



City of  
**Melville**

## **MINUTES**

### **ORDINARY MEETING OF THE COUNCIL**

**6.30pm Tuesday, 15 November 2022**  
Held in the Council Chambers, Melville Civic Centre  
10 Almondbury Road Booragoon

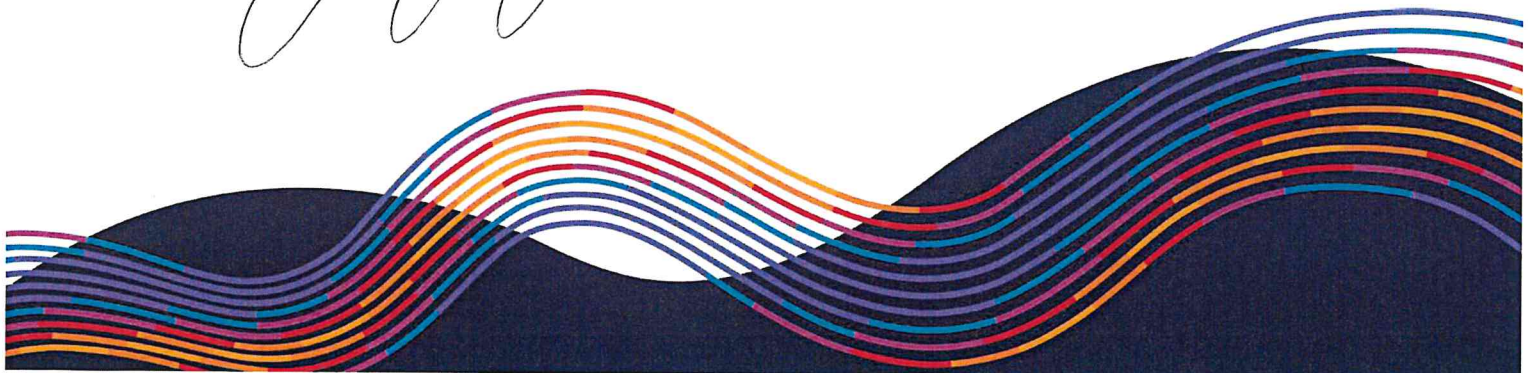
The City of Melville acknowledges the Bibbulmun people as the Traditional Owners and custodians of the lands on which the City stands today and pays its respect to the Whadjuk people, and Elders both past, present and emerging.

Mayor Gear

A handwritten signature in black ink, appearing to read "George Gear", written over a horizontal line.

Date

13/12/22



## Our Vision

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

## Our Mission

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

## Our Values

### Excellence

Striving for the best possible outcomes

### Participation

Involving, collaborating and partnering

### Integrity

Acting with honesty, openness and with good intent

### Caring

Demonstrating empathy, kindness and genuine concern



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## **Audio Recording/ access to Recording**

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Nil.

### REPORTS

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### MOTIONS

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#### With Previous Notice

15.1	Support for Uluru Statement from the Heart	138
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#### Without Previous Notice

Nil.

### MATTERS FOR WHICH THE MEETING WAS CLOSED

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Nil.

## 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 Mair to read the Acknowledgement of Country and advised those present of the Disclaimer, the Affirmation of Civic Duty and Responsibility and the Audio Recording Advice.

## 2 ATTENDANCE AND APOLOGIES

### In Attendance

Mayor Hon. George Gear

#### Councillors

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

#### Ward

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

### Officers

Ms G Bowman	A/Chief Executive Officer
Mr M McCarthy	Director Environment and Infrastructure
Mr P Deague	Senior Executive Support Officer (Urban Planning)
Mr T Cahoon	A/Director Community Development
Ms D Whyte	Manager Financial Services
Ms C Newman	Head of Governance
Ms R Davis	Governance Officer

At the commencement of the meeting:

Public Gallery	12
Electronic	4
Press	0

### Apologies

Mr M Tieleman	Chief Executive Officer
Mr A Ferris	Director Corporate Services
Cr M Woodall	Bull Creek – Leeming

### On Approved Leave of Absence

Nil.

### **3 DECLARATIONS BY MEMBERS**

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

- Cr Barber, Cr Sandford, Cr Robins, Cr Mair, Cr Spanbroek advised they did not have time to consider the two pieces of Confidential Legal Advice pertaining to Item C22/5940 Petition Site Survey 18A and 18B Tweeddale Road, Applecross

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

Nil.

### **4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

#### **Approved Deputations:**

- Mr J Carmody (Planning Solutions) and Mr G Turner (Melville Cricket Club)  
Item UP22/4009 – Proposed Additions and Alteration to Motor Vehicle Sales and Motor Vehicle Repair Premises - No. 532 (Lot101) Canning Highway Attadale
- Mr M McLerie, Bicton  
Item M22/5927 – Independent Review - Weir Legal and Consulting

#### **Approved Written Submissions:**

Nil.

### **5 DISCLOSURES OF INTEREST**

#### **5.1 Financial or Proximity Interests**

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

- Cr Edinger – Item EI22/4008 – Provision of Design and Construct Services for the Point Walter Mountain Bike Trail Project. Financial Interest.

#### **5.2 Disclosure of Interest That May Cause a Conflict**

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

Nil.

## 6 PUBLIC QUESTION TIME

At 6:34pm the Mayor opened Public Question Time

### 6.1 Questions Received with Notice

#### 6.1.1 Mr D Kenny, Applecross

Mr Kenny referred to a question that he raised at the June Council meeting in relation to the application of Local Planning Policy 1.6 Parking and Access and subsequently to AS/NZS 2890.1:2004 Parking Facilities. Mr Kenny also attached an updated list of 24 developments that he believes have been built and/or recently approved and do not comply with AS/NZS 2890.1:2004 and/or the SPP7.3 Design Guidelines (R Codes) for building exit sight lines.

#### Question 1

*Mayor and Council, this issue has been before the City and Council since 2017, will you please hold the CEO to account to mitigate these community safety risks, to present honest RARs to JDAP and to be accountable for ensuring compliance with Local Planning Policy when Building Permits are issued?*

#### Response

This issue was considered in the Independent Weir Legal Report with relevant recommendations made which the City has implemented and is reporting progress on to the Council. The Responsible Authority Reports presented by the Officers to the Council and the JDAP are based on the technical and professional judgement of officers and are in accordance with the Councils Local Planning Policies.

Mr Kenny also raised the matter of the exit from below ground, in the development at Lot 118 Fiona Wood Road that had a gradient of 1 in 14 where AS/NZS 2890.1: 2004 Clause 3.3(a) specifies a maximum gradient of 1 in 20.

#### Question 2

*Will the CEO apologise to me and the Elected Members for again providing incorrect advice and ensure this approved non-compliance is corrected before a Building Permit is issued?*

#### Response

City officers do not believe that an apology to Mr Kenny or the Elected Members is required.

To clarify, the advice quoted in the question above was previously provided in response to a question posed at the June Ordinary meeting of the Council. The response provided confirmed that the access ramp in question has been approved after detailed consideration of AS 2890.

The National Construction Code (NCC) has not incorporated the part of AS2890 relating to ramp levels as a mandatory requirement however the City has incorporated consideration of it via Local Planning Policy 1.6 as follows:

*2.5 All parking facilities, access and manoeuvring areas are to be designed in accordance with Australian Standard AS 2890.1: Parking facilities – Off-street parking (as amended).*

6.1.1 Mr D Kenny, Applecross, continued.

The Policy further states at Clause 8.1 that *Vehicular access points to parking facilities are to be located and designed so that*

*(f) Access points shall be designed to minimise:*

- (i) traffic or pedestrian hazards,*
- (ii) conflict with pedestrian/cyclist pathways,*
- (iii) the impact on nearby residential uses,*
- (iv) traffic congestion, and*
- (v) interference with public transport facilities.*

*Where this is not possible, mitigation measures must be considered.*

Where an alternative to the AS is proposed, this is assessed on its merit taking into account input from professionally qualified persons who can provide the advice to the City and/or the decision maker of development applications to ensure that recommendations provided, and decisions taken do not compromise the objectives of the AS or the City's Local Planning Policy to deliver safe and appropriate outcomes.

As noted above the City of Melville, Local Planning Policy LPP 1.6 makes reference to the AS 2890 in the context of car parking and access. This suggests that associated aspects of development proposals will be assessed taking into account the standards outlined by the AS. In consideration of a Local Planning Policy as an intrinsic element of the applicable planning policy framework, regard must be had to the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, which state that the provisions of any Local Planning Policy should have **due regard** in the decision-making process. Due regard means that the provisions of a Local Planning Policy should not be necessarily interpreted or applied in a wholly prescriptive manner, but rather provided that, it can be demonstrated that an alternative method of achieving the desired outcome is provided as agreed and endorsed by the professional bodies involved, then that meets the purpose and intent of the Australian Standards, and therefore meets the objectives of the Local Planning Policy. This is precisely the process that was followed in respect of the development application quoted by Mr Kenny, in which case the concern expressed by Mr Kenny that the outcome in this case is unsafe and a risk, is not accurate.

The access ramp in question will, once constructed, provide a safe exit from the development in accordance with the objectives of the AS. This ramp cannot be considered to be "non-compliant" as is suggested. On the contrary, the ramp will be wholly compliant with the development approval issued by the JDAP.

Mr Kenny has previously corresponded with the City on the 11th July regarding the traffic sight lines relating to the exit from the Riviere development to Moreau Mews.

Question 3

*Have plans submitted for Building Approval at Riviere been corrected to ensure the exit sight lines are compliant with AS/NZS 2890.1:2004?*

Response

A condition of development approval was applied to this approval to require that the exit sightline is compliant with AS 2890. Plans have since been provided by the applicant in respect of the discharge of that conditional requirement of planning approval to demonstrate said compliance. The City will routinely ensure that the building application plans when lodged are consistent with the updated planning plans.

### **6.1.2 Mr S Wallace (City of Melville Residents and Ratepayers Association Inc)**

The City of Melville Residents and Ratepayers Association (Inc) has asked a number of questions without notice in relation to the Weir Legal and Consulting City of Melville Review of Complaints Building and Planning.

#### Question 1

*Please tell us how you intend to address this once and for all, in order that we do not have to read about it yet again in another officer's report? What will this Council do differently in the future to deal with the City's repetitive failures in a timelier manner?*

#### Response

The Item M22/5927 – Independent Review – Weir Legal and Consulting Report is before the Council for consideration tonight, and the Council will determine if it accepts the Final Weir Report, and if it will become available to the public for publishing in some form.

#### Question 2

*Perhaps the most important question requiring an answer is; why did it take over \$200k, plus all the staff, elected members and the complainant's time and hard effort to yet again, identify it is the City administration's multiple failures that are the actual root cause? Why did Council not step in much sooner to address the repetitive failures?*

#### Response

Following a Council decision on 17 November 2020, the CEO was directed to engage a consultant to undertake an Independent Review of complaints related to building, planning and environmental health issues, raised by two residents.

All parties were involved in the design and scope of the Independent Review including agreeing upfront on the issues to be considered, the review scope and timelines. The Independent Review was held over 10 months, at a cost to the ratepayer of \$125,000 plus additional legal costs.

The Final Weir Report indicated there were no systemic issues and to-date actions have been undertaken to implement and address every one of the 15 recommendations.

## 6.2 Questions Received at the Meeting

### Procedural Motion

#### **COUNCIL RESOLUTION**

At 6:54pm Cr Robins moved, seconded Cr Mair –

**That Public Question Time meeting be extended by 5 minutes.**

At 6:54pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

### **6.2.1 Mr M Burns, Applecross**

Mr Burns raised non-compliant crossovers within the Canning Bridge Activity Centre as well as a near miss incident between a pedestrian and a speeding car.

#### Question 1

*Why does the City continue to abdicate its responsibility to providing a safe and healthy Melville to citizens in the Canning Bridge area?*

#### Question 2

*How can the City not be responsible for the traffic environment that building approvals have created, resulting in Canning Bridge being an unsafe place?*

*How can the City fail to be responsible for the effect that multiple road closures and detours are fording pedestrians and high speed traffic into conflict more and more?*

#### Response to Question 1 and 2

The Acting CEO advised those Questions were to be Taken on Notice with the responses to be provided in the December Meeting of Council Agenda.

At 6:59pm the Mayor closed Public Question Time.

## 7 AWARDS AND PRESENTATIONS

### ELECTION OF DEPUTY MAYOR 2023-2024

Acknowledging that the provisions of the *Local Government Act 1995* allow the person elected to occupy the position for a period of twenty-four (24) months, City of Melville Elected Members have previously indicated their desire to elect the Deputy Mayor for a period of only twelve (12) months to give as many Councillors as possible exposure to and experience that this role provides. Past protocol has established that Candidates after 12 months stand down (resign) from the position and allow another ballot to be conducted in October 2022.

Cr Fitzgerald will resign from the position of Deputy Mayor with an election for the position of Deputy Mayor 2023-2024 to be held at the end of the meeting. See page 146.

## 8 APPLICATIONS FOR NEW LEAVES OF ABSENCE

### COUNCIL RESOLUTION

At 6:59pm Cr Fitzgerald moved, seconded Cr Barber –

**That applications of new leaves of absence submitted by Cr Edinger, on 15 November 2022 be received.**

At 6:59pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

## 9 CONFIRMATION OF MINUTES

### 9.1 Ordinary Meeting of The Council – 18 October 2022 [OMC Minutes – 18 October 2022](#)

#### **COUNCIL RESOLUTION**

At 7:00pm Cr Macphail, seconded Cr Spanbroek –

**That the minutes of the Ordinary Meeting of Council held 18 October 2022 be confirmed as a true and accurate record.**

At 7:00pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

### 9.2 Notes of Agenda Briefing Forum – 8 November 2022 [ABF Notes – 8 November 2022](#)

#### **COUNCIL RESOLUTION**

At 7:00pm Cr Fitzgerald moved, seconded Cr Edinger –

**That the minutes of the Agenda Briefing Forum held 8 November 2022 be confirmed as a true and accurate record.**

At 7:00pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

## 10 NEW BUSINESS OF AN URGENT NATURE

Nil.

## 11 IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

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

- Item M22/5927 - Independent Review – Weir Legal and Consulting Report
- Item E122/4006 - RFT222304 Provision of Traffic Management Services

## 12 PETITIONS

Nil.

**13 ADOPTION OF RECOMMENDATIONS EN BLOC**

**COUNCIL RESOLUTION**

At 7:01pm Cr Fitzgerald moved, seconded Cr Wheatland –

**That the recommendations for:**

- **C22/6000 – Investment Statements for September 2022**
- **C22/6001 – Schedule of Accounts Paid September 2022**

**be carried En Bloc.**

At 7:04pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**14 REPORTS**

**14.1 Reports from Committees**

Nil.

## 14.2 REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 7:03pm the Mayor brought forward Item UP22/4009 – Proposed Additions and Alterations To Motor Vehicle Sales and Motor Vehicle Repair Premises – No. 532 (lot 101) Canning Highway, Attadale for the convenience of those giving deputations.

At 7:03pm Mr Carmody (Planning Solutions) and Mr Turner (Melville Cricket Club) gave a deputation which concluded at 7:14pm. At 7:25pm questions concluded and Mr Carmody and Mr Turner returned to the public gallery. [Deputation from Planning Solutions – UP22/4009](#)

### **UP22/4009 – PROPOSED ADDITIONS AND ALTERATIONS TO MOTOR VEHICLE SALES AND MOTOR VEHICLE REPAIR PREMISES – NO. 532 (LOT 101) CANNING HIGHWAY, ATTADALE (REC) (ATTACHMENT)**

Ward	: Bicton - Attadale - Alfred Cove
Category	: Operational
Application Number	: DAP-2022-7
Property	: No. 532 (Lot 101) Canning Highway, Attadale
Proposal	: Proposed additions and alterations to Motor Vehicle Sales and Motor Vehicle Repair Premises
Applicant	: Planning Solutions
Owner	: Regalsea Investments Pty Ltd
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable
Responsible Officer	: Peter Prendergast Manager Statutory Planning

#### **AUTHORITY / DISCRETION**

##### **DEFINITION**

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

**UP22/4009 – PROPOSED ADDITIONS AND ALTERATIONS TO MOTOR VEHICLE SALES AND MOTOR VEHICLE REPAIR PREMISES – NO. 532 (LOT 101) CANNING HIGHWAY, ATTADALE  
(REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

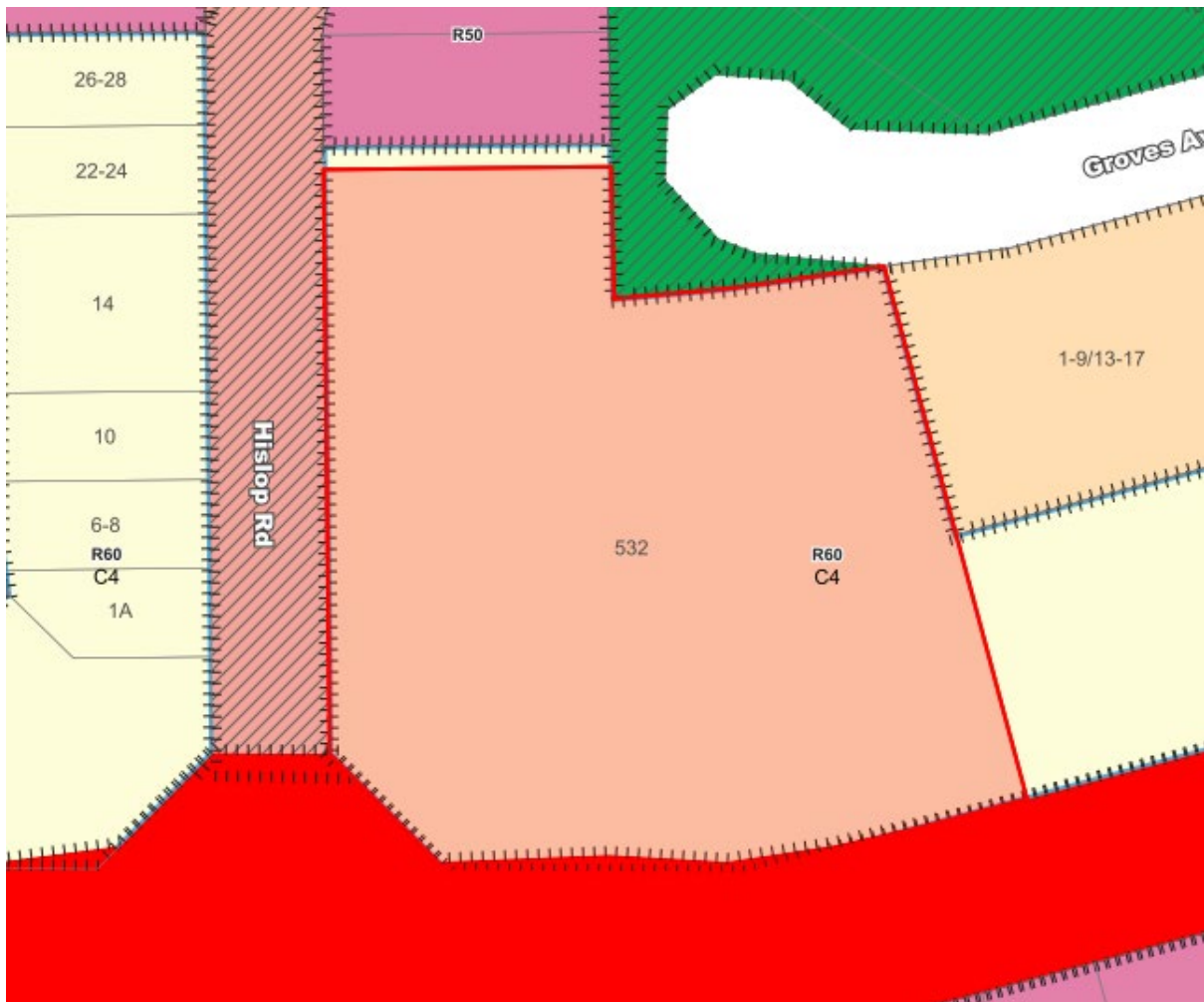
- This Responsible Authority Report (RAR) was called up to Council for information in accordance with Local Planning Policy 1.1.
- Approval is sought for the redevelopment of the existing Motor Vehicle Repair service operating from the site at 532 (Lot 101) Canning Highway, Attadale. The cost of the development is \$6.2 million, and the application is to be determined by the Metro-Inner South Joint Development Assessment Panel.
- The proposed building will include an Undercroft/servicing area, ground floor workshop storerooms and offices, and a mezzanine with storage and staff amenities.
- Vehicular access is to be provided from existing access points, with some crossovers proposed to be upgraded.
- Landscaping is indicated as a part of the development, but a detailed landscaping plan has not been provided.
- The proposed development has been assessed against the provisions of Local Planning Scheme No.6 (LPS6), Local Planning Policy 2.1 Non-Residential Development, as well as several 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* by 23 November 2022.
- The proposal was the subject of public consultation in accordance with LPP 1.1: Planning Process and Decision Making.
- During the advertising period a total of two submissions were received – one raising concerns which did not relate to the proposed development and the other raising concerns in relation to the public accessway to the north of the site.
- The recommendation of the RAR is that the JDAP refuse the proposed development for the reasons stated in the RAR.
- A copy of the resolution of the Ordinary Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.

**UP22/4009 – PROPOSED ADDITIONS AND ALTERATIONS TO MOTOR VEHICLE SALES AND  
MOTOR VEHICLE REPAIR PREMISES – NO. 532 (LOT 101) CANNING HIGHWAY, ATTDALE  
(REC) (ATTACHMENT)**



**Figure 1: Aerial Image of the subject site**

**UP22/4009 – PROPOSED ADDITIONS AND ALTERATIONS TO MOTOR VEHICLE SALES AND  
MOTOR VEHICLE REPAIR PREMISES – NO. 532 (LOT 101) CANNING HIGHWAY, ATTADALE  
(REC) (ATTACHMENT)**



**Figure 2: Zoning Map of the subject site.**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	: Urban/Primary Regional Road
LPS Zoning	: Centre C4
Structure Plan Zoning	: N/A
R-Code	: R60
Use Type	: Motor Vehicle, Boat or Caravan Sales Motor Vehicle Repair
Use Class	: 'X' Use uses

**UP22/4009 – PROPOSED ADDITIONS AND ALTERATIONS TO MOTOR VEHICLE SALES AND MOTOR VEHICLE REPAIR PREMISES – NO. 532 (LOT 101) CANNING HIGHWAY, ATTADALE (REC) (ATTACHMENT)**

**Site Details**

Lot Area	:	11641m <sup>2</sup>
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc)	:	Footpath, parking bays off Groves Avenue
Site Details	:	Refer to Figure 1 above

**DETAIL**

Development approval is sought from the Metro Inner-South JDAP for additions and alterations to the existing Motor Vehicle Sales and Motor Vehicle Repair premises at the subject site.

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

[4009 RAR DAP 2022 7 532 Canning Highway Attadale](#)

[4009 Attachment 1 Location Plan](#)

[4009 Attachment 2 Amended Development Plans](#)

[4009 Attachment 3 MRWA Advice](#)

[4009 Attachment 4 Design Review Panel Report](#)

[4009 Attachment 5 Applicants Supporting Report & Additional Letter](#)

[4009 Attachment 6 Updated Transport Impact Statement](#)

[4009 Attachment 7 Environmental Noise Assessment](#)

[4009 Attachment 8 Legal Advice](#)

[4009 Attachment 9 DAP Decisions](#)

**STAKEHOLDER ENGAGEMENT**

Refer to the RAR attached to this report.

**STATUTORY AND LEGAL IMPLICATIONS**

The cost of the development requires that it be determined by the JDAP. As required by the *Planning and Development (Development Assessment Panel) Regulations* the City has prepared a responsible authority report which outlines the relevant issues to assist the JDAP in making its determination.

**UP22/4009 – PROPOSED ADDITIONS AND ALTERATIONS TO MOTOR VEHICLE SALES AND MOTOR VEHICLE REPAIR PREMISES – NO. 532 (LOT 101) CANNING HIGHWAY, ATTADALE (REC) (ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

Not applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are not considered to be strategic, risk or environmental management implications associated with this application.

**POLICY IMPLICATIONS**

Policy implications are outlined within the RAR 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 refuse the application.

Council may resolve not to endorse the recommendation within the RAR; however reasons should be provided in the usual manner to inform the members of 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 Elected Member 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.

**OFFICER RECOMMENDATION (4009)**

**APPROVAL**

At 7:25pm Cr Fitzgerald moved, seconded Cr Wheatland –

**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 REFUSE the application for the proposed Additions and Alterations to Motor Vehicle Sales and Motor Vehicle Repair Premises at No. 532 Canning Highway (Lot 101) Attadale.**

At 7:27pm Cr Sandford foreshadowed an Alternative Motion.

**UP22/4009 – PROPOSED ADDITIONS AND ALTERATIONS TO MOTOR VEHICLE SALES AND MOTOR VEHICLE REPAIR PREMISES – NO. 532 (LOT 101) CANNING HIGHWAY, ATTADALE (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION (4009)**

**APPROVAL**

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**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 REFUSE the application for the proposed Additions and Alterations to Motor Vehicle Sales and Motor Vehicle Repair Premises at No. 532 Canning Highway (Lot 101) Attadale.**

At 7:39pm the Mayor declared the motion

**LOST (11/1)**

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

**Alternative Motion**

At 7:39pm Cr Sandford moved, seconded Cr Edinger –

**That the Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville does not endorse the recommendation of the Responsible Authority Report to REFUSE the application for the proposed Additions and Alterations to Motor Vehicle Sales and Motor Vehicle Repair Premises at No. 532 Canning Highway (Lot 101) Attadale.**

**Amendment**

**COUNCIL RESOLUTION**

At 7:42pm Cr Fitzgerald moved, seconded Cr Pazolli –

**Addition of an appropriate condition mandating appointment of an Environmental Sustainable Development (ESD) professional to produce a pathway report to achieving and exceed NCC compliance and describing how the project will deliver exemplary ESD outcomes, including landscape initiatives already described, the installation of a solar PV array and EV chargers that can become a benchmark for a showroom and workshop project and therefore become something the City and community can engage with and understand in a more positive manner.**

At 7:53pm the Mayor declared the motion

**CARRIED (8/4)**

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

**UP22/4009 – PROPOSED ADDITIONS AND ALTERATIONS TO MOTOR VEHICLE SALES AND MOTOR VEHICLE REPAIR PREMISES – NO. 532 (LOT 101) CANNING HIGHWAY, ATTADALE (REC) (ATTACHMENT)**

**Substantive Motion as Amended**

**COUNCIL RESOLUTION**

At 7:39pm Cr Sandford moved, seconded Cr Edinger –

**That the Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville does not endorse the recommendation of the Responsible Authority Report to REFUSE the application for the proposed Additions and Alterations to Motor Vehicle Sales and Motor Vehicle Repair Premises at No. 532 Canning Highway (Lot 101) Attadale, with the addition of an appropriate condition mandating appointment of an Environmental Sustainable Development (ESD) professional to produce a pathway report to achieving and exceed NCC compliance and describing how the project will deliver exemplary ESD outcomes, including landscape initiatives already described, the installation of a solar PV array and EV chargers that can become a benchmark for a showroom and workshop project and therefore become something the City and community can engage with and understand in a more positive manner.**

At 7:54pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

### **Management Services**

At 7:54pm the Mayor brought Forward Item M22/5927 – Independent Review – Weir Legal and Consulting Report for the convenience of those in the public gallery giving a deputation on this item.

