONSULTANTS

No other agencies/consultants has been required or undertaken for this tender.

T22/3967 SUPPLY OF TREE MAINTENANCE FOR CITY OF MELVILLE (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

Pre-Tender Estimate	\$950,000.00
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation	Not applicable, within budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

There is no residual risk implications following the invitation and evaluation process conducted for this item. Actions taken to address identified risks are listed in a confidential attachment included in the Contract and Tender Advisory Unit Meeting Minutes of 25 May 2021

POLICY IMPLICATIONS

CP-023 Procurement of Products or Services

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options have been identified.

CONCLUSION

The CTAU is satisfied that the recommended supplier has demonstrated that they have the necessary relevant experience, appropriate key personnel to deliver the services, follows a methodology in line with the City's expectations, and offer suitable products.

The confidential attachments are included in the Contract and Tender Advisory Unit Meeting Minutes of 25 January 2022 available on the Elected Members Portal.

T22/3967 SUPPLY OF TREE MAINTENANCE FOR CITY OF MELVILLE (REC) (ATTACHMENT)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3967)****APPROVAL**

At 8:13pm Cr Barber moved, seconded Cr Robins –

- 1. Accept the recommendation as contained in the Confidential Attachment –RFT212216 Contract and Tender Advisory Unit Minutes.**
- 2. Upon resolution the recommendation, directs that the successful respondent's name be inserted below this point 2, awarded;**

**Westworks Group Pty Ltd ATF
Ussheridan Trust T/A Tree Care WA
ABN 23 100 208 057**

At 8:13pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

CD22/8145 - DIRECTIONS FROM YOUNG PEOPLE STRATEGY (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The City has developed a new iteration of the Directions from Young People Youth Strategy for 2022-2025
- This is the third iteration of the Strategy since 2010 and outlines actions for City staff in four key areas relevant to the interests and needs of young people
- Input into the Strategy has been provided by 563 young people, including eight young residents who worked as Peer Researchers to develop and undertake the strategy review surveys
- The professionally designed Strategy includes artwork created by young people, including several examples of public artwork currently displayed in the City
- The Strategy is presented to the Council for noting.

BACKGROUND

This new strategy is the third iteration of the City's Directions from Young People (DFYP) Strategy, which was first launched in 2010. The DFYP has been the key informing document for working with young people, including data and findings from youth surveys, local and national research, and best practice models relating to the engagement and inclusion of young people as important stakeholders in our community. Importantly, the new iteration has a strong focus on presenting youth voice, with direct quotes from young people featuring heavily throughout the document.

Early findings from the surveys were presented to the Childsafe Melville internal working group on Tuesday September 7 2021 and to an Elected Members Information Session on Tuesday September 28 2021.

Public comment on the strategy opened in October 2021. The Strategy received four submissions from the public, all of which endorsed the strategy.

March to May 2021	June to August 2021	September 2021	September to October 2021	October to November 2021	December 2021 to February 2022
Planning and desktop research	Community consultation	Findings and actions presented to Council	Draft <i>DFYP Youth Strategy 2022-2025</i> developed	Public comment on draft <i>DFYP Youth Strategy 2022-2025</i>	<i>DFYP Youth Strategy 2022-2025</i> Finalised and published

CD22/8145 - DIRECTIONS FROM YOUNG PEOPLE STRATEGY (REC) (ATTACHMENT)**DETAIL**

[Directions from Young People Youth Strategy 2022-2025](#) details the development of the Strategy, the findings from stakeholder engagement, and four focus areas with goals and actions. It includes a demographic analysis of young people aged 12-25 living within the City of Melville, together with demographic data from survey respondents. The focus areas are informed by themes from the survey responses: Youth focus, Wellbeing, Communication, and Making a difference.

The City took a youth-led approach to the development of the Strategy by engaging eight young peer researchers to help us talk with young people. The Peer Researchers developed the survey questions and were each tasked with completing 30 surveys of their peers. They also participated with other elements of developing the Strategy, including supporting the City's social media promotions of the engagement, participating in a Business sundowner with the Melville Cockburn Chamber of Commerce, and presenting to staff and Elected Members early findings of the engagement. The Strategy development also involved a review of the City's current youth provision and current youth issues and trends.

Consultation on the strategy included:

- A print and online survey for young people aged 12 to 25
- An online survey for parents and caregivers
- Four youth workshops—three in partnership with organisations and one Young Changemaker event at AH Bracks Library
- A postcard campaign with the single question 'What is your one wild idea?'
- An art competition with the themes of places, memories, connection, and the future
- One on one conversations with organisations and services
- Two staff workshops

Goals and actions for the "Youth focus" theme were informed by a majority of survey respondents identifying a greater need to offer youth places, activities, events, and fostering a sense of inclusivity for young people. The "Youth focus" goals are:

1. Young people can access and engage in variety of youth-friendly spaces in the City of Melville
2. Young people have the opportunity to participate in youth-focused programs, activities, and events in their areas of interest
3. Young people can contribute to the design and implementation of youth projects, events and facilities

The "Wellbeing" focus area was informed by the large numbers of respondents identifying the importance of mental health amongst their peers, as well as the need for support services, access to gyms and recreation, and developing employment skills:

1. Young people have more options to access information or support for their health and wellbeing in the City
2. A greater number of support services or organisations visit or operate in the City
3. Young people have opportunities to build skills and create networks that lead to improved employment prospects

CD22/8145 - DIRECTIONS FROM YOUNG PEOPLE STRATEGY (REC) (ATTACHMENT)

“Communication” as a focus identifies the diverse ways we can reach young people and that as a cohort there isn’t a one-size-fits-all approach that suits. Our goals are:

1. Young people are easily able to find out what activities, events, programs, and initiatives the City is offering
2. The City is more connected with groups and organisations that work with young people
3. Young people have an improved understanding of what the City of Melville does

The focus area “Making a difference” comes from young people’s ambitions to contribute to their community. Young people are highly informed on issues impacting our communities today, such as climate change, racial justice and gender inequality.

1. Young people volunteer their time in areas of interest and on issues that important to them
2. Young people are meaningfully involved in City planning and decision making
3. City staff have increased knowledge and skills to involve young people in their work

To achieve these goals, the Strategy includes actions under each area with a timeline for each action across the duration of the strategy (2022 to 2025).

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

1. The level of communication in accordance with the Stakeholder Engagement Policy CP-002 for this item is to “collaborate” with the community because it maintains our commitment to working with young people on this strategy, ensures accountability, fosters active citizenship, provides opportunities for young people to gain skills and experience, and ensures best results with young people’s input as subject matter experts on the interests and needs of their peers.
2. External engagement has been carried out with extensive community surveying of young people, youth workshops, surveys of parents and caregivers of young people, businesses and agencies working with young people, and of City of Melville staff to ensure the information presented in the strategy represents the interests and needs of young people as accurately as possible.
3. Community members have indicated their support for the Strategy during the survey period and public comment period relevant to the draft strategy document. The public comment period was advertised from 22 October 2021 to 7 November 2021. It was promoted online, via social media, to direct regional youth networks, to schools and other agencies, and to previous survey respondents. four submissions were received and each gave full endorsement of the Strategy.
4. A transparent recruitment process will be undertaken in order to establish a Youth Steering Group in order to maintain our commitment to accountability in delivering positive outcomes within the strategy (note this is a designated action with the strategy document).
5. The Directions from Young People strategy aligns strongly to the Strategic Community Plan 2020-2030. Community Aspirations Clean and Green, Growth and Prosperity, Healthy Lifestyles, and Sense of Community especially are highly relevant to the action areas of the DFYP: Youth Focus, Wellbeing, Communication, and Making a difference.

CD22/8145 - DIRECTIONS FROM YOUNG PEOPLE STRATEGY (REC) (ATTACHMENT)**II. OTHER AGENCIES / CONSULTANTS**

The City contracted the Youth Affairs Council of Western Australia (YACWA) as the consultant to undertake the development of this strategy. YACWA was the successful applicant from a Request for Quote process (RFQ202156) undertaken at the beginning of 2021. Officers worked with YACWA to design and conduct the engagements, undertake promotions, host workshops at CoM worksites, and present findings to City staff and Elected Members.

Throughout the engagement period, City officers promoted the Strategy and community surveys to regional youth agencies including schools, neighbouring local governments, youth support services, and youth recreation providers. In particular, officers promoted the strategy to the Cockburn, Melville, Fremantle Interagency Youth Forum; to the headspace Fremantle Consortium Advisory Group and Youth Reference Group; and to the Imagined Futures Youth Initiative Working Group. Requests made to these organisations included the promotion of the surveys, involvement and submissions made for the engagement period and public comment, and promotion of early findings relevant to the regional youth sector.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications that apply to this report.

FINANCIAL IMPLICATIONS

The City employs 1 FTE Community Development Officer – Youth, and in 21/22 secured an approved annual operational budget of approximately \$65,000 for expenses associated with youth programming/initiatives driven by the Neighbourhood Development Team. This includes approximately \$30,000 of wages to engage casual Youth Engagement Officers that assist with the design and delivery of programming, \$10,000 of this is grant funding through the Department of Communities, Empowering Communities program.

In addition, approximately a further \$12,500 was successfully obtained through the WA Police Force Crime Prevention Fund grant program in 21/22 to support delivery of a 12 month event series responding to actual or perceived antisocial activity across the City. Libraries, galleries, museums and recreation centres also deliver programming direct to young people within current operating budgets.

A proposal for an additional \$55,000 operational budget will be requested for the 22/23 financial year, in order to employ a young person in a newly created fixed term part time role of Community Development Officer – Youth Programming and Digital Engagement. This role will support the City in preparing to deliver actions included within the Communications focus area of the Strategy, and is anticipated to become a permanent position following review of outcomes of the proposed trial period over the next 12 months.

As an organisation wide strategy, a number of actions are able to be delivered within varied service areas current operational budgets. Where sufficient funding is not available, external funding sources (i.e. grants, philanthropic) and partnerships will be explored or additional budget requests made via existing budget processes.

CD22/8145 - DIRECTIONS FROM YOUNG PEOPLE STRATEGY (REC) (ATTACHMENT)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The item for noting is operational in scope and does not anticipate implications for existing council policy.

The potential outcomes arising from the Strategy include benefits for the community in the form of increased opportunities for engagement, and increased and improved services and facilities for young people.

- Increased engagement opportunities for young people:
 - Youth Steering Group participation
 - CoM to engage young people when designing new spaces
 - CoM to engage young people in reviewing existing Plans: Reconciliation Action Plan; Disability Access and Inclusion Plan
 - CoM to engage young people in community action groups such as potential future Climate Action Groups or similar interest groups
- Increased services and events for young people
 - CoM to seek to engage youth service providers and support young people's access to these providers within the City of Melville
 - CoM to expand upon youth activities, workshops and events in City facilities and public open spaces
 - CoM to increase promotion of large scale community events to young people, to promote these events as all-inclusive and youth-friendly

The environmental and sustainability impacts are largely around fostering the involvement of young people in our current and future environmental sustainability projects. Actions such as the promotion of volunteering with environmental projects and engagement with any Climate Action Groups seek to develop long term engagement with young people and increase civic participation. This may lead to continued participation for individuals as well as the ongoing involvement of the youth community into the future.

