

MINUTES
OF THE
ORDINARY MEETING OF THE COUNCIL
HELD 6.30PM TUESDAY, 18 MAY 2021

Due to the State of Emergency declared in Western Australia, effective 16 March 2020 and the subsequent government directives with regard to public gatherings and physical distancing only a limited number of the public were able to physically attend this meeting.

This meeting was publically broadcast to the community and the minutes and the audio recording of the meeting available on the City's website as soon as practicable after the meeting to meet the requirements of Regulation 14E(3)(b)(i) and (ii) of the *Local Government (Administration) Regulations 1996*.

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

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

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

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

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

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

In accordance with the Council Policy CP- 088 Creation, Access and Retention of Audio Recordings of the Public Meetings this meeting is electronically recorded. All recordings are retained as part of the City's records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government Records.

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

DISTRIBUTED: 21 May 2021

CONTENTS PAGE

	Item Description	Page Number
ITEMS BROUGHT FORWARD		
P21/3925	18A and 18B Tweeddale Road, 10 Multiple Dwellings Section 31 Reconsideration	10
T21/3915	Request to Remove Street Tree at 3A Bolas Court, Myaree	15
URBAN PLANNING		
P21/3911	Adoption of Local Planning Policy 1.21: Short Stay Accommodation	25
P21/3912	Riseley Activity Centre Structure Plan - Alignment With State Planning Policy 7.3, Residential Design Codes	49
P21/3913	CBACP Southern Boundary Modification Report on Results of Stakeholder Engagement	56
P21/3916	Submissions for Naming of Unnamed Road Bull Creek and Renaming of Section of Farrington Road, Kardinya	72
TECHNICAL SERVICES		
T21/3915	Request to Remove Street Tree at 3A Bolas Court, Myaree (Item Brought forward)	80
T21/3919	City of Melville Waste Plan 2021 to 2025	81
COMMUNITY DEVELOPMENT		
Nil		
MANAGEMENT SERVICES		
M21/5000	Common Seal Register	86
CORPORATE SERVICES		
C21/6000	Investment Statements March 2021	90
C21/6001	Schedule of Accounts Paid March 2021	97
C21/6002	Statements of Financial Activity for March 2021	101
LATE ITEMS		
P21/3925	18A and 18B Tweeddale Road, 10 Multiple Dwellings Section 31 Reconsideration (Item Brought forward)	109
T21/3924	Cleaning Services Tender City of Melville Buildings	110
MOTIONS WITH NOTICE		
16.1	Policy for Major Development Construction Management Plans	115
16.2	Motion submitted by Cr Kepert	117
MOTIONS WITHOUT NOTICE		
17.1	Seek Barrister's Opinion	119



1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

Mayor Honourable George Gear advised that Cr Woodall was in attendance electronically with his approval.

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

WARD

Cr J Barton (Deputy Mayor)	Bicton – Attadale – Alfred Cove
Cr G Barber	Bicton – Attadale – Alfred Cove
Cr N Robins	Bateman – Kardinya - Murdoch
Cr C Robartson	Bull Creek - Leeming
Cr Woodall (<i>from 6:48pm</i>)	Bull Creek – Leeming (<i>electronic attendance</i>)
Cr N Pazolli, Cr S Kepert	Applecross – Mount Pleasant
Cr K Mair, Cr M Sandford	Central
Cr T Fitzgerald, Cr K Wheatland	Palmyra – Melville - Willagee

3. IN ATTENDANCE

Mr M Tieleman	Chief Executive Officer
Mr M McCarthy	Director Technical Services
Mr A Ferris	Director Corporate Services
Ms C Young (<i>until 8:58pm</i>)	Director Community Development (<i>electronic attendance</i>)
Mr S Cope	Director Urban Planning
Mr G Ponton (<i>until 9:26pm</i>)	Manager Strategic Urban Planning
Mr P Prendergast (<i>until 8:29pm</i>)	Manager Statutory Planning
Mr M Scarfone (<i>until 7:21pm</i>)	Planning Services Coordinator
Mr L Hitchcock	Executive Manager Governance and Legal Services
Mr D McAuliffe (<i>8:12pm to 10:24pm</i>)	Manager People Services (<i>electronic attendance</i>)
Mr B Taylor	Manager Governance and Property
Ms C Newman	Governance Coordinator
Ms R Davis	Governance Officer

At the commencement of the meeting, there were 10 members of the public in the Council Chambers, 7 members of the public in attendance electronically and 1 representative from the Press.