*At 7:56pm Cr Wheatland left the meeting and returned at 7:58pm.*

At 7:58pm Mr McLerie commenced a deputation to the meeting.

### **Procedural Motion**

#### **COUNCIL RESOLUTION**

At 8:08pm moved Cr Edinger, seconded Cr Mair –

**That Mr McLerie be granted an extension of five minutes to speak on the matter.**

At 8:08pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

At 8:13pm Mr McLerie's deputation concluded and at 8:17pm Mr McLerie returned to the public gallery.

At 8.17pm the Mayor advised that Cr Edinger had submitted and Alternative Motion Without Notice for this item.

*At 8:19pm Ms Davis left the meeting and returned at 8:21pm.*

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)**  
**(CONFIDENTIAL ATTACHMENT)**

Ward : All  
 Category : Executive  
 Subject Index : Independent Review  
 Customer Index : City of Melville; Weir Legal and Consulting  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Motion with Notice 16.2 Weir Report Special Meeting of Council held 4 April 2022  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Marten Tieleman  
 Chief Executive Officer

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- In September 2021, the City received the Weir Legal and Consulting (WLC) - City of Melville Review of Complaints – Building and Planning (Final Weir Report).
- The report finalised a 10-month review by the independent consultant (WLC) into complaints related to building, planning and environmental health issues, raised by two residents.
- The final 131 page report followed a structured process and considered a number of issues and provided 15 recommendations for the City to implement.
- Bronwyn Weir from WLC provided a presentation on the final report to Elected Members on 31 March 2022.
- At a Special Meeting of Council held 4 April 2022, the Council resolved that a report be prepared on the “findings” of the Weir Report.
- The residents who raised the complaints, (the Complainants) gave a presentation on the Final Weir Report at an Elected Member Engagement Session (EMES) on 24 May 2022.
- Presentations by officers on the actions undertaken in relation to implementing the recommendations have been made to Elected Members in May, June and July 2022.
- This report recommends that the Council accept the Final Weir Report, notes the update on the recommendations, and that this information be released to the community in a redacted format as it is in the public interest to do so.

**BACKGROUND**

In late 2020, the City engaged Ms Bronwyn Weir of Weir Legal and Consulting (WLC) to undertake an independent review of complaints associated with building, planning and environmental health at the City of Melville. The review had a focus on the issues raised by two residents (the Complainants). The Weir Legal and Consulting – City of Melville Review of Complaints – Building and Planning Report dated 17 September 2021 (Final Weir Report) was received by the City and distributed to Elected Members on 29 September 2021.

At the Special Meeting of Council held 4 April 2022, the following motion with notice was supported by the Council:

***“That the Council directs the CEO to prepare a report on***

- 1. The findings of the Weir Report,***
- 2. A list of actions to be taken and present it to an EMES for discussion prior to a Council Meeting for a decision, and***
- 3. The CEO to invite the complainants to the Elected Members Engagement Session to present their feedback, in 30 minutes each, on the proposed recommendations and any further recommendations they may have.”***

This report responds to the above resolution of the Council.

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

**DETAIL**

The Final Weir Report was the result of a ten-month process in which Ms Weir undertook a comprehensive review process in relation to planning and building issues raised by the Complainants.

The issues to be considered as part of the Review were identified and agreed up front along with the Review timeline. This timeline was reviewed and amended where appropriate, with the agreement of all parties.

During preparation of the Report, WLC held meetings with the Mayor and the then Deputy Mayor (as Chair of the Governance Committee), City Officers and the Complainants. All meetings were documented by WLC and the documentation shared with all parties. Material provided to WLC during the review was held in a shared folder that was accessible to all parties.

In August 2021, a Draft Report was provided by Ms Weir to the Complainants and the City representatives. The Draft Report contained findings and four recommendations.

Ms Weir met separately with the Complainants, the Mayor, the then Deputy Mayor and City Officers to discuss and consider their comments on the Draft Report. Following the comments on the Draft Report, WLC provided the final 131 page Report (Final Weir Report), which contained a total of 15 recommendations.

It should be noted that the findings contained in the Draft Report were translated to the 15 “A Way Forward” recommendations in the Final Weir Report. The City has been working through the actions and improvements contained in these 15 recommendations.

Attached is a more detailed [overview of the process to produce the City of Melville Review of Complaints – Building and Planning Report](#) dated 17 September 2021.

In March 2022, Ms Weir provided a presentation to Elected Members on the Final Weir Report associated with the independent review and responded to a number of questions.

In May 2022, the Complainants were provided with the opportunity to make presentations to the Elected Members on the Final Weir Report.

Since February 2022, Elected Members have been provided with regular updates on the progress of the City’s implementation of the Final Weir Report’s 15 recommendations. At the time of the preparation of this report, eight of the recommendations had been completed, with the remaining seven in the process of being implemented.

Recommendation 10 contained in the Final Weir Report is the subject of a separate process guided by a resolution of the Council.

Attached is the [City’s Response to the Recommendations Contained in the Final Weir Report](#).

The Final Weir Report has not been released to the community. The format and method for releasing of the Final Weir Report is a matter for the Council to decide.

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

In February 2022, an FOI request for the Final Weir Report and supporting documentation, was received and in evaluating the documents for release, concerns were raised by one of the Complainants regarding some comments made by WLC in the Final Weir Report. WLC have confirmed their opinion that the comments are considered to be important to the context of the report as a whole, and that there are no concerns with the Final Weir Report being released under FOI or published. The FOI request for a copy of the Final Weir Report was subsequently withdrawn.

The Final Weir Report contains the initials and positions of City of Melville Officers and the initials of the Complainants, which could personally identify individuals. In considering publicly releasing the Final Weir Report, the Council should consider whether to redact any identifying information.

The options for publishing the report include:

1. Publishing the Final Weir Report in full accompanied by the City's response to the 15 recommendations.
2. Publishing the Final Weir Report accompanied by the City's response to the 15 recommendations, with the initials of the Complainants and details that may identify staff being redacted.
3. Publishing a version of the Final Weir Report with any opinion and/or commentary associated with the Complainants and/or City Officers and the initials of the Complainants and the positions of Officers being redacted.
4. The Final Weir Report is not published.

The City administration recommends that the Final Weir Report be released to the public by publishing on the City's website. Officers support Option 2 as being the preferred option.

A copy of the Weir Legal and Consulting (WLC) - City of Melville Review of Complaints – Building and Planning, redacted in line with Option 2, is included as a confidential attachment to this report.

## **STAKEHOLDER ENGAGEMENT**

### **I. COMMUNITY**

There has been no external engagement with the community in relation to the Final Weir Report.

### **II. OTHER AGENCIES / CONSULTANTS**

There has been no external engagement by the City with other agencies or consultants in relation to the content of the Final Weir Report or its publication.

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

Section 5.23 of the Local Government Act 1995 provides that a meeting maybe closed to the public if the meeting or part of the meeting deals with any of the following –

- (a) a matter affecting an employee or employees; and*
- (b) the personal affairs of any person; and*
  - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*

It is not intended to release the personal information of any person associated with the Final Weir Report or for those parties to be easily identifiable and it is recommended that any identifying information be redacted from the Final Weir Report prior to it being released.

If the Council wished to publish the Final Weir Report in full, consultation with the parties that may be identified would be required under the *Freedom of Information Act 1992*.

The requirements of the Information Commissioner in releasing information would also be considered and supports the Option 2 to remove any identifying information.

**FINANCIAL IMPLICATIONS**

The work undertaken by Weir Legal and Consulting to undertake the independent review and produce the City of Melville Review of Complaints – Building and Planning was at a total cost of \$128,590.

The City has accepted the Final Weir Report and any redaction work and publishing would be undertaken in-house and therefore no further costs are anticipated.

In addition to the Final Weir Report, legal fees in respect to the properties the subject of this report were estimated to be in excess of \$90,000.

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk</b>	<b>Risk Treatment</b>
The City of Melville has expended considerable community funds to undertake the Independent Review. Given that the process was initiated to address concerns expressed by members of the community and the complaints have been previously levelled at the City in respect to a perceived lack of openness and transparency, reputational risk may arise if the community is not provided with access to the Final Weir Report and the actions proposed to be undertaken and/or implemented by the City in response to the 15 recommendations.	Medium	That due to the public interest in this matter and in the interests of openness and transparency the Council publish the Final Weir Report with the actions undertaken by the City in response to the 15 Recommendations identified.
That members of the community (the Complainants) and Officers (some of whom no longer work at the City) may be identifiable by the contents of the full Final Weir Report.	High	That relevant identifying information (eg the initials of the Complainants and the position of officers) be redacted from the version available to the public.
The Complainants may object to the redacted version of the Final Weir Report being released.	High	That identifying information be redacted to mitigate the possibility of involved parties being identified.

**POLICY IMPLICATIONS**

Relevant Council Policies, systems, procedures and practices will be reviewed and amended in order that the recommendations as agreed, are met.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Weir Legal and Consulting spent 10 months gathering and considering information, conducting interviews, liaising with the parties involved with the review, and writing the report. The resultant final report may be noted or rejected by the Council.

City Officers are recommending that the Council accepts the Final Weir Report and that it be published to the City's website with initials and information identifying the Complainants and Officers involved being redacted. It is also recommended that the actions undertaken to date by the City in relation to the 15 Recommendations in the Final Weir Report, be published for the information of the community.

The Council could choose to publish the Final Weir Report in a different format, or not to publish it at all.

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

**CONCLUSION**

This report formally presents the Weir Legal and Consulting, City of Melville Review of Complaints Building and Planning report dated 17 September 2021, to the Council. City officers worked with the Consultant by providing requested information and comment on the Draft Report.

The Council's purpose of the independent review of was to review:

- issues associated with the Planning, Building and Environment Health matters raised by two Complainants; and
- the City's interactions with both residents relating to their complaints.

The City acknowledges, with the benefit of this in-depth review and hindsight, that it could have done things better and has taken this opportunity to review how it could improve its systems, processes and procedures and has accepted the 15 recommendations contained within the Final Weir Report. Since the Final Weir Report was received in September 2021, actions have been undertaken to implement the 15 recommendations and the Council has been advised of these through updates.

It is now considered timely and in the public interest for the Weir Legal and Consulting, City of Melville Review of Complaints Building and Planning report dated 17 September 2021, along with the City's response to 15 Recommendations contained in the report to be made available to the wider community.

**OFFICER RECOMMENDATION (5927)**

**APPROVAL**

At 8:17pm Cr Fitzgerald moved, seconded Cr Wheatland –

**That the Council**

1. **Accepts the Weir Legal and Consulting, City of Melville Review of Complaints Building and Planning report dated 17 September 2021 (Final Weir Report).**
2. **Notes the [City's Response to the Recommendations Contained in the Final Weir Report](#).**
3. **Directs the CEO to publish on the City's website:**
  - a. **The Weir Legal and Consulting City of Melville Review of Complaints Building and Planning, to the City of Melville website with the initials of the residents and the positions of the City staff be redacted; and**
  - b. **the [City's Response to the Recommendations Contained in the Final Weir Report](#).****for a minimum of two years.**

**M22/5927 – INDEPENDENT REVIEW – WEIR LEGAL AND CONSULTING REPORT (REC)  
(CONFIDENTIAL ATTACHMENT)**

**Procedural Motion**

**COUNCIL RESOLUTION**

At 8:21pm Cr Mair moved, seconded Cr Sandford –

**That the matter be deferred to the Ordinary Meeting of Council held on 13 December 2022.**

At 8:25pm the Mayor declared the motion

**CARRIED (7/5)**

Yes	<b>7</b>	Cr Edinger, Cr Spanbroek, Cr Pazolli, Cr Ross, Cr Mair, Cr Sandford, Cr Barber
No	<b>5</b>	Cr Wheatland, Cr Fitzgerald, Mayor Gear, Cr Macphail, Cr Robins

At the time of the deferral Cr Fitzgerald as the mover of the officer recommendation, had spoken on the matter.

At 8:25pm the Mayor adjourned the meeting.

At 8:31pm the meeting resumed.

**M22/5937 – REVIEW OF 14 BEACH STREET BOUNDARY FOUNDATION AND RETAINING BY AN INDEPENDENT REGISTERED BUILDING SURVEYOR (REC)**

Ward : All  
 Category : Executive  
 Subject Index : Property Index 14 Beach Street, Bicton  
 Customer Index : City of Melville  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Item 15.3 Review of 14 Beach Street Boundary Foundation and Retaining by an Independent Registered Building Surveyor - Ordinary Meeting of Council held 16 August 2022  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Patrick Hughes  
 Acting Manager Building 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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**M22/5937 – REVIEW OF 14 BEACH STREET BOUNDARY FOUNDATION AND RETAINING BY AN INDEPENDENT REGISTERED BUILDING SURVEYOR (REC)**

**KEY ISSUES / SUMMARY**

- At the 16 August 2022 Ordinary Council Meeting, a Motion with Notice was supported that an independent registered building surveyor be appointed to undertake an inspection of the boundary structure footings and associated retaining located at 14 Beach Street, Bicton and provide a report back to the 18 October 2022 Ordinary Meeting of Council,
- This Item was discussed at the Elected Member Engagement Session held 4 October 2022 where it was advised that a report would be presented to the November 2022 Council Meeting.
- This report provides advice on the progress of actions taken in implementing the Council resolution from the 16 August 2022 Council Meeting.

**BACKGROUND**

At the 16 August 2022 Ordinary Meeting of the Council it was resolved that:

**That the Council directs the CEO to:**

- 1. appoint an independent registered building surveyor to undertake an inspection of the boundary structure footings and associated retaining located at 14 Beach Street, Bicton, and**
- 2. provide a report back to the 18 October 2022 Ordinary Meeting of Council which includes a copy of the independent registered building surveyor's and any other relevant reports.**

The reasons provided in support of the motion were:

- Since 2017 there have been questions and opinions provided relating to the boundary of 14 Beach Street.
- The Objective is to:
  - inspect the entirety (eastern and western sides) of the footings and retaining on which the boundary structure rests,
  - identify any issues or non-conformances relating to the footings and retaining when compared to Building Approval Certificate (BA14) BA-2017-466;
  - identify any additional issues that become apparent during the inspection.
- The City will:
  - gain an understanding of the current condition of the entirety of the foundation and retaining along the boundary of 14 Beach Street, Bicton
  - an independent entity will either confirm the foundation and retaining as-built and current condition aligns with the drawings supplied with BA-2017-466 or advise otherwise.
  - be informed as to a path forward should rectification of the foundation, retaining and any other issues be required.
- Potential Risks:
  - Continued lack of clarity in relation to the “as built” status of the foundation and retaining. No resolution to lack of retaining issue.

**M22/5937 – REVIEW OF 14 BEACH STREET BOUNDARY FOUNDATION AND RETAINING BY AN INDEPENDENT REGISTERED BUILDING SURVEYOR (REC)**

The Officer Advice Note provided to the August meeting was:

*“Written consent must be obtained, from both property owners, to implement the motion if supported. Without this consent, the CEO cannot implement the actions proposed in the motion.*

*The objectives call for an inspection of the eastern and western sides of the footings and retaining. The orientation of the properties is that these are the northern and southern sides. To implement the motion as presented, access to both 12 and 14 Beach Street would be required.*

*The property owner of 12 Beach Street has the option to provide written consent for City Building Surveyors to conduct part of the inspection from their property. If this consent is not provided, this will greatly restrict the City’s ability to assist and investigate. The City will not be in a position to pursue any compliance enforcement process unless evidence is obtained by City Officers. This has been confirmed through legal advice from McLeods.*

*A specific inspection of the boundary retaining structures and footings may require a Structural Engineer to gain access to both properties. This may result in destructive or sample testing of the structures (coring, digging etc.). Consent will be required from the owner of 14 Beach Street for this to occur, if required.*

*A Building Surveyor will only provide a visual inspection of the footings and retaining, then provide a conclusion if they believe the structures comply with approved plans and assess if the structures are in a dangerous state. It is not recommended that this motion be put forward until written consent is submitted to the City, from the owners of 12 and 14 Beach Street, for the inspection to take place.”*

**DETAIL**

Five (5) independent Building Surveying Contractors were contacted to provide quotes for site the inspection services. Responses closed with the City on Friday, 16 September 2022. Additional information was requested from surveyors relating to the works and additional time was given to respond due to the limited interest and short time frame given to respond. TESH Building Surveyors were identified as the preferred supplier of the works.

The owners of 14 Beach Street were contacted to seek consent for the independent building surveyor, accompanied by a City Building Surveyor, if required, to access the property to undertake the required inspection. The owner of the property advised in writing that they will not grant access to undertake an inspection of their property, because they have the required Building Approval Certificate.

On receipt of this notification the owner of 12 Beach Street was approached for permission for the independent building surveyor, accompanied by a City building surveyor to enter his property to undertake an inspection of 14 Beach Street structures.

At the time of writing this report the City is still liaising with the owner of 12 Beach Street for permission only for the independent building surveyor to enter his property and undertake the inspection of the structures on the 14 Beach Street property.

**M22/5937 – REVIEW OF 14 BEACH STREET BOUNDARY FOUNDATION AND RETAINING BY AN INDEPENDENT REGISTERED BUILDING SURVEYOR (REC)**

If access cannot be obtained, the works requested by the Council in the 16 August 2022 Council resolution will not be able to be completed.

A Building Approval Certificate (BAC) BA-2021-1465 was issued pursuant to section 51- Unauthorised Work *Building Act 2011*, to the owner of 14 Beach Street on 11 August 2021 for the pool deck and safety barrier/fence supports only.

The Certificate of Building Compliance (CBC) BA18 issued on 15 July 2021 was supported by an engineer's report dated 29 June 2021 for the "steel framed stone paved pool deck area structural review – post construction certification". Photographs of the works in progress to assist in the as constructed certification were also provided.

The CBC was issued by an independent Building Surveyor and acknowledges that, at the time of assessment, that the "as built" construction complies with the Building Code of Australia and related Australian Standards. Pursuant to *Section 144, Building Act 2011*, the independent Building Surveyor is responsible for the related site inspections carried out and the CBC assessment.

Should the inspection of 14 Beach Street, as requested by the Council, not be able to be undertaken no further action can be carried out in relation to this matter, unless it is reasonably believed that the fence or structures are dangerous.

The By-law Relating to Fences defines Dangerous, in relation to any fence, as:

*" ... a fence which is likely to collapse or fall, on part of which is likely to collapse or fall, by reason of its faulty design, location or construction, deterioration of materials, damage by termites, decay, changes in ground levels or any other cause whatsoever."*

If a building or incidental structure is reasonably believed to be in a dangerous state or unfit for human occupation the City can issue a building order – Section 112 (2)(g) Content of building order, *Building Act 2011*. Based on the records held by the City there is no evidence to suggest that the fence is dangerous.

**STATUTORY AND LEGAL IMPLICATIONS**

The nominated independent Building Survey, or the City, can only access/enter 12 Beach Street, to carry out a visual inspection of the 14 Beach Street boundary structures, pursuant to *Section 81 (2)(a), Building Act 2011* with written consent from the owner:

*Section 81 - No access to other land without consent or court order, and notification, or other authority, -*

*(2) A person responsible for work must ensure that in doing the work or conducting a survey in relation to that work a person does not go onto other land —*

*(a) unless the access is consented to by an owner or adult occupier of the land and the access is in accordance with the consent;*

**M22/5937 – REVIEW OF 14 BEACH STREET BOUNDARY FOUNDATION AND RETAINING BY AN INDEPENDENT REGISTERED BUILDING SURVEYOR (REC)**

**FINANCIAL IMPLICATIONS**

The cost to undertake the inspection, review building permit documentation and provide a written report on findings is estimated to be approximately \$6,500.00

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risk and environmental management implications associated with this matter.

**POLICY IMPLICATIONS**

The Council Policy CP-114 Compliance and Enforcement Policy needs to be considered in relation to any compliance and enforcements actions relating to this matter.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternative options have been considered or are suggested in relation to this matter.

**CONCLUSION**

The City will continue to seek consent from the owner of 12 Beach Street for the independent building surveyor to enter their property in order to undertake an inspection of the structure and fence at 14 Beach Street. None of these works are on 12 Beach Street and access to the property is only required to undertake a visual inspection of the neighbouring property. Without that approval the inspection cannot be undertaken by the independent surveyor as requested by Council.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5937)**

**APPROVAL**

At 8:31pm Cr Fitzgerald moved, seconded Cr Edinger –

**That the Council note the actions taken in seeking to implement the Council resolution, 15.3 Review of 14 Beach Street Boundary Foundation and Retaining by an Independent Registered Building Surveyor, from the 16 August 2022 Ordinary Meeting of Council.**

At 8:32pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**



**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPECROSS  
(REC)**

**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of the Council held on 20 September 2022 a petition was presented to the Council in relation undertaking a site survey of 18A and 18B Tweeddale Road, Applecross.
- This report advises of the actions taken to date in implementing the various Council resolutions and provides comment on the actions specifically requested in the petition.

**BACKGROUND**

At the September 2022 Council Meeting the Council received a petition and requested that a report be presented to the November Council meeting. The petition requested that:

*“We, the undersigned, all being electors of the City of Melville, respectfully request that the Council direct the CEO to complete Council’s 12 October 2021 Motion C21/5865 with respect to the Site Survey of 18A and 18 B Tweeddale Road Applecross without further delay by presenting the requested report to the 15 November 2022 ordinary meeting of Council for decision and realising (sic) the survey results and the report to the public.”*

The Council resolved:

*That the petition bearing 6 signatures of residents be acknowledged and a report be prepared and presented to the Ordinary Meeting of Council 15 November 2022.*

At the 17 August 2021 Council Meeting a report was presented to the Council on the following petition that was received from 5 residents

*“We the undersigned, all being electors of the City of Melville respectfully request that the Council conduct an independent review of the lack of adequate compliance and enforcement actions in response to numerous complaints about the 18A & B Tweeddale Road, Applecross unauthorised soil build up, associated unauthorised building work possibly, adversely affecting the adjoining property owners.”*

The Officer report included a summary of the history of development applications of relevance to the issues raised by the petition and a summary of the compliance action taken in respect of the unauthorised importation of fill to the site.

In response to the petition the key issues addressed in the Officer Report were:

1. What are the approved natural ground levels for the site and when were they established.
2. Whether the actual levels on the site reflect the approved levels, and
3. How the approved multiple residential development and the associated finished floor levels of that proposed development align with the approved natural ground levels.

**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPLECROSS  
(REC)**

It was also noted in the report:

- “that if and when the site is developed in accordance with the current development approval, significant earthworks will be required in order to facilitate the development which incorporates basement level car parking,”
- “that the finished floor levels associated with the development, as approved by the development approval, are required to be provided in accordance with that approval,”
- “In that context, it is noted that the bulk of the site will be the subject of excavation, with a small remnant of land to the northern side, particularly the north east corner, retained at the existing natural ground levels” and that,
- “The onus is on the developer to ensure that development proceeds in accordance with approved plans, on the basis that failure to do so may result in prosecution.”

At that meeting the Council resolved:

That the Council

1. Acknowledges the response of the City to compliance matters raised in 2020 in respect of the importation of unauthorized fill onto the site at 18A and 18B Tweeddale Road was adequate and in accordance with the City’s planning Compliance Procedures and finalized on 17 February 2021.
2. Directs the CEO to source a list of independent site surveyors to establish the natural ground level. The site surveyor is to be selected by the Council at the September 2021 Council Meeting.
3. Directs the CEO to advise the lead petition of the decision.

At the Council meeting held Tuesday, 21 September 2021 a list of independent site surveyors was presented to for the Council to select. At that meeting the Council resolved

That the Council

1. Select AAM Pty Ltd to conduct a site survey to determine the true natural ground levels of 18A and 18B Tweeddale Road, Applecross.
2. Directs the CEO to include in scope of works a requirement that the surveyor produce a statutory declaration that establishes that they hold the results of their survey to be true and correct.
3. Request a report on the results of the site survey verses the approved ground levels set in 2008.
4. Allows the results and report of the site survey to be made available to the public.

**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPLECROSS  
(REC)**

AAM Pty Ltd declined to undertake the work and a report was presented to the 12 October 2021 Council Meeting and the matter represented to the Council for further consideration and direction. It was recommended by Officers that the administration conduct a procurement process in accordance with Council Policy and obtain quotes from suppliers sourced from the WALGA Panel PSP002-013 Engineering, Environmental and Technical Consultancy – Surveying.

At the 12 October 2021 Council Meeting the Council resolved:

That the Council:

1. Direct the CEO to select and engage a licensed land surveyor who is independent of the City of Melville and any entity or individual that has been involved in the subject development, to conduct a site survey to determine the natural ground levels of 18A and 18B Tweeddale Road, Applecross.
2. Directs the CEO to include in scope of works a requirement that the surveyor produce a statutory declaration that establishes that they hold the results of their survey to be true and correct.
3. Request a report on the results of the site survey versus the approved ground levels set in 2008.
4. Allows the results and report of the site survey to be made available to the public.

In implementing this resolution, which is the subject of this petition, a scope of works was developed based on the Council resolution and conditions and the request for quote was advertised to the suppliers on the WALGA Panel of surveyors on 1 November 2021.

Submission of quotes closed on 12 November 2021 with no quotations being received.

## **DETAIL**

The City has twice unsuccessfully attempted to engage a surveyor, one (AAM Pty Ltd) selected by the Council and then a surveyor from the WALGA Panel. At that point the CEO had implemented the actions required by the 21 September 2021 and 12 October 2021 meetings. The resolution from the 12 October 2021 meeting is the subject of the petition.

Elected Members were advised in relation to this matter, which was discussed at an Elected Member Engagement Session held 23 November 2021.