CD22/8145 - DIRECTIONS FROM YOUNG PEOPLE STRATEGY (REC) (ATTACHMENT)

No extreme or high risks are identified for this Strategy. Resulting risks are:

Risk Statement & Consequence	Level of Risk	Risk Treatment
The City does not deliver upon this Strategy. Reputational consequence	Insignificant consequences which are almost certain, resulting in a Medium level of risk	Establish an action plan for the recommended actions within the Strategy, with adequate resourcing provided
Actions from the Strategy are not adopted by all the relevant internal service areas. Reputational consequence	Insignificant consequences which are possible, resulting in a Low level of risk	Establish an internal working group responsible for overseeing the Strategy Action Plan
Young people do not participate with delivering actions within the Strategy. Reputational consequence	Insignificant consequences which are likely, resulting in a Medium level of risk	Establish a Youth Steering Group to provide input and accountability to the undertaking of actions in the DFYP Strategy. Provide and improve upon opportunities for young people to be involved in decision making and events. Promote opportunities for participation
The City does not effectively communicate with Young People regarding promotions of events and actions relevant to this Strategy, including reporting outcomes. Reputational consequence	Insignificant consequences which are likely, resulting in a Medium level of risk	Adopt actions from the Strategy relevant to improving communication with young people, such as identifying effective promotion channels and working with schools
The City's youth initiatives do not adequately account for the diverse needs of our community. Reputational consequence Legal consequence	Minor consequences which are rare, resulting in a Low level of risk	Ensure youth initiatives meet accessibility standards Ensure youth initiatives are safe and welcome spaces for everyone Ensure some youth initiatives specifically target diverse minority groups in the community

CD22/8145 - DIRECTIONS FROM YOUNG PEOPLE STRATEGY (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

1. The City's council endorsed Reconciliation Action Plan includes actions relevant to First Nations peoples of all ages, and specific actions related to providing educational and community programs for First Nations young peoples
2. Disability Access and Inclusion Policy CP-084 states the policy objective is: To ensure compliance with the *Disability Services Act (1993)* and to promote, outline and specify the Council's commitment to ensure people with disabilities have equal opportunities of access and community inclusion to Council services, products, facilities and information and are consulted in appropriate and meaningful ways to facilitate participation in decision-making that affects their lives. This Policy relates to all community members, including young people.
3. Stakeholder Engagement Policy CP-002 states that the policy objective is: To ensure City of Melville residents and all relevant stakeholders are provided a fair and meaningful opportunity to participate and contribute to problem solving, planning and decisions made by the Council and its staff. Importantly, this includes young people.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The one option presented here is that the Council notes the renewed Directions from Young People Strategy, which is informed by the expressed needs and interests of young members of the community.

CONCLUSION

The Directions from Young People Strategy provides the City a guiding document for working effectively with young people in the community. This new iteration outlines extensive and tangible actions to effectively engage young people in operational projects, events, workshops and activities relevant to their needs and interests. Young people have shown keen enthusiasm to contribute to both this survey and to special interest projects in their community.

The only identified risks concern failing to adequately action recommendations from the Strategy. Young people and their families have shown enthusiasm in providing their feedback and being involved in workshops. The Strategy recommends key actions around maintaining accountability and continuing to work with young people. The City risks reputational damage in not committing to, and appropriately resourcing work with young people.

With a stronger focus on youth inclusivity in our work, the City will foster active citizenship amongst young people enabling them to develop skills and contribute to their communities, and improve public perception of young people. This is all enabled through improvements in our communication strategies to better inform people from ages 12+ about the City, what we do and how Elected Members represent them. All of which affords us the chance to promote the City as a youth friendly place to live.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8145)**APPROVAL**

At 8:13pm Cr Wheatland moved, seconded Cr Macphail –

That the Council notes the [Directions From Young People Youth Strategy 2022-2025](#) and the included priority areas and actions.

At 8:15pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

**M22/5862 – MELVILLE CITY CENTRE LAND EXCHANGE AGREEMENT (AMREC)
(CONFIDENTIAL ATTACHMENT)**

Ward	:	Central
Category	:	Strategic
Application Number	:	Not Applicable
Property	:	10 Almondbury Road and 125-133 Riseley Street, Booragoon
Proposal	:	Melville City Centre Land Exchange with Westfield Booragoon (Scentre Group/AMP Capital Funds Management)
Applicant	:	City of Melville and Westfield Booragoon
Owner	:	City of Melville and Westfield Booragoon
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P14/3582 Melville City Centre Redevelopment – Special Meeting of the Council 18 December 2014. P15/3627 Melville City Centre Land Exchange – Ordinary Meeting of Council 12 May 2015. P20/3890 Melville City Centre Land Exchange Ordinary Meeting of Council 8 & 9 December 2020. P21/3897 – Submissions Report Melville City Centre Land Exchange – Ordinary Meeting of Council 16 February 2021.
Responsible Officer	:	Jeremy Rae Strategic Property Executive

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>

**M22/5862 – MELVILLE CITY CENTRE LAND EXCHANGE AGREEMENT (AMREC)
(CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- The expansion of the Westfield Booragoon shopping centre provides a unique opportunity to progress the objectives of the Melville City Centre Structure Plan, in particular the creation of the High Street precinct.
- Facilitating this opportunity requires a straightening of the common boundary between the shopping centre site and the City's land. The land realignment is proposed to be achieved via a land exchange agreement between the City and Scentre Custodians Pty Limited /Dexus Wholesale Property Limited on a "like for like" basis of equal value.
- Achievement of the land exchange and ultimately the development of the High Street precinct are linked to the development approval for the shopping centre expansion.
- At the Ordinary Meeting of Council on 16 February 2021, Council resolved (3897) to approve the proposed land exchange and authorise the Chief Executive Officer to proceed with the drafting and negotiation the final terms of the Agreement for Exchange of Land: Melville City Centre and to present the draft agreement to and EMIS and then Council for final approval so the agreements can be signed and executed.
- The purpose of this Report is to present the final draft to Council for approval by way of an Absolute Majority decision and authorise the City of Melville's Chief Executive Officer to sign and execute the Land Exchange Agreement.

BACKGROUND

On 16 February 2021, Council approved the proposed "Land Exchange" between the City of Melville and Westfield Booragoon.

Council Resolution P21/3897 resolved:

"That the Council;

- 1. Notes and considers the public submissions detailed in this report and the City's responses; and*
- 2. Approves the proposed land exchange as outlined in this report with the CEO directed to arrange for the City's solicitors to prepare the final draft land exchange agreement and present it to Elected Members at a briefing and then brought back to Council for final approval prior to being signed and executed."*

The final draft land exchange agreement was presented to an Elected Members Engagement Session held on 30 November 2021.

The City owns Lot 52, 10 Almondbury Road, Booragoon in Fee Simple title which includes the Civic Centre and Civic Square Library which is subject to the land exchange. The lots have a total area of 31,864 m² and are zoned "Centre C1" in Local Planning Scheme No. 6 with a density of RAC-0 within the Melville City Centre Structure Plan.

**M22/5862 – MELVILLE CITY CENTRE LAND EXCHANGE AGREEMENT (AMREC)
(CONFIDENTIAL ATTACHMENT)**

The Structure Plan provides for a new High Street and high quality public spaces to be created between the existing Shopping Centre and the Civic Centre. The High Street is expected to be vibrant, pleasant and commercially successful place. The Melville City Centre Structure Plan provides the vision for the redevelopment of the City Centre and the relevant development requirements. The creation of the High Street precinct, as required by the Structure Plan, supports the transformation of the precinct to a City Centre by:

- Enhancing linkages through the centre
- Facilitation of the required public square
- Facilitation of the location for the library cultural centre development
- Ensuring that the space between the civic centre and the shopping centre is inviting and accessible to the public
- Providing opportunity for development, activity and vibrancy in a public setting outside of an internalised shopping centre environment.

Scentre Custodians purchased a 50% share of Garden City Shopping Centre from AMP Capital Funds Management and renamed it “Westfield Booragoon” in December 2019. In April 2021 AMP Capital Funds Management sold its remaining 50% interest in Westfield Booragoon to Dexu Wholesale Property Limited.

The shopping centre is adjacent to the City Civic Centre and Library and Scentre Group has been in discussions with the City to plan a significant expansion of the Shopping Centre and submit a new development application with the State Development Assessment Unit (SDAU).

In October 2021 Scentre Group lodged its development application with the SDAU and on 18 November 2021 the SDAU advertised the application for public comment which closes on 16 December 2021. Whilst there is no set timeframe for the assessment to be determined by the SDAU, Scentre Group advises that it expects a determination by March/April 2022.

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Centre C1
R-Code	: RAC-0
Use Type	: N/A
Use Class	: N/A

Site Details**City Site**

Address	: Lot 52 (10) Almondbury Road, Booragoon
Registered Owner	: City of Melville
Legal Description	: Lot 52 D064936
Certificate of Title	: Volume 1923 Folio 796
Land Area	: 31,864m ²

M22/5862 – MELVILLE CITY CENTRE LAND EXCHANGE AGREEMENT (AMREC)
(CONFIDENTIAL ATTACHMENT)**Westfield Booragoon**

Address	: Lot 501 (125-133) Riseley Street, Booragoon
Registered Owner	: Scentre Custodian Pty Limited as Trustee for the Scentre Booragoon Trust and Dexus Wholesale Property Limited in its capacity as Responsible Entity of the Dexus Wholesale Property Trust No.1
Legal Description	: Lot 501 DP412579
Certificate of Title	: Volume 1923 Folio 796
Land Area	: 169,355m ²

DETAIL – LAND EXCHANGE AGREEMENT

The preliminary plans prepared by Scentre Group for the expansion of the Westfield Shopping Centre have reflected the Structure Plan requirements including the creation of the High Street and associated precinct.

The High Street Precinct will be an integral part of the new shopping centre, creating a vibrant commercial, retail and cultural precinct. As highlighted above a low speed, pedestrian focused street in this location reinforces that the precinct is an emerging town centre as opposed to a shopping centre adjoining the civic/administration centre. The street provides a high level of public access and reinforces that the spaces being created, including a new town square, are part of the public realm.

Achievement of the High Street requires a straightening of the boundary between the City and shopping centre sites. A “like for like” land swap is proposed to achieve the boundary straightening. Specifically, Scentre Group/Dexus Wholesale Property Trust has proposed to acquire from the City approximately 2,826m² of existing Lot 52 which includes the part of the existing Civic Square and Library. In return Scentre Group/Dexus Wholesale Property Trust will offer the same size land parcel of approximately 2,826m² within “Westfield Booragoon’s shopping centre holding which is currently used as a car park.

The City appointed McLeods solicitors to prepare the land exchange agreement which was based on the previously Council approved land exchange agreement between the City and AMP (now expired and terminated). McLeods solicitors have had carriage of the agreement and have also been involved together with the City in negotiation of the terms and wording of the agreement with Scentre Group.

Structure of the “Agreement for Exchange of Land: Melville City Centre”

The purpose of the agreement is to enable the High Street to be constructed by Scentre Group as part of its redevelopment plans for Westfield Booragoon via the re-alignment of the current land boundaries on the basis of a “like for like” land exchange of equal value.

**M22/5862 – MELVILLE CITY CENTRE LAND EXCHANGE AGREEMENT (AMREC)
(CONFIDENTIAL ATTACHMENT)**

Key Objectives and Outcomes of the land exchange include:-

1. Facilitate the creation of the High Street by Scentre Group;
2. Ceding of the High Street to the City;
3. Temporary Easement and License in favour of Scentre Group over the exchange land parcels owned by the City during the period of construction of the High Street by Scentre Group until the High Street is ceded to the City;
4. Bonding Agreement via a Bank Guarantee provided by Scentre Group in favour of the City to the value of \$1M as security to ensure Scentre Group's commitment to construct the High Street; and
5. To enable the City to progress its development of the new Library and Cultural Centre on the exchange parcel of land.