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

Cr D Macphail Bateman – Kardinya - Murdoch

4.2 APPROVED LEAVE OF ABSENCE

Nil.

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

- Cr Kepert brought to the attention of the meeting that he was unable to read all the motions related to Item P21/3911 Adoption of Local Planning Policy 1.21: Short Stay Accommodation circulated during the day.
- Cr Fitzgerald indicated he was unable to read all of the motions associated Item P21/3911 Adoption of Local Planning Policy 1.21: Short Stay Accommodation circulated during the day.

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

Nil.

6. QUESTION TIME**6.1.1 Mr D Kenny, Applecross**Question

If the LPP 1.21 Short Term Accommodation is adopted in its current form, will the City, in the Responsible Authority Report to JDAP in relation to the Planning Applications for short term accommodation at 8 Macrae Road and 21 Kishorn Road, Applecross, make a recommendation that these Applications be rejected?

Response

A Local Planning Policy (LPP) is a document of due regard in the assessment of a DA. The development applications in question will be assessed against the prevailing planning policy framework, and if the LPP for Short Stay is adopted by then, the LPP will have its full weight as a document of due regard applied to the assessment and recommendation provided. It is not possible to pre-empt the assessment process at this stage in respect of the LPP given until it is fully adopted by Council, and information to that extend published in accordance with the Planning and Development (Local Planning Schemes) Regulations.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY MEETING OF THE COUNCIL – 20 APRIL 2021
Minutes 20 April 2021

At 6:35pm Cr Wheatland moved, seconded Cr Barton –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 20 April 2021 be confirmed as a true and accurate record.

Amendment

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

That an amendment be made to the Minutes of the Ordinary Meeting of the Council held 20 April 2021 to remove Item 6.3.2 on Page 9, relating to the Minutes of 6April 2021 Special Meeting of Council

At 6:47pm, the Mayor declared the motion

LOST (4/8)

Yes	4	Cr Barber, Cr Sandford, Cr Kepert, Cr Pazolli
No	7	Cr Robartson, Cr Barton, Cr Wheatland, Cr Mair, Cr Robins, Cr Fitzgerald, Mayor Gear, Cr Woodall

At 6:38pm Cr Woodall joined the meeting electronically.

At 6:42pm Mr Ponton left the meeting and returned at 6:44pm.

8.1 ORDINARY MEETING OF THE COUNCIL – 20 APRIL 2021
Minutes 20 April 2021

At 6:35pm Cr Wheatland moved, seconded Cr Barton –

COUNCIL RESOLUTION

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 20 April 2021 be confirmed as a true and accurate record.

At 6:47pm the Mayor declared the motion

CARRIED (10/1)

Yes	10	Cr Robartson, Cr Barton, Cr Wheatland, Cr Mair, Cr Robins, Cr Fitzgerald, Mayor Gear, Cr Woodall Cr Barber, Cr Sandford, Cr Pazolli
No	1	Cr Kepert

8.2 NOTES OF AGENDA BRIEFING FORUM – 11 MAY 2021
Notes 11 May 2020

COUNCIL RESOLUTION

At 6:49pm Cr Barber moved, seconded Cr Barton –

That the Notes of Agenda Briefing Forum held on Tuesday, 11 May 2021, be received.

At 6:49pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

8.3 SPECIAL MEETING OF THE COUNCIL – 3 MAY 2021
Minutes 3 May 2020

COUNCIL RESOLUTION

At 6:49pm Cr Pazolli moved, seconded Cr Barton –

That the Minutes of the Special Meeting of the Council held on Monday, 3 May 2021 be confirmed as a true and accurate record.

At 6:50pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

8.4 MINUTES OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE MEETING – 10 MAY 2021

COUNCIL RESOLUTION

At 6:50pm Cr Wheatland moved, seconded Cr Barber –

That the Minutes of the Financial Management, Audit, Risk and Compliance Committee Meeting held on Monday, 10 May 2021, be noted.

At 6:50pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

NB: Minutes to be confirmed at next meeting of the Financial Management, Audit, Risk and Compliance Committee.

9. DECLARATIONS OF INTEREST

9.1 FINANCIAL INTERESTS

- Cr K Mair – P21/3912 Riseley Activity Centre Structure Plan – Alignment With State Planning Policy 7.3, Residential Design Codes. Financial Interest.
- Cr K Mair – P21/3913 CBACP Southern Boundary Modification Report on Results of Stakeholder Engagement. Financial Interest.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr M Woodall – P21/3925 - Ten (10) Multiple Dwellings –section 31 Reconsideration Request - Lots 899 and 898 (No. 18a and 18b) Tweeddale Road, Applecross. Interest under the Code of Conduct.
- Cr C Robartson – P21/3916 – Submissions for Naming of Unnamed Road Bull Creek and Renaming of Section of Farrington Road, Kardinya – Interest under the Code of Conduct.
- Cr K Wheatland – P21/3911 - Adoption of Local Planning Policy 1.21: Short Stay Accommodation – Interest under the Code of Conduct.