A further attempt to progress this matter was undertaken with the scope being amended to delete the requirement for a Statutory Declaration to be provided. The requirement that the Final Site Survey Report be made available by the City to the public on completion of the works remained. The RFQ was sent to two surveyors that were not on the WALGA Panel and that had not had any involvement with the Tweeddale Road property.

**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPECROSS  
(REC)**

One quote was received, and the surveyor advised that they could not undertake an effective survey without having access to the site. The owner of the property has refused access to the property in order to undertake a survey. The Council by the 17 August 2021 resolution had acknowledged that there were no outstanding planning matters relating to the importation of unauthorised fill and there is no current building application for the site.

Elected Members were informed in relation to this matter in the Elected Member Bulletin (EMB) of 1 April 2022 and again in relation to placing a Building Order etc on the owner in the EMB of 22 April 2022.

As this report specifically deals with the request made in the petition, the following points are confirmed:

- The procurement process was conducted as required by the resolution and no surveyor submitted a response to undertake the requested works.
- The requirement that the surveyor produce a statutory declaration that establishes that they hold their survey results to be true and correct, was requested in the scope of works.
- The request for a report on the results of the site survey versus the approved ground levels set in 2008 was made.
- There are no results and report of the site survey that can be made available to the public.

It should be noted that there is no current Building Permit for works at this property. *Section 27, Building Act 2011*, may provide the opportunity for a condition to be placed on any future Building Permit to confirm compliance with the 2008 subdivision approved ground levels.

## **STAKEHOLDER ENGAGEMENT**

### **I. COMMUNITY**

No community engagement has been undertaken with regard to the survey or selecting and appointing a surveyor. Questions relating to the appointment of a surveyor and other matters relating to this Tweeddale Road property have been asked and responded to at public question time at various Council Meetings.

### **II. OTHER AGENCIES / CONSULTANTS**

No engagement with agencies, consultants or surveyors has been undertaken.

## **STATUTORY AND LEGAL IMPLICATIONS**

Access to the site is required in order to undertake the survey and the consent of the owners of the properties that is required has been refused.

**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPLECROSS  
(REC)**

The entry and inspection powers that are provided to the Local Government are from Cl 79 Sched 2 Pt10 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. These allow the CEO to make an officer of the Local Government an authorised officer, and such officers are authorised to enter and inspect for monitoring purposes. A third party surveyor is not and cannot be an authorised person under these Regulations.

Contact had been made with the owners to access the property which was refused. Section 27 of the Building Act 2011 may permit the City to place a condition relating to providing a site survey as part a building permit application and assessment process, when an application is received.

**27. Conditions imposed by permit authority**

- (1) *A permit authority may impose conditions on the grant of a building permit or demolition permit in addition to any provided for in the regulations.*
- (2) *A condition imposed by a permit authority —*
  - (a) *is to relate to the particular building work or demolition work to which the permit applies rather than to work of that kind generally; and*
  - (b) *cannot modify the applicable certificate of design compliance or the plans and specifications that are specified in that certificate.*
- (3) *The permit authority may add, vary or revoke conditions imposed under this section before the building work or demolition work is completed.*
- (4) *If the permit authority adds, varies or revokes a condition the addition, variation or revocation takes effect when an owner of the building or incidental structure or proposed building or incidental structure has been given written notice of it or at a later time specified by the permit authority in the notice.*
- (5) *A permit authority must ensure that a notice under subsection (4) informs the person of the person's right of review under section 119.*

**FINANCIAL IMPLICATIONS**

Not applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Not applicable.

**POLICY IMPLICATIONS**

Not applicable.

**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPECROSS  
(REC)**

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

This report responds to the petition and recommends that no further act be taken in relation to conducting a site survey at this point in time. The approved site levels will be identified and complied with if/when any future City approvals are issued and before any building works commenced.

**CONCLUSION**

This item is the report on the petition received and provides information relating to the attempts to implement the actions required in relation to the 12 October 2021 Council resolution.

In relation to the petition, the CEO has implemented the action required by the “12 October 2021 Motion C21/5865 with respect to the Site Survey of 18A and 18 B Tweeddale Road Applecross”. No surveyor would undertake the works requested, with the conditions stipulated by the Council. The administration then removed the conditions, in an attempt to secure the services of a surveyor. One surveyor responded however, without being able to gain access to the site a survey cannot be undertaken.

As such the “requested report” cannot be presented to “the 15 November 2022 ordinary meeting of Council for decision and realising (sic) the survey results and the report to the public.”

**OFFICER RECOMMENDATION (5865)**

**APPROVAL**

**That the Council:**

- 1 Note the actions taken in relation to implementing the Council resolution - Item C21/5865 – Selection of Site Surveyor for 18A and 18B Tweeddale Road, Applecross from the 12 October 2021 Ordinary Meeting of Council.**
- 2 Advise the lead petitioner that a Surveyor Report does not exist and cannot be presented to the November 2022 Ordinary Meeting of Council for decision and releasing of the survey results and the report to the public.**
- 3 Directs the CEO to ensure that a site survey reflecting the approved ground levels in accordance with the 2008 subdivision approval be included in any Building Permit application and assessment process, in relation to any proposed building works at 18A /18B Tweeddale Road, Applecross.**

**C22/5940 – PETITION SITE SURVEY 18A AND 18B TWEEDDALE ROAD, APPLECROSS  
(REC)**

**Procedural Motion**

**COUNCIL RESOLUTION**

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

**That the Item be deferred to the Ordinary Meeting of Council to be held on 13 December 2022.**

At 8.37pm the Mayor declared the motion

**CARRIED (9/3)**

Yes	<b>9</b>	Cr Fitzgerald, Cr Edinger, Cr Spanbroek, Cr Pazolli, Cr Ross, Cr Mair, Cr Sandford, Cr Barber, Mayor Gear,
No	<b>3</b>	Cr Wheatland, Cr Robins, Cr Macphail

**C22/6000 – INVESTMENT STATEMENTS FOR SEPTEMBER 2022 (REC)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

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

**C22/6000 – INVESTMENT STATEMENTS FOR SEPTEMBER 2022 (REC)**

**BACKGROUND**

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

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

**DETAIL**

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

<b>CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2022</b>		
<b>SUMMARY BY FUND</b>		
Municipal		\$64,880,408
Reserve		\$156,394,974
Trust		\$-
Citizen Relief		\$224,848
<b>TOTAL</b>		<b>\$221,500,230</b>
<b>SUMMARY BY INVESTMENT TYPE</b>		
11AM		\$15,476,928
31Days at Call		\$-
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$187,423,302
<b>TOTAL</b>		<b>\$221,500,230</b>
<b>SUMMARY BY CREDIT RATING</b>		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$138,486,273
A Category (A+ to A-)	A+	\$38,513,957
	A	
	A-	
BBB+ Category	BBB+	\$44,500,000
<b>TOTAL</b>		<b>\$221,500,230</b>

**C22/6000 – INVESTMENT STATEMENTS FOR SEPTEMBER 2022 (REC)**

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

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 27,700,000	12.51%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 25,000,000	11.29%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 19,500,000	8.80%	15.00%	✓
CBA	AA-	AA Category	\$ 30,000,000	13.54%	30.00%	✓
Macquarie	A+	A Category	\$ 3,013,957	1.36%	25.00%	✓
NAB	AA-	AA Category	\$ 49,244,713	22.23%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 35,500,000	16.03%	25.00%	✓
Westpac	AA-	AA Category	\$ 31,541,560	14.24%	30.00%	✓
<b>TOTAL</b>			<b>\$ 221,500,230</b>	<b>100%</b>		

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

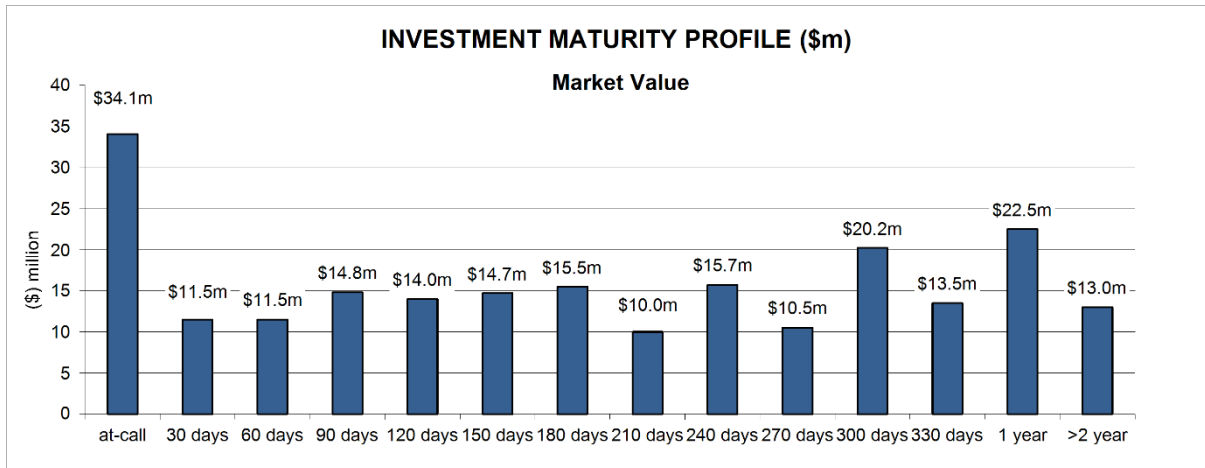
The City's investments were invested within the limits allowed within each category rating for September 2022.

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-)	\$ 138,486,273	63%	80%	✓
A Category (A+ to A-)	\$ 38,513,957	17%	50%	✓
BBB+ Category	\$ 44,500,000	20%	25%	✓
<b>TOTAL</b>	<b>\$ 221,500,230</b>	<b>100%</b>		

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

**C22/6000 – INVESTMENT STATEMENTS FOR SEPTEMBER 2022 (REC)**

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

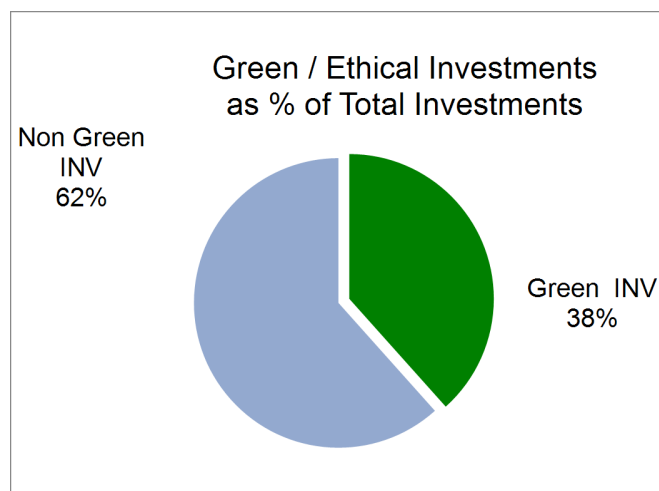


The City exercises a deliberative preference in favour of green/ethical investments. This preference will however only be exercised after the foremost investment considerations of credit rating, comparable rate and risk diversification are fully satisfied.

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

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

The total investment as at 30 September 2022 was \$85,000,000 or 38% of total investment holdings being in non-fossil fuels institutions, compared to \$83,000,000 (37%) in August 2022. The total investments holding for September and August were \$221,500,230 and \$222,396,033 respectively.



**C22/6000 – INVESTMENT STATEMENTS FOR SEPTEMBER 2022 (REC)**

Green / Ethical Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 19,500,000
CBA	AA-	AA Category	\$ 30,000,000
Suncorp	A+	A Category	\$ 35,500,000
<b>TOTAL</b>			<b>\$ 85,000,000</b>

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

The following legislation is relevant to this report:

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

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

The *Local Government (Financial Management) Regulations 1996* (regulation 19C) allows local governments to deposit funds for a fixed term of three years or less. Deposits of greater than one year may, depending on the shape of the yield curve, enable the City to achieve better investment returns.

**FINANCIAL IMPLICATIONS**

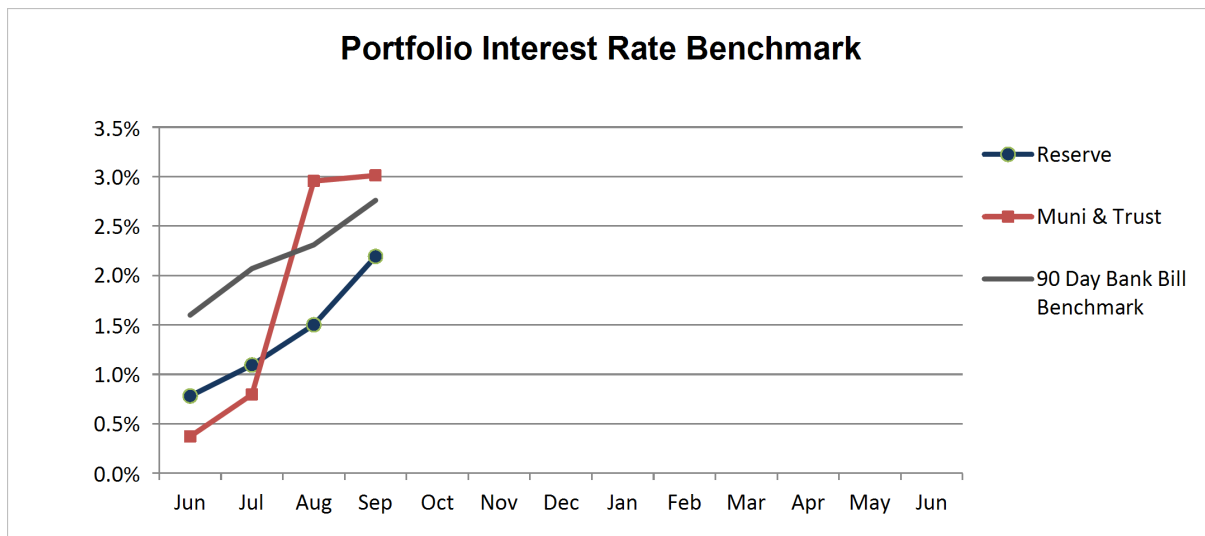
For the period ending 30 September 2022:

- Investment earnings on Municipal and Trust Funds were \$299,584 against a year to date budget of \$56,250 representing a positive variance of \$243,334.
- The weighted average interest rate for Municipal and Trust Fund investments as at 30 September 2022 was 3.01% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 2.76%.

**C22/6000 – INVESTMENT STATEMENTS FOR SEPTEMBER 2022 (REC)**

- Investment earnings on Reserve accounts were \$626,561 against a year to date budget of \$415,000 representing a positive variance of \$211,561.
- The weighted average interest rate for Reserve account investments as at 30 September 2022 was 2.19% which compares unfavorably to the benchmark three month bank bill swap (BBSW) reference rate of 2.76%.

A combination of interest rates being raised significantly, and lower than expected expenditure from operating and reserve accounts has contributed to a positive variance in investment earnings.



**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

**Strategic**

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

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

**Risk**

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

**Environmental**

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

**C22/6000 – INVESTMENT STATEMENTS FOR SEPTEMBER 2022 (REC)**

**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 3.01% to 2.19% which is below the benchmark three month bank bill swap (BBSW) reference rate of 2.76%. More rapid interest rate rises than predicted by the Reserve Bank has contributed to the difference.

38% 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 37% in August 2022.

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

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

**NOTING**

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

At 7:04pm the Mayor declared the motion

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

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

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

**BACKGROUND**

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

A total of \$8,842,586 direct creditor payments were paid during the month, of which, 18% of payments were paid to suppliers located within the City of Melville and 30% to suppliers within the South-West Group, compared to 17% and 30% of total of \$8,670,532 direct creditor payments made over August 2022 respectively.

The biggest payment of \$927,322 made during the month was the payment to the Resource Recovery Group. 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:

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

**DETAIL**

The Schedule of Accounts Paid for September including Payment Register numbers, Cheques: 825-826, Electronic Funds Transfers batches: 791-795, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 28 October 2022.

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

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

<b>SCHEDULE OF PAYMENTS MADE SEPTEMBER 2022</b>		
<i>Payments made under Delegated Authority DA-035</i>		
<b>MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS</b>		
<b><i>Cheques</i></b>	Chq Payment Register No. 825 and 826	\$936.67
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	-
<b><i>Electronic Funds Transfers</i></b>	EFT Payment Register No. 793 and 795	\$8,377,144.76
	EFT Payment on Restricted Funds Register No. 791,792,794 and 124	\$126,896.50
	Less Cancelled EFTs	(\$1,112.93)
		<b>\$8,503,865.00</b>
<b><i>Direct Debits</i></b>	Bank Fees	\$20,404.04
	Ampol Fuel	\$112,931.69
<b><i>Direct Payments</i></b>		\$205,385.95
	<b><i>Total Direct Creditor Payments</i></b>	<b>\$8,842,586.68</b>
<b><i>Payroll</i></b>	Total Pay 6 and 7	\$3,994,103.97
		<b><i>Total Payroll</i></b>
<b><i>Cards</i></b>	Westpac Corporate Cards	\$22,336.07
	Westpac Purchase Cards	\$54,178.37
	American Express	\$11,345.11
		<b><i>Total Card Payments</i></b>
<b>Total Direct Creditor Payments from Municipal Account</b>		<b>\$12,924,550.20</b>

*Schedule of Payments Made continued.*

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

<b>INTERFUND &amp; INVESTMENT TRANSACTIONS</b>		
<b><i>Interfund Transfers</i></b>		
Loan		\$0.00
Citizen Relief Trust		\$0.00
Citizen Relief Operating		\$0.00
Municipal		(\$5,901,391.36)
Reserve		\$5,901,391.36
Trust		\$0.00
<b>Total Interfund Transfers</b>		<b>\$0.00</b>
<b><i>New Municipal Investments</i></b>		
Bank of Queensland	2/09/2022	\$2,500,000.00
Commonwealth Bank	5/09/2022	\$1,000,000.00
Suncorp Bank	8/09/2022	\$1,000,000.00
Westpac Bank	19/09/2022	\$1,200,000.00
Westpac Bank	21/09/2022	\$2,000,000.00
<b>Total New Investments</b>		<b>\$7,700,000.00</b>
<b>Grand Total</b>		<b>\$20,624,550.20</b>

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

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

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

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.

**C22/6001 – SCHEDULE OF ACCOUNTS PAID for September 2022 (REC) (ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as this report presents information for noting only.

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

**CONCLUSION**

The Schedule of Payments for the month totals \$20,624,550.20.

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

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

**NOTING**

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

At 7:04pm the Mayor declared the motion

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2022 (AMREC)  
(ATTACHMENT)**

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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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"> <li>• Year-end processes are still underway and therefore the final figures for September 2022 may be different from what is presented in this report.</li> <li>• The Statements of Financial Activity by Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 30 September 2022 and recommends that they be noted by the Council.</li> <li>• The variances for the month of 30 September 2022 and recommends that they be noted by the Council.</li> <li>• The Budget amendments required for the month of 30 September 2022 and recommends that they be adopted by Absolute Majority decision of the Council.</li> </ul>
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**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2022 (AMREC)  
(ATTACHMENT)**

**BACKGROUND**

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

**OVERALL SUMMARY OF THE CITY'S FINANCIAL POSITION**

- End of financial year processes for 2021-2022 are still underway and therefore the final figures for 2021-2022 may be materially different to what is presented in this report.
- The City's total investments holding for September were \$221.5m of which the Municipal cash balance at the end of the month was \$64.9m and \$156.4m was held in reserve accounts, which are restricted to the defined purpose for which the reserve account was established.
- The investment in green/ethical term deposits as at 30 September was \$85m or 38% of total investment holdings, compared to \$83.0m (37%) in August 2022.
- The 2022-2023 Rates generated to September totaled \$95.7m, \$8,948 higher than budgeted.
- Total debtor collections for September 2022 equalled \$6.4m. The Rates collection target is 60.2% and the actual collection is tracking slightly lower at 58.8%. The total outstanding debtors (including all rates and sundry debtors) is \$52.3m as of 30 September 2022.

**DETAIL**

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

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

**Variances**

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

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

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2022 (AMREC)  
(ATTACHMENT)**

**Revenue**

Rates raised as at September were \$95,770,900, compared to a year to date budget of \$95,761,952, being \$8,948 higher than budgeted.

**Rates Collection**

<b>SUMMARY OF RATE DEBTOR MOVEMENT</b>					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	5,453,565	5,453,565	0%	6,491,862	-16%
Debtors Raised	119,232,715	118,708,790	0%	117,626,054	1%
Payments Received	(73,049,774)	(67,445,357)	8%	(73,883,527)	-1%
Closing Balance	51,636,506	56,716,997	-9%	50,234,390	3%

Total rate debtor collections for the month equalled \$5,604,417.

**Sundry Debtor Movement**

<b>SUMMARY OF SUNDRY DEBTOR MOVEMENT</b>					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	642,878	642,878	0%	882,151	-27%
Invoices Raised	2,204,581	1,849,899	19%	1,711,840	29%
Receipts	(2,173,771)	(1,306,872)	66%	(1,895,432)	15%
Prepayments	5,716	9,715	-41%	5,184	10%
Closing Balance	679,404	1,195,620	-43%	703,742	-3%

Sundry debtor balances decreased by \$516,216 over the course of September from \$1,195,620 to \$679,404. Debtors over 90-days and \$1,000 for the month is \$195,308, representing 29% of total sundry debtors.

**Money Expended in an Emergency and Unbudgeted Expenditure**

Not applicable for September 2022.

**Budget Amendments**

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

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2022 (AMREC)  
(ATTACHMENT)**

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

**Granting of concession or writing off debts owed to the City**

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

**Sundry Debtors**

An amount of \$2,065 was written off in the month of September. The invoice was raised in May 2019 due to a State Administrative Order. The City used a debt recovery agent but had no success from the recovery process as the company is no longer trading. Continued recovery action will create further debt recovery costs which would exceed the debt and therefore the debt was written off.

**Rate Debtors**

There were no rates write offs for the month of September.

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

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

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2022 (AMREC)  
(ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

**34. Financial activity statement report — s. 6.4**

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

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

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

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

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

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

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

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

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2022 (AMREC)  
(ATTACHMENT)**

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

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

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

## **FINANCIAL IMPLICATIONS**

### **Variances**

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

## **STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

## **POLICY IMPLICATIONS**

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

## **ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

## **CONCLUSION**

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

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR SEPTEMBER 2022 (AMREC)  
(ATTACHMENT)**

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

At 8:38pm Cr Pazolli moved seconded Cr Fitzgerald –

**That the Council:**

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

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

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

At 8:39pm the Mayor declared the motion

**CARRIED BY ABSOLUTE MAJORITY (12/0)**



**CD22/8148 – CITY OF MELVILLE TENNIS STRATEGY – UPDATE (REC)**

**KEY ISSUES / SUMMARY**

- At the August 2022 Ordinary Meeting of Council, Council resolved to defer the City of Melville Tennis Strategy to the November 15 Ordinary Meeting of Council to allow for additional consultation with clubs to take place and to workshop the strategy with elected members
- Additional engagement and meetings with clubs has taken place during September and October 2022
- The Elected Member workshop is yet to take place – scheduled for late November
- This report provides an update and summary of the progress made to date following the deferral motion in August

**BACKGROUND**

In August 2022, the Council considered item CD22/8148 – City of Melville Tennis Strategy. The August agenda item above contains all of the background information, engagement detail and contains links to the [City of Melville Tennis Strategy](#) and [Tennis Strategy Appendices](#).

At the August 2022 Ordinary Meeting of Council the following procedural motion was resolved as follows:

***That the Council defer the City of Melville Tennis Strategy until the 15 November 2022 Ordinary Meeting of Council:***

- ***To consult with the tennis clubs regarding the strategy for any errors and/or inclusions;***
- ***To workshop the strategy at an EMES; and***
- ***To address the need for a clear strategic direction for the sustainability of clubs, public courts and infrastructure.***

**DETAIL**

Following the Council resolution of the procedural motion (deferral) in August 2022, officers have now met individually with all five City of Melville tennis clubs regarding the tennis strategy.

A meeting between all City of Melville tennis clubs, Tennis West, Otium Planning Group and City officers was also held on Thursday 6 October at the Bullcreek Tennis Club. This was originally scheduled for 22 September but had to be rescheduled due to the announcement of the National Day of Mourning special public holiday on this day.

The next stages of progressing the Council resolution from August 2022 include the following:

- Elected Member Engagement Session: Councillors and COM Executive – 22 November 2022.
- Officers to consider changes required to the strategy document following club meetings and elected member engagement session.
- Communicate any recommended strategy updates/changes to clubs and seek feedback (and potentially the wider community depending upon the significance of changes.)
- Updated Tennis Strategy document where required.
- Updated Council agenda report – summarising all additional engagement and highlighting any changes to the strategy document.
- Council Meeting for decision on endorsing the strategy.

**CD22/8148 – CITY OF MELVILLE TENNIS STRATEGY – UPDATE (REC)**

Given the additional and comprehensive engagement activities that have taken place, some of which are yet to take place, along with the lead time frames for Council agenda items, it is not possible to present an updated City of Melville Tennis Strategy at this month's Ordinary Meeting of Council (as per the deferral resolution).

It is therefore likely that the item will return to the Council for consideration in February 2023 at the earliest.

Depending upon the significance of the changes / updates to the strategy document, a further round of community wide engagement / public comment may be required which would add additional time to the process and extend the timeframe for when the strategy is presented to the Council.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

As per the above, officers have met with all City of Melville Tennis clubs as per the August resolution.

**II. OTHER AGENCIES / CONSULTANTS**

Tennis West and Otium Planning Group have also been involved in the discussions and the club stakeholder meeting.

**STATUTORY AND LEGAL IMPLICATIONS**

Not Applicable.

**FINANCIAL IMPLICATIONS**

Not Applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk*</b>	<b>Risk Treatment</b>
Presenting the Tennis Strategy to Council prior to additional stakeholder engagement being completed resulting in the potential undermining of key stakeholder relationships and the engagement process.	Moderate consequences which are likely, resulting in a High level of risk.	Council note this update and support the additional planned stakeholder engagement requested by Council to take place prior to the consideration of changes/updates to the strategy before returning to Council.

**CD22/8148 – CITY OF MELVILLE TENNIS STRATEGY – UPDATE (REC)**

**POLICY IMPLICATIONS**

Nil.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

An alternate option would be to present the Tennis Strategy in its current form prior to finalising the stakeholder engagement and considering / making changes to the strategy document. This is addressed in the above risk implication.