Key Terms of the Agreement

1. Sunset Date for Conditions Precedent being 2 years after the granting of Development Approval.
2. Latest Date being 4 years after date of the Land Exchange Agreement.
3. The Land Exchange value is like for like as previously determined by valuation and there is no consideration payable at settlement.
4. Funding amount of \$2.5M Inc. GST payable by Scentre Group to the City upon commencement of construction of the new Library/Cultural Centre by the City.
5. High Street Bond Value \$3M
6. Conditions Precedent:-
 - a. Satisfaction of the Subdivision/Amalgamation Process and Approvals by WAPC for the land exchange
 - b. Satisfactory Development Approval by the SDAU
 - c. Scentre Group obtaining internal approval to commence works
 - d. Scentre Group substantially commencing works prior to the Sunset Date

[5862 Melville City Centre Land Exchange Agreement Deposited Plan](#)

The following confidential attachments were distributed to Elected Members on 28 January 2022 under confidential cover.

Agreement for Exchange of Land
High Street Bonding Agreement
High Street License
Public Access Easement in Gross

STAKEHOLDER ENGAGEMENT

Advertising Required: Yes – proposed as per Section 3.58 (3) of the *Local Government Act 1995* for a 32 day period.

**M22/5862 – MELVILLE CITY CENTRE LAND EXCHANGE AGREEMENT (AMREC)
(CONFIDENTIAL ATTACHMENT)****I. COMMUNITY**

The City's Stakeholder Engagement Policy CP-002 outlines the different levels of public consultation and communication required depending on complexity, risk, political sensitivity and the impact on the community. In this case, public advertising was required as per the Local Public Notice requirements of the *Local Government Act 1995* (Section 3.58(3) and (4)) for no less than 14 days. The advertising would be regarding the potential land transaction, not the concept plan. Detailed development ideas/issues would be considered in future through the development application process. The Public Notice was advertised state-wide for a period of 32 days (4.5 weeks) on the 13th December 2020 to 11th January 2021.

The Public Notice was advertised as follows:-

1. Publication in State-wide West Australian (as per lineage ad request below).
2. Publication on the City's website for the period 14th December to 11th Jan 2021.
3. Exhibition of the notice in the City and all library public noticeboards for period 14th December to 11th Jan 2021.
4. Two submissions were received by the City during the public notice advertising period from City of Melville residents.

II. OTHER AGENCIES / CONSULTANTS

Legal advice was provided by McLeods associated with the land exchange and the City officers have consulted with Department of Planning Lands and Heritage representatives regarding the High Street concept and consistency with the approved Structure Plan.

STATUTORY AND LEGAL IMPLICATIONS

The Confidential Attachments to this report are:-

1. *"Agreement for Exchange of Land: Melville City Centre"*
2. *"High Street Bonding Agreement"*
3. *"High Street License Agreement"*
4. *"Public Access Easement in Gross"*

This item of business is being dealt within confidential business in accordance with the following provisions Section 5.23 and Section 5.41 of the *Local Government Act 1995*. If a meeting is being held by Council or by a committee referred to in subsection (1)(b), the council or committee may choose to close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:-

- (a) A contract entered into, or which maybe entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (b) A matter that if disclosed, would reveal information that has a commercial value to a person.

**M22/5862 – MELVILLE CITY CENTRE LAND EXCHANGE AGREEMENT (AMREC)
(CONFIDENTIAL ATTACHMENT)**

FINANCIAL IMPLICATIONS

The financial implications resulting from this process relate to the legal fees incurred by the City in relation to the preparation of the Legal Agreement and are not expected to exceed \$20,000.

Whilst the value of the potential land swap may be in the order of \$6 million, the “like for like” land swap would result in a \$Nil balance payment adjustment at settlement. Scentre Custodian /Dexus Wholesale Property will be liable for stamp duty on the exchange value, whilst the City is exempt from stamp duty and will not incur a transfer costs.

The City has made provision for the preparation of the land exchange agreement by its solicitors and has budget up to \$20,000 for its legal costs.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic risks or environmental management implications with this application apart from the following identified:-

Risk Statement	Level of Risk	Risk Mitigation Strategy
Should Council decide not to approve the proposed land exchange with Sceptre Group/Dexus Wholesale Property, Scentre Group may proceed to lodge a revised Development Application with the SDAU based on design without a High Street.	Moderate consequences which are likely, resulting in a High level of risk.	Approve the Exchange of Land Agreement as prepared and drafted by the City’s solicitors.
Should the City decide to progress the proposed new civic library and cultural centre project without the land exchange proceeding, the City will forego the \$2.5M incl. GST of financial compensation from Scentre Group plus have to pay for the demolition.	Moderate consequences which are almost certain, resulting in a High level of risk.	Approve the Exchange of Land Agreement as prepared and drafted by the City’s solicitors.

**M22/5862 – MELVILLE CITY CENTRE LAND EXCHANGE AGREEMENT (AMREC)
(CONFIDENTIAL ATTACHMENT)****POLICY IMPLICATION**

There are no policy implications as a result of this report.

1. Should Council decide not to approve the proposed land exchange with Scentre Group/AMP Capital Funds Management, Westfield is likely to proceed with lodging its Development Application based on design without a High Street. This option will entail:-
 - a. No High Street
 - b. Existing Civic Library will stay where it is
 - c. Road to Almondbury Rd will be undergrounded on the existing alignment
 - d. Planned Restaurant precinct will open onto the existing amphitheatre space
 - e. Possible hard cul-de-sac edge to the cinema complex
 - f. Very minor changes to their planned retail layout
2. Should the City decide to progress the proposed new civic library and cultural centre project, the City will forego the \$2.5M in financial compensation from Westfield plus the estimated \$250K cost for demolishing the existing library which Westfield is proposing to pay. The saving is that the City would not have to pay the relocation of the air-conditioning plant which has been estimated to cost up to \$1M.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may decide not to approve the land exchange agreement.

Under this option, it is expected that the shopping centre owners would explore alternative expansion plans that did not involve the creation of the High Street Precinct. Not achieving the High Street precinct would result in a significantly compromised planning outcome for the Activity Centre and a likely sub optimal level of activation and public space between Westfield Booragoon Shopping Centre and the City's land holding. In addition, the potential to create a publically accessible space and unique town centre identity in this location would be diminished, thereby adversely impacting on the opportunities for the community to utilise the high profile interface between the Civic Centre and the shopping centre. Long term this would compromise the functionality and development opportunities for the centre, and result in significantly reduced rate revenue to the City. The current opportunity for the shopping centre redevelopment to substantially contribute to the desired outcomes for the Melville City Centre would be lost.

Certainty in relation to the proposed redevelopment of a new Library and Cultural Centre is also diminished if the High Street precinct works are not progressed. The current proposal secures a strategic site (on the High Street) for the proposed new facility as well as a financial contribution to the new building. Should the boundary re-alignment proposal not proceed, the existing Civic Library would need to be retained and upgraded to an acceptable standard as the City's premier library facility. Should the City choose to proceed with the construction of new library and cultural centre facility, then the offer of compensation towards a new building is not available and the location of the building (in the absence of a High Street) is likely to be less optimal.

**M22/5862 – MELVILLE CITY CENTRE LAND EXCHANGE AGREEMENT (AMREC)
(CONFIDENTIAL ATTACHMENT)**

CONCLUSION

The straightening of the common boundary between the City’s land and Westfield Booragoon provides the opportunity to create a public High Street Precinct in this location.

As outlined above, the creation of the High Street responds to the requirements of the Melville City Centre Structure Plan and is significant to transforming the precinct into a true town centre.

The current development application for the expansion of Westfield Booragoon provides the opportunity to achieve the High Street precinct. The outcome will ultimately require the finalisation of the land swap described in this report after Council has considered the public submissions.

It is recommended that the Council approves the land exchange agreement and authorise the Chief Executive Officer to sign and execute the agreement.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5862) ABSOLUTE MAJORITY

At 8:15pm Cr Macphail moved, Seconded Cr Wheatland –

That the Council:

- 1. By Absolute Majority directs the Chief Executive Officer to sign and execute the following agreements:-**
 - Agreement for Exchange of Land: Melville City Centre between the City of Melville and Scentre Custodian Pty Limited as Trustee for the Scentre Booragoon Trust and Dexu Wholesale Property Limited in its capacity as Responsible Entity of the Dexu Wholesale Property Trust No.3
 - High Street Bonding Agreement
 - High Street License
 - Public Access Easement in Gross
- 2. That the Confidential Attachments in this Report be made public once the documents have been executed by all parties.**

At 8:24pm, the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (12/1)

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

At 8:24pm, Cr Wheatland left the meeting and returned at 8:26pm.

M22/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 18 October 2021 up to and including 13 January 2022 for the Council's noting.

M22/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Parties	Description	ECM Reference
CS2189	City of Melville and McLeods Barristers and Solicitors	Temporary withdrawal of caveat from parent lot to allow subdivision – 25 Fletcher Street, Applecross (DA-2019-1513 and DA-2020-133)	6652588

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

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

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

M22/5000 – COMMON SEAL REGISTER (REC)**FINANCIAL IMPLICATIONS**

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for the Elected Members' that details the documents to which the City of Melville Common Seal has been applied for the period from 18 October 2021 up to and including 13 January 2022.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5000)**NOTING**

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 18 October 2021 up to and including 13 January 2022.

At 8:31pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

C22/6000-1 - INVESTMENT STATEMENTS FOR NOVEMBER 2021 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 30 November 2021 for the Council's information and noting.

C22/6000-1 - INVESTMENT STATEMENTS FOR 30 NOVEMBER 2021 (REC)

BACKGROUND

The City has cash holdings as a result of timing differences between the collection of revenue and its expenditure. Whilst these funds are held by the City they are invested in appropriately rated and liquid investments.

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

DETAIL

The following statement details the investments held by the City as at 30 November 2021.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2021		
SUMMARY BY FUND		
Municipal		\$51,038,831
Reserve		\$159,816,051
Trust		\$-
Citizen Relief		\$224,057
TOTAL		\$211,078,939
SUMMARY BY INVESTMENT TYPE		
11AM		\$11,956,416
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$174,522,523
TOTAL		\$211,078,939
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$142,578,223
A Category (A+ to A-)	A+	\$13,000,716
	A	
	A-	
BBB+ Category	BBB+	\$55,500,000
TOTAL		\$211,078,939

C22/6000-1 - INVESTMENT STATEMENTS FOR 30 NOVEMBER 2021 (REC)

Exposure to an individual institution is limited according to Council policy and in November 2021 the investments were within the acceptable limits.