10. DEPUTATIONS

10.1 Mr C Daly of Alfred Cove

T21/3915 Request to Remove Street Tree at 3A Bolas Court, Myaree

10.2 Mr A Meshkin of Applecross

P21/3925 - Ten (10) Multiple Dwellings – Section 31 Reconsideration Request - Lots 899 and 898 (No. 18A and 18B) Tweeddale Road, Applecross.

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6:51pm Cr Barton moved, seconded Cr Mair –

That the application for a new leave of absence submitted by Cr Sandford and Cr Macphail on 18 May 2021 be granted.

At 6:52pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

That the meeting may close to members of the public, to allow for items deemed confidential in accordance with Sections 5.23

- (a) a matter affecting an employee or employees; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- of the *Local Government Act 1995* to be discussed behind closed doors.

- 16.2 - Motion with Notice – Relating to an Employee matter
- 17.1 – Motion without Notice, seeking to obtain legal opinion.

13. PETITIONS

13.1 Petition – Request for Climate Emergency

A petition signed by 1179 residents and 85 non-residents of the City of Melville was received on 27 April 2021 and reads as follows:

“Given that:

- Climate impacts are already causing serious loss of life and destroying vital ecosystems;*
- Global average temperature, atmospheric greenhouse gases, and ocean acidity are already at dangerous levels; and*
- In Australia we have already seen catastrophic bushfires and deaths of millions of animals, unprecedented drought and Great Barrier Reef bleaching;*

We, the undersigned, all being electors and/or ratepayers in the City of Melville, do respectfully request that the Council:

- 1. Declare a climate emergency. This provides a powerful and urgent public signal that influences and engages the entire community to reduce community-wide emissions and joins around 100 Australian local councils including 8 in WA, that have declared a Climate Emergency.*
- 2. Undertake ongoing public engagement and education about the climate emergency and the actions required to reduce emissions.*
- 3. Include emissions implications for Council’s own operations and for community development projects, in all reports to Councillors for their consideration.*
- 4. Develop a climate emergency response plan for the community within 12 months, that provides maximum protection for people, property and the natural environment, and setting a target of net-zero emissions by 2030 in line with the Intergovernmental Panel on Climate Change (IPCC) recommendations.*
- 5. Advocate for policies consistent with a climate emergency response at state and federal government levels to achieve a nation-wide climate emergency.*
- 6. Employ additional expert staff and resources to enable the execution of steps 1 – 5 above.”*

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

At 6:52pm, Cr Fitzgerald moved, seconded Cr Wheatland –

That the petition bearing 1179 signatures of residents and 85 non-residents be acknowledged and that a report be prepared.

At 6:53pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 6:53pm the Mayor brought forward:

- P21/3925 - Ten (10) Multiple Dwellings – Section 31 Reconsideration Request - Lots 899 and 898 (no. 18A and 18B) Tweeddale Road, Applecross.
- Item T21/3915 Request to Remove Street Tree at 3A Bolas Court, Myaree for the convenience of the public gallery.

Disclosures of Interest

Member	Cr Woodall
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of the JDAP Panel that will consider this item.
Request	Leave
Decision	Leave

At 6:53pm having declared an interest in the matter, Cr Woodall left the meeting.

At 6:54pm Mr Meshkin entered the Chambers for the purpose of making a deputation in relation to Item P21/3925 - Ten (10) Multiple Dwellings – Section 31 Reconsideration Request - Lots 899 and 898 (No. 18A and 18B) Tweeddale Road, Applecross. The presentation concluded at 7:02pm. At 7:05pm Mr Meshkin departed the Council Chambers.

P21-3925 - Deputation - Mr Amir Meshkin - May 2021

Procedural Motion

COUNCIL RESOLUTION

At 7:00pm Cr Kepernt moved, Cr Wheatland seconded –

That Mr Meshkin be granted a further five minutes to speak on the matter.