**CONCLUSION**

- Since the procedural motion in August 2022 to defer to Tennis Strategy, officers have conducted meetings with all City of Melville Tennis Clubs. Tennis West and Otium Planning Group have also been involved in this process
- The Elected Members Engagement Session (as per the resolution) will take place in late November.
- Following this and taking into account the club and Tennis West feedback, officers will consider any required changes/updates/clarifications to the tennis strategy document.
- Depending upon the significance of changes to the original document, further community wide engagement may be required.
- The updated City of Melville Tennis Strategy is estimated to be presented to the Ordinary Meeting of Council in February 2023 at the earliest.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8148)**

**NOTING**

At 8:39pm Cr Fitzgerald, moved seconded Cr Mair –

**That the Council notes:**

- 1. The City of Melville Tennis Strategy update contained in this report.**
- 2. That the City of Melville Tennis Strategy will be presented to an Ordinary Meeting of Council for endorsement in early 2023.**

At 8:40pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**CD22/8150 – CULTURAL INFRASTRUCTURE STRATEGY (REC) (ATTACHMENT)**

Ward : All  
 Category : Strategic  
 Subject Index : Cultural Service  
 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 : Proposed for inclusion in longer term program, 2022 – 2042, twenty-year strategy with staged works recommended.  
 Funding : Proposed for Budgets 2022 – 2042  
 Business Cases to be Provided  
 Responsible Officer : Rebecca D'Olimpio  
 Strategic Initiatives Lead – Creative Melville

**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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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**

- A Cultural Infrastructure Strategy has been developed to guide the City of Melville's planning, investment, and provision of cultural facilities, spaces and assets over the next 20 years.
- This builds on the existing Creative Melville – Cultural Plan and seeks to deliver in alignment with plan recommendations.
- The Strategy has been developed by The Fulcrum Agency with the City through extensive consultation and engagement with broad community, diverse sub-groups, infrastructure users, and the cultural sector. Further needs assessments, comparative benchmarking, research and global trends have also informed its development.
- It provides strategic directions, priorities, and specific asset actions.
- The Strategy is now presented for endorsement.

## **CD22/8150 – CULTURAL INFRASTRUCTURE STRATEGY (REC) (ATTACHMENT)**

### **BACKGROUND**

In 2021 the City of Melville commenced development of a Cultural Infrastructure Strategy to inform the City's planning of cultural assets, places and spaces over the next 20 years (to 2041).

The Strategy was undertaken to build upon and deliver outcomes from the City's Cultural Plan 'Creative Melville' which was endorsed in April 2018 and set the strategic direction for Melville as a Cultural and Creative City.

It was also intended that the Strategy would help to better understand and contextualise the cultural ecosystem of the City, the region, and the State in setting directions. It sought to ascertain the current cultural facility assets; determine excess, duplication and gaps within the available facilities, spaces and assets; clarify community and sector needs both current and future as part of forward planning. It aimed to investigate the models of operation and appropriate locations of facilities and spaces to meet the changing needs and demographics of the community. Further, it was important to explore requirements in detail and provide a clear plan along with consideration of costs and prioritisation for future investment. The recommendations would guide the provision of cultural infrastructure for the next 20 years.

### **Objectives**

To realise the vision the strategy has the following key objectives:

- To identify current facilities and future needs
- To propose locations for new facilities
- To recommend possible partnerships to help deliver new or improved facilities
- To design sketch designs/ concepts for new or improved facilities
- To provide indicative costs of capital works
- To outline a possible timeline to achieve the Cultural Infrastructure Plan

The Strategy would also connect, consider, and confirm or inform the direction of a number of recommendations from the 'Creative Melville' plan already or to be commenced, including (but not limited to):

- Planning for a new Library & Cultural Centre in Booragoon (City Centre)
- Main Hall and Theatre in the City of Melville
- Agreement for a new Library & Creative Studios in Canning Bridge
- Trialling a Creative in Residence at Hickey Street – Wireless Hill /Yagan Mia
- Business Case approval for the relocation of Melville Theatre Company
- Building approval for Karlup Ceramics Studio at Atwell House
- Business case approval for Woodturners facility
- Goolugatup Heathcote Lowerlands request for quotation for detailed design
- Willagee Library Internal refurbishment design
- Temporary relocation of the Civic Square Library

In June 2021, The Fulcrum Agency was appointed to undertake the Cultural Infrastructure Strategy development including research and stakeholder engagement to ensure appropriate input into shaping the strategic directions and asset planning.

## **CD22/8150 – CULTURAL INFRASTRUCTURE STRATEGY (REC) (ATTACHMENT)**

Most recently, The Fulcrum Agency and staff briefed the Elected Members on the Strategy's progress and sought feedback on a final draft in July 2022, prior to release for public comment feedback during July and August. With this feedback, the revised final Strategy has now been produced and is now presented for endorsement by the Council.

### **DETAIL**

The Cultural Infrastructure Strategy will guide the provision of the City's Cultural facilities and assets over the course of the next 20 years (now 2022 – 2042). The Strategy document can be viewed via this link [8150 Cultural Infrastructure Strategy](#)

Cultural facilities, assets and spaces are defined as places that support the vibrancy and cultural life of our communities and built environments. These places include but are not limited to libraries, museums, galleries, performance spaces, artist studios, rehearsal and practice spaces, event spaces (indoor and outdoor) and music venues. They can also include places for cultural practice and community connection.

The Melville Cultural Infrastructure Strategy has been developed to build upon the vision set out in Creative Melville 2018 – 2022, namely:

*Creative Melville is about realising the City's cultural potential, strengthening our collective identity and empowerment through learning, information and creativity.*

*The role of cultural infrastructure (and associated programming) is to help realise Melville's potential as a place for creative people and industry, and where people everywhere can explore their creativity.*

Culture, creativity and community are recognised as inextricably linked.

The Strategy has considered and aligns with key existing documents and plans already established, including: 'Creative Melville', the City's Cultural Plan; the City's Infrastructure Strategy 2016 - 2032; Strategic Community and Corporate Plans; Public Art Strategy and Masterplan; Active Reserve Infrastructure Strategy; and Reconciliation Action Plan among other documents.

The Strategy builds on the city's strengths identified through the investigation and consultation period, and leverages these to establish a framework that maximises 'hyper-local' neighbourhoods anchored with a thriving city centre.

It is important to note that unlike sporting infrastructure, there are no established national standards for formulaic provision of cultural infrastructure per certain number of residents or per area. This process also revealed that there are no exact benchmarks for cultural infrastructure strategies of this kind. Instead, diverse benchmarks, case studies, research, trends analysis, and other precedents can be drawn from to inform an evidence-based and well-informed approach. While challenging, the consultants noted the leadership this demonstrates that City of Melville is proactively undertaking such an effort.

The Strategy proposes and outlines a framework comprised of the overarching vision aligned with Creative Melville; three Guiding Strategies; four Transformational Moves; and a series of Asset Specific Actions.

## **CD22/8150 – CULTURAL INFRASTRUCTURE STRATEGY (REC) (ATTACHMENT)**

### **Three Guiding Strategies**

Three key strategies are intended to guide development across all Cultural Infrastructure projects in the City. All Guiding Strategies are interrelated and overlapping, and all should be addressed equitably and simultaneously.

- Strategy 01 City + Neighbourhood Exchange:

This first is a guiding strategy to ensure the City has a thriving centre focused around the proposed Library and Cultural Centre (LCC) and a series of neighbourhood hubs that respond to the needs of their surrounding community. Neighbourhood hubs are proposed to move toward more flexible and dynamic multi-purpose places. The centre and the neighbourhoods should be in constant dialogue and exchange, encouraging people to connect at their local level, and through the centre to cultural activities on the national and international stage.

- Strategy 02 Cultural Continuum

In the second, cultural infrastructure will support a continuum of cultural production, professional pathways, audience experiences and learning across communities, localities, and demographics. It will create places and spaces for people to experience art, music, performance, making and other forms of cultural activity as first-time participants, emerging and experienced audiences through to master-classes and emeritus practitioners.

- Strategy 03 A City of Many Cultures

The third guiding strategy ensures cultural infrastructure celebrates and supports the diverse communities within the City of Melville, and enables exchange, interaction, and harmonious relationships between all cultures.

### **Four Transformational Moves**

A series of interconnected, catalytic priorities that will be key to realising the Strategy, these are:

- Transformational Move 01: A Civic and Cultural Heart  
The development of a new city precinct that extends from the civic heart at Booragoon to the assemblage of cultural facilities at Yagan Mia Wireless Hill through to the Hickey Street Cottages. A core catalyst is the proposed LCC, which underpins the ability for the City to leverage its neighbourhood networks. This project will provide the City with the strong cultural core that is needed for a modern city to thrive.
- Transformational Move 02: Leverage Neighbourhood Hubs  
The transformation of libraries from standalone assets into thriving neighbourhood hubs combining traditional library services with the flexibility and space offered by a community centre. The approach will be based on local need and the unique opportunities offered at each site.
- Transformational Move 03: Innovative Spatial Interventions  
Develop a series of low-cost structures with low barriers to entry for experimental cultural activity. This move has been developed in response to global and national trends and should be used to ensure greater access, activation and participation at the four nominated sites. It is also designed to provide low-cost ways to address gaps, and test future solutions.

## **CD22/8150 – CULTURAL INFRASTRUCTURE STRATEGY (REC) (ATTACHMENT)**

- Transformational Move 04: Leverage Outdoor Spaces and Places  
Increasing the use of outdoor places and spaces for cultural activity and leveraging this strength of the City while aiding in addressing gaps. Extends programming from the river foreshore through to the less active parks south of Leach Highway, using temporary infrastructure.

### **Asset Specific Actions**

An itemised series of detailed guidance for key City-owned cultural infrastructure assets or those that can be directly influenced. This assessment of needs, outlines provisional programming of works, including potential 'quick wins', suggested staging, and independent budget estimates. These are outlined for:

- Museum and Art galleries
- Music and Performance Spaces
- The Civic and Cultural Heart
- Civic Square Library
- Melville Theatre Company and Main Hall
- Yagan Mia Wireless Hill Museum and Gallery
- Hickey Street Cottages
- Canning Bridge Cultural Node
- Willagee Library
- Bull Creek Library
- AH Bracks Library
- Atwell House and Gallery
- Goolugatup Heathcote and Goolugatup Lowerlands
- Miller Bakehouse
- Melville Woodturners
- Myaree Makerspace and Community Music Facility

The Strategy also provides an overview of the research, engagement and analysis used to develop it. Appendices are included for the detailed Engagement reports and Site Visit notes along with Case Studies and precedents referenced.

The Strategy also provides a financial section that projects indicative cost estimates and provides recommendations on prioritisation and staging.

## **STAKEHOLDER ENGAGEMENT**

### **I. COMMUNITY**

Extensive stakeholder engagement and consultation were carried out as part of the process of development for the Cultural Infrastructure Strategy, in alignment with the Stakeholder Engagement Policy CP-002. This involved a wide range of users and stakeholders, including City staff and asset managers, and most importantly, residents and current users of City facilities.

The International Association of Public Participation (IAP2) Spectrum of Public Participation outline showing the levels of engagement and goals is shown here for reference.

**CD22/8150 – CULTURAL INFRASTRUCTURE STRATEGY (REC) (ATTACHMENT)**

iap2 public participation spectrum  
developed by the international association for public participation

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<b>PUBLIC PARTICIPATION GOAL</b>	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
<b>PROMISE TO THE PUBLIC</b>	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
<b>EXAMPLE TOOLS</b>	<ul style="list-style-type: none"> <li>• Fact sheets</li> <li>• Websites</li> <li>• Open houses</li> </ul>	<ul style="list-style-type: none"> <li>• Public comment</li> <li>• Focus groups</li> <li>• Surveys</li> <li>• Public meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Workshops</li> <li>• Deliberate polling</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen Advisory committees</li> <li>• Consensus-building</li> <li>• Participatory decision-making</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen juries</li> <li>• Ballots</li> <li>• Delegated decisions</li> </ul>

Engagement approaches and opportunities encompassed INFORM, CONSULT, INVOLVE and to a degree COLLABORATE levels, across several phases of the process.

This included:

- Drawing on the extensive consultation and interactive engagement results from the MERGE Festival that shaped Creative Melville with key outcomes taken into account for this Strategy
- Speaking with over 50 people from cultural groups, associations, and organisations in the City of Melville
- Surveying and consultation of community with over 700 residents' providing comments
- Meeting with management from all the relevant cultural facilities to discuss needs and ambitions
- Meeting with key cultural and community group leaders or representatives
- Targeted workshops for key groups or stakeholder gap areas including
  - A youth workshop at the Willagee Library to better understand the Culturally and Linguistically Diverse (CALD) perspective,
  - Workshop with members of the Chinese community in Bull Creek Library to better understand their needs,
  - A consultation workshop with Whadjuk Reference Group members to better understand their needs.
- Consultation and meetings with diverse internal staff and stakeholders including from across Community, Cultural, Technical, Planning and Corporate areas, as well as staff based in facilities and programming teams.

Due to the longevity of the Strategy period, its impact and relevance across the whole community, the breadth of its coverage, and the need for input from diverse expertise, a wide range of stakeholders both internal and external were engaged. A full summary of engagement is provided in the appendices of the Strategy.

Most recently the public comment period provided the opportunity for the community to provide feedback and assess general levels of support for the Strategy. Public comment was open from Wednesday 27 July 2022 to Monday, 22 August 2022, with 47 responses and a clear balance of support for the Strategy.

## **CD22/8150 – CULTURAL INFRASTRUCTURE STRATEGY (REC) (ATTACHMENT)**

The outcomes of the survey submissions were 27 in support and five not supportive:

- Thirteen support the draft
- Fourteen support the draft with some feedback or concerns
- Six didn't state a level of support
- Five do not support the draft

In addition to these submissions received through the survey, a further nine respondents emailed or called in directly with feedback. The majority of these were generally positive in nature and offering suggestions.

All feedback has been taken into account in the revision of the final document.

Future engagement will continue to be important to the enactment of the Strategy, and the City intends to work closely with stakeholders around each asset, and around delivery of key recommendations of the Strategy. Specific engagement plans will be undertaken on a case-by-case basis, and are likely to include a mix of INFORM, CONSULT, INVOLVE, and COLLABORATE approaches, as suitable to the context.

## **II. OTHER AGENCIES / CONSULTANTS**

In addition to the above engagement summary, The Fulcrum Agency also engaged RBB Quantity Surveyors to undertake Quantity Surveys indicative costings for longer term planning. The results are detailed in the Cost Estimates Summary section of the Cultural Infrastructure Strategy.

## **STATUTORY AND LEGAL IMPLICATIONS**

Not applicable.

## **FINANCIAL IMPLICATIONS**

Details of an indicative set of cost estimates and projected budget to achieve the key asset recommendations of the Strategy are provided in the Cost Estimates Summary section of the Strategy. These include suggested staging of works from 'quick wins', short term (five years), medium term (10 years), and long term (up to 20 years), and prioritising of actions.

Overall projected works estimates for the 20+ year period is in the order of \$83 million. However, of this, a large proportion are already included in the long-term financial plan, approximately;

- \$8.1 million is made up of projects with funding already budgeted and committed.
- \$61.2 million is made up of projects that are already being scoped by the City and forecast planning in progress, including the Library and Cultural Centre, and the City's contribution to Atwell Gallery.
- \$8.9 million is made up of existing or committed leveraged partner investment (e.g., Atwell Gallery funding indicated from other sources; and Community Benefit at Canning Bridge – the latter is not included in the total).

This reduces the forecast additional figures for planning to approximately \$12 million over the 20 years. Financial details are included on page 105 of the Cultural Infrastructure Strategy.

## **CD22/8150 - CULTURAL INFRASTRUCTURE STRATEGY (REC) (ATTACHMENT)**

The figures do not yet include further scoping of additional partnership funding opportunities to contribute to these costs. This will be part of the next stages of planning; however, it is envisaged that there would be opportunities to seek other contributors including State and Federal funding sources, and leverage of developer contributions.

As highlighted previously this report will be used to inform the City's Long Term Financial Plan and Infrastructure Strategy, detailed business cases would be undertaken for each significant work item, with finances considered fully at the time of further planning and development.

### **STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Please see [8150 Culture Infrastructure Risk Assessment](#) Matrix for consideration of the risks associated with the Strategy and infrastructure planning.

### **POLICY IMPLICATIONS**

No policy changes are proposed.

The following policies will be considered, and we will seek to align with, where relevant, in planning for the delivery of the Cultural Infrastructure Strategy and implementation of specific actions:

- Stakeholder Engagement Policy CP-002 (see above)
- Risk Management Policy CP-099 (see above)
- Environmental Policy CP-030 (see above)
- Museum Collections Policy – no change anticipated.
- Planning Process and Decision-Making Policy LPP 1.1
- Improving Public Spaces Policy CP-103
- Land and Property Retention, Disposal and Acquisition CP-005
- Investment of Funds CP-009
- Neighbourhood Development Community Hub Policy CP-037

It should be noted that the Strategy has reinforced recommendations that a Community Infrastructure Strategy be implemented to accompany the Active Reserve and Cultural Infrastructure Strategies. The Cultural Infrastructure Strategy will require coordination with the Neighbourhood Development team particularly on the development of multi-functional hubs, as well as Asset Management, Technical and Planning teams on development, long-term, and maintenance planning for delivering specific asset recommendations.

### **ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The alternate option is for Council not to approve the Cultural Infrastructure Strategy.

Without a cohesive and considered strategy, there is the danger that investment and approaches to cultural infrastructure amenity proceed in an ad hoc fashion, or little planning informs decision making. Failures to address community and cultural needs, maintenance or development of cultural infrastructure where required, and lack of support for key community and cultural contributors could lead to deterioration in community amenity, wellbeing, satisfaction with services, and attraction. Key community and cultural groups may not be able to be effective or sustain their offering if suitable infrastructure is not available over the long term. The opportunity to maximise efficacy of spend, and maximise outcomes is not realised without a strategic approach.

**CD22/8150 – CULTURAL INFRASTRUCTURE STRATEGY (REC) (ATTACHMENT)**

**CONCLUSION**

The Cultural Infrastructure Strategy provides a strong and proactive approach to forward planning over the next twenty years to maximise the community and cultural benefits leveraged from assets and assisting in prioritising expenditure.

The Strategy helps to deliver on desired outcomes of the Creative Melville Plan, and is in alignment with Community, Cultural, Reconciliation Action Plan and wider City Infrastructure planning.

It is based on extensive engagement with the community and cultural sector, and is well informed with best practice, research, and examination of benchmarks.

The recommendation is to adopt the Cultural Infrastructure Strategy. Specific Asset actions will be subject to further business planning and detailed planning prior to delivery.

At 8:40pm the Mayor advised the meeting that two minor clerical changes had been made to Attachment [8150 Cultural Infrastructure Strategy](#) being:

- A number in the cell that was not visible has been added to read clearly on page 105
- The wording on the cover page “not for public release” has been removed.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8150)**

**APPROVAL**

At 8:40pm Cr Macphail moved, seconded Cr Wheatland –

**That the Council:**

- 1. endorses the Cultural Infrastructure Strategy.**
- 2. notes that specific actions and funding requirements for deliverables of the Strategy will be further detailed on a case-by-case basis and presented for Council consideration as appropriate, staged over the twenty-year period.**

At 8:40pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

At 8:42pm the Mayor Brought Forward Item EI22/4006 – RFT222304 Provision of Traffic Management Services.

**EI22/4006 – RFT222304 PROVISION OF TRAFFIC MANAGEMENT SERVICES (REC)  
(CONFIDENTIAL 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 : Capital Works Budget  
 Responsible Officer : Kimberly Brosztl  
 Manager Engineering

**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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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**

To recommend the acceptance of a tender submitted for Provision of Traffic Management Services.

**E122/4006 – RFT222304 PROVISION OF TRAFFIC MANAGEMENT SERVICES (REC)**  
**(CONFIDENTIAL ATTACHMENT)**

**BACKGROUND**

The City of Melville (“City”) is seeking a suitably qualified and experienced Contractor to supply traffic management services within the City.

This Contract is for a two-year period 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.

In the past the City has required approximately 10,000 hours of traffic management but this is likely to fluctuate, and the City makes no guarantee as to the amount of works that will be provided as part of this Contract.

The Contract excludes traffic management included as part of other works in separate contracts (present or future) or traffic management conducted directly by the City’s own staff.

**DETAIL**

Responses were received from the following organisations:

- a) Advanced Traffic Management (W.A) Pty Ltd
- b) Altus Traffic Pty Ltd
- c) Carrington’s (WA) Pty Ltd T/A Carrington’s Traffic Service
- d) Contra-flow Pty Ltd T/A Contraflow
- e) Evolution Traffic Management Pty Ltd
- f) Welstand Services Pty Ltd T/A LGC Traffic Management
- g) PAR Traffic Solutions Pty Ltd T/A Par Traffic Solutions
- h) The Trustee for TMSW Unit Trust T/A Traffic Force
- i) WARP Pty Ltd T/A WARP Traffic Management
- j) WPC Civil Pty Ltd

All Respondents properly addressed the Compliance and Disclosure Requirements and were processed through to Qualitative Assessment.

**EI22/4006 – RFT222304 PROVISION OF TRAFFIC MANAGEMENT SERVICES (REC)**  
**(CONFIDENTIAL ATTACHMENT)**

The City set the following qualitative criteria and weightings.

<b>Criteria</b>	<b>Scoring Weightings</b>
Demonstrated Experience	30 %
Capacity to Deliver	30 %
Environmental Sustainability	5%
Aboriginal Business or Disability Enterprise	5%
Methodology	30%
Total	100%
Percentage to be shortlisted	70%
Price	Non-weighted

The 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 recommended Respondent achieved a qualitative score of 83.89% against the following criteria:

- i) Demonstrated Experience  
The Respondent provided the required information against this criterion. Examples provided were relevant to the services that will be delivered under this Contract, and they have experience with Local Government.
- ii) Capacity to Deliver  
The Respondent provided the required information against this criterion. The key personnel have relevant qualifications and a good level of experience in similar projects.
- iii) Environmental Sustainability  
The Respondent provided the required information against this criterion. They provided their environmental policy, certificates, minor environmental initiatives and major actions to mitigate negative environmental impact.
- iv) Aboriginal Business or Disability Enterprise  
The Respondent has a Policy and Employment Strategy concerning Aboriginal employment.
- v) Methodology  
The Respondent provided the required information against this criterion. They satisfactorily addressed the entire methodology question.

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.

**E122/4006 – RFT222304 PROVISION OF TRAFFIC MANAGEMENT SERVICES (REC)  
(CONFIDENTIAL ATTACHMENT)**

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

Individual feedback will be issued to each unsuccessful Respondent.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

**FINANCIAL IMPLICATIONS**

As detailed in confidential attachments.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

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

**POLICY IMPLICATIONS**

CP-023 Procurement of Products or Services.

**E122/4006 – RFT222304 PROVISION OF TRAFFIC MANAGEMENT SERVICES (REC)  
(CONFIDENTIAL ATTACHMENT)**

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternate options have been identified.

**CONCLUSION**

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (4006)**

**APPROVAL**

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

**That the Council:**

- 1. Accepts the recommendation as contained in the Confidential Attachment – RFT222304 Contract and Tender Advisory Unit Minutes; and**
- 2. Upon acceptance of the recommendation, directs that the successful respondents' names and anticipated contract value be inserted below this point 2:**

**Contra-flow Pty Ltd  
T/A Contraflow  
ABN: 28 111 400 714**

At 8:42pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

At 8:43pm the Mayor advised that Cr Edinger had submitted an Alternative Motion Without Notice for this Item.

**CD22/8152 – ALFRED COVE CHILD HEALTH CENTRE (REC) (ATTACHMENT)**

Ward : Bicton - Attadale – Alfred Cove  
 Category : Strategic  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Works Programme : 2022/2023 Capital Works Programme  
 Funding : \$20,000 available in 2022/2023 Capital Works Programme for demolition of the property and make good.  
 Responsible Officer : Leanne Hartill  
 Manager Neighbourhood Development

**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 &amp; policies.</i>
<input checked="" type="checkbox"/>	<b>Review</b>	<b><i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i></b>
<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**

- Delegated Authority ‘DA-126 Building and Demolition Permits’ grants authority to the Chief Executive Officer to approve demolition permits in accordance with relevant sections of the *Building Act 2011*, *Building and Construction Industry Training Levy Act 1990* and the *Heritage Act 1990*.
- This report recommends that the Council approve the demolition of Alfred Cove Child Health Centre, Bill Sweet Park, 1 Lambert Street, Alfred Cove.
- Child Health Services provided from Alfred Cove relocated to Bicton Child Health Centre, Fred Jones Reserve, 294 Canning Highway Bicton in September 2021.
- The Alfred Cove Child Health Centre has been vacant since this date.

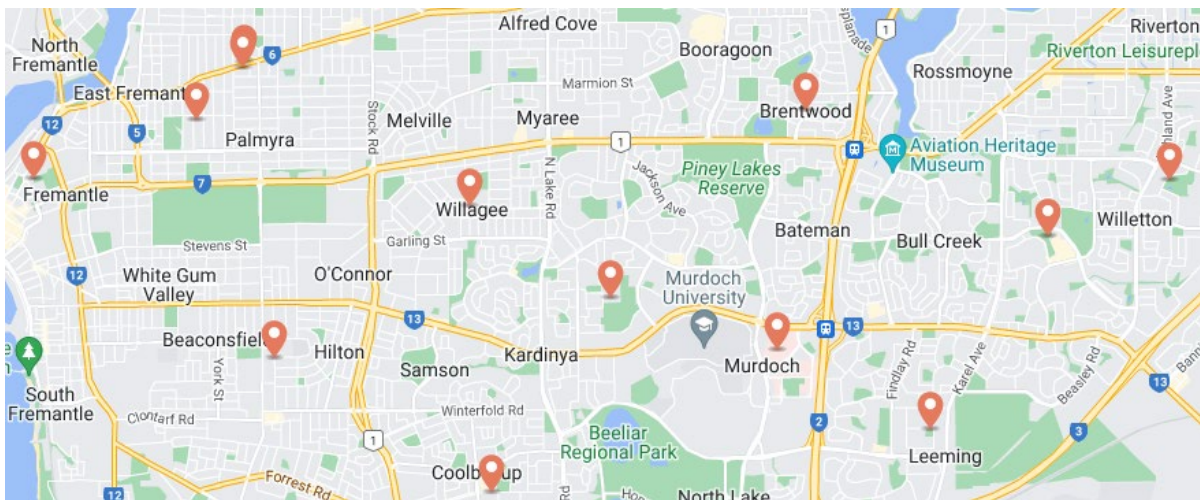
**CD22/8152 – ALFRED COVE CHILD HEALTH CENTRE (REC) (ATTACHMENT)**

**BACKGROUND**

The Alfred Cove Child Health Centre, located at Bill Sweet Park - 1 Lambert Street Alfred Cove, closed in July 2021 and amalgamated with the Bicton Child Health Centre. The building is now vacant and in its current form is not fit for public use. The City is proposing to demolish the existing building and return the building footprint area to public open space.