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 7,000,000	3.32%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 28,500,000	13.50%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 27,000,000	12.79%	15.00%	✓
CBA	AA-	AA Category	\$ 51,500,000	24.40%	30.00%	✓
Macquarie	A+	A Category	\$ 7,000,716	3.32%	25.00%	✓
NAB	AA-	AA Category	\$ 50,036,663	23.71%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 6,000,000	2.84%	25.00%	✓
Westpac	AA-	AA Category	\$ 34,041,560	16.13%	30.00%	✓
TOTAL			\$ 211,078,939	100%		

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

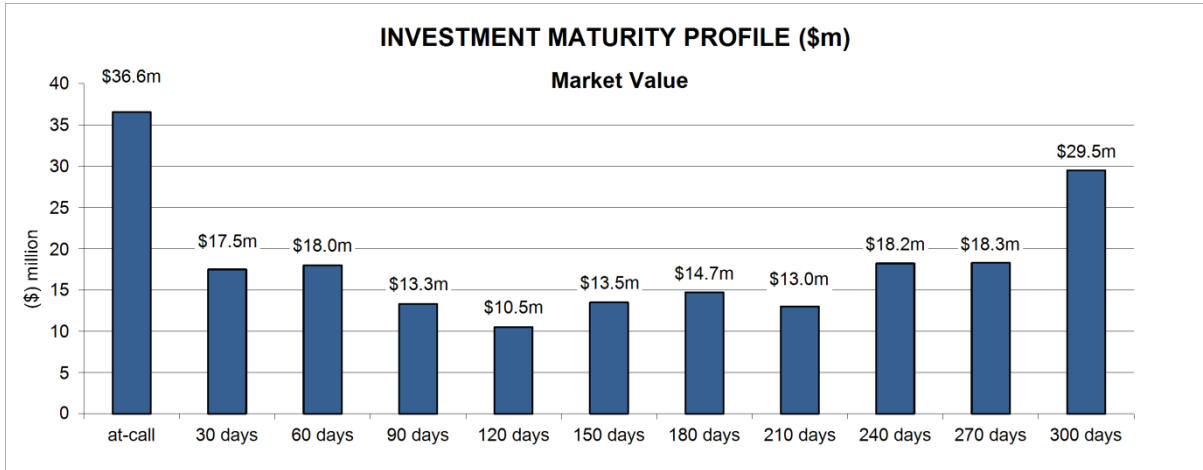
The City's investments were invested within the limits allowed within each category rating for November 2021 except BBB+ rating which exceeded the policy limit by 1%. The City has invested \$55.5m under BBB+ category of which \$27m is Green investment with Bendigo & Adelaide. This is a result of the timing of investment maturities and will be adjusted to be within policy in January 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-)	\$ 142,578,223	68%	80%	✓
A Category (A+ to A-)	\$ 13,000,716	6%	50%	✓
BBB+ Category	\$ 55,500,000	26%	25%	✗
TOTAL	\$ 211,078,939	100%		

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

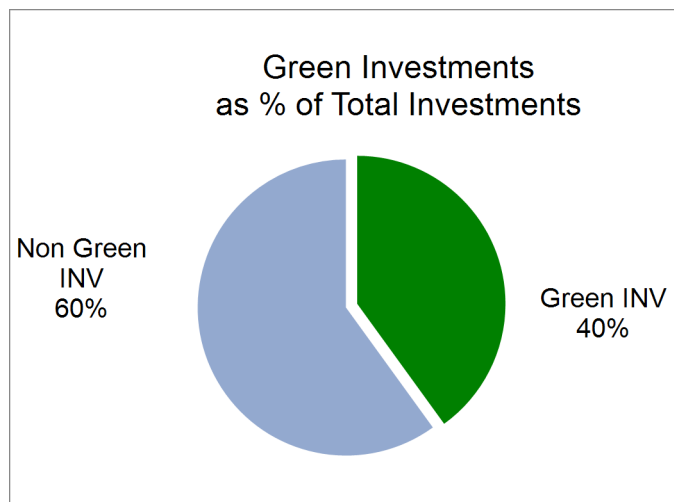
C22/6000-1 - INVESTMENT STATEMENTS FOR 30 NOVEMBER 2021 (REC)

The below graph summarises the maturity profile of the City's investments at market value as at 30 November 2021. The immediacy of the demand for funds depends on the particular Fund or Reserve Account(s) of the City. The maturity profile provided in the table above meets the liquidity requirements of the Council policy.



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

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 30 November 2021 was \$84,500,000 or 40% of total investment holdings being in non-fossil fuels institutions, compared to \$83,000,000 (39%) in October 2021. The total investments holding for November and October were \$211,078,939 and \$213,678,449 respectively.



C22/6000-1 - INVESTMENT STATEMENTS FOR 30 NOVEMBER 2021 (REC)

Green Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 27,000,000
CBA	AA-	AA Category	\$ 51,500,000
Suncorp	A+	A Category	\$ 6,000,000
TOTAL			\$ 84,500,000

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

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

C22/6000-1 - INVESTMENT STATEMENTS FOR 30 NOVEMBER 2021 (REC)

FINANCIAL IMPLICATIONS

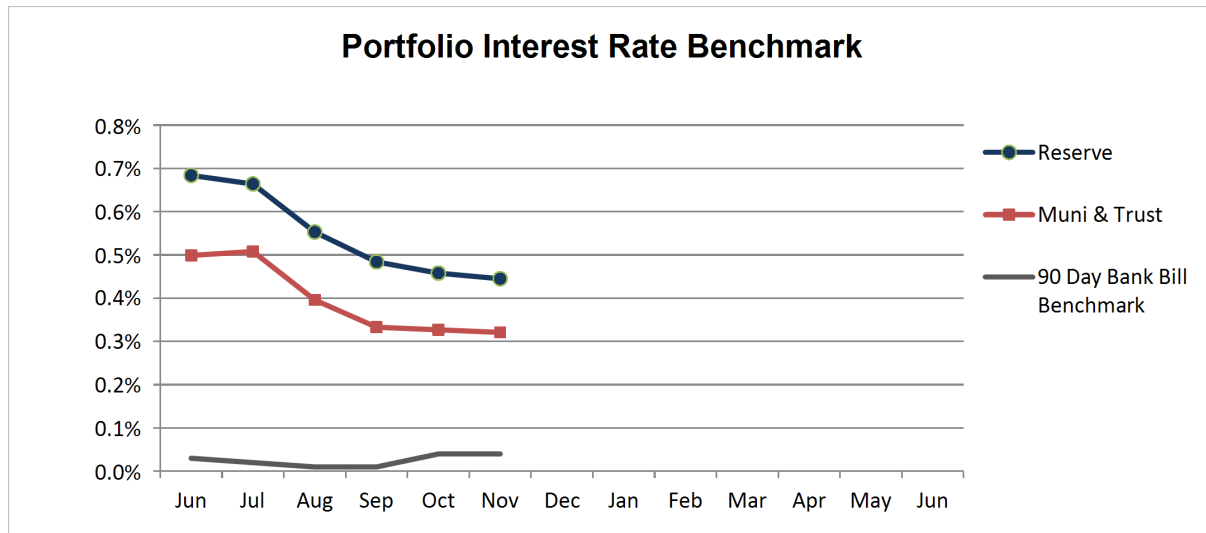
For the period ending 30 November 2021:

- Investment earning on Municipal was \$50,512 against a year to date budget of \$82,500 representing a negative variance of \$31,988.

The weighted average interest rate for Municipal investments as at 30 November 2021 was 0.32% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.04%.

- Investment earnings on Reserve accounts were \$323,948 against a year to date budget of \$500,000 representing a negative variance of \$176,052.

The weighted average interest rate for Reserve account investments as at 30 November 2021 was 0.45% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.04%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

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

Risk

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

C22/6000-1 - INVESTMENT STATEMENTS FOR 30 NOVEMBER 2021 (REC)**Environmental**

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.32% to 0.45% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.04%.

40% 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 2021.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6000-1)**NOTING**

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

At 8:31pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

C22/6000-2 - INVESTMENT STATEMENTS FOR DECEMBER 2021 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 31 December 2021 for the Council's information and noting.

C22/6000-2 - INVESTMENT STATEMENTS FOR 31 DECEMBER 2021 (REC)

BACKGROUND

The City has cash holdings as a result of timing differences between the collection of revenue and its expenditure. Whilst these funds are held by the City they are invested in appropriately rated and liquid investments.

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

DETAIL

The following statement details the investments held by the City as at 31 December 2021.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 DECEMBER 2021		
SUMMARY BY FUND		
Municipal		\$44,553,314
Reserve		\$162,501,567
Trust		\$-
Citizen Relief		\$224,057
TOTAL		\$207,278,939
SUMMARY BY INVESTMENT TYPE		
11AM		\$14,156,416
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$168,522,523
TOTAL		\$207,278,939
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$142,778,223
A Category (A+ to A-)	A+	\$12,000,716
	A	
	A-	
BBB+ Category	BBB+	\$52,500,000
TOTAL		\$207,278,939

C22/6000-2 - INVESTMENT STATEMENTS FOR 31 DECEMBER 2021 (REC)

Exposure to an individual institution is limited according to Council policy and in December 2021 the investments were within the acceptable limits.

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 7,000,000	3.38%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 27,500,000	13.27%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 25,000,000	12.06%	15.00%	✓
CBA	AA-	AA Category	\$ 51,500,000	24.85%	30.00%	✓
Macquarie	A+	A Category	\$ 6,000,716	2.89%	25.00%	✓
NAB	AA-	AA Category	\$ 48,036,663	23.17%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 6,000,000	2.89%	25.00%	✓
Westpac	AA-	AA Category	\$ 36,241,560	17.48%	30.00%	✓
TOTAL			\$ 207,278,939	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 2021.

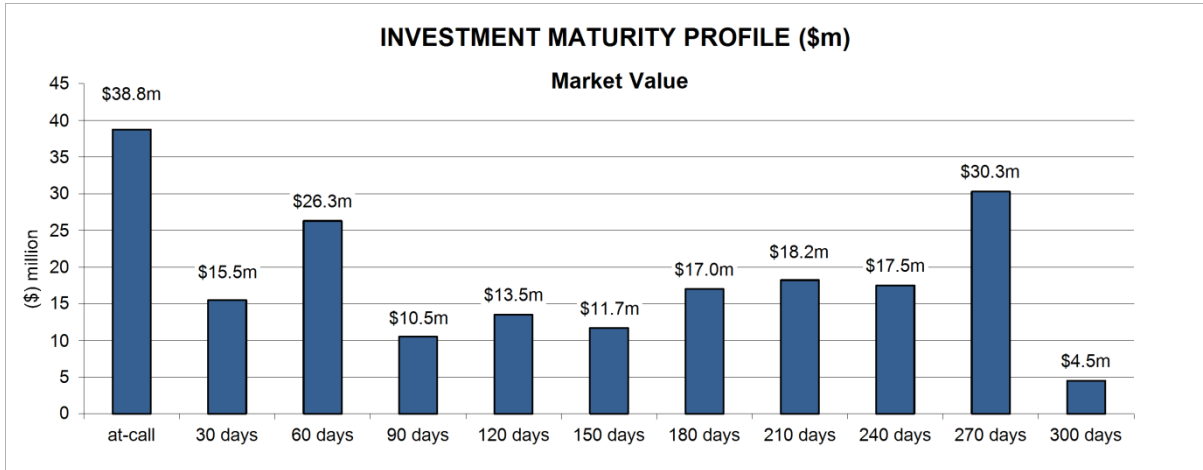
Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 142,778,223	69%	80%	✓
A Category (A+ to A-)	\$ 12,000,716	6%	50%	✓
BBB+ Category	\$ 52,500,000	25%	25%	✓
TOTAL	\$ 207,278,939	100%		

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

The maturity profile provided in the table above meets the liquidity requirements of the Council policy.

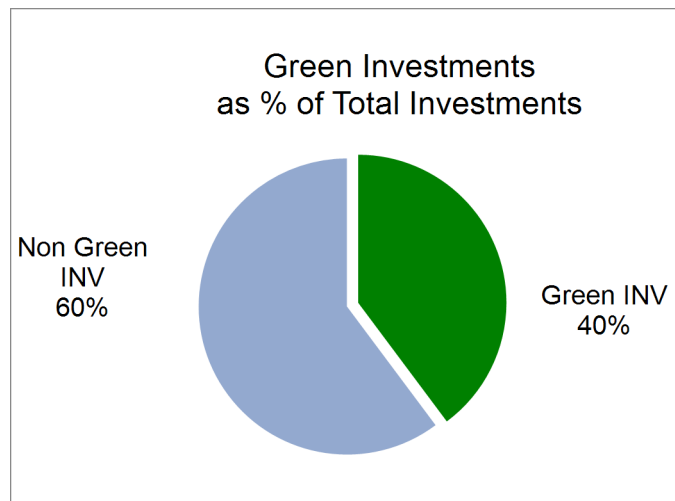
C22/6000-2 - INVESTMENT STATEMENTS FOR 31 DECEMBER 2021 (REC)

The below graph summarises the maturity profile of the City’s investments at market value as at 31 December 2021. The immediacy of the demand for funds depends on the particular Fund or Reserve Account(s) of the City.