At 7:00pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

P21/3925 - TEN (10) MULTIPLE DWELLINGS – SECTION 31 RECONSIDERATION REQUEST - LOTS 899 AND 898 (NO. 18A AND 18B) TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)

Ward	:	Applecross/Mt Pleasant
Category	:	Operational
Application Number	:	DAP-2017-1238/C
Property	:	No. 18A (Lot 899) and No. 18B (Lot 898) Tweeddale Road Applecross
Proposal	:	Ten (10) Multiple Dwellings SAT S.31 Reconsideration Request
Applicant	:	Mr Michael Hotchkin, Hotchkin Hanley Lawyers
Owner	:	Tjhing Kiauw The, Phoebe Moi Ping The, John Anthony and Lory Anne Farac
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P20/3865 – Ten (10) Multiple Dwellings Lots - 899 and 898 (No. 18a And 18b) Tweeddale Road, Applecross – 14 July 2020 Special Meeting of the Council P20/3885 - Ten (10) Multiple Dwellings Lots - 899 and 898 (No. 18a And 18b) Tweeddale Road, Applecross – 4 November 2020 Special Meeting of the Council
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"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

P21/3925 - TEN (10) MULTIPLE DWELLINGS – SECTION 31 RECONSIDERATION REQUEST - LOTS 899 AND 898 (NO. 18A AND 18B) TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Development approval for ten (10) Multiple Dwellings on no. 18A (Lot 899) and No. 18B (Lot 898) Tweeddale Road Applecross was granted by the Joint Development Assessment Panel at its meeting held on 8 March 2018.
- In 2020, approval was sought to extend the period of time for the development to be substantially commenced. This application was refused by the JDAP in August 2020 on the grounds that changes had taken place to amend the setback requirements of the CBACP since the approval was issued.
- These changes essentially increased the setback requirements for new developments within the H4 area of the CBACP where they interface with land outside the CBACP, from 4m to 8m, applicable to the third and fourth storeys only.
- The development was originally approved with a 4m setback from the northern boundary across all floors, this being consistent with the setback requirements of the CBACP at the time the approval was given.
- As the applicant sought to extend the time within which the development should be substantially constructed, and given the setback changes that had occurred in respect of the CBACP, the City's Responsible Authority Report (RAR) to the JDAP recommended that the application for an extension of time be refused on the grounds that the setbacks proposed were inconsistent with the updated expectations of the CBACP
- The decision of the JDAP was to concur with the City's recommendation in its RAR, and the application for an extension of time was duly refused.
- The applicant sought a review of this decision through the State Administrative Tribunal process and the JDAP was subsequently invited to reconsider its decision on 17 November 2020. At this meeting the JDAP resolved to affirm its previous decision not to grant an extension of time.
- Following the November 2020 decision of the JDAP, this matter was listed for a final hearing by the State Administrative Tribunal. This hearing was to take place in May 2021. In late April the City received advice that the SAT had issued amended orders, inviting the respondent to reconsider its decision on or before 31 May 2021.
- The basis of this Section 31 reconsideration request to approve an extension of time for this development relates to amended plans which have been provided in support. These plans depict an increase to the setbacks of the third and fourth floors from 4m to 6m where the development interfaces with 15 Riverway on land which is located outside the CBACP area.
- The subject application therefore seeks approval for an extension of time to allow substantial commencement of the development to take place, subject to the consideration and approval of the amended plans.
- A RAR has been prepared which recommends that the JDAP affirm its previous decision and refuse to grant the extension of time request.
- A copy of the Council's resolution will be forwarded to the JDAP as an attachment to the RAR.

**P21/3925 - TEN (10) MULTIPLE DWELLINGS – SECTION 31 RECONSIDERATION
 REQUEST - LOTS 899 AND 898 (NO. 18A AND 18B) TWEEDDALE ROAD,
 APPLECROSS (REC) (ATTACHMENT)**



BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	Residential – Canning Bridge Activity Centre - H4
R-Code	:	R-AC0
Use Type	:	Multiple Dwelling
Use Class	:	Preferred uses

Site Details

Lot Area	:	1157m ²
Street Tree(s)	:	no
Street Furniture (drainage pits etc)	:	no
Site Details	:	See aerial photo above

P21/3925 - TEN (10) MULTIPLE DWELLINGS – SECTION 31 RECONSIDERATION REQUEST - LOTS 899 AND 898 (NO. 18A AND 18B) TWEEDDALE ROAD, APPECROSS (REC) (ATTACHMENT)

DETAIL

Development approval is sought from the Metro Central JDAP for a four storey (with undercroft parking and roof terrace) building comprising of 10 multiple dwellings.