**DETAIL**

This map shows the location of Child Health Centres in Melville and surrounding local government authorities.



**Building Condition**

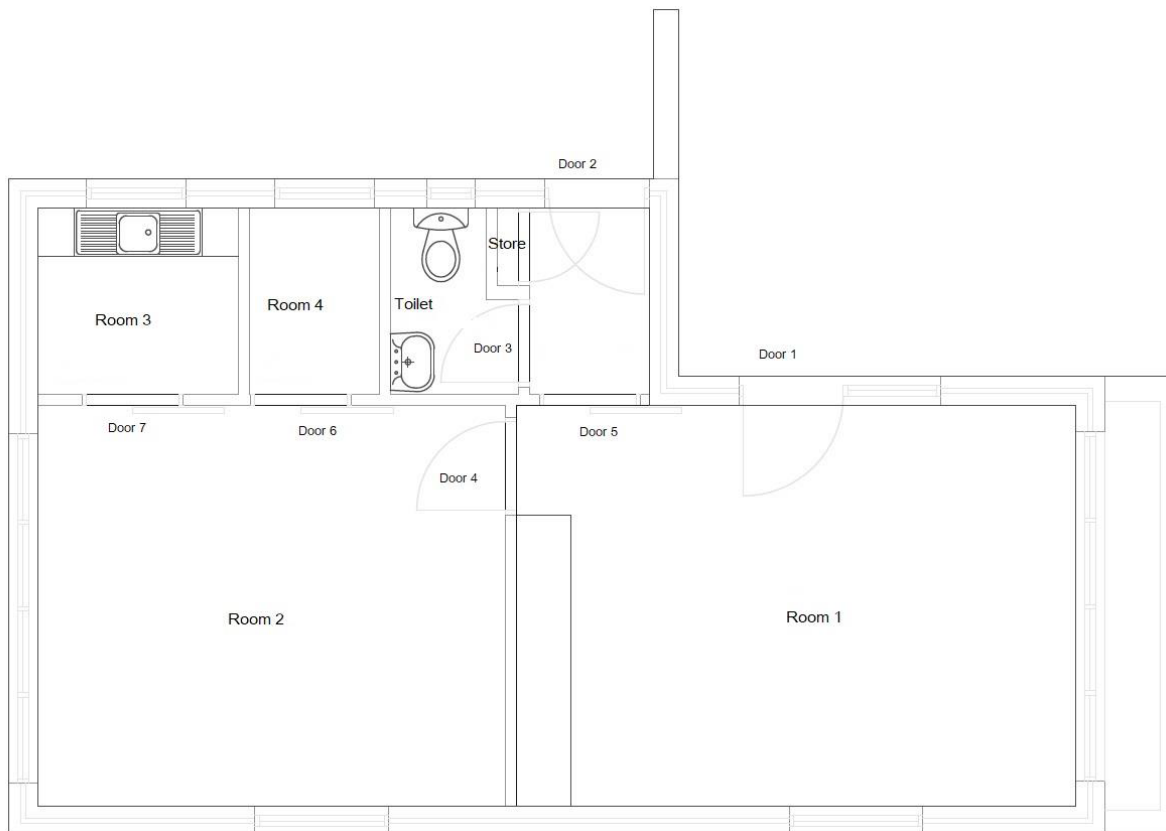
The building that previously housed the Alfred Cove Child Health Centre, is located at Bill Sweet Park - 1 Lambert Street Alfred Cove:



**CD22/8152 – ALFRED COVE CHILD HEALTH CENTRE (REC) (ATTACHMENT)**



The building was purpose-built circa 1970 for the previous child health centre. It is a small facility of 105m<sup>2</sup> housing 2 meeting rooms, a kitchenette, office room and toilet.



**CD22/8152 – ALFRED COVE CHILD HEALTH CENTRE (REC) (ATTACHMENT)**

The building shell is in reasonable condition, but the internal fit out is showing its age and would require work to bring it up to modern standards. The recent condition report has identified a variety of works required including essential compliance works and recommended upgrade works. It is noted in the report that the size of the existing toilet is insufficient to support a modern Universal Access Toilet.

The estimated cost of the works is outlined below:

- Essential Compliance Works: \$24,100
- Recommended Works: \$21,800
- Total \$45,900

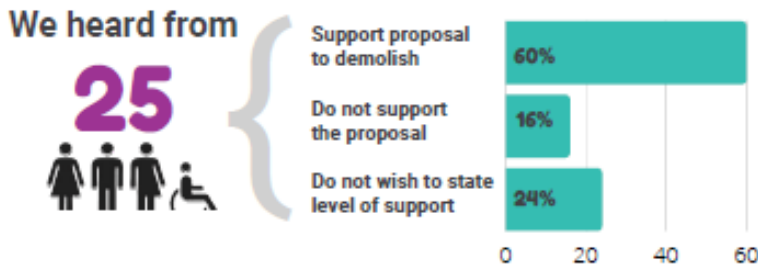
The cost of demolition of the building is estimated at \$10,000 with an additional \$10,000 to reinstate the area back to park (turf, reticulation).

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

A public comment period opened from 10 to the 27 March 2022. In addition, all residents living directly adjacent to Bill Sweet Park were delivered information about the proposed demolition of the Child Health Centre. Residents could comment/provide feedback via the Melville Talks website. We received 25 submissions, with 60% in support of the proposal to demolish the building.

**Engagement Feedback**



**Liked**

- Increase of public open space
- Reduction of traffic/parking
- Return to the beauty of the natural environment

**Concerns**

- History of the infrastructure
- Recent upgrades (air-condition and painting)
- Engagement process and availability to view building
- Availability and location to other child health centres
- Building material (asbestos)
- Parking limitations

**Ideas for consideration**

- Would like to see more trees in the space
- Opportunity for re-design of the space to include exercise equipment, sporting courts, scooter track, nature play, community garden and dog exercise area, shaded seating, gazebo and drinking fountain
- Renovate and repurpose for community purpose (child health, community meeting place, public toilets)

**How we informed**

- Direct email to 62 residents located within 50 metres of Alfred Cove Child Health Centre
- Letter drop to adjacent residents
- E-news sent to 13,981 people
- 2 Facebook posts about the proposal
  - Reach of 360 on 18 March 2022 post
  - Reach of 470 on 25 March 2022 post

**CD22/8152 – ALFRED COVE CHILD HEALTH CENTRE (REC) (ATTACHMENT)**

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

Delegated Authority 'DA-126 Building and Demolition Permits' grants authority to the Chief Executive Officer to approve demolition permits in accordance with relevant sections of the *Building Act 2011*, *Building and Construction Industry Training Levy Act 1990* and the *Heritage Act 1990*.

**FINANCIAL IMPLICATIONS**

A report on the [8152 ACCHC Compliance and Renewal Works Estimate](#) was completed in August 2022. Compliance estimates totalled \$24,100 and recommended works \$21,800 (totalling \$45,900) – noting the toilet is not UAT compliant and is unable to be modified to meet current standards.

The most recent valuation in 2021 valued the property at \$49,305 with an estimated replacement cost of \$141,286.

The building incurs ongoing operational costs amounting to an average of approximately \$5,800 per annum.

The estimated cost to demolish and reinstate to a park is \$20,000. The 2022/2023 capital works programme includes funding to carry out this work.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk*</b>	<b>Risk Treatment</b>
Risk of increased ongoing maintenance expenses due to upgrades and ongoing maintenance required for an aged building	Minor consequences which are almost certain, resulting in a <b>High</b> level of risk	Demolition of building

\* As derived from using the Risk Matrix

**POLICY IMPLICATIONS**

The Alfred Cove Child Health Centre is a stand-alone building located in a neighbourhood park.

[8152 CP-037 Neighbourhood Development and Community Hub Policy](#) has as a stated objective:

**CD22/8152 – ALFRED COVE CHILD HEALTH CENTRE (REC) (ATTACHMENT)**

*To ensure a consistent approach to Neighbourhood Development to gain the greatest community benefit through the facilitation or provision of:*

- *Facilities consolidated into identified community hubs – which aim to provide:*
  - *effective and efficient service coordination and delivery.*
  - *place making and place activation.*
  - *community building - a localised approach to the delivery of services; and*
  - *a financially sustainable community asset.*

*Community hubs are multipurpose places and spaces where a variety of activities occur, a range of goals are addressed, and different objectives can be pursued. The key to the hub concept is integration and adaptability to enable transitions as community requirements evolve. This can mean both integration of services, programs and activities within a multipurpose community facility or an integration of a range of activity generating various uses including community, sporting and cultural facilities/places, shops, transport, public parks, and plazas.*

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Maintaining the aged building, previously utilised as a purpose-built Child Health Centre, will commit the City to ongoing building and maintenance funding.

**CONCLUSION**

The relocation of the Child Health services provided from this building and other Child Health Centres located across the City mean that the aged building is no longer required for this purpose. Kadidjiny Park and the Alfred Cove Community Arts have dedicated community meeting spaces located nearby. There is therefore no requirement to maintain this facility for community spaces and given its size and age there are no other community uses for the facility.

**OFFICER RECOMMENDATION (8152)**

**APPROVAL**

At 8:43pm Cr Macphail moved seconded Cr Wheatland –

**That the Council approves demolition of the vacant building at 1 Lambert Street Alfred Cove, previously utilised as the Alfred Cove Child Health Centre.**

**CD22/8152 – ALFRED COVE CHILD HEALTH CENTRE (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION (8152)**

**APPROVAL**

At 8:43pm Cr Macphail moved seconded Cr Wheatland –

**That the Council approves demolition of the vacant building at 1 Lambert Street Alfred Cove, previously utilised as the Alfred Cove Child Health Centre.**

At 9:07pm the Mayor declared the motion

**LOST (5/7)**

Yes	<b>5</b>	Cr Wheatland, Cr Pazolli, Mayor Gear, Cr Macphail, Cr Mair
No	<b>7</b>	Cr Ross, Cr Edinger, Cr Spanbroek, Cr Sandford, Cr Robins, Cr Fitzgerald, Cr Barber

**Alternative Motion**

At 9:07pm Cr Edinger moved, seconded Cr Sandford –

**That the Council explores options and costs for repurposing the former Alfred Cove Child Health Centre including, in addition to essential compliance works, the following options:**

- renovating the building to make it an attractive space to be offered for lease to individuals or community groups
- demolishing parts of the structure so as to leave an arbor like structure that can provide shelter to users of Bill Sweet Park
- providing some form of public art that speaks to the history of park including the former Alfred Cove Kindergarten and the child health centre.
- That the CEO present a report into the proposed repurposing to Council at the March 2023 Ordinary Meeting of Council

**COUNCIL RESOLUTION**

At 9:09pm Cr Wheatland moved, seconded Cr Mair –

**That the Item be deferred to the next available Elected Member Engagement Session to consider costings and brought back to the Ordinary Meeting of Council to be held 13 December 2022.**

At 9:10pm the Mayor declared the motion

**CARRIED (7/6)**

Yes	<b>6</b>	Cr Wheatland, Cr Pazolli, Mayor Gear, Cr Macphail, Cr Mair, Cr Barber
No	<b>6</b>	Cr Ross, Cr Edinger, Cr Spanbroek, Cr Sandford, Cr Robins, Cr Fitzgerald

**NOTE: Due to an equality of votes at the Council Meeting, the Mayor as the Presiding Member exercised his right to cast a second vote to reach a decision in this matter (Section 5.21(3) of the *Local Government Act 1995*).**

**Environment and Infrastructure**

**EI22/4006 – RFT222304 PROVISION OF TRAFFIC MANAGEMENT SERVICES (REC)  
(CONFIDENTIAL ATTACHMENT)**

**Item Brought Forward**

See Page 76

At 9:12pm the Mayor Brought Forward Item UP22/4005 - Kardinya Activity Centre Plan and Associated Scheme Amendment for the convenience of those attending in the Public Gallery.

At 9:12pm the Mayor advised the meeting that an Officer Amendment had been circulated on this item for consideration. [Officer Amendment](#)

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

Ward : Bateman – Kardinya - Murdoch  
 Category : Strategic  
 Application Number : N/A  
 Property : Various  
 Proposal : 1. Advertising of modifications to the Kardinya Activity Centre Plan as required by the Western Australian Planning Committee (WAPC).  
 2. Consideration of commencement of advertising of a scheme amendment to support the Activity Centre Plan (ACP).  
 Applicant : Element Advisory Pty Ltd  
 Owner : Various  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : P21/3903 Kardinya Activity Centre Plan – Recommendation to Western Australian Planning Commission 16 March 2021  
 P20/3882 Kardinya District Centre – Proposed Activity Centre Plan 17 November 2020  
 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"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<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>

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Further to receipt of a proposed Activity Centre Plan (ACP) for the Kardinya District centre on 15 May 2020 the City was required to provide a recommendation to the Western Australian Planning Commission (WAPC) as to whether it supports a proposed Activity Centre Plan (ACP) submitted for the Kardinya District Centre, supports a modified version of the proposed ACP or does not support the ACP.
- Council considered the proposed ACP as submitted at its meeting 17 November 2020 and resolved to advertise proposed modifications for community comment. Council further considered the proposed ACP after advertising of the proposed modifications at its meeting 16 March 2021 and resolved to recommend to the WAPC that the proposed ACP only be approved subject to the modifications identified. The WAPC was advised of the City's recommendations via correspondence dated 22 March 2021.
- The Statutory Planning Committee (SPC) under delegation from the WAPC considered the City's recommendation at its meeting 21 September 2021 and resolved to make further modifications to the City's recommended modified ACP, that this further modified ACP be advertised and that a Scheme Amendment to implement the proposed ACP be initiated and advertised.
- The City is now required to advertise the modifications to the ACP in accordance with the WAPC direction. The direction to advertise the modified ACP is mandatory and the option of making further amendment to the plan ahead of advertising is not available.
- The City also is required to consider the initiation of an amendment to LPS 6 to support implementation of the proposed ACP.
- The WAPC have requested that the Council consider advertising the ACP modification and the scheme amendment concurrently.
- Details of the proposed scheme amendment are discussed in this report. A Council decision is required to initiate the amendment for the purpose of advertising, seek mediation to the amendment or recommend not to initiate the amendment.
- The Officer recommendation notes the need to advertise the ACP modifications and supports initiation of the associated scheme amendment. For practicality, the advertising of the ACP is recommended to commence ahead of the scheme amendment advertising.



**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

**BACKGROUND**

A proposed Activity Centre Plan (ACP) has been submitted to the City by the owners of the Kardinya Park Shopping Centre. The proposed ACP relates to the Kardinya District Centre, within which the Kardinya Park Shopping Centre is located and surrounding land.

Development approval for the redevelopment of the Kardinya Park Shopping Centre was issued by the Development Assessment Panel (DAP) on 8 June 2020. The proposal comprised a proposed redevelopment of the Kardinya Park Shopping Centre site incorporating undergrounding of the existing at grade car parking, expansion of the shopping centre internal mall, introduction of a new roof top food and beverage precinct, a cinema complex, a 12 storey residential apartment building and a number of perimeter developments.

The City recommended a decision on the development proposal be deferred to enable preparation and approval of an Activity Centre Plan for the Kardinya District Centre that would provide an appropriate context for consideration of such a major development. The DAP resolved to approve the proposed development in the absence of an ACP but modified the proposed development to reduce the Apartment building height from 12 to nine storeys.

The proposed ACP has been prepared by a private landowner and has been submitted to the City for assessment.

Where an ACP is submitted to the City, the City is required to advertise the proposed ACP for community comment, refer to relevant agencies, assess the proposed ACP against the planning framework and provide a report to the Western Australian Planning Commission with recommendations as to how the WAPC should determine the proposed ACP within a required statutory period.

An ACP is a strategic planning document that is intended to provide guidance for the future use and development of the area to which it applies and to which due regard should be given in the consideration/determination of development propositions within that area.

The contents of the ACP are to be consistent with the local planning scheme. Accordingly, where proposals under an ACP differ from the scheme, for example proposed density within residential zoned parts of the ACP area, alterations to the scheme are required for those proposals to take effect.

On this basis any proposals identified within the ACP which are different to the existing Scheme can only be implemented upon gazettal of an amendment to the Scheme to modify it to reflect the proposals contained within the ACP.

The proposed ACP as submitted was considered by Council at its meeting on 17 November 2020 at which it was resolved to advertise proposed modifications to the ACP for further community comment. Advertising commenced from the 26 November 2020 and concluded on 8 January 2021.

The Council considered the outcomes of this advertising period at its meeting on 16 March 2021 and resolved to recommend to the WAPC that the proposed Kardinya District Centre Activity Centre Plan (KDCACP) only be approved subject to modification to the ACP as submitted with respect to the ACP boundary, identification of precincts, maximum building height, density controls, Gilbertson Road widening, other matters, and statutory provisions.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

The Statutory Planning Committee (SPC) under delegation from the WAPC considered the proposed ACP as submitted and the modifications as recommended at its meeting on 21 September 2021 and resolved:

- 1. Require the City of Melville to advertise modifications to the Kardinya Activity Centre Plan in accordance with Attachment A, in accordance with the Clause 22 (2) of schedule 2 – Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions);*
- 2. Include on Attachment A the Key Public Space, Indicative Centre Street and Indicative Centre Pedestrian Links as shown on Attachment 9 – City of Melville Proposed Modified ACP Plan;*
- 3. Request the City of Melville advertise these modifications to the Kardinya Activity Centre Plan concurrently with a Scheme Amendment required to implement the ACP, in accordance with Clause 18 of the Deemed Provisions or longer period as may be required to be consistent with the Scheme Amendment process; and*
- 4. Request that the City of Melville subsequently provides a report on the Kardinya Activity Centre Plan modifications to the Western Australian Planning Commission in accordance with clause 22(2) of the Deemed Provisions.*

The Attachment A Plan referred to in resolutions 1 and 2 is included as attachment 1 to this report. The SPC modifications shown on this plan differ from the City's recommended modifications in relation to the boundary of and areas included within the ACP area, and in relation to building heights within the "Core" precinct within the ACP. A copy of the SPC modification plan highlighted to clarify then proposed modifications is also included as attachment 2.

The SPC modifications comprise;

- Inclusion within the ACP boundary of an area not previously included in either the originally submitted ACP or as part of the City's recommended modifications. This affects some 67 properties bounded by Hodgson Place, Williamson Road, properties on the eastern side of Meadow Close/Green Court and South Street. Within this area the SPC modification proposes to increase residential density from R25 to R40 and R60.
- Re-inclusion within the ACP boundary of two areas that were shown within the original submitted ACP but which the City proposed be removed from the ACP as part of its recommended modifications to the WAPC. These are an area north of Dalston Crescent and north of Hutchings Way affecting 31 and 40 properties respectively. The density in these areas is proposed to be increased from R25 to R40 under the SPC modification.
- Exclusion from the proposed ACP an area west of North Lake Road proposed to be included as part of the City's modifications recommended to the WAPC affecting 47 properties.
- Designation of a maximum building height of seven storeys for non-residential buildings in the centre zoned core precinct exceeding the City preferred maximum of 6 storeys in City's modifications recommended to WAPC.
- Designation of a maximum building height of nine storeys for residential buildings in the centre zoned core precinct exceeding the City preferred maximum of six storeys in City's modifications recommended to WAPC.
- Designation of a maximum building height of 12 storeys at two "landmark" sites in the centre zoned core precinct exceeding the City preferred maximum of six storeys in City's modifications recommended to WAPC.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

[4005 Attachment 1 SPC ACP Modifications Resolution Plan](#)

[4005 Attachment 2 SPC ACP Modifications Explanatory Plan](#)

**Scheme Provisions**

MRS Zoning	: Urban
LPS Zoning	: Centre C3, Residential
R-Codes	: R25, R40, R50, R80

**Site Details**

The Kardinya District Centre essentially comprises the Kardinya Park and adjoining Kardinya Square Shopping Centre sites and is bounded by North Lake Road to the west, South Street on the south, Gilbertson Road to the east and Brophy Street and Dalston Crescent on the north. Part of the adjoining residential area is also included within the ACP boundary.

**DETAIL**

Next steps in the progress of the ACP have been determined by the above SPC resolution. The modified ACP is required to be advertised without change. At the completion of the advertising period Council would have the opportunity to recommend further modification to the WAPC.

Operation of the proposed ACP requires modification to LPS6. Accordingly, the applicants have submitted a proposed supporting scheme amendment. Details of the amendment and an assessment are outlined in this report.

Next steps in the progress of the ACP and associated scheme amendment involve:

1. Advertise the SPC modifications to the proposed ACP, and;
2. Consider whether to initiate the associated scheme amendment.

**Proposed Modified Activity Centre Plan**

The main components of the proposed ACP as modified by the SPC are summarised as follows;

- Inclusion within the ACP area for the first time an area bounded by Hodgson Place, Williamson Road, South Street, and the rear boundary of lots on the eastern side of Sexton Court.
- Re-inclusion of an area north of Dalston Crescent and Hutchings Way recommended to be removed from the ACP as part of the City's recommended modifications.
- Removal of an area west of North Lake Road recommended for inclusion within the ACP as part of the City's recommended modifications.
- Deletion of the six storey maximum height limit requested by the City as part of its recommended modifications and replacing it with seven storeys for non-residential buildings, nine storeys for residential buildings and up to 12 storeys at two landmark

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

- sites at the corners of North Lake Road and South Street, and South Street and Gilbertson Road within the “Core” precinct.
- In regard to all other elements of the original submitted ACP and recommended modifications thereto by the City, including such items as potential widening of Gilbertson Road and recommended statutory provisions, the City is advised that the SPC has not made any determination in relation to these items yet and will do so when it makes a final determination on the approval of the ACP.

**Proposed Scheme Amendment**

A Scheme Amendment is required to modify LPS 6 where existing elements within the Scheme will prevent the implementation of proposals under the ACP, or where a statutory foundation required to implement proposals in the ACP is currently absent. The main components of the proposed amendment are summarised following.

In relation to the Scheme maps:

- Re-designating the Kardinya District Centre from a “C3” to a “C2” level centre reflecting the implementation of an ACP for the district centre.
- Redesignating portion of the “Centre” zone to a “Local Road Reserve”.
- Identifying an “AR1 Additional Requirement” designation for all land within the KDCACP boundary.
- Rezoning the eastern side of Gilbertson Road between Williamson Road and South Street from “Residential R50” to “Mixed Use R80” zone.
- Modifying various density codes within the residential zoned land within the KDCACP boundary to reflect density codes proposed in the KDCACP.

In relation to the Scheme text:

- Deleting various items currently within the text that are no longer relevant/applicable under KDCACP proposals.
- Amending various items in the text to include additional requirements/standards to support KDCACP proposals.
- Inclusion of clauses in the text extinguishing various encumbrances currently affecting land within the KDCACP boundary that restrict proposals in the KDCACP including extinguishment of one restrictive covenant and two rights of access easements.

The proposed scheme amendment is included as attachment 3 to this report.

[4005 Attachment 3 Proposed Kardinya ACP Scheme Amendment Document](#)

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

**Proposed SPC Activity Centre Plan modifications**

Part 5 of the Planning and Development (Local Planning Schemes) Regulations 2015 governs the preparation and approval of an ACP. This confirms the WAPC as the determining authority for an ACP and outlines the statutory timeframes and procedures to be followed in the consideration and determination of a proposed ACP.

In summary, while a local authority is responsible for engagement/consultation with the community and relevant stakeholders, it can only make recommendations to the determining authority (WAPC). The WAPC is the decision maker and while it will give due consideration to any recommendations made by a local authority it is not bound by them.

The KDCACP has been progressed in accordance with the regulations. The original submitted ACP was advertised and then considered by Council which resolved that it should be modified. The proposed modifications were then advertised, and the matter further considered by Council which resolved to recommend support for the proposed ACP subject to modification.

The Statutory Planning Committee of the WAPC then considered the originally submitted ACP and the Council's requested modifications and resolved to make further modifications to aspects of the ACP and required the City to advertise these specific modifications and report back to the WAPC. The WAPC will then make a final determination on the proposed ACP.

The SPC's resolution related only to the additional modifications it has proposed and it has not yet made a decision in relation to other aspects of the ACP including in relation to a number of the City's requested modifications. It will do this when it makes its final decision on the ACP subsequent to advertising of the SPC suggested modifications. The period for determination of the ACP has been extended to 1 April 2023.

A right of review to the State Administrative Tribunal in accordance with the Town Planning and Development Act 2005, Part 14, of a decision by the WAPC not to approve the ACP is available to the proponent should that ultimately be the decision of the WAPC.

**Proposed Scheme Amendment**

The process for amending a local planning scheme is governed by and set out in the Planning & Development Act 2005, Part 5 Local Planning Schemes, and in the Planning & Development (Local Planning Schemes) Regulations 2015, Part 5, Amending Local Planning Schemes.

A local government is responsible for resolving to initiate an amendment to a local planning scheme either of its own making or if it chose to do so, in response to a landowner's request to initiate an amendment. Once initiated the determining authority for a proposed scheme amendment is the Minister for Planning.

While a local government may resolve not to initiate a scheme amendment, it is noted that Section 76 of the Planning & Development Act provides the Minister with the power to require a local government to prepare or adopt a scheme amendment if the Minister is satisfied it ought to have done so.

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Further, Section 77A of the Act also provides the Minister with the authority to order a local government to amend a scheme to be consistent with a state planning policy. Adoption of an Activity Centre Plan for a district centre is a requirement of State Planning Policy 4.2 and failure to initiate a scheme amendment intended to enable implementation of an ACP prepared under SPP 4.2 may also trigger a direction from the Minister under S77A.

Once a local government resolves to initiate a scheme amendment it must refer the proposed amendment to the Environmental Protection Authority (EPA) which has up to 30 days to advise if sufficient environmental review of the proposed scheme amendment has been undertaken before the amendment can be advertised.

The scheme amendment is to be advertised in accordance with the Regulations, usually for a period of 42 days. The local government must then consider all submissions received before resolving either to support the amendment without modifications, support the amendment with modifications to address issues raised in submissions or to not support the amendment.