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

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 31 December 2021 was \$82,500,000 or 40% of total investment holdings, compared to \$84,500,000 (40%) in November 2021. The total investments holding for December and November were \$207,278,939 and \$211,078,939 respectively.



C22/6000-2 - INVESTMENT STATEMENTS FOR 31 DECEMBER 2021 (REC)

Green Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 25,000,000
CBA	AA-	AA Category	\$ 51,500,000
Suncorp	A+	A Category	\$ 6,000,000
TOTAL			\$ 82,500,000

Green investments are invested in three banks listed above, in accordance with the council credit rating policy. Green Term Deposits with CBA are currently limited to one month as the pool of funds with them has reached full capacity. However, CBA offers the new Environmental, Social & Governance Term Deposit (ESGTD) instead of maturing Green investments.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

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

C22/6000-2 - INVESTMENT STATEMENTS FOR 31 DECEMBER 2021 (REC)

FINANCIAL IMPLICATIONS

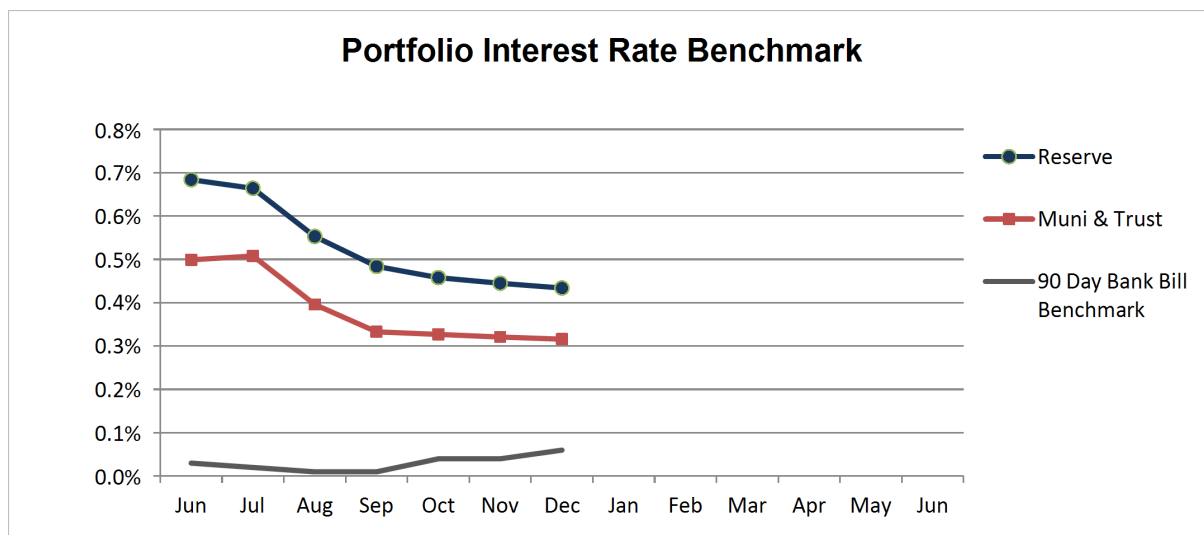
For the period ending 31 December 2021:

- Investment earnings on Municipal and Trust Funds were \$62,372 against a year to date budget of \$106,500 representing a negative variance of \$44,128 .

The weighted average interest rate for Municipal investments as at 31 December 2021 was 0.32% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.06%.

- Investment earnings on Reserve accounts were \$370,791 against a year to date budget of \$600,000 representing a negative variance of-\$229,209 .

The weighted average interest rate for Reserve account investments as at 31 December 2021 was 0.43% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.06%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

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

Risk

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

C22/6000-2 - INVESTMENT STATEMENTS FOR 31 DECEMBER 2021 (REC)**Environmental**

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.32% to 0.43% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.06%.

40% of the City's investment portfolio is invested in authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels. This compared to 40% in November 2021.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6000-2)**NOTING**

That the Council notes the Investment Report for the period ending 31 December 2021.

At 8:31pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

C22/6001-1– SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2021 (REC)
(ATTACHMENT)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the period of November 2021 and recommends that the Schedule of Accounts Paid be noted.

**C22/6001-1– SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2021 (REC)
(ATTACHMENT)**

BACKGROUND

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

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

DETAIL

The Schedule of Accounts Paid for November including Payment Register numbers, Cheques: 807-808, Electronic Funds Transfers batches: 736-740, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 28 January 2022.

A total of \$9,666,369 direct creditor payments were paid during the month, of which, 21% of payments (excluding \$1.69m of ESL payment to DFES) were paid to suppliers located within the City of Melville and 32% to suppliers within the South West Group, compared to 15% and 27% of total of \$8,958,977 direct creditor payments made over October 2021 respectively. The biggest payment of \$1.69m made during the month was the ESL payment to the Department of Fire and Emergency Services (DFES). Approximately 96% of supplier invoices are paid within 30 days of receipt of the invoices.

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

SCHEDULE OF PAYMENTS MADE NOVEMBER 2021		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
Cheques	Chq Payment Register No. 807 and 808	\$613.54
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	-
Electronic Funds Transfers	EFT Payment Register No. 737,739 and 740	\$9,380,370.12
	EFT Payment on Restricted Funds Register No. 113, 736 and 738	\$150,173.20
	Less Cancelled EFTs	(\$1,822.75)
		\$9,529,334.11
Direct Debits	Bank Fees	\$24,031.11
	Ampol Fuel	\$96,790.73
Direct Payments		\$16,212.95
	Total Direct Creditor Payments	\$9,666,368.90
Payroll	Total Pay 10 and 11	\$3,926,149.26
	Total Payroll	\$3,926,149.26
Cards	Westpac Corporate Cards	\$4,905.75
	Westpac Purchase Cards	\$58,062.83
	American Express	\$12,148.09
	Total Card Payments	\$75,116.67
Total Direct Creditor Payments from Municipal Account		\$13,667,634.83

**C22/6001-1– SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2021 (REC)
(ATTACHMENT)**

Schedule of Payments Made continued.

INTERFUND & INVESTMENT TRANSACTIONS		
<i>Interfund Transfers</i>		
Loan		\$0.00
Citizen Relief Trust		\$0.00
Citizen Relief Operating		\$0.00
Municipal		(\$2,361,647.99)
Reserve		\$2,361,647.99
Trust		\$0.00
<i>Total Interfund Transfers</i>		\$0.00
<i>New Municipal Investments</i>		
Westpac Bank	1/11/2021	\$1,500,000.00
Westpac Bank	2/11/2021	\$1,500,000.00
Suncorp Bank	11/11/2021	\$1,500,000.00
Westpac Bank	17/11/2021	\$1,300,000.00
Westpac Bank	19/11/2021	\$1,700,000.00
Westpac Bank	26/11/2021	\$1,300,000.00
<i>Total New Investments</i>		\$8,800,000.00
Grand Total		\$22,467,634.83

Details of the payments are shown in attachment [6001 Payment Details November 2021](#). Any payment over and above \$25,000.00 has been highlighted under the Payment Amount column in the attachment to this statement named 'Listing of Payments made under Delegated Authority'.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

**C22/6001-1– SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2021 (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 \$22,467,634.83.

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 2021 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 Payment Details November 2021](#).

At 8:31pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

C22/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2021 (REC)
(ATTACHMENT)

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

AUTHORITY / DISCRETION

DEFINITION

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<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 2021 and recommends that the Schedule of Accounts Paid be noted.

C22/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2021 (REC)
(ATTACHMENT)

BACKGROUND

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

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

DETAIL

The Schedule of Accounts Paid for December including Payment Register numbers, Cheques: 809-810, Electronic Funds Transfers batches: 741-744, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 28 January 2022.

A total of \$7,548,709 direct creditor payments were paid during the month, of which, 22% of payments (excluding \$1,449,797 of payment to Resource Recovery Group Southern Metropolitan Regional Council) were paid to suppliers located within the City of Melville and 33% to suppliers within the South West Group, compared to 21% and 32% of total of \$9,666,369 direct creditor payments made over November 2021 respectively. The biggest payment of \$1,449,797 made during the month was the payments to the Resource Recovery Group Southern Metropolitan Regional Council. Approximately 96% of supplier invoices are paid within 30 days of receipt of the invoices.

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

SCHEDULE OF PAYMENTS MADE		
DECEMBER 2021		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
<i>Cheques</i>	Chq Payment Register No. 809 and 810	\$3,441.75
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	\$0.00
<i>Electronic Funds Transfers</i>	EFT Payment Register No. 742, and 744	\$7,376,366.49
	EFT Payment on Restricted Funds Register No. 114, 741 and 743	\$173,333.61
	Less Cancelled EFTs	(\$4,432.65)
		\$7,548,709.20
<i>Direct Debits</i>	Bank Fees	\$20,585.72
	Ampol Fuel	\$95,222.33
<i>Direct Payments</i>		\$1,653,633.69
	Total Direct Creditor Payments	\$9,318,150.94
<i>Payroll</i>	Total Pay 12 and 13	\$4,316,275.25
	Total Payroll	\$4,316,275.25
<i>Cards</i>	Westpac Corporate Cards	\$3,159.86
	Westpac Purchase Cards	\$47,367.75
	American Express	\$2,060.75
	Total Card Payments	\$52,588.36
	Total Direct Creditor Payments from Municipal Account	\$13,687,014.55

**C22/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2021 (REC)
(ATTACHMENT)**

Schedule of Payments Made continued.

INTERFUND & INVESTMENT TRANSACTIONS			
<i>Interfund Transfers</i>			
Loan			\$0.00
Citizen Relief Trust			\$0.00
Citizen Relief Operating			\$0.00
Municipal			(\$8,685,516.84)
Reserve			\$8,685,516.84
Trust			\$0.00
<i>Total Interfund Transfers</i>			\$0.00
<i>New Municipal Investments</i>			
Westpac Bank	3/12/2021		\$1,100,000.00
Westpac Bank	16/12/2021		\$1,600,000.00
Westpac Bank	17/12/2021		\$1,000,000.00
Westpac Bank	21/12/2021		\$4,000,000.00
Westpac Bank	31/12/2021		\$2,000,000.00
<i>Total New Investments</i>			\$9,700,000.00
Grand Total			\$23,387,014.55

Details of the payments are shown in attachment [6001 Payment Details December 2021](#). Any payment over and above \$25,000.00 has been highlighted under the Payment Amount column in the attachment to this statement named 'Listing of Payments made under Delegated Authority'.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

**C22/6001-2 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2021 (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 \$23,387,014.55.

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 2021 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 Payment Details December 2021](#).