The local government must then provide the advertised amendment along with a schedule of submissions made on the amendment, the response of the local government and details of any modifications proposed to the amendment to the WAPC. The WAPC will then consider the proposed amendment, make any recommendations it considers appropriate and then submit the amendment documents and recommendations to the Minister who will determine whether the proposed amendment is approved or refused.

**FINANCIAL IMPLICATIONS**

The proposed ACP will provide additional development opportunity in the ACP area. Whilst there are no direct financial cost implications with the ACP, new development will provide revenue opportunities for the City as well as need for additional services. It is noted that the applicant has been required to pay an application fee to offset costs associated with the assessment of the ACP and the proposed scheme amendment.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk*</b>	<b>Risk Treatment</b>
The City resolves not to initiate the scheme amendment resulting the Minister directing the amendment be initiated under Clauses 76 or 77A of Planning and Development Act.	Moderate consequences which are possible, resulting in a Medium risk	Ensure this implication is understood and considered at Council determination.
Stakeholders aggrieved by the intent of the proposed scheme amendment to extinguish existing easements and covenants express concern at the process.	Moderate consequences which are possible, resulting in a Medium risk	Advertising of proposed scheme amendment following from initiation of amendment will provide all stakeholders an opportunity to provide input in relation to this matter which will be available to the Minister for consideration when final decision is made.

**POLICY IMPLICATIONS**

There are no policy implications.

**COMMENT**

***Advertising of the WAPC Modifications to the ACP***

The City is required to advertise the modifications to the ACP as directed by the WAPC. Upon conclusion of this advertising process, the Council will have opportunity to consider comments received and to provide further recommendations to the WAPC. These further recommendations include opportunity to comment on:

- The modifications to the plan required by WAPC
- Reiteration of the matters raised in the initial feedback provided to the WAPC by Council
- Any other matter resulting from the advertising phase.

***Proposed Scheme Amendment***

Council is required to consider the initiation of the scheme amendment submitted to support the operation of the ACP. As part of its resolution in relation to the proposed ACP the SPC has requested the City to undertake the advertising of the ACP modifications concurrently with advertising of the supporting scheme amendment.

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In considering this matter the Council can resolve to initiate the scheme amendment, initiate the amendment with modifications or not initiate the amendment. Should the Council resolve not to initiate the proposed amendment the Minister may direct the Council to do so under Sections 76 and/or 77A of the Planning & Development Act 2005.

It is noted that while the SPC has requested the City advertise the SPC ACP modifications and the proposed scheme amendment concurrently, it is not required to do so and while the Council could resolve to initiate the scheme amendment, advertising of this could still be progressed independently of advertising of the ACP modifications. Administrative pre-requisites associated with the advertising of the scheme amendment may also make concurrent advertising of the ACP modifications and scheme amendment not practical.

Administrative contents of proposed amendment

The proposed scheme amendment is essentially administrative in nature and addresses changes needed to LPS 6 to implement the ACP and involves deleting some requirements currently in place and modifying other items. Additional requirements are also proposed to be incorporated within the scheme to facilitate standards proposed in the ACP. All basically relate directly to specific matters in the proposed ACP.

Encumbrances

The scheme amendment also proposes to include specific clauses intended to enable the extinguishment of various encumbrances via the scheme. Currently three encumbrances affect the Kardinya Park Shopping Centre property in favour of the adjoining “Kardinya Square” property. These are;

1. A Restrictive Covenant that prevents the use of any building on the Kardinya Park property for any purpose which involves the sale of liquor.
2. A right of carriageway over portion of the Kardinya Park property where it abuts the boundary of the Kardinya Square property in favour of the various owners of the Kardinya Square property (north-south easement).
3. A right of carriage way over portion of the Kardinya Park property along its northern boundary in favour of the various owners of the Kardinya Square property (east-west easement).

These encumbrances were historically established by the original owners of the referenced properties and represent part of a commercial arrangement at that time which placed the encumbrances over one property in favour of the owners of the adjoining property.

The proponents have advised that alternative approaches to pursuing the extinguishment of the encumbrances, which require the signature of every listed owner associated with the Kardinya Square property, has been problematical given that this property has been subject to re-subdivision and strata titling since the encumbrances were first implemented, and as a consequence the signature of numerous individual ownership entities is required with many of these unable to be located.

The City has obtained legal advice confirming that Clause 11 of Schedule 7 to the Planning & Development Act provides the authority for a local planning scheme to extinguish or vary any restrictive covenant, easement or right of way subject to there being a planning purpose in doing so.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

1. Restrictive covenant

The restrictive covenant has the potential effect of restricting up to six permissible land uses which could contribute to the activation of the district centre, in particular in relation to the proposed food and beverage precinct. Removing the restrictive covenant therefore removes potential constraints to the land use that will support the planning objectives for the district centre.

2. North-south easement

A proposed “main street” is identified in the ACP and accommodated within the development approval for the Kardinya Park Shopping Centre over the area included in the easement sited along the eastern boundary of the Kardinya Park property. This “main street” is a key element of the activation of the district centre promoted in the ACP and removal of the easement will facilitate delivery of this element.

To ensure ongoing unfettered public access (including for the adjoining Kardinya Square property), the amendment will provide for the extinguishment of the easement and its replacement with a public road reserve linking Brophy Street to South Street. Physical development of this will occur as part of the redevelopment of the Kardinya Park property, and over the longer term this could potentially be added to as major redevelopment of the Kardinya Square property is undertaken.

3. East-west easement

The easement along the northern boundary of the Kardinya Park property was originally initiated to provide access from North Lake Road to what is now the Kardinya Square property due to the absence of a public road network servicing that site at that time. The Kardinya Square property is now accessed from South Street, Gilbertson Road and Brophy Street, and in the future the proposed road reserve noted above. As such this site is now fully accessible from the public road network.

Also relevant is that access to the easement from North Lake Road has been physically limited for many years to prevent its use as a short cut to avoid the North lake Road/ South Street intersection and that under the development approval for the redevelopment of the Kardinya Park Shopping Centre the area impacted by the historic easement is essentially intended to provide access to future service areas for the redeveloped shopping centre. On this basis there is an argument that this easement is no longer required.

In summary, while it is acknowledged that the introduction of clauses via the amendment to extinguish the encumbrances noted will have the effect of the scheme removing the existing rights of a private landowner in favour of another private landowner, the planning framework legally provides for such a circumstance where there is a planning purpose in doing so. Removal of the restrictive covenant will support the intent and objectives of the ACP while the necessity for the easements either no longer exists or will be accommodated by alternatives implemented under the ACP/scheme amendment.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There are several alternative decisions available to the Council in relation to these items.

<b>MODIFICATIONS TO PROPOSED ACP</b>	
<p>The City is required to advertise the proposed ACP modifications and while the SPC has expressed a preference for this to occur concurrently with advertising of a scheme amendment the City is not bound by this and can choose to advertise the SPC modifications independently.</p>	
<b>Alternative Options</b>	<b>Implication</b>
<p>The SPC proposed ACP modifications are advertised separately from a proposed scheme amendment</p>	<ul style="list-style-type: none"> <li>• Advertising could proceed without undue delay while other actions required to be completed in scheme amendment process before a scheme amendment can be advertised are undertaken.</li> <li>• Advertising would focus solely on the modifications proposed by the SPC potentially maximising clarity for community and ensuring submissions focus on the ACP modifications.</li> </ul>
<p>The proposed ACP modifications are advertised concurrently with a proposed scheme amendment</p>	<ul style="list-style-type: none"> <li>• Advertising would be delayed until the advertising stage in the scheme amendment process is reached.</li> <li>• Concurrent advertising could result in confusion amongst the community with the potential to create concerns as to the validity of the process given that the community will be asked to comment on a proposed ACP and further modifications at the same time as a scheme amendment intended to implement that ACP with those modifications.</li> </ul>
<b>INITIATION OF PROPOSED SCHEME AMENDMENT</b>	
<p>The SPC has requested that the modifications to the ACP be advertised concurrently with a scheme amendment to implement the ACP. For this to happen the Council is required to resolve to initiate a scheme amendment which would then need to be referred to the EPA prior to implementing advertising.</p>	
<b>Alternative Options</b>	<b>Implication</b>
<p>Council resolves to initiate the scheme amendment as proposed.</p>	<ul style="list-style-type: none"> <li>• Amendment process is commenced based on the administrative changes identified and including the proposals to provide for extinguishment of encumbrances acknowledging that advertising of the amendment will provide opportunity for community and stakeholder comment re these items.</li> <li>• Once initiated, while the City can provide recommendations in relation to the preferred outcome, the final decision on the proposed amendment will rest with the Minister for Planning who can make whatever modifications they think appropriate.</li> </ul>

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Alternative Options	Implication
Council resolves to initiate a modified version of the scheme amendment to that proposed.	<ul style="list-style-type: none"> <li>• Changes are required to the proposed amendment by Council and a modified version of the amendment is initiated.</li> <li>• Once initiated, while the City can provide recommendations in relation to the preferred outcome, the final decision on the proposed amendment will rest with the Minister for Planning who can make modifications they think appropriate.</li> </ul>
Council resolves not to initiate a scheme amendment.	<ul style="list-style-type: none"> <li>• While initiation of a scheme amendment would be delayed the Minister could issue a directive under S76 or S77A, or possibly both, of the Planning &amp; Development Act requiring the City to initiate the scheme amendment.</li> <li>• Once initiated, while the City can provide recommendations in relation to the preferred outcome, the final decision on the proposed amendment will rest with the Minister for Planning who can make whatever modifications they think appropriate.</li> </ul>

**CONCLUSION**

Council is required to progress advertising of the modified ACP. A decision is required on whether or not to initiate the associated scheme amendment, and then, if the amendment is to be initiated, to decide if the two instruments are advertised concurrently.

The scheme amendment is largely consistent with the content of the proposed ACP. Proposed clauses relating to the extinguishment of easements and covenants will require consideration. The applicant has presented planning reasons in support of these aspects of the amendment and legal advice indicates that the proposed content is statutorily sound.

Initiating the scheme amendment will provide an opportunity for community comment and for stakeholders affected by potentially more contentious proposals such as clauses seeking extinguishment of various encumbrances, to provide formal input. Feedback on these and other aspects of the amendment will inform Council’s final recommendations on the matter.

It is also noted that the SPC in its resolution has sought concurrent advertising of the ACP modifications and the scheme amendment. Whilst this remains an option, pre-requisites to the scheme amendment advertising process will make this impractical.

Once initiated, the formal scheme amendment process will require various actions including referral to the EPA before advertising can occur. This will likely take at a minimum several months. While the SPC request for concurrent advertising is acknowledged, the option of separately advertising remains and in fact may provide better clarity for the community in contemplating the various items under consideration. Given the process described above, immediate advertising of the ACP modifications whilst progressing the scheme amendment towards advertising is recommended.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

At 9:11pm Cr Robins foreshadowed an Alternative Motion.

At 9:11pm, prior to moving the officer recommendation, the Council agreed to replace point 1. Of the Officer Recommendation with the Officer Amendment to read:

1. *Resolve to proceed with advertising of the Statutory Planning Committee modifications to the proposed Kardinya District Centre Activity Centre Plan, with advertising being undertaken concurrently with the associated scheme amendment.*

**OFFICER RECOMMENDATION (4005)**

**APPROVAL**

At 9:12pm Cr Macphail moved, seconded Cr Wheatland –

**That the Council:**

- 1 **Resolve to proceed with advertising of the Statutory Planning Committee modifications to the proposed Kardinya District Centre Activity Centre Plan, with advertising being undertaken concurrently with the associated scheme amendment.**
- 2 **Resolve Pursuant to Section 75 of the *Planning and Development Act 2005* to prepare and initiate proposed Scheme Amendment No. 15 (Kardinya District Centre) as follows;**

**Amend the scheme map by:**

- (a) **Redesignating the “Centre” zone classification applicable to the Kardinya District Centre from “C3” to “C2” to reflect adoption of the Activity Centre Plan.**
- (b) **Deleting the “Centre” zone for a width of 12.19m wholly within Lot 17 (1-15) South Street along the length of the eastern boundary of Lot 17 (1-15) South Street and designating it as local road reserve.**
- (c) **Including within the boundary of the Kardinya District Centre the “AR1” ‘Additional Requirement’ designation.**
- (d) **Rezoning various lots on the eastern side of Gilbertson Road between Williamson Road and South Street from “Residential R50” zone to “Mixed-Use R80” zone.**
- (e) **Amending the R-Coding of Lot 315 (No.42) Gillet Drive from “R20” to “R60”.**
- (f) **Amending the R-Coding of lots zoned “Residential” within the Kardinya District Centre Activity Centre Plan area from “R25” and “R40” to “R40” and “R60” as required to reflect density codes identified within the Kardinya District Centre Activity Centre Plan.**

**Amend the scheme text by:**

- (a) **Amend ‘Note 1’ of Table 3 – Zoning Table to state: Kardinya Centre – Due regard to be given to the Kardinya Activity Centre Structure Plan. Land use permissibility shall be in accordance with Centre-C3 zone.**

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

- (b) Amend clause 19 additional uses, Table 4 to remove additional use No.9.
- (c) Amend Table 7 – Additional site and development requirements, No.1, Centre Zone – C3 (District Centres) (3) (a) to remove the plot ratio reference ‘Kardinya 1.0’.
- (d) Amend clause 33 – Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan, by adding the following:
  - (1) Table 8 sets out requirements relating to development that are included in structure plans, activity centre plans, and local development plans that apply in the scheme area.
  - (2) The specific development standards set out under this Clause and the associated Schedule B prevail to the extent of any inconsistencies with any other standard or provisions of the Scheme.

**Table 8 – Additional Requirements that apply to land in Scheme Area**

No.	Description of Land	Requirement
1	Kardinya Activity Centre Plan	(a) Development shall comply with any site or development requirement set out in Schedule B of this scheme.

- (e) Insert Schedule B – Additional site and development requirements for area covered by structure plan, activity centre plan or local development plan.

**Kardinya**

- (a) The subdivision and development of all land within the Kardinya Activity Centre shall have due regard to the Kardinya Activity Centre Plan.
- (b) The owner of any lot affected by the ‘Future Main Street’ within the C2 zone identified in a WAPC approved Activity Centre Plan shall cede the required area free of cost to the City as a condition of any significant development or subdivision approval and construct and drain the road to the specification and satisfaction of the City.
- (c) The owner of any lot affected by a ‘Future Easement In-Gross’ identified in a WAPC approved Activity Centre shall be required to provide an easement in gross to the benefit of the City, free of cost, as a condition of any significant development or subdivision approval and construct and drain the easement area to the specification and satisfaction of the City.
- (d) The following are hereby extinguished:
  - 1. The covenant affecting the land comprising Lot 17 on Diagram 47556, 1 South Street, Kardinya (Certificate of Title Volume 1614, Folio 190) which is registered against the title of the land (Registration No. A961664) made pursuant to a deed dated 19 November 1974 between The Swan Brewery Company Limited and Karshop Pty Ltd and Kardinya Projects Pty Ltd.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

2. The easement affecting the land comprising Lot 17 on Diagram 47556, 1 South Street, Kardinya (Certificate of Title Volume 1614, Folio 190) which is registered against the title of the land (Registration A961669) made pursuant to a deed dated 19 November 1974 between The Swan Brewery Company Limited and Karshop Pty Ltd and Kardinya Projects Pty Ltd.
  3. The easement affecting the land comprising Lot 17 on Diagram 47556, 1 South Street, Kardinya (Certificate of Title Volume 1614, Folio 190) which is registered against the title of the land (Registration C259866) made pursuant to a deed dated 31 October 1979 between The Equity Trustees Executors and Agency Company Limited and Euston Nominees Pty Ltd.
- (e) Residential lots that are identified within the Kardinya Activity Centre Plan which abut the South Street road reservation are required to meet the following:
1. The determining authority shall not grant approval to any increase in single, grouped or multiple dwelling yield or recommend approval for subdivision in the area identified, unless:
    - I. A Local Development Plan has first been prepared and approved over the site;
    - II. The subject lot(s) or site is provided with permanent legal access to a public road other than South Street that is capable of providing trafficable vehicle access to the site; and
    - III. The subdivision and/or development does not entirely prejudice the ability for any other site within the same street block from obtaining access from a public road, other than South Street.
- 3 Authorise the preparation, processing and public advertising of documentation for Scheme Amendment No. 15 to Local Planning Scheme No. 6 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.
- 4 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 a defined 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.
- 5 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 amendments (Activity Centre Plan and Scheme Amendment) should be approved, refused or modified.

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME AMENDMENT (REC) (ATTACHMENT)**

**Procedural Motion**

**COUNCIL RESOLUTION**

At 9:22pm Cr Mair moved, seconded Cr Ross –

**That the Item be deferred to the December Ordinary Meeting of Council on 13 December 2022 to allow officers to conduct further investigation regarding restrictive covenants.**

At 9:22pm the Mayor declared the motion

**CARRIED (10/2)**

Yes	<b>10</b>	Cr Edinger, Cr Spanbroek, Cr Pazolli, Cr Ross, Cr Macphail, Cr Robins, Cr Mair, Cr Sandford, Cr Barber, Mayor Gear,
No	<b>2</b>	Cr Wheatland, Cr Fitzgerald

**Urban Planning**

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS  
(REC) (ATTACHMENT)**

Ward : All  
 Category : Operational  
 Application Number : Not Applicable  
 Property : Not Applicable  
 Proposal : Not Applicable  
 Applicant : Not Applicable  
 Owner : Not Applicable  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Item 16.1 Policy for Major Development Construction Management Plans - Ordinary Council Meeting held 18 May 2021  
 Item P22/3982 – New Policy Local Planning Policy 1.22 Construction Management Plans – Ordinary Meeting of Council held 17 May 2022  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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>

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS  
(REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- In May 2021, Council resolved to require the preparation of a Local Planning Policy to guide the management of the construction process.
- In response to this resolution, City officers reviewed various examples of construction management policies across the Perth Metropolitan area and more broadly.
- At the May 2022, Ordinary Council Meeting draft Local Planning Policy 1.22 Construction Management Plan (LPP1.22) was endorsed for advertising by Council.
- Advertising of LPP1.22 took place between 16 June and 8 July 2022
- The advertising included a direct email to builders and developers, an advertisement in the newspaper, social media and information on Melville Talks.
- A total of six submissions were received.
- The submissions are all supportive of the proposed draft policy however, they suggest modifications to further improve how it will operate.
- It is recommended that LPP1.22 be adopted by Council and an advertisement placed in the local newspaper as required by the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

**BACKGROUND**

The City has a standard condition which requires the submission of a construction management plan prior to the commencement of development. This condition is generally applied to major developments or where there is a particular site constraint such as access being from a higher order road. This condition has been applied for several years. The standard condition covers a range of matters including hours of operation, traffic management, parking arrangements, deliveries, and storage of materials.

At the Ordinary Council Meeting (OMC) held on 18 May 2021 Council resolved to request that the Chief Executive Officer prepare a local planning policy on construction management plans.

Draft Local Planning Policy 1.22 Construction Management Plans was presented to the Council for its consideration at the May 2022 OMC. At this meeting Council resolved to endorse the draft local planning policy for advertising.

**Scheme Provisions**

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

**Site Details**

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

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS  
(REC) (ATTACHMENT)**

**DETAIL**

The report to the May OCM provides a detailed description of the key components of draft LPP 1.22 Construction Management Plans including its objectives, scope and the key policy clauses.

For ease of reference, the objectives of LPP1.22 are:

- to minimise the impact that construction activity has on the surrounding community.
- to provide clear guidance on the information to be provided in a construction management plan.
- to ensure clear communication and effective complaints management.
- to protect City assets.

As noted in the stakeholder engagement section below, all of the submissions received were supportive of the proposed LPP1.22. Some of the submissions raise suggestions on how the policy could be improved.

A response to these submissions is contained in the sections below. One of the responses is particularly detailed and some changes to the policy are proposed in response to this.

Attached are two copies of the Local Planning Policy. One is the version finalised after consideration of the changes brought about after consultation, and the other is the previous version including highlighted, the changes that have been made to the policy since it was the subject of advertising after the May OMC. A tracked change version of the policy is not available.

[4003 Local Planning Policy 1.22 Construction Management Plans](#)

[4003 Construction Management Plan Pro Forma](#)

[LPP 1.22 Construction Management Plan Showing Changes](#)

**STAKEHOLDER ENGAGEMENT**

Advertising Required:	Yes
Reason:	As per the provisions of the Regulations.
Support/Object:	See table below. Submissions received in support with suggestions.

**I. COMMUNITY**

Advertising of this draft included a direct email to builders and developers, an advertisement in the newspaper, posts on social media and information on Melville Talks. Five submissions were received during the advertising period all in support of the LPP.

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS  
(REC) (ATTACHMENT)**

<b>Summary of Submission</b>	<b>Officer's Comment</b>	<b>Action</b>
Supportive of the environmental management aspects of the policy.	Noted	None required.
Concerns that the policy is not sufficiently detailed which could lead to issues with enforcement.	LPP 1.22 provides an overview of the information to be submitted by the applicant with a CMP. The detailed plans will be prepared by suitably qualified people and reviewed by City officers prior to the CMP being approved.	No changes to the policy are required in response to this submission.
Proper management car parking associated with construction will be an improvement.	Noted	None required.
There are multiple issues associated with construction including physical threats, vibration, noise, rubbish and poor parking. More monitoring of construction activity is required particularly in residential streets.	One of the objectives of LPP 1.22 is to minimise the impact of construction in relation to major developments.  It is not proposed to require CMP's for all residential development.	None required.
The creation of the policy is an important step	Noted	None required.
The policy should be circulated by Council to surrounding residents for feedback prior to approval	LPP 1.22 required stakeholder engagement by the developer prior to submitting the CMP to the City for approval. Evidence that this has been done should be submitted with the CMP.	None required.
The approved CMP and supporting documents should be made publicly available on the City's website.	This is covered in the draft document under the header of compliance.	The LPP is proposed to be modified to state supporting documents will also be published.
The policy should have a greater emphasis on resident amenity and assets.	This is noted and a reference to resident amenity has been inserted into the objectives.	Refer to change in LPP.
Given many construction projects span a number of years for large scale projects the onus should be on the developer to either update the CMP to reflect any changes or to review and update annually.	Noted, the draft LPP 1.22 contains provisions relating to staging of the development. It also contains provisions relating to stakeholder engagement.	The LPP will be modified to provide further emphasis on the need to keep stakeholders updated through the construction process including when the CMP is updated.

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS  
(REC) (ATTACHMENT)**

Summary of Submission	Officer's Comment	Action
Dilapidation reports are a useful point in time statements that enable both the Developer, City and property owners to understand the state of the respective assets. A CMP should identify the extent (geographically) that the dilapidations reports will cover.	Noted. Identification of the relevant properties is useful.	Refer updated LPP.
Support the use of gantries as a preferred position as it enables ongoing pedestrian access and minimises the impact on residents and users. Where footpaths are closed the CMP should detail what provision is to be made for people using mobility aids and how the changed access will be proactively managed.	The traffic and pedestrian management plan submitted with the CMP will cover this level of detail.	No changes required.
The CMP should also address how the developer proposes to manage ramping for deliveries. A CMP should identify how this will be managed and contacts to deal with immediate issues around material deliveries impacting residents	Detailed delivery management information is required to be provided. A complaint register is also required.	A further dot point has been included in the document to require consideration of adequate time between delivery vehicles to prevent ramping.
The matter of lighting should be addressed in the CMP. Most construction projects will require to be lit for 24/7 for security and safety purposes. The CMP should provide for how and where the lighting is to be placed and how it will be managed so as to not affect surrounding residents e.g. lights mounted on cranes.	Noted	The environmental management clause has been updated to refer to lighting.
Dewatering plans should also provide for the management of noise and smell. Many dewatering plants will be operating for long period 24/7 and this should be addressed by a CMP	Noted.	Addition detail has been included in the LPP

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS  
(REC) (ATTACHMENT)**

<b>Summary of Submission</b>	<b>Officer's Comment</b>	<b>Action</b>
Many sites require lighting on cranes for security and safety purposes. This is accepted however the CMP should outline how light spill will be minimised to surrounding residents and properties	Noted	The environmental management clause has been updated to refer to lighting.
Project timings can slip. Should the CMP for a project development have a time frame that covers the planned period of construction and completion of remediation and site works.? Logically a CMP should not be open ended. Inclusion of a high construction timetable would be useful and consideration given to approving a CMP for a period of time.	Noted	As detailed above, the LPP will be modified to provide further emphasis on the need to keep stakeholders updated through the construction process including when the CMP is updated.
A developer and likely current landowner should also be responsible for the preparation management and governance of the CMP.	Noted.	Refer revised LPP for clarification.
The LPP and pro-forma should make reference to the significant river foreshore frontages and the impacts construction may have on the river system.	Noted	Refer revised LPP for modified objectives.
It is recommended additional information be provided in the LPP that references <i>Policy Statement No. 50 – Planning for Dewatering Affecting the Swan Canning Development Control Area</i> .	Noted	Refer revised LPP for which provides this reference.

**II. OTHER AGENCIES / CONSULTANTS**

The Department of Biodiversity, Conservation and Attractions (DBCA) provided a submission on the Draft CMP. A summary of their response is included in the table above. The DBCA is supportive of the draft CMP however has suggested a stronger focus on the river and surrounding environment. These comments have been taken into account in the revised LPP.

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS  
(REC) (ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

Under the provisions of the Planning and Development (Local Planning Regulations) 2015 a Local Planning Policy may cover a range of matters as long as it is based on sound town planning principles.

The proposed LPP1.22 has been prepared having regard to sound town planning principles and therefore should be given due regard by a decision maker.

**FINANCIAL IMPLICATIONS**

In the last 12 months the City has increased its planning and building compliance staffing via the appointment of two new compliance officers and a building compliance coordinator. The adoption of the subject Local Planning Policy will need to be matched by appropriate further compliance resourcing, the level of which is the subject of a current review.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risk or environmental management implications associated with this matter other than those identified elsewhere in this report.

**POLICY IMPLICATIONS**

Once this policy is adopted it will become part of the local planning framework and will be given due regard during the assessment process.

**COMMENT**

Not applicable.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Elected Members may resolve not to proceed with the final adoption of the policy or alternatively make modifications to the LPP. Any amendments should be based on sound planning principles. Depending on the type of modifications proposed, the LPP may need to be re-advertised prior to being finally endorsed.

**CONCLUSION**

LPP1.22 has been prepared taking into account construction management policies across the Perth metropolitan area and the eastern states. It has been advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the submissions received are generally supportive. The modifications made in response to the submissions strengthen the document and due to their minor nature do not require any further advertising.

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS  
(REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION (4003)**

**APPROVAL**

At 8:24pm (at OMC 18 October 2022) Cr Barber moved, seconded Cr Wheatland –

**That the Council:**

1. **Adopts the new [Local Planning Policy 1.22 Construction Management Plans with modification](#)**
2. **Publish a notification in the local newspaper as required by *the Planning and Development (Local Planning Schemes) Regulations*.**

**Amendment**

At 8:26pm (at OMC 18 October 2022) Cr Pazolli moved, seconded Cr Woodall –

**That the Council amends the draft Local Planning Policy by inserting the following sentence at the end of the second dot point of Clause 3(d) Parking provisions for worksite personnel:**

***“Where there are no off-site or off-public street parking arrangements proposed, the City may require that the developer to pay the City to provide their construction workforce with access to an appropriate number of parking bays in City public carparks (as determined to be appropriate by the City).”***

This item was deferred at the Ordinary Meeting of Council held 18 October 2022. At the time of the deferral no Elected Members had spoken on the amendment.
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*At 9:23pm Cr Wheatland left the meeting and returned at 9:24pm*

**Amendment**

**COUNCIL RESOLUTION**

At 8:26pm (at OMC 18 October 2022) Cr Pazolli moved, seconded Cr Woodall –

**That the Council amends the draft Local Planning Policy by inserting the following sentence at the end of the second dot point of Clause 3(d) Parking provisions for worksite personnel:**

***“Where there are no off-site or off-public street parking arrangements proposed, the City may require that the developer to pay the City to provide their construction workforce with access to an appropriate number of parking bays in City public carparks (as determined to be appropriate by the City).”***

At 9:32pm (at OMC 15 November 2022) the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS  
(REC) (ATTACHMENT)**

**Substantive Motion as Amended**

That the Council:

1. Adopts the new [Local Planning Policy 1.22 Construction Management Plans with modification](#)
2. Publish a notification in the local newspaper as required by *the Planning and Development (Local Planning Schemes) Regulations*.

That the Council amends the draft Local Planning Policy by inserting the following sentence at the end of the second dot point of Clause 3(d) Parking provisions for worksite personnel:

*“Where there are no off-site or off-public street parking arrangements proposed, the City may require that the developer to pay the City to provide their construction workforce with access to an appropriate number of parking bays in City public carparks (as determined to be appropriate by the City).”*

**Amendment**

**COUNCIL RESOLUTION**

At 9:32pm Cr Fitzgerald moved, seconded Cr Sandford –

**That the Draft Local Planning Policy 1.22 Construction Management Plans be amended as follows:**

- the third paragraph of the Introduction be amended to read:  
*“... riverine environment, the assets of adjoining landowners and tenants, ...”*
- a new section be included after the Introduction as follows:  
**Definitions**  
*Adjoining land* means land which shares a physical boundary with the lot(s) of a proposed development site.  
*Road Reserve* means land between the front boundaries of private allotments”
- section 2. Stakeholder Engagement and Complaints Management, a new second paragraph be included, as follows:  
*“The City will assess proposed CMPs taking into account the possible cumulative effects of other large, potentially overlapping, constructions projects in the vicinity of the subject site in order to ensure that adequate measures are put in place in the CMP to manage and mitigate the adverse amenity impacts to the community, especially for owners and tenants of adjoining property.”*
- section 3. Managing Footpaths, Verges, Roads and City Infrastructure, a) Dilapidation Report:
  - the following be included prior to the first dot point:  
*“The City requires a Dilapidation Report prepared on behalf of the developer by a specialist person(s) to be submitted detailing:”*
  - that the following be included at the end of the second dot point:  
*“After the report has been agreed in writing by the associated property owners a copy of this report(s) shall be provided to the associated property owners and written confirmation of this shall be provided to the City.”*

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS  
(REC) (ATTACHMENT)**

- **section 3. Managing Footpaths, Verges, Roads and City Infrastructure, c) Road and Footpath Obstructions, that the following be included at the end of the first paragraph:**  
*“In the interests of public safety, where deemed necessary, the City may require the use of gantries or other methods to maintain clear pedestrian access at all times.”*
- **section 3. Managing Footpaths, Verges, Roads and City Infrastructure, f) Structures Within the Road Reserve, a new paragraph be included at the end as follows:**  
*“For clarity, verges in front of properties other than the subject development site may only be used for these purposes with the prior written consent of the adjoining landowner or tenant, or the Council, if the Council is the owner or manager of the subject land.”*
- **section 4. Environmental Management, a new second paragraph be included as follows:**  
*“The EP shall detail how any required remediation and clean-up work will be undertaken.”*
- **section 4. Environmental Management, b) Control of Sand and Dust be amended to read as follows:**  
*“Details of the measures to be put in place to control the drift of sand and dust from the site, and remediate if necessary, are required. This includes the associated remediation measures, which shall be provided as part of the CMP.”*

At 9:38pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**Reasons for the Amendment as Provided by Cr Fitzgerald**

1. These amendments seek to clarify the content of the Construction Management Plan (CMP,) so as to make the document easier to understand and use. In particular, they clarify the City’s expectations about how developers will comply with the CMP and make explicit how the City will consider applications. It is expected that these amendments will assist the City officers in applying the policy, and make clear to residents what the policy is intending to achieve.
2. The introduction to the policy now includes an explicit reference to the need to protect the assets of both the City and adjoining landowners/tenants. The definition section clarifies what is meant by adjoining and road reserve.
3. Section three now makes explicit that the dilapidation report is to be prepared by developers, and that this report should be supplied to affected landowners. It also clarified when the City might consider the requirement for gantries and makes explicit that areas verges other than at the site of the development can only be used with approval.
4. Section four now requires developers to identify both how sand and dust drift will be managed, and – importantly - a plan for remediation, where this is required. This last alteration seeks to avoid a situation where sand and dust egress from the property is not remedied by the developer, which has been the experience in the past.
5. Officers have advised that the proposed amendments will constitute a minor amendment to the policy, and hence will not require readvertising.

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS  
(REC) (ATTACHMENT)**

**Substantive Motion as Amended**

**COUNCIL RESOLUTION**

At 9:38pm Cr Mair moved, seconded Cr Fitzgerald –

**That the Council:**

**1. Adopts the new [Local Planning Policy 1.22 Construction Management Plans with modification](#), subject to the following amendments:**

- by inserting the following sentence at the end of the second dot point of Clause 3(d) Parking provisions for worksite personnel:

*“Where there are no off-site or off-public street parking arrangements proposed, the City may require that the developer to pay the City to provide their construction workforce with access to an appropriate number of parking bays in City public carparks (as determined to be appropriate by the City).”*

- the third paragraph of the Introduction be amended to read:

*“... riverine environment, the assets of adjoining landowners and tenants, ...”*

- a new section be included after the Introduction as follows:

**Definitions**

*Adjoining land* means land which shares a physical boundary with the lot(s) of a proposed development site.

*Road Reserve* means land between the front boundaries of private allotments”

- section 2. Stakeholder Engagement and Complaints Management, a new second paragraph be included, as follows:

*“The City will assess proposed CMPs taking into account the possible cumulative effects of other large, potentially overlapping, constructions projects in the vicinity of the subject site in order to ensure that adequate measures are put in place in the CMP to manage and mitigate the adverse amenity impacts to the community, especially for owners and tenants of adjoining property.”*

- section 3. Managing Footpaths, Verges, Roads and City Infrastructure, a) Dilapidation Report:

- the following be included prior to the first dot point:

*“The City requires a Dilapidation Report prepared on behalf of the developer by a specialist person(s) to be submitted detailing:”*

- that the following be included at the end of the second dot point:

*“After the report has been agreed in writing by the associated property owners a copy of this report(s) shall be provided to the associated property owners and written confirmation of this shall be provided to the City.”*

**UP22/4003 – NEW LOCAL PLANNING POLICY 1.22 CONSTRUCTION MANAGEMENT PLANS  
(REC) (ATTACHMENT)**

- **section 3. Managing Footpaths, Verges, Roads and City Infrastructure, c) Road and Footpath Obstructions, that the following be included at the end of the first paragraph:**  
  
*“In the interests of public safety, where deemed necessary, the City may require the use of gantries or other methods to maintain clear pedestrian access at all times.”*
  - **section 3. Managing Footpaths, Verges, Roads and City Infrastructure, f) Structures Within the Road Reserve, a new paragraph be included at the end as follows:**  
  
*“For clarity, verges in front of properties other than the subject development site may only be used for these purposes with the prior written consent of the adjoining landowner or tenant, or the Council, if the Council is the owner or manager of the subject land.”*
  - **section 4. Environmental Management, a new second paragraph be included as follows:**  
  
*“The EP shall detail how any required remediation and clean-up work will be undertaken.”*
  - **section 4. Environmental Management, b) Control of Sand and Dust be amended to read as follows:**  
*“Details of the measures to be put in place to control the drift of sand and dust from the site, and remediate if necessary, are required. This includes the associated remediation measures, which shall be provided as part of the CMP.”*
- 2. Publish a notification in the local newspaper as required by the Planning and Development (Local Planning Schemes) Regulations.**

At 9:38pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**UP22/4005 – KARDINYA ACTIVITY CENTRE PLAN AND ASSOCIATED SCHEME  
AMENDMENT (REC) (ATTACHMENT)**

**Item Brought Forward**

See Page 89.

At 9:39pm the Mayor advised the meeting that Cr Fitzgerald had submitted an Alternative Motion with Notice which would be considered prior to the Officer Recommendation.

**UP22/4007 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)  
(ATTACHMENT)**

Ward : All  
 Category : Operational  
 Application Number : Not Applicable  
 Property : Not Applicable  
 Proposal : Review of Local Planning Policy 1.2 – Design Review Panel  
 Applicant : Not Applicable  
 Owner : Not Applicable  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : P16/3718 Review of Planning Policies – Ordinary Meeting of Council held 20 September 2016.  
 P19/3809 Review of Local Planning Policy 1.2 Architectural And Urban Design Advisory Panel And Council Policy 68 Street Numbering – Ordinary meeting of Council held 17 September 2019.  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<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>

**UP22/4007 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)  
(ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- In May 2022, a Notice of Motion was passed by the Council for a Terms of Reference to be prepared for the Design Review Panel and a presentation be made to an Elected Members Engagement Session (EMES) at an appropriate time.
- A presentation was made to an EMES on 27 September 2022.
- Minor changes to Local Planning Policy 1.2 Design Review Panel (LPP1.2) are required as outlined in the body of the report however, these are limited to changes to the scope, an increase in the membership and clarification that operation shall be as per the Model Terms of Reference in the Design Review Guide prepared by the Department of Planning, Lands and Heritage – Office of Government Architect.
- The changes to the LPP1.2 do not require public advertising.
- It is recommended the changes be approved as proposed and a notice placed in the newspaper as required by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**BACKGROUND**

The City of Melville has operated a Design Review Panel for many years. The operation of this panel is guided by LPP1.2 Design Review Panel which was last updated in 2019.

A joint Canning Bridge Design Review Panel was established in 2016 with the City of South Perth. Terms of Reference (TOR) were established to guide the operation of this panel. The TOR was prepared with assistance from the Office of the Government Architect and was based on best practice examples from Australia and the United Kingdom.

For a number of years, the City operated two separate Design Review Panels. The Melville Design Review Panel provided advice on development in all areas other than Canning Bridge while a joint Canning Bridge Design Review Panel was maintained with the City of South Perth. The City of South Perth also operated two panels.

This is no longer the case and both the City of Melville and South Perth currently run one panel each with meetings taking place on separate days. The same panel members are on each DRP ensuring there is consistent advice for development in the CBACP precinct.

LPP1.2 has been operational for a number of years and has been the subject of regular reviews to ensure it meets the City's requirements. The most recent review was undertaken in 2019, in response to the publication of the Design Review Guide by the Department of Planning, Lands and Heritage – Office of Government Architect. Design Review Guide provides guidance on the operation of Design Review Panels.

LPP1.2 is structured to provide information specific to Melville or clarity on issues such as the numbers required for a quorum where the Design Review Guide does not define this.

**UP22/4007 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)  
(ATTACHMENT)**

In May 2022, the following Notice of Motion was passed:

**That the Council directs the CEO to:**

- 1. arrange for the preparation of a draft Terms of Reference for the City's design review panel**
- 2. arrange for presentation of that draft Terms of Reference to an EMES at an appropriate time**

The reasons set out for the motion were as follows:

*As the City of Melville was the first LGA in Western Australia to adopt a Design Review Panel, we undertook that process without the benefit of later recommendations about the composition, structure and processes for such a panel. This motion gives rise to an opportunity to review the structure, composition and function of the DRP and formalise an appropriate Terms of Reference for that Panel.*

This matter was presented to an EMES on 27 September and a copy of the draft changes to LPP1.2 was provided on the Elected Members portal at that time. From the EMES minor additional amendments have been included. These are shown in track changes in the attached amended draft [4007 LPP 1.2 Design Review Panel](#) that is now recommended for adoption.

## **DETAIL**

### Canning Bridge Design Review Panel

The TOR which guides the operation of the Canning Bridge Design Review Panel were prepared with the assistance of the Office of the Government Architect. Much of the information in the TOR is incorporated into the Design Review Guide prepared by the State Government on advice from the Department of Planning, Lands and Heritage and the Office of the Government Architect. As the Design Review Guide is more comprehensive than the TOR and represents the contemporary basis for the operation of Design Review Panels it is considered that the TOR is no longer needed.

The scope of LPP1.2 states that it does not apply to the Canning Bridge Design Review Panel. As the City is no longer running two separate panels and the TOR is no longer up to date, it is recommended that LPP be updated to remove that reference.

### Size and composition of the panel

In recent months the City has had a discussion with the Office of the Government Architect in relation to the operation of the DRP and potential opportunities for improvement. The Office of the Government Architect indicated it would be worthwhile expanding the number of DRP members to allow for greater flexibility and to incorporate a wider range of skills as required for certain projects. It is proposed to amend LPP 1.2 to increase the size of the panel to 10.

As described in the Design Review Guide, it is essential that a design review panel incorporates architecture, landscape architecture and urban design expertise. The panel currently comprises of three architects, one landscape architect and one urban designer.

**UP22/4007 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)  
(ATTACHMENT)**

If the size of the panel is increased to 10 it is likely that the majority of members will have expertise in the three areas listed above, however the expanded numbers will enable the City to manage the impacts of conflicts of interest or leave requirements of panel members in a more effective way. It is noted that three to four panel members will generally be sufficient for review purposes.

Clause 5.5 of the Design Review Guide produced by the Department of Planning, Lands and Heritage Office of the Government Architect outlines membership expertise which should be on a panel. Architecture, landscape architecture and urban design expertise are essential requirements however, other professions may be appropriate. The Design Review Guide indicates that local knowledge is useful however, this type of local knowledge is expected to be provided by a professionally qualified person of the preferred professions sought by the guide. The panel needs to remain independent and apolitical and therefore the Design Review Guide discourages the appointment of decision makers, elected members or officers.

When the City undertakes an expression of interest (EOI) process, it will do so jointly with the City of South Perth. The request for EOI will be widely published to engage people from a range of professional backgrounds and encourage a range of applicants. At the end of the EOI the officers of the cities of Melville and South Perth will collaborate prior to appointing the members. The appointments will take into account a range of considerations which are outlined in Clause 5.6.2 of the Design Review Guide. The CEO's of each Local Government will be required to endorse each panel member.

The Government Architect also indicated it would be useful for the policy to give the flexibility for the City to temporarily appoint a member(s) of the State Design Review Panel if particular skills are required or if the City is unable to gather a quorum due to conflicts of interest or other unavailability. A clause has been inserted to allow for this to occur.

#### Terms of Reference

The Collins and Merriam-Webster dictionaries provide a definition for terms of reference. They both indicate that TOR is a document which contains instructions advising what they must deal with in undertaking their duties.

Synonyms for terms of refence include guidelines, scope, briefing and direction.

The Design Review Guide is essentially an operating guide for design review panels. It contains a model terms of reference. It is proposed to update LPP1.2 to clarify that operations of the DRP will generally follow the model terms of reference. It is not considered necessary to prepare a separate Terms of Reference for the City of Melville Design Review Panel.

#### Community Representation

Elected Members have previously asked the City to consider changes to LPP1.2 to enable a community representative to sit on the DRP. This is not recommended as it is not consistent with the objective of Design Review Panels which is to provide apolitical, independent, and expert advice. The Office of the Government Architect has also indicated that this practice should not be followed.

People who reside within the City of Melville and who demonstrate relevant built form qualifications as outlined in the Design Review Guide will be encouraged to nominate during the EOI process. If these people are appointed to the panel, they would be required to provide advice to proponents in accordance with the Design Review Guide.

**UP22/4007 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)  
(ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

The *Regulations* came into effect on 19 October 2015. Clause 5 of Schedule 2 of the Regulations contains requirements for amending a local planning policy. In accordance with subclause 5(2) the local government may amend a local planning policy without advertising if in the opinion of the local government the proposed changes are minor in nature. In this instance the changes to the policy are of an administrative nature to reflect the current planning framework and advertising of the policy is not recommended.

**II. OTHER AGENCIES / CONSULTANTS**

Clause 4(4) of Schedule 2 of the Regulations requires that Council advise the Western Australian Planning Commission (WAPC) if it is of the opinion that it is inconsistent with any State Planning Policy. The proposed changes are of an administrative nature only and do not change the intent or operation of the policies. Therefore, the WAPC is not required to be consulted.

As noted in the body of the report the City officers have engaged with the Office of the Government Architect prior to undertaking the review of this policy. The policy changes relating to increased panel numbers and the ability to utilise the expertise of the State Design Review Panel members were recommended during this discussion.

**STATUTORY AND LEGAL IMPLICATIONS**

Local planning policies augment the provisions of Local Planning Scheme No.6 and provide a sound basis for planning decisions. Provided a policy is soundly based, they are given due regard when a decision is under review in the State Administrative Tribunal. The proposed minor modifications will improve the operations of the City in this respect.

**FINANCIAL IMPLICATIONS**

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

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**UP22/4007 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)  
(ATTACHMENT)**

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Council could resolve to require the modifications to the existing policies to be advertised to the community however, this is not recommended as it is considered the changes are minor in nature and will not impact on the objectives or operations of the City.

**CONCLUSION**

The report recommends minor modifications to Local Planning Policy 1.2 Design Review Panel to improve the administration of the panel.

**OFFICER RECOMMENDATION (4007)**

**APPROVAL**

**That the Council adopts Local Planning Policy 1.2 Design Review Panel as modified [4007 LPP 1 2 Design Review Panel](#) and notification of this is made public as per the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**Alternative Motion**

At 9:39pm Cr Fitzgerald moved, seconded Cr Mair –

**That the Council rejects the officer recommendation to adopt the modified LPP 1.2 and instead directs:**

- 1. That LPP 1.2 be redrafted to:
  - a. include provision for membership by one community representative and at least one academic member**
  - b. identify explicitly the role of the Design Review Panel in ensuring proposed designs meet the City's published policies**
  - c. ensure that appropriate emphasis is placed on the need for proposed designs to be environmentally sustainable.****
- 2. That the redrafted LPP 1.2 be advertised for public comment.**

At 9:43pm, during discussion and debate, the mover and seconder consented to the inclusion of the words *“and include a preference for panel members to be residents of the City of Melville”* in point 2 a. to read *“a. include provision for membership by one community representative and at least one academic member and include a preference for panel members to be residents of the City of Melville”* and for a new point d. to be added to read *“Add to d.2.1 a preference for at least 50% of the panel to comprise of City of Melville residents.”*

**UP22/4007 – REVIEW OF LOCAL PLANNING POLICY 1.2 – DESIGN REVIEW PANEL (REC)  
(ATTACHMENT)**

**Alternative Motion**

At 9:39pm Cr Fitzgerald moved, seconded Cr Mair –

**That the Council rejects the officer recommendation to adopt the modified LPP 1.2 and instead directs:**

2. That LPP 1.2 be redrafted to:
  - a. include provision for membership by one community representative and at least one academic member and include a preference for panel members to be residents of the City of Melville
  - b. identify explicitly the role of the Design Review Panel in ensuring proposed designs meet the City's published policies
  - c. ensure that appropriate emphasis is placed on the need for proposed designs to be environmentally sustainable.
  - d. Add to d.2.1 a preference for at least 50% of the panel to comprise of City of Melville residents
  
2. That the redrafted LPP 1.2 be advertised for public comment.

**Reasons for the Alternative Motion as provided by Cr Fitzgerald**

With the benefit of hindsight it is clear that past Design Review Panel assessments of design excellence are quite at odds with the council and community's expectations. The built form of the CBACP – which has necessitated a full review of that plan by the Council - has in no small part been contributed to by the recommendations of the DRP. In light of this, it is evident that the structure and practices of the DRP are not well adapted to meeting community and council's requirements for assessment of design. These proposed amendments are intended to restructure the DRP in a manner which will better reflect those needs.

**Procedural Motion**

**COUNCIL RESOLUTION**

At 9:47pm Cr Mair moved, seconded Cr Edinger –

**That the Item be deferred to the Ordinary Meeting of Council to be held on 13 December 2022 to allow the officers to investigate and provide further information regarding the alternative motion.**

At 9:48pm, the Mayor declared the motion

**CARRIED (8/4)**

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

At the time of the Deferral, the mover and the seconder had not yet spoken on the Alternative Motion.



**EI22/4008 – RFT212235 PROVISION OF DESIGN AND CONSTRUCT SERVICES FOR THE POINT WALTER MOUNTAIN BIKE TRAIL PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

**KEY ISSUES / SUMMARY**

To recommend the acceptance of a tender submitted for the Provision of Design and Construct Services for the Point Walter Mountain Bike Trail Project.
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**BACKGROUND**

The City of Melville is seeking to engage a suitably qualified and experienced Consultant/Contractor to provide design and construct services to build a facility based on the Concept Design as identified in the Master Plan for Point Walter Mountain Bike Trail Project.

This project has a fixed budget based on the opinion of probable costs provided for the design and construction of the concept which is \$1.2M inclusive of design documentation, approvals, and fees.

The opinion of probable cost information was provided to Tenderers with the request on the basis of the facility being built during the 2022-23 financial year.

The funding associated with this tender will be provided in full by the Federal Government as part of the Local Roads and Community Infrastructure (LRCI) grants program.

The Contractor will be required to provide all labour, plant, machinery, materials, intellectual property, supervision, administration, research, and pay all fees and charges and other disbursements necessary to carry out the design and construction services required under the proposed contract.

The design of the Point Walter Mountain Bike Facility shall include the following components as depicted in the concept plan, in a cohesive manner with existing facilities, services and uses of the greater Point Walter Reserve:

- Pump Track
- Learn to Ride Track
- Jump Park
- Skills Loop/Gravity Trails
- Trail heads.

The project area will also be rehabilitated and revegetated with native plant species to increase vegetation cover and provide shade and habitat.

**DETAIL**

Responses were received from the following organisations:

- a) Common Ground Trails Pty Ltd
- b) Menchetti Consolidated Pty Ltd T/as MG Group WA

All Respondents properly addressed the Compliance and Disclosure Requirements and were processed through to Qualitative Assessment.

**EI22/4008 – RFT212235 PROVISION OF DESIGN AND CONSTRUCT SERVICES FOR THE POINT WALTER MOUNTAIN BIKE TRAIL PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

The City set the following qualitative criteria and weightings.

Demonstrated Experience	35%
Key Personnel	20%
Environmental Sustainability	10%
Aboriginal Business or Disability Enterprise	5%
Methodology	20%
Suitability of Product	10%
Total	100%
Percentage to be shortlisted	60%
Price	Non-weighted

The 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 recommended Respondent achieved a qualitative score of 85.56% against the following criteria:

- vi) Demonstrated Experience
  - The Respondent provided the required information against this criterion. Examples provided were relevant to the services that will be delivered under this Contract. The Respondent also provided detail regarding how it previous projects were directly relevant to this request.
- vii) Key Personnel
  - The Respondent provided the required information against this criterion.
  - The information provided shows that they have sufficient capacity and suitable personnel to carry out the works required under this Contract.
- viii) Environmental Sustainability
  - The Respondent provided the required information against this criterion.
  - They provided their environmental policy, and some great environmental initiatives as well as actions to mitigate negative environmental impact.
- ix) Aboriginal Business or Disability Enterprise
  - The Respondent uses Aboriginal Subcontractors.
- x) Methodology
  - The Respondent provided a very thorough and relevant response to this criterion.
- xi) Suitability of Product
  - The Respondent provided the required information against this criterion and meets the City’s requirement under the Request.

**EI22/4008 – RFT212235 PROVISION OF DESIGN AND CONSTRUCT SERVICES FOR THE POINT WALTER MOUNTAIN BIKE TRAIL PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

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.

Individual feedback will be issued to each unsuccessful Respondent.

## **STAKEHOLDER ENGAGEMENT**

### **I. COMMUNITY**

The City engaged a consultant to develop a Concept Plan in 2021 and extensive Community consultation on this proposal was undertaken in Feb 2022, with 93% support, 6% did not support, and 1% did not say, from 389 submissions. Concerns raised mostly around Bush Forever status, anti-social behaviour, rider safety, cost of infrastructure and design elements.

### **II. OTHER AGENCIES / CONSULTANTS**

Consultation is also being run in parallel with various State Government and approval agencies, which so far include:

- Department of Biodiversity Conservation and Attractions (DBCA) – Rivers and Estuaries team
- Department of Planning Lands and Heritage (DPLH) - Aboriginal Heritage team
- DPLH - Bush Forever team

Whilst DPLH has advised that no formal Aboriginal Heritage approvals are required, the City is developing a list of relevant local Aboriginal Elders associated with the Dyoondalup Foreshore area to undertake consultation with and seek feedback. The City will also consult with the Commonwealth War Graves Commission due to the proximity of the proposal to a memorial site.

## **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.

**EI22/4008 – RFT212235 PROVISION OF DESIGN AND CONSTRUCT SERVICES FOR THE POINT WALTER MOUNTAIN BIKE TRAIL PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

As detailed in confidential attachments.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

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

**POLICY IMPLICATIONS**

Council policy CP-023 Procurement of Products or Services, applies to this process.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternate options have been identified.