At 8:31pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

C22/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2021 (AMREC)
(ATTACHMENTS)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

<p>This report presents:</p> <ul style="list-style-type: none"> • The Statements of Financial Activity by Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 30 November 2021 and recommends that they be noted by the Council. • The variances for the month of 30 November 2021 and recommends that they be noted by the Council. • Year-end processes were completed in December 2021 and the final report is now available on the City's website. The final figures for November 2021 may be different from what is presented in this report. • The Budget amendments required for the month of 30 November 2021 and recommends that they be adopted by Absolute Majority decision of the Council.
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**C22/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2021 (AMREC)
(ATTACHMENTS)****BACKGROUND**

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

OVERALL SUMMARY OF THE CITY'S FINANCIAL POSITION

- The financial statement process for 2020-2021 was finalised in early December, with the Office Auditor General of Western Australia (OAG) issuing an unqualified audit opinion. The City recorded a surplus of \$4.4m for the year which will be transferred to the Rate Equalisation Reserve.
- The City's total investments holding for November were \$211.0m of which the Municipal cash balance at the end of the month was \$51m and \$159.8m was held in reserve accounts, which are restricted to the defined purpose for which the reserve account was established.
- The Green investment in authorised banking institutions as at 30 November 2021 was \$84.5m or 40% of total investment holdings, compared to \$83m (39%) in October 2021.
- Rates raised as at November were \$92.0m with a positive variance of \$0.3m compared to the approved budget of \$91.7m. This increase is mainly due to the impact of interim rate adjustments processed on various residential improved properties since the preparation of the 2021-2022 annual budget. These adjustments are subsequently reflected in the value of the rates raised in 2021-2022.
- Total debtor collections for November equalled \$5.34m. The Rates collection target is 72.2% and the actual collection is tracking slightly lower at 71.7%. The year to date total outstanding debtors (including all rates and sundry debtors) is \$37.1m.

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.

**C22/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2021 (AMREC)
(ATTACHMENTS)**

Variations

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

[6002B Statement Nature Type November 2021](#): Rate Setting Statement by Nature or Type
[6002H Statement of Variations November 2021](#): Statement of Variations in Excess of \$100,000

Revenue

Rates raised as at November were \$92,029,304, compared to a year to date budget of \$91,658,690. The positive variance of \$370,614 is due to the impact of interim rate adjustments processed on various residential improved properties.

Rates Collection

SUMMARY OF RATE DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	6,491,862	6,491,862	0%	9,142,487	-29%
Debtors Raised	118,082,059	117,992,994	0%	101,333,016	17%
Payments Received	(88,068,392)	(83,106,430)	6%	(74,202,441)	19%
Closing Balance	36,505,530	41,378,427	-12%	36,273,063	1%

Total rate debtor collections for the month equalled \$4,961,962 .

Sundry Debtor Movement

SUMMARY OF SUNDRY DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	882,151	882,151	0%	1,238,865	-29%
Invoices Raised	2,832,430	2,406,439	18%	2,149,890	32%
Receipts	(3,080,270)	(2,703,656)	14%	(2,065,781)	49%
Prepayments	2,944	4,863	-39%	(28,944)	-110%
Closing Balance	637,255	589,797	8%	1,294,029	-51%

Sundry debtor balances increased by \$47,458 over the course of November from \$589,797 to \$637,255 of which total 90 day sundry debtors over \$1,000 for the month is \$130,912 , representing 21% of total sundry debtors.

**C22/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2021 (AMREC)
(ATTACHMENTS)****Money Expended in an Emergency and Unbudgeted Expenditure**

A small fire in the Civic Centre on 9th August 2021 resulted in emergency and unbudgeted expenditure. Urgent expenditure was required to make the building fit for re-occupation by the staff, Elected Members and members of the public as soon as possible.

As per the Local Government Act 1995 Section 6.8, this was authorised in advance by the Mayor but is also required to be reported to the next Ordinary Meeting of Council.

The total spend to November was \$221,347, with the total cost of repair estimated to be \$250,000. The City has lodged an insurance claim with Local Government Insurance Services (LGIS) for expenditure in excess of \$50,000 which is the City's insurance excess on property claims.

Budget Amendments

Details of budget amendments requested for the month of November 2021 that reflect effective changes to budgets are shown in attachment [6002J November 2021](#). 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.

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.

There were no debts written off for the month of November 2021.

C22/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2021 (AMREC)
(ATTACHMENTS)

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

**C22/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2021 (AMREC)
(ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

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

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of the month to which the statement relates;

- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

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

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

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

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

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

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

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

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

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

FINANCIAL IMPLICATIONS**Variances**

Variances are detailed and explained in attachment

[6002H Notes Rate Setting Statement November 2021](#); Notes on Statement of Variances in excess of \$100,000 by Nature or Type.

**C22/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2021 (AMREC)
(ATTACHMENTS)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 30 November 2021.

**C22/6002-1 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2021 (AMREC)
(ATTACHMENTS)**

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

That the Council:

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

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

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

At 8:31pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

C22/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2021 (AMREC)
(ATTACHMENTS)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

<p>This report presents:</p> <ul style="list-style-type: none"> • The Statements of Financial Activity by Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 31 December 2021 and recommends that they be noted by the Council. • The variances for the month of 31 December 2021 and recommends that they be noted by the Council. • The Budget amendments required for the month of 31 December 2021 and recommends that they be adopted by Absolute Majority decision of the Council.

**C22/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2021 (AMREC)
(ATTACHMENTS)****BACKGROUND**

The Statements of Financial Activity for the period ending 31 December 2021 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

OVERALL SUMMARY OF THE CITY'S FINANCIAL POSITION

- The City's total investments holding for December were \$207m of which the Municipal cash balance at the end of the month was \$44.5m and \$162m was held in reserve accounts, which are restricted to the defined purpose for which the reserve account was established.
- The Green investment in authorised banking institutions as at 31 December 2021 was \$82.5m or 40% of total investment holdings, compared to \$84.5m (40%) in November 2021.
- Rates raised as at December were \$92.0m with a positive variance of \$0.38m compared to the approved budget of \$91.7m. This increase is mainly due to the impact of interim rate adjustments processed on various residential properties since the preparation of the 2021-2022 annual budget. These adjustments are subsequently reflected in the value of the rates raised in 2021-2022.
- Total debtor collections for December equalled \$7.06m. The Rates collection target is 75.9% and the actual collection is tracking slightly higher at 77%. The year to date total outstanding debtors (including all rates and sundry debtors) is \$30.48m.

DETAIL

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

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

Variances

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

[6002B Statement Nature Type December 2021](#): Rate Setting Statement by Nature or Type
[6002H Statement of Variances December 2021](#): Statement of Variances in Excess of \$100,000

**C22/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2021 (AMREC)
(ATTACHMENTS)**
Revenue

Rates raised as at December were \$92,058,205, compared to a year to date budget of \$91,675,357. The positive variance of \$382,848 is due to the impact of interim rate adjustments processed on various residential improved properties.

Rates Collection

SUMMARY OF RATE DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	6,491,862	6,491,862	0%	9,142,487	-29%
Debtors Raised	118,200,403	118,082,059	0%	102,386,849	15%
Payments Received	(94,840,374)	(88,068,392)	8%	(77,887,290)	22%
Closing Balance	29,851,891	36,505,530	-18%	33,642,047	-11%

Total rate debtor collections for the month equalled \$6,771,983 .

Sundry Debtor Movement

SUMMARY OF SUNDRY DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	882,151	882,151	0%	1,238,865	-29%
Invoices Raised	3,113,396	2,832,430	10%	2,736,509	14%
Receipts	(3,374,722)	(3,080,270)	10%	(2,878,432)	17%
Prepayments	5,552	2,944	89%	11,550	-52%
Closing Balance	626,376	637,255	-2%	1,108,491	-43%

Sundry debtor balances decreased by \$10,878 over the course of December from \$637,255 to \$626,376 of which total 90 day sundry debtors over \$1,000 for the month is \$117,579 , representing 19% of total sundry debtors.

**C22/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2021 (AMREC)
(ATTACHMENTS)****Money Expended in an Emergency and Unbudgeted Expenditure**

A small fire in the Civic Centre on 9th August 2021 resulted in emergency and unbudgeted expenditure. Urgent expenditure was required to make the building fit for re-occupation by the staff, Elected Members and members of the public as soon as possible.

As per the Local Government Act 1995 Section 6.8, this was authorised in advance by the Mayor but is also required to be reported to the next Ordinary Meeting of Council.

The total spend to December was \$248,079, with the total cost of repair estimated to be \$250,000. The City has lodged an insurance claim with Local Government Insurance Services (LGIS) for expenditure in excess of \$50,000 which is the City's insurance excess on property claims.

Budget Amendments

Details of Budget Amendments requested for the month of December 2021 that reflect effective changes to budgets are shown in attachment [6002J December 2021](#). 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.

Budget Amendments greater than \$100,000 processed in December 2021 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.

There were no debts written off for the month of December 2021.

**C22/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2021 (AMREC)
(ATTACHMENTS)**

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

**C22/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2021 (AMREC)
(ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

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

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of the month to which the statement relates;

- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

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

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

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

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

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

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

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

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

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

FINANCIAL IMPLICATIONS**Variances**

Variances are detailed and explained in attachment

[6002H Notes Rate Setting Statement December 2021](#): Notes on Statement of Variances in excess of \$100,000 by Nature or Type.

**C22/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2021 (AMREC)
(ATTACHMENTS)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 December 2021.

**C22/6002-2 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2021 (AMREC)
(ATTACHMENTS)**

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

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 December 2021 as detailed in the following attachments:**

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

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

At 8:31pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

C22/6189 – 2021-2022 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 C21/5840 Special Meeting of Council held 22 June 2021 – Consideration and Adoption of the 2021-2022 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>

C22/6189 – 2021-2022 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 2021 to 31 December 2021 and highlights the significant positive and negative variations that require budget amendment.
- This report recommends that the Council notes the results of the Review, and by absolute majority decision, approves the recommended budget amendments required to the 2021-2022 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 2021.

DETAIL

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

As presented, the amended financial position for the City as at 31 December 2021 will have a negative net budget variance of \$31,076. 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.

This position gives consideration to COVID-19 and the potential financial impact to the City. It is difficult to forecast the impact of additional expenditure and reduced income. However, a provisional sum of \$100,000 has been provided for. This has been funded by the Rates Equalisation Reserve which contains surplus funds from previous years.

C22/6189 – 2021-2022 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

The following table is a summary of the 2021-2022 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	(407,477)
Fees and Charges	1,449,571
Service Charges	(37,837)
Interest Earnings	(567,000)
Other Revenue	185,328
Expenditure from Operating Activities	
Employee Costs	(787,238)
Materials and Contracts	(373,384)
Utility Charges	(10,350)
Interest Expenses	(339)
Other Expenditure	(110,337)
Net Operating Variance	(659,063)
Operating Activities Excluded from Budget - (Profit)/loss on asset disposals	(20,690)
Investing Activities	
Non-operating grants, subsidies and contributions	11,739
Proceeds from disposal of assets	20,690
Purchase of furniture and equipment	(756,487)
Purchase of plant and equipment	(87,140)
Purchase of land and buildings	(756,757)
Purchase of infrastructure assets	337,988
Net Investing Variance	(1,229,967)
Financing Activities	
Net self-supporting loans	(19,693)
Net Reserve Fund Transfers	1,898,337
Net Financing Variance	1,878,644
Net Variance as at 31 December 2021 surplus/(deficit)	(31,076)

Key findings are shown below and amendments are shown in line with the Adopted Annual Budget format in attachment: [6189A Mid Year Budget Review 2021-2022 Summary Amendments](#).

C22/6189 – 2021-2022 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Whilst the reporting levels adopted by the Council when adopting the 2021-2022 Budget, at its Ordinary Meeting of Council held on 22 June 2021, 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.