**CONCLUSION**

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (4008)**

**APPROVAL**

At 9:49pm Cr Wheatland moved, seconded Cr Mair –

**That the Council:**

- 1. Accept the recommendation as contained in the Confidential Attachment – RFT212235 Contract and Tender Advisory Unit Minutes, and**
- 2. Upon resolution of the recommendation, directs that the successful respondents' names and anticipated contract value be inserted below this point 2, awarded;**

**Common Ground Trails Pty Ltd  
ABN 51 162 352 776**

At 9:49pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (11/0)**

*At 9:49pm Cr Edinger returned to the meeting.*

**CD22/8154 – BUDGET AMENDMENT FOR REPLACEMENT OF FLOODLIGHTING INFRASTRUCTURE AT BEASLEY PARK, LEEMING (AMREC)**

Ward : Bull Creek - Leeming  
 Category : Operational  
 Subject Index : Beasley Park  
 Customer Index : Beasley Park  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Nil  
 Works Programme : 2022-2023  
 Funding : To bring forward \$230,000 as identified in ARIS and included in the Long-Term Financial Model for 2024-2025 to supplement current funding of \$250,327.  
 Responsible Officer's : Gail Bowman  
 Director Community Development  
 Kimberly Brosztl  
 Acting Director Environment and Infrastructure

**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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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>

**CD22/8154 – BUDGET AMENDMENT FOR REPLACEMENT OF FLOODLIGHTING INFRASTRUCTURE AT BEASLEY PARK, LEEMING (AMREC)**

**KEY ISSUES / SUMMARY**

- The lighting infrastructure at Beasley Park is 25 years old and was identified in the ARIS for replacement in 2024-25 financial year.
- One floodlighting pole failed unexpectedly in August 2021 and was removed for safety reasons.
- A temporary solution was put in place but a permanent solution is sought in time for the 2023 winter sporting season.
- A concept design for the replacement lighting has been completed.
- The floodlighting replacement is estimated at \$530,000 of which the clubs have agreed to fund \$50,000 to allow for the 100 lux solution
- The purpose of this report is to seek to bring forward funding of \$230,000 identified in the ARIS and included in the Long-Term Financial Model for 2024-2025 for the replacement of the aging floodlighting infrastructure at Beasley Park. This additional funding will supplement the current budget of \$250,327 and enable the project to proceed this financial year.

**BACKGROUND**

In May 2020 the City of Melville completed an Active Reserve Infrastructure Strategy (ARIS) to guide the provision of infrastructure on Active Reserves for the next 20 years.

A key outcome of ARIS identified:

*“A need at some locations to replace aging infrastructure or to increase floodlighting levels at various City of Melville Reserves. This outcome would support extended facility use and maximise capacity at the City’s Active Reserves.”*

Further that the technology used to light reserves or club facilities should move towards LED lighting to provide energy saving devices that would be environmentally friendly and reduce ongoing operational costs and maintenance obligations.

Consequently, the long-term financial plan was updated to include floodlighting reserves with the aim of either replacing existing or installing floodlighting at reserves or parks that have no lighting.

The ARIS and the Long-Term Financial Model included Beasley Park floodlighting replacement for 2024-2025 financial year and due to a flood lighting pole failure in August 2021 it is recommended that the replacement be brought forward.

Beasley Park is well utilised with the Bullcreek Leeming Sporting Association leasing the building from the City. The Association is made up from the following sporting clubs:

- Bull Creek Leeming Amateur Football Club (Winter season)
- Bullcreek Leeming Junior Football Club (Winter season)

Melville Little Athletes Club is also a summer user of Beasley Park as a secondary venue.

**CD22/8154 – BUDGET AMENDMENT FOR REPLACEMENT OF FLOODLIGHTING INFRASTRUCTURE AT BEASLEY PARK, LEEMING (AMREC)**

In the winter (when the floodlighting is required) the usage is up to:

- 14 hours weekday evening use,
- 6 hours Saturday use and
- 10 hours Sunday use.

A breakdown of current registered numbers for both the senior and junior clubs that utilise Beasley Park is highlighted below and includes an expected growth in 2023 in line with recent years:

Bullcreek Leeming Bombers Amateur Football Club:

- 130 Men/Colts players registered season 2022
- 35 women players registered 2022
- Anticipated registration increases 2023 = 16 (10%)

Bullcreek Leeming Junior Football Club:

- 122 Auskick players registered 2022 – 4 girls, 118 boys
- 416 junior players Year 3 to 12 registered 2022 – 52 girls, 364 boys
- Anticipated registration increases 2023 = 32 (6%)

As can be seen by the numbers (even with the utilisation of Peter Ellis) the clubs still accommodate three to four Amateur matches on Saturdays plus four to five Auskick junior games on a Sunday, seeing total foot traffic including accommodating away teams, parents, coaches, managers, umpires, supporters and committee members there are more than 800 patrons per day on the weekends.

The football season starts (March pre-season) in April of each year and Beasley Park operates at or near capacity during the winter season with some capacity for additional use in the summer season.

## **DETAIL**

In August 2021 the City had to take down a floodlighting pole at Beasley Park for safety reasons.

The replacement pole was estimated to cost over \$30,000 which proved problematic as the whole lighting infrastructure at the park is over 25 years old. Connecting new infrastructure with old infrastructure is considered unworkable as additional works would likely be required and there could be ongoing faults.

As a temporary measure the City has:

- Installed temporary lighting to replace the missing floodlighting pole and whilst this is not ideal for the clubs, they managed to play out the remainder of the season.
- Realigned the globes on the existing lighting towers to maximise the spread of light for evening events.

The new lighting design will deliver the following benefits:

- 100 lux lighting which will allow fixtured night games to be played;
- Improved lighting technology including the ability to control the lights remotely;
- Improves the sustainability of the infrastructure with the move to LED lights, reducing the costs to the City and the users.

## **CD22/8154 – BUDGET AMENDMENT FOR REPLACEMENT OF FLOODLIGHTING INFRASTRUCTURE AT BEASLEY PARK, LEEMING (AMREC)**

The City requested a bring forward of funding for the development of a concept for a total replacement of the floodlighting infrastructure at Beasley Park. An additional issue for the City is that the lead times for the delivery of floodlighting poles has blown out to as much as 16 weeks.

The concept is now complete, and the purpose of this report is to bring forward the funding identified in ARIS for 2024-2025 for the replacement of floodlighting at Beasley Park for the 2023 winter sporting season.

### **STAKEHOLDER ENGAGEMENT**

#### **I. COMMUNITY**

Officers have been in regular contact with the user groups of Beasley Park regarding the floodlighting issues. The Bull Creek Leeming Sports Association, Bullcreek Leeming Amateur Football Club and the Bull Creek Leeming Junior Football Club are in support of the floodlighting infrastructure replacement.

#### **II. OTHER AGENCIES / CONSULTANTS**

Officers contacted the Department of Local Government, Sport and Cultural Industries who administer the CSRFF funding to see if the City could apply for a grant if we issued a separable portion tender for the delivery of only the lighting poles and fittings. The Department advised that this would be a non-complaint application and the City would not receive any funding.

### **STATUTORY AND LEGAL IMPLICATIONS**

As the City will be installing the floodlighting infrastructure the project will be considered public works. As part of the project local residents will be advised of the works prior to the works commencing.

### **FINANCIAL IMPLICATIONS**

The concept to replace the floodlight infrastructure at Beasley Park is now complete and costed at \$530,000. There is currently funding of \$250,327 allocated in the 2022-2023 capital works programme for the Beasley Reserve floodlighting project. Bringing forward the ARIS identified funding of \$230,000 from 2024-25 will increase the City's budget allocation to \$480,327.

The Bullcreek Leeming Amateur Football Club and the Bull Creek Leeming Junior Football Club at Beasley Park have also agreed to contribute \$50,000 to ensure the lighting delivers a 100 lux lighting levels as against the City's provision of 50 lux. The clubs see this contribution as an investment into the future of both the clubs. It provides them with the following:

- An opportunity for the clubs to play night games under lights
- The ability to take part in fixtured night games as part of the league's operations
- A more sustainable into the future.
- The ability to continue to cater for reported growth in the 2023 season.

This \$50,000 contribution from the Clubs will increase the project budget to \$530,327 which aligns with the project estimate.

**CD22/8154 – BUDGET AMENDMENT FOR REPLACEMENT OF FLOODLIGHTING INFRASTRUCTURE AT BEASLEY PARK, LEEMING (AMREC)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Risk Statement & Consequence	Level of Risk*	Risk Treatment
<p>The current lighting infrastructure is over 25 years old and in poor condition. This restricts the club's flexibility to plan training activities into the early evenings as the lighting level is poor.</p> <p>This provides a number of issues such as safety, supervision, wear, tear and may restrict club growth.</p>	<p>Moderate consequences which are likely, resulting in a <b>High</b> level of risk</p>	<p>Replacing the current lighting infrastructure with LED lighting provides an opportunity to bring the lux levels back to industry standards, provide increased light spill onto active playing surfaces, eliminates a number of poor lighting issues, provides some environmental benefits, cost effective and energy friendly infrastructure, less carbon emissions and will be available to the general community for longer periods.</p> <p>In addition, upgrading the LED lighting at Beasley Park will go some way to improving surveillance and security issues.</p>

**POLICY IMPLICATIONS**

Policy CP–028 Physical Activity supports increased opportunities for physical activity; leading to the improved health and wellbeing of the community.

Environmental Policy CP–030 provides guidance and direction for the City to minimise our impact on the environment and prioritise climate change considerations for our strategies and operations.

The installation of new floodlighting infrastructure including LED lighting goes some way to meeting several objectives of Policy CP- 120 Climate Action Policy

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

An alternative is to wait for the 2024-25 financial year as per ARIS. This option is not considered appropriate due to the impact leading to the two winter clubs at Beasley Park having nearly 3 full seasons without adequate lighting.

**CD22/8154 – BUDGET AMENDMENT FOR REPLACEMENT OF FLOODLIGHTING INFRASTRUCTURE AT BEASLEY PARK, LEEMING (AMREC)**

The impact on the users' groups of nearly three full seasons without adequate lighting will be significant.

- This will eliminate the opportunity for the junior and senior football clubs to play night games under lights. These games are fixtured as part of the league's operations in particular the junior football club.
- This will impact on the club's sustainability and will affect both club's financial and club development operations.
- The clubs are reporting growth over the past 3 years and expect similar growth in the 2023 season.

**CONCLUSION**

The failure of the lighting pole at Beasley Park was unexpected and connecting new infrastructure with old infrastructure is considered unworkable as additional works would be required and ongoing faults would be likely.

The existing lighting and the initial temporary works provided winter clubs with some ability to train for the past season, however it is acknowledged that this temporary solution provides inadequate lighting coverage to meet the clubs needs.

Due to the age and condition of infrastructure there is a need for a total floodlighting infrastructure replacement at Beasley Park.

To bring forward the funding as identified in ARIS and included in the Long Term Financial Model for 2024-25 will provide the City with an opportunity to install the required lighting infrastructure for the 2023 winter sports season.

The sporting clubs support this course of action and will be contributing \$50,000 to ensure 100 lux lighting levels are achieved as against 50 lux provided by the City.

The flood lighting concept and plan is complete and ready to advertise for procurement through a tender process should the additional budget be approved.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8154)**

**ABSOLUTE MAJORITY**

At 9:49pm Cr Spanbroek moved, seconded Cr Mair –

**That Council approves an additional budget of \$230,000 for Beasley Park Floodlighting to be allocated from the Infrastructure Asset Management Reserve.**

At 9:49pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**UP22/4009 – PROPOSED ADDITIONS AND ALTERATIONS TO MOTOR VEHICLE SALES AND  
MOTOR VEHICLE REPAIR PREMISES – NO. 532 (LOT 101) CANNING HIGHWAY, ATTADALE  
(REC) (ATTACHMENT)**

**Item Brought Forward**  
See Page 13

## 15 MOTIONS WITH PREVIOUS NOTICE

### 15.1 Support for Uluru Statement from the Heart

At 9:49pm Cr Wheatland moved, seconded Cr Fitzgerald –

**That Council joins with other local governments across WA and Australia and the National General Assembly of Local Government to accept the invitation of the Uluru Statement from the Heart. The Council hears and supports the Aboriginal and Torres Strait Islander peoples' call for the establishment of a First Nations Voice to be enshrined in the Constitution and for a referendum on these matters and looks forward to working with our constituents, other levels of government and all Australians to take this next step in our shared future.**

- 1 **Requires the Elected Members and the Executive Leadership Team to undertake Cultural Awareness Training and Development to further deepen our understanding of First Nations People and Culture, and other culturally diverse groups from across the City of Melville;**
- 2 **Directs the CEO to work collaboratively with First Nations people to discuss and develop a means for engaging with council, and to report back on proposed methods for securing effective engagement. The report should:**
  - a) **identify how Aboriginal and Torres Strait Islander people will be engaged in the City's ongoing Place Names project and Reconciliation Action Plan;**
  - b) **consider how the City might work with the First Nations Voice once established with respect to the development of relevant local government policy and laws; and**
  - c) **identify the appropriate allocation of resources required.**
- 3 **Amends the budget to allocate \$40,000 to provide the additional estimated resources required to implement the decision.**

#### Procedural Motion

#### **COUNCIL RESOLUTION**

At 9:55pm Cr Barber moved, seconded Cr Fitzgerald –

**That an extension of time of 5 minutes be granted to Cr Wheatland to speak on the motion.**

At 9:55pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

#### **COUNCIL RESOLUTION**

#### Procedural Motion

At 10:03pm Cr Wheatland moved, seconded Cr Mair –

**That an extension of time of 5 minutes be granted to Cr Fitzgerald to speak on the motion.**

At 10:03pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

15.1 *Support for Uluru Statement from the Heart, continued.*

**Motion**

At 9:49pm Cr Wheatland moved, seconded Cr Fitzgerald –

**That Council joins with other local governments across WA and Australia and the National General Assembly of Local Government to accept the invitation of the Uluru Statement from the Heart. The Council hears and supports the Aboriginal and Torres Strait Islander peoples' call for the establishment of a First Nations Voice to be enshrined in the Constitution and for a referendum on these matters and looks forward to working with our constituents, other levels of government and all Australians to take this next step in our shared future.**

- 1 Requires the Elected Members and the Executive Leadership Team to undertake Cultural Awareness Training and Development to further deepen our understanding of First Nations People and Culture, and other culturally diverse groups from across the City of Melville;**
- 2 Directs the CEO to work collaboratively with First Nations people to discuss and develop a means for engaging with council, and to report back on proposed methods for securing effective engagement. The report should:
  - a) identify how Aboriginal and Torres Strait Islander people will be engaged in the City's ongoing Place Names project and Reconciliation Action Plan;**
  - b) consider how the City might work with the First Nations Voice once established with respect to the development of relevant local government policy and laws; and**
  - c) identify the appropriate allocation of resources required.****
- 3 Amends the budget to allocate \$40,000 to provide the additional estimated resources required to implement the decision.**

**Procedural Motion**

At 10:05 Cr Spanbroek moved, seconded Cr Edinger –

**That this motion be deferred until November 2023.**

At 10:07pm the Mayor declared the motion

**LOST (5/7)**

Yes	<b>5</b>	Cr Edinger, Cr Spanbroek, Cr Pazolli, Cr Ross, Cr Robins
No	<b>7</b>	Cr Barber, Cr Wheatland, Cr Fitzgerald, Mayor Gear, Cr Macphail, Cr Sandford, Cr Mair

15.1 Support for Uluru Statement from the Heart, continued.

**Amendment**

**COUNCIL RESOLUTION**

At 10:07pm Cr Barber moved, seconded Cr Mair –

**That the Motion be amended as follows:**

- **Delete the statement:**

*“That Council joins with other local governments across WA and Australia and the National General Assembly of Local Government to accept the invitation of the Uluru Statement from the Heart. The Council hears and supports the Aboriginal and Torres Strait Islander peoples’ call for the establishment of a First Nations Voice to be enshrined in the Constitution and for a referendum on these matters and looks forward to working with our constituents, other levels of government and all Australians to take this next step in our shared future.”*

- **and replace with:**

*“That Council hears and supports the Aboriginal and Torres Strait Islander people. We look forward to working with our Aboriginal and Torres Strait Islander community towards a shared and better future.”*

At 10:20pm the Mayor declared the motion

**CARRIED (7/5)**

Yes	<b>7</b>	Cr Edinger, Cr Spanbroek, Cr Pazolli, Cr Ross, Cr Robins, Cr Sandford, Cr Mair
No	<b>5</b>	Cr Wheatland, Cr Fitzgerald, Mayor Gear, Cr Macphail, Cr Barber

**Amendment**

**COUNCIL RESOLUTION**

At 10:20 pm Cr Mair moved, seconded Cr Spanbroek –

**That the Motion be amended as follows:**

- **Insert the words “That the Council Direct the CEO to:” before point 1.**
- **Delete the word “Require” and replace with “Provide” in point 1.**
- **Insert the words “with the opportunity” in dot point one after the words “Executive Leadership Team”.**
- **Delete the words “Directs the CEO to” in point 2**

At 10:27pm the Mayor declared the motion

**CARRIED (9/3)**

Yes	<b>9</b>	Cr Macphail, Cr Sandford, Cr Barber, Cr Mair, Cr Edinger, Cr Spanbroek, Cr Pazolli, Cr Ross, Cr Robins
No	<b>3</b>	Cr Wheatland, Cr Fitzgerald, Mayor Gear

15.1 *Support for Uluru Statement from the Heart, continued.*

**Substantive Motion as Amended**

At 9:49pm Cr Wheatland moved, seconded Cr Fitzgerald –

**That Council hears and supports the Aboriginal and Torres Strait Islander people. We look forward to working with our Aboriginal and Torres Strait Islander community towards a shared and better future.**

**That the Council directs the CEO to:**

- 1. Provide Elected Members and the Executive Leadership Team with the opportunity to undertake Cultural Awareness Training and Development to further deepen our understanding of First Nations People and Culture, and other culturally diverse groups from across the City of Melville;**
- 2. Work collaboratively with First Nations the First Nations Voice once established to discuss and develop a means for engaging with council, and to report back on proposed methods for securing effective engagement. The report should:
  - a) identify how Aboriginal and Torres Strait Islander people will be engaged in the City’s ongoing Place Names project and Reconciliation Action Plan;**
  - b) consider how the City might work with the First Nations Voice once established with respect to the development of relevant local government policy and laws; and**
  - c) identify the appropriate allocation of resources required.****
- 3 Amends the budget to allocate \$40,000 to provide the additional estimated resources required to implement the decision.**

**Amendment**

At 10:28pm Cr Robins moved, seconded Cr Spanbroek –

**That the Motion be amended as follows:**

- 1. Delete the words “Voice once established” and replace with “People” in point b).**
- 2. Delete point c).**
- 3. Delete part 3.**

At 10:34pm, during discussion and debate, the mover and seconder consented to the deletion of the words “Work collaboratively” and replace with “Continue working” in point 2 to read:

*“Continue working collaboratively with First Nations people to discuss and develop a means for engaging with council, and to report back on proposed methods for securing effective engagement.”*

At 10:36pm the Mayor consented to voting on Amendment Part 1 separately to Part 2 and 3.

15.1 Support for Uluru Statement from the Heart, continued.

**Amendment**

**COUNCIL RESOLUTION**

At 10:28pm Cr Robins moved, seconded Cr Spanbroek –

**That the Motion be amended to**

- 1. Delete the words “Voice once established” and replace with “People” in point b).**

At 10:36pm, the Mayor declared the motion

**CARRIED (8/4)**

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

**Substantive Motion as Amended**

At 9:49pm Cr Wheatland moved, seconded Cr Fitzgerald –

**That Council hears and supports the Aboriginal and Torres Strait Islander people. We look forward to working with our Aboriginal and Torres Strait Islander community towards a shared and better future.**

**That the Council directs the CEO to:**

- 1. Provide Elected Members and the Executive Leadership Team with the opportunity to undertake Cultural Awareness Training and Development to further deepen our understanding of First Nations People and Culture, and other culturally diverse groups from across the City of Melville;**
- 2. Work collaboratively with First Nations people to discuss and develop a means for engaging with council, and to report back on proposed methods for securing effective engagement. The report should:**
  - a) identify how Aboriginal and Torres Strait Islander people will be engaged in the City’s ongoing Place Names project and Reconciliation Action Plan;**
  - b) consider how the City might work with the First Nations Voice once established with respect to the development of relevant local government policy and laws; and**
  - c) identify the appropriate allocation of resources required.**

15.1 Support for Uluru Statement from the Heart, continued.

**Amendment**

At 10:28pm Cr Robins moved, seconded Cr Spanbroek –

**That the Motion be amended to**

- 2. Delete point c)**
- 3. Delete part 3.**

At 10:37pm, the Mayor declared the motion

**LOST (5/7)**

Yes	<b>5</b>	Cr Edinger, Cr Spanbroek, Cr Pazolli, Cr Ross, Cr Robins
No	<b>7</b>	Cr Barber, Cr Wheatland, Cr Fitzgerald, Mayor Gear, Cr Macphail, Cr Sandford, Cr Mair

**Substantive Motion as amended**

**COUNCIL RESOLUTION**

At 9:49pm Cr Wheatland moved, seconded Cr Fitzgerald –

**That the Council directs the CEO to:**

**That Council hears and supports the Aboriginal and Torres Strait Islander people. We look forward to working with our Aboriginal and Torres Strait Islander community towards a shared and better future.**

- 1. Provide Elected Members and the Executive Leadership Team with the opportunity to undertake Cultural Awareness Training and Development to further deepen our understanding of First Nations People and Culture, and other culturally diverse groups from across the City of Melville;**
- 2. continue working collaboratively with First Nations people to discuss and develop a means for engaging with council, and to report back on proposed methods for securing effective engagement. The report should:
  - a) identify how Aboriginal and Torres Strait Islander people will be engaged in the City’s ongoing Place Names project and Reconciliation Action Plan;**
  - b) consider how the City might work with the First Nations People with respect to the development of relevant local government policy and laws; and**
  - c) identify the appropriate allocation of resources required.****
- 3 Amend the budget to allocate \$40,000 to provide the additional estimated resources required to implement the decision.**

At 10:40pm the Mayor declared the motion

**CARRIED BY ABSOLUTE MAJORITY (11/1)**

Yes	<b>11</b>	Cr Barber, Cr Wheatland, Cr Fitzgerald, Mayor Gear, Cr Macphail, Cr Sandford, Cr Mair Cr Edinger, Cr Spanbroek, Cr Pazolli, Cr Ross
No	<b>1</b>	Cr Robins

15.1 *Support for Uluru Statement from the Heart, continued.*

**Reasons as provided by Cr Wheatland**

- Most Local Governments, including the City of Melville, struggle to engage with Aboriginal and Torres Strait Islander people in general community consultation processes. A voice to Council would help to overcome these gaps.
- Reconciliation in Melville is about a positive shared future, grounded in respect, opportunities, and strong relationships.
- Currently the City of Melville are reviewing their Stretch Reconciliation Action (RAP) Plan, (3<sup>rd</sup> plan), which includes relationships, opportunities, and respect. A RAP is an action plan.
- The City of Melville is a leading advocate for reconciliation and is demonstrating a deep dedication for making progress.
- Already several Local Governments in Western Australia have endorsed the Uluru Statement from the heart, in turn supporting Aboriginal and Torres Strait Islander community members. The City of Bayswater, City of Fremantle, City of Stirling, Shire of Denmark, Mayors across Australia have all made this decision.
- Local governments are in a unique position to help spread the message and invitation in the Uluru Statement.

At 10:41pm the Mayor vacated the chair for the purpose of moving a Motion with Notice.  
At 10:41pm the Deputy Mayor, Cr Fitzgerald, assumed the Chair.

**15.2 14 Beach Street, Bicton**

At 10:41pm Mayor Gear moved, seconded Cr Wheatland –

**That the Council notes that the Council resolution seeking to have an independent Building Surveyor inspect and report on the fences between 12 and 14 Beach Street, Bicton cannot be pursued because of the refusal of the owners of 14 Beach Street to grant access to their property.**

**Accordingly, the Council instructs the CEO to write to the occupants of both 12 and 14 Beach Street to inform them that the Council has decided to step away from this matter and leave the resolution of the dividing fence to them.**

At 10:54pm, the Presiding Member declared the motion

**LOST (4/8)**

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

*At 10:43pm Cr Wheatland left the meeting and returned at 10:45pm.*

At 10:54pm, the Deputy Mayor, Cr Fitzgerald, vacated the Chair.  
At 10:54pm the Mayor assumed the Chair.

**16 MOTIONS WITHOUT PREVIOUS NOTICE (approval by absolute majority)**

Nil.

**17 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC**

Nil.

**18 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC**

Nil.

*At 10:55pm Cr Macphail left the meeting and returned at 10:57pm.*

**ELECTION OF DEPUTY MAYOR NOVEMBER 2022 TO OCTOBER-2023**

Acknowledging that the provisions of the *Local Government Act 1995* allow the person elected to occupy the position for a period of twenty-four (24) months, City of Melville Elected Members have previously indicated their desire to elect the Deputy Mayor for a period of only twelve (12) months to give as many Councillors as possible exposure to and experience that this role provides. Past protocol has established that Candidates after 12 months stand down (resign) from the position and allow another ballot to be conducted.

The Mayor confirmed that Cr Fitzgerald had resigned from the position and Deputy Mayor, and the position is now vacant.

At 10:55pm the Mayor advised that nominations had been received for the Office of Deputy Mayor from:

- Cr Tomas Fitzgerald
- Cr Glynis Barber
- Cr Nicholas Pazolli

and invited further nominations for the office of Deputy Mayor.

Nominations were received from:

- Cr Ross
- Cr Robins

At 10:56pm the Mayor closed nominations and gave each of the candidates the opportunity to make a brief presentation to the meeting.

*Cr Spanbroek left the meeting at 10:58pm and returned at 11:00pm.*

At 10:56pm Cr Fitzgerald commenced a short presentation, which concluded at 10:58pm.

At 10:59pm Cr Barber commenced a short presentation, which concluded at 11:00pm.

At 11:00pm Cr Pazolli commenced a short presentation, which concluded at 11:03pm.

At 11:03pm Cr Ross commenced a short presentation, which concluded at 11:06pm.

At 11:06pm Cr Robins commenced a short presentation, which concluded at 11:07pm.

## **ELECTION OF DEPUTY MAYOR 2023-2024**

The Acting Chief Executive Officer then conducted the Election in accordance with the provisions of the *Local Government Act 1995* and a secret ballot was conducted.

At 11:15pm a draw was declared for position Deputy Mayor from November 2022 to October 2023.

As per the provisions of the *Local Government Act 1995* in the event of a draw, the Mayor advised a Special Meeting of Council will be held to elect the Deputy Mayor for the period November 2022-October 2023 on Monday, 21 November 2022 at 5:30pm.

## **19 CLOSURE**

There being no further business to discuss, the Mayor closed the meeting at 11:17pm.