Key material findings in the Operating Budget:**Operating Grants, Subsidies and Contributions Income - (\$407,477) Negative Variance**

- Reduction of \$30,000 as a result of cancellation of the Point Walter Concert and Kidchella events.
- Reduction of \$35,000 due to the cessation of grant funding for the Volunteer Resourcing Centre.
- Reduction of \$357,914 due to the Better Bins grant for Waste for 2021-2022 being received in advance at the end of the previous financial year. This reduction is offset by an increase to budgeted funds used from the Refuse Facilities Reserve.

Fees and Charges Income - \$1,449,571 Positive Variance

- Increase in fees and charges income for Leisurefit centres by \$1,019,972 in view of the delayed refurbishment of the pool facility, which has led to higher patronage, and the temporary closure of a competitor recreation facility.
- Increase of \$102,822 to income from infringements and penalties related to Environmental Health and Ranger and Emergency Management.
- Increase of \$96,100 to income from animal control fees due to higher than expected volumes for dog and cat registrations.
- Increase of \$109,500 to income from parking fees mainly due to the impending introduction of paid parking along a section of the Esplanade and changes to the fee structure at Deep Water Point parking station.
- Increase of \$100,000 to income from Building fees in line with the higher actual trend seen over the past months.
- Increase of \$100,000 to income from Planning fees in line with the higher actual trend seen over the past months.

Service Charges Income - (\$37,837) Negative Variance

- Income from specified rates for the Kardinya South Underground Power Project reduced by \$54,882 to align with actual income at end of December 2021.
- Income from community security services increased by \$17,045 in view of the actual income at end of December 2021. This amount is offset by an increase to funds set aside in the Community Surveillance and Security Reserve.

Interest Earnings - (\$567,000) Negative Variance

- Reduction of \$89,000 to interest income from investment of municipal funds due to the market interest rate being lower than expected.
- Reduction of \$478,000 to interest income from investment of reserve funds due to the market interest rate being lower than expected. 50% of this reduction (\$239,000) is offset against the interest set aside to reserves.

C22/6189 – 2021-2022 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**Other Revenue - \$185,328 Positive Variance**

- Increase of \$190,000 to reflect insurance reimbursements in relation to the damage caused by the fire in August 2021 at the Civic Centre.

Employee Costs - (\$787,238) Net Negative Variance

- Reduction of \$63,213 due to a vacated position in legal services which will not be filled this financial year.
- Reduction of \$25,000 due to an unfilled vacant position in Property Services.
- Increase of \$89,800 in Information Technology to cover costs of project backfilling and increased demand for services as well as the recruitment of a voice engineer.
- Increase of \$574,942 to cover higher employment costs that will arise due to the delay in the closure of Leisurefit Booragoon for refurbishments, changes to lifeguard sessions, additional training for pool operators and additional shifts required for enrolments and proof of vaccination checks.
- Increase of \$100,000 to cover employee costs at the Libraries due to some incorrect staffing allocations and also additional hours worked by existing staff to cover a higher level of customer demand than expected.
- Increase of \$28,216 for a new administration position created in Ranger Services and Emergency Management.
- Increase of \$37,930 for employment costs related to the Noongar Place Names project.
- Increase of \$64,284 to labour hire expenses in Waste Services.

Materials and Contracts Expenditure - (\$373,384) Net Negative Variance

- Increase of \$35,000 to cover costs related to the Financial Management Review scheduled to take place in February 2022.
- Increase of \$39,363 for costs related to the Organisational Review and Independent Review of Building and Planning complaints.
- Reduction of \$53,000 across various Organisational Development projects due to commencement of some projects being delayed
- Increase of \$100,000 for costs related to COVID-19 risk mitigation measures that are to be implemented over the coming months. This will be funded from the Rates Equalisation Reserve.
- Increase of \$258,029 to Information Technology licencing costs budget due to additional costs required for supplier licence model changes including Software as a Service migrations and new applications.
- Increase of \$95,167 for Leisurefit Booragoon related to building maintenance and competitive swim program costs due to the delay in the closure of the facility for refurbishments.
- Increase of \$141,020 in Waste Services as a result of increases for truck hire for bulk verge collection, increased costs associated with illegal asbestos dumping and office relocation for COVID-19 mitigation.
- Reduction of \$235,058 to contractor and stores and materials costs budgets in Natural Areas and Parks.
- Decrease of \$50,000 due to the delay in commencement of the Canning Highway Corridor Planning special project. This amount is offset by a reduction to funds used from the Special Projects Reserve.

C22/6189 – 2021-2022 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**Utility Charges – (\$10,350) Negative Variance**

- Increase of \$63,000 to utility expenses at Leisurefit Booragoon due to the delay in the closure of the facility for refurbishments.
- Reduction of \$38,000 to utility expenses at Shirley Strickland Clubhouse since it will be in operation for fewer months than originally budgeted.

Other Expenditure – (\$110,337) Negative Variance

- Increase of \$114,544 as a result of a recalculation by Southern Metropolitan Regional Council of the Education Contribution to be paid by the City of Melville.

Key material findings in the Capital Budget:**Non Operating Grants, Subsidies and Contributions - \$11,739 Positive Variance**

- Increase includes minor adjustments to Roads to Recovery grant funding and Reimbursements from residents for works carried out.

Purchase of Furniture and Equipment - (\$756,487) Negative Variance

- Information Technology Capital Equipment – Increase of \$603,663 due to additional funds required for racking equipment at the data centre, implementation costs for the Asset Management Process and System project and Melville Office Online project. This amount is offset by an increase to funds used from the Information Technology Reserve.
- Recreation Centre Equipment – Increase of \$42,824 for equipment purchases for Leisurefit Facilities and \$80,000 for audio visual equipment purchases for Shirley Strickland Clubhouse. These amounts are offset by increases to funds used from the Recreation Centres Specialised Plant, Equipment and Structures Reserve and Community Centre Fitout, Furniture and Equipment Reserve, respectively.
- Parking Metres – Increase of \$30,000 for installation of parking metres at Deep Water Point Car Park and Mount Pleasant street parking. This amount is offset by an increase to funds used from the Parking Facilities Reserve.

Purchase of Plant and Equipment - (\$87,140) Negative Variance

- Increase of \$57,140 relates to the purchase cost of \$57,140 of a mower which was originally scheduled to take place in 2022-2023, but is now being brought forward to this financial year in order to manage longer delivery times. This amount is funded from the Fleet Services Vehicles, Plant and Equipment Replacement Reserve.
- Increase of \$30,000 for the purchase of a drainage pole camera.

Purchase of Land and Buildings – (\$756,757) Negative Variance

- A detailed listing of budget amendments is included in attachment [6189B Significant Capital Works Project Budget Amendments 2021-2022](#).

C22/6189 – 2021-2022 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Key amendments include:

- The deferment of the refurbishment of the LeisureFit Booragoon pool (\$1,098,130) to allow for additional consideration to be given to the options and design. The operational impacts of this decision have also been reflected within the operating income and expenditure budgets.
- The design of the Library and Cultural Centre (\$500,000) has also been deferred due to the timing of the Westfield Booragoon redevelopment.
- Additional funding required for the redevelopment of change rooms at Melville Reserve (\$623,526), Marmion Reserve (\$412,826) and Winthrop Park (\$325,156) due to the increased cost of labour and materials.
- Additional funding required for a change in scope to the improvement works at the Mount Pleasant Bowling Club (\$429,109).

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 – \$337,988 Positive Variance

- A detailed listing of budget amendments is included in attachment [6189B Significant Capital Works Project Budget Amendments 2021-2022](#).

Key amendments include:

- Additional funding required for roadworks on Murdoch Drive and Riseley Street due to the need for additional investigation for service locations and stabilisation design, and economic conditions. Stabilisation costs are also significantly higher than estimated and civil costs have escalated due to skills shortage and material availability.
- Additional funding of \$304,491 required for the Norma Road/Canning Highway roadworks project due to the scope of works being increased to meet Main Roads specifications.
- Additional funding of \$220,295 required for the Winnacott floodlighting project due to the increased scope to meet external funding requirements.
- A number of projects have been deferred to due to the need for further consultation, design or a lack of contractor resourcing.

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, impact of COVID-19 and various other unforeseen events and factors beyond the control of the City. A number of projects have been fully budgeted to meet the requirements of a tender process but may be cash flowed over subsequent financial years. Therefore, it is possible that approximately \$20m of the capital works program budget will be carried forward to the next financial year.

C22/6189 – 2021-2022 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**Net self supporting loans – (\$19,693) Net Negative Variance**

The negative variance of (\$19,693) relate to minor adjustments to the Kardinya Bowling Club self supporting loan.

Key material findings in relation to Reserve Accounts:**Net Funds Used/Funds Set Aside – \$1,898,337 Positive Variance**

- Community Facilities Reserve – Negative variance of (\$478,559) relates to reduction to funds used due to the net decrease in current year spend on reserve funded building renewal projects in the capital works program. A significant amount of the reduction relates to the funds being returned to the reserve to be held in quarantine for the Leisurefit Booragoon Major Refurbishment Works project.
- Community Surveillance and Security Reserve – Negative variance of (\$17,570) relates to the increase to funds set aside to the reserve due to the higher surplus to be generated from the Community Safety Service operations.
- Commercial Refuse Reserve – Positive variance of \$19,026 relates to the reduction to funds set aside to the reserve due to the lower surplus expected from the commercial refuse and recycling operation.
- Community Centre Fitout, Furniture and Equipment Reserve – Nil variance is a result of an increase of \$80,000 to funds set aside being a one off transfer from the Rates Equalisation Reserve to fund the temporary shortfall and an increase of \$80,000 to funds used from the reserve for the purchase of Audio Visual equipment for the Shirley Strickland Clubhouse.
- Fleet Services Vehicles, Plant and Equipment Replacement Reserve – Positive variance of \$36,450 relates to the increase to funds used from the reserve to cover the net purchase cost of a mower.
- Information Technology Reserve – Positive variance of \$603,663 relates to increase in funds used for data centre racking equipment, Asset Management Process and System Project and Melville Office Online project.
- Infrastructure Asset Management Reserve – Negative variance of (\$348,697) relates to reduction to funds used due to the net decrease in current year spend on reserve funded Infrastructure Assets renewal projects in the capital works program. Significant amounts of the reductions relates to the Fredrick Baldwin Wetland Project and Sporting Renewal program.
- Land and Property Reserve – Negative variance of (\$500,000) relates to the decrease to funds used for the New Library Cultural Centre Design Project.
- New/Upgrade Works Reserve – Positive variance of \$1,984,285 relates to the increase to funds used for net increase in current year spend on reserve funded Infrastructure Assets New and Upgrade projects in the capital works program. Significant amounts of the increase relate to the Melville Reserve Redevelopment project and the change room upgrade projects.

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- Parking Facilities Reserve – Positive variance \$30,000 relates to the increase to funds used from the reserve for the installation of new parking metres.
- Public Open Space and Urban Forest Reserve – Negative variance of (\$250,000) relates to reduction to funds used for the Urban Forest Tree Renewal project in the capital works program.
- Rates Equalisation Reserve – Positive variance of \$180,000 relates to increase to funds used for additional costs of \$100,000 that will be incurred specifically for COVID mitigation measures and a one off transfer of \$80,000 to the Community Centre Fitout, Furniture and Equipment Reserve to cover a temporary shortfall of funding in that reserve.
- Recreation Centres Specialised Plant, Equipment and Structures Reserve – Positive variance of \$42,824 relates to increase to funds used for equipment purchases for Leisurefit Facilities.
- Refuse Facilities Reserve – Positive variance of \$357,914 relates to the increase to funds used due to grant income budgeted for the 2021-2022 financial year being received in advance in June 2021 and set aside to the Refuse Facilities Reserve in the 2020-2021 financial year.
- Reserve Interest – Positive variance of \$239,000 relates to the reduction to interest income set aside as a result of lower market interest rates.
- Risk Management and Insurance Equalisation Reserve - Positive variance of \$60,000 relates to the increase to funds used to cover the excess in relation to the damage caused by the fire in August 2021 at the Civic Centre.
- Special Projects Reserve – Negative variance of (\$60,000) relates to the reduction to funds used by \$50,000 due to the delay in commencement of the Canning Highway Corridor Planning special project and a further reduction of \$10,000 due to the actual Election expenses being lower than budgeted.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Not Applicable.

II. OTHER AGENCIES / CONSULTANTS

Not Applicable.

C22/6189 – 2021-2022 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**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 net negative budget variance of \$31,076 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 \$25.7m. The cash position of the City will continue to be monitored to ensure there is adequate cash flow to fund operations.

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.

C22/6189 – 2021-2022 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**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 a number of areas requiring budget amendments. Overall the net positive impact of the 2021-2022 Budget Review is represented by a deficit of \$31,076 after Reserve transfers.

C22/6189 – 2021-2022 MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6189)
ABSOLUTE MAJORITY**

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

That the Council:

- 1. Notes the 2021-2022 Mid Year Budget Review and attachments [6189A Mid Year Budget Review Summary Amendments and 6189B Significant Capital Works Project Budget Amendments](#)**
- 2. By Absolute Majority decision adopts the budget review with the following amendments to be made to the Rate Setting Statement adopted in the 2021-2022 Annual Budget.**

	Variance between Revised Budget and Budget Review \$
Revenue from Operating Activities (excluding rates)	
Operating Grants, Subsidies and Contributions	(407,477)
Fees and Charges	1,449,571
Service Charges	(37,837)
Interest Earnings	(567,000)
Other Revenue	185,328
Expenditure from Operating Activities	
Employee Costs	(787,238)
Materials and Contracts	(373,384)
Utility Charges	(10,350)
Interest Expenses	(339)
Other Expenditure	(110,337)
Net Operating Variance	(659,063)
Operating Activities Excluded from Budget - (Profit)/loss on asset disposals	(20,690)
Investing Activities	
Non-operating grants, subsidies and contributions	11,739
Proceeds from disposal of assets	20,690
Purchase of furniture and equipment	(756,487)
Purchase of plant and equipment	(87,140)
Purchase of land and buildings	(756,757)
Purchase of infrastructure assets	337,988
Net Investing Variance	(1,229,967)
Financing Activities	
Net self-supporting loans	(19,693)
Net Reserve Fund Transfers	1,898,337
Net Financing Variance	1,878,644
Net Variance as at 31 December 2021 surplus/(deficit)	(31,076)

At 8:32pm, the Mayor declared the motion

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

P22/3973 – PROPOSED AMENDMENT TO APPROVED FIFTEEN STOREY MIXED USE DEVELOPMENT AT NO 55-61A CANNING BEACH ROAD AND 2-6 MOREAU MEWS APPLECROSS (REC) (ATTACHMENT)

Item Brought Forward
See Page 12.

15. EN BLOC ITEMS

COUNCIL RESOLUTION

At 8:24pm Cr Fitzgerald moved, seconded Cr Mair –

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

- M21/5000 – Common Seal Register**
- C22/6000-1 – Investment Statements for November 2021**
- C22/6000-2 – Investment Statements for December 2021**
- C22/6001-1 – Schedule of Accounts Paid for November 2021**
- C22/6001-2 – Schedule of Accounts Paid for December 2021**
- C22/6002-1 – Statements of Financial Activity for November 2021**
- C22/6002-2 – Statements of Financial Activity for December 2021**

At 8:31pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Procedural Motion

At 8:33pm Cr Mair moved, Seconded Cr Ross –

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) and (b) of the Local Government Act 1995, to be discussed behind closed doors.

At 8:39pm, the Mayor declared the motion

LOST (6/7)

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

**CONFIDENTIAL ITEM M22/5890 – GROUND LEASE REDEVELOPMENT AGREEMENT 13 THE
ESPLANADE AND 64 KISHORN ROAD, MT PLEASANT (REC) (ATTACHMENT)**

CONFIDENTIAL REPORT
Pages 142 – 153 extracted from this document

CONFIDENTIAL ITEM M22/5890 – GROUND LEASE REDEVELOPMENT AGREEMENT 13 THE ESPLANADE AND 64 KISHORN ROAD, MT PLEASANT (REC) (ATTACHMENT)

Alternate Motion

At 8:40pm Cr Sandford moved, seconded Cr Ross –

That the CEO forthwith inform the proposed lessee of 13 The Esplanade/64 Kishorn Rd, Mt Pleasant that the Council of the City of Melville does not agree to the proposed ground lease terms and terminates all lease negotiations, including with any third parties.

Procedural Motion

COUNCIL RESOLUTION

At 8:47pm moved Cr Ross, seconded Cr Barber –

That Cr Sandford be granted an extension of 5 minutes to speak on this item.

At 8:49pm, the Mayor declared the motion

CARRIED (10/3)

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

CONFIDENTIAL ITEM M22/5890 – GROUND LEASE REDEVELOPMENT AGREEMENT 13 THE ESPLANADE AND 64 KISHORN ROAD, MT PLEASANT (REC) (ATTACHMENT)

Alternate Motion

At 8:40pm Cr Sandford moved, seconded Cr Ross –

That the CEO forthwith inform the proposed lessee of 13 The Esplanade/64 Kishorn Rd, Mt Pleasant that the Council of the City of Melville does not agree to the proposed ground lease terms and terminates all lease negotiations, including with any third parties.

Procedural Motion

COUNCIL RESOLUTION

At 8:54pm Cr Mair moved, seconded Cr Wheatland –

That the Item be deferred for consideration no later than the 19 April 2022 Ordinary Meeting of Council.

At 8:57pm, the Mayor declared the motion

CARRIED (7/6)
(See ruling of the Mayor at 9:02pm)

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

Procedural Motion

At 9:01 pm Cr Robins moved, seconder

That the rule of the Presiding Member that the deferral motion refer to the entire Confidential Item M22/5890 – Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant, be disagreed with.

LAPSED FOR WANT OF A SECONDER

CONFIDENTIAL ITEM M22/5890 – GROUND LEASE REDEVELOPMENT AGREEMENT 13 THE ESPLANADE AND 64 KISHORN ROAD, MT PLEASANT (REC) (ATTACHMENT)

At 9:02pm during discussion, the Mayor ruled that the Cr Mair's deferral motion related only to Cr Sandford's alternate motion associated with Confidential Item M22/5890 – Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant.

Procedural Motion

COUNCIL RESOLUTION

At 8:54pm Cr Mair moved, seconded Cr Wheatland –

That the ~~Item~~ Alternate Motion be deferred for consideration no later than the 19 April 2022 Ordinary Meeting of Council.

At 8:57pm, the Mayor declared the motion

CARRIED (7/6)

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

Procedural Motion

At 9:03 pm Cr Mair moved, seconder

That the rule of the Presiding Member that the deferral motion referred only to the alternate motion associated with Confidential Item M22/5890 – Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant, be disagreed with.

LAPSED FOR WANT OF A SECONDER

Motion

At 9:04pm the Mayor moved, seconded Cr –

That Confidential Item M22/5890 – Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant be deferred.

At 9:05pm, the Mayor declared the motion

**LOST (6/7)
(Vote declared invalid at 9.12pm)**

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

CONFIDENTIAL ITEM M22/5890 – GROUND LEASE REDEVELOPMENT AGREEMENT 13 THE ESPLANADE AND 64 KISHORN ROAD, MT PLEASANT (REC) (ATTACHMENT)

Procedural Motion

At 9:08 pm Cr Ross moved, seconder

That the rule of the Presiding Member that the deferral motion refer to the entire Confidential Item M22/5890 – Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant, be disagreed with.

LAPSED FOR WANT OF A SECONDER

At 9.12pm during discussion, the Presiding Member advised that no seconder was recorded for the motion at 9:04pm and declared the vote at 9.05pm associated with that motion invalid.

COUNCIL RESOLUTION

At 9:12pm Cr Macphail 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) and (b) of the Local Government Act 1995, to be discussed behind closed doors.

At 9:13pm the Mayor declared the motion

CARRIED (8/5)

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

Confidential Information
Pages 158 – 160 extracted from this document

Procedural Motion

COUNCIL RESOLUTION

At 10:10pm Cr Wheatland moved, seconded Cr Ross –

That the meeting comes out from behind closed doors.

At 10:11pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

At 10:11pm, the Mayor advised the meeting that with regard to Confidential Item M22/5890 – Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant, the Officer Recommendation as amended was **Lost (4/9)**.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Procedural Motion

COUNCIL RESOLUTION

At 10:13pm Cr Pazolli moved, seconded Cr Edinger –

That the Motions without Notice submitted by Cr Sandford and Cr Mair be deferred to the 15 March 2022 Ordinary Meeting of Council.

At 10:15pm, the Mayor declared the motion

CARRIED (12/1)

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

17.1 Public Open Space at 13 The Esplanade/64 Kishorn Road, Mt Pleasant, submitted by Cr Sandford

That the Council directs the CEO to prepare a report to be presented to the May 2022 Ordinary Meeting of Council on restoring the former Mt Pleasant Senior Citizens site at 13 The Esplanade/ 64 Kishorn Rd, Mt Pleasant to community use as public open green space with tree plantings.

Reasons for the motion as provided by Cr Sandford

1. For this iconic site to continue to be used for community purposes.
2. To contribute to the public realm in the CBACP by investing in much-needed parkland to attract better quality residential and commercial development in the CBACP, which flows from Kishorn Rd to the river.
3. To provide much-needed green open space for the community and for children to run and play.
4. A park in this location will make the Mt Pleasant side of the CBACP a more desirable healthier place to live and work for residents and workers in the Ogilvie Quarter of the CBACP and in this suburb.
5. There are currently no parks within 400 metres of this site suitable for children to kick a ball, play cricket, or run freely. Deep Water Pt Reserve is 1.4 kms away. Clive St is 800m away. The City should increase tree canopy and ensure green space is provided south of, as well north of, Canning Hwy.

17.2 Weir Report, submitted by Cr Mair

That the Council directs the CEO to prepare a report on the findings of the Weir Report with a list of actions to be taken and present it to an Elected Member Engagement Session for discussion prior to a Council Meeting for a decision.

Reasons for the motion as provided by Cr Mair

1. The Council spent approximately \$126,000 on this report. I understand this includes officers' time, the appointment of an independent person to carry out the investigations of a set number of complaints, and residents' time.
2. Since the Council approved the compilation of this report and its budget, it should return to Council with an Officer's Report including Recommendations to be discussed and adopted by Council. In this way the Elected Members would know which parts of the Report will be acted upon by Officers. Residents would also know that action would be taken as a result of the Report.
3. This Report was circulated to Elected Members in September 2021 but no report was prepared for Council dealing with the issues contained in the document.
4. At the Annual Electors Meeting on 2 February, the Electors passed a motion of no confidence in the City's planning, building and environmental services function. By dealing with issues in the Weir Report, this demonstrates to the community that the Council is taking action on deficiencies in the City.
5. The Weir Report should be discussed at an EMES. It would be respectful to invite the electors who participated in the Report to give a deputation at the EMES also.

19. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear confirmed that Cr Woodall, Cr Pazolli and Cr Spanbroek were still in attendance electronically and declared the meeting closed at 10:15pm.