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

[3925 Applicant Additional Information DA-2018 1238 App&Plans](#)

[3925 Amended Plans](#)

[3925 Responsible Authority Report 18A and 18B Tweeddale Road Multiple Dwellings](#)

STAKEHOLDER ENGAGEMENT

Refer to the RAR attached to this report.

STATUTORY AND LEGAL IMPLICATIONS

The application will be determined by the JDAP after due consideration of an RAR prepared by the City. Consideration of the application by the JDAP is a requirement of the SAT, who have issued Directions under Section 31 of the State Administrative Tribunal Act that the JDAP reconsider its previous decision to refuse to grant an extension of time request.

FINANCIAL IMPLICATIONS

None applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

P21/3925 - TEN (10) MULTIPLE DWELLINGS – SECTION 31 RECONSIDERATION REQUEST - LOTS 899 AND 898 (NO. 18A AND 18B) TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)

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

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

At 7:06pm Mr Scarfone and Mr Prendergast entered the chamber for the purpose of answering questions. At 7:21pm they left the chamber.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3925)
RECOMMEND REFUSAL**

At 7:06pm Cr Kepernt moved, seconded Cr Pazolli –

That the Metro Central Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to affirm the previous decision to refuse the application for an Extension Of Time for the proposed four storey (with undercroft parking and roof terrace) building comprising of 10 multiple dwellings located on Lots 899 and 898 (18A) & Lot 898 (18B) Tweeddale Rd, Applecross.

At 7:21pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

At 7:21pm Cr Woodall returned to the meeting.

At 7:21pm Mr Scarfone left the meeting and did not return.

At 7:22 pm The Mayor advised the meeting that Mr Daly had an approved deputation but due to personal reasons was unable to attend the meeting. Mr Daly had provided hardcopy information and a presentation, which were presented to the meeting.

T21-3915 - Deputation - Chris Daly - May 2021

**T21/3915 - REQUEST TO REMOVE STREET TREE AT 3A BOLAS COURT, MYAREE
(REC) (ATTACHMENT)**

Ward	: Central
Category	: Operational
Subject Index	: Street Trees
Customer Index	: Property owner of 3A Bolas Court, Myaree
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Mick McCarthy Director Technical Services

AUTHORITY / DISCRETION

DEFINITION

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

T21/3915 REQUEST TO REMOVE STREET TREE AT 3A BOLAS COURT, MYAREE
(REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Request for removal of the street tree on the verge of 3A Bolas Court, Myaree.
- The tree species is *Agonis flexuosa*, commonly known as the WA Peppermint Tree.
- Officers assessed the tree and recommended it be retained, responding to several residents between November 2020 - April 2021, prior to purchase of property.
- The property owner, who purchased the block at 3A Bolas Court, has asked for a review of the officers tree retention decision through the Mayor, Ward Councillors and Director Technical Services.
- The Mayor and Ward Councillors agreed for the tree in question to be brought before Council for a decision on retention or removal.
- This information is now being presented to the Council for a decision in accordance with CP-029 Tree Policy.
- The Officer's recommendation is to support the request for the removal of the WA Peppermint Tree verge tree at 3A Bolas Court, Myaree.
- A review of the CP-029 Tree Policy is also recommended by the officers to enable consideration of a broader range of criteria for tree removal requests taking into account other contributing factors such as improved environmental performance outcomes associated with development on adjacent land.

BACKGROUND

This report presents the background information as to why the property owner has requested that the tree be removed, maintenance history, community feedback on the request and information provided by an independent Arboriculture Consultant on the condition of the tree.

Between 2020 and March 2021, City officers received several queries from prospective purchasers of the subdivided land regarding the existing verge trees around this property. There are seven trees remaining on site following demolition, three are private trees and four are Council verge trees. In response to queries by prospective purchasers, the same information was provided by the City to all enquirers, that the small tree on the northern side of the property, along Mudge Street, would be allowed to be removed if required for access however, the two verge trees on the corner and the larger verge tree along Bolas Court were to be retained.



The property was sold to the current owner in March/April 2021.

**T21/3915 REQUEST TO REMOVE STREET TREE AT 3A BOLAS COURT, MYAREE
(REC) (ATTACHMENT)****DETAIL**

The property owner of 3A Bolas Court has requested that one of the four City trees on the verge be removed. There are four verge trees, three along Mudge Street and one along Bolas Court. The trees along Mudge Street include a small Chinese Tallow (*Sapium serbiferum*), and two Weeping Bottlebrush (*Callistemon viminalis*) whilst the tree along Bolas Court is a Western Australian Weeping Peppermint (*Agonis flexuosa*).

This item relates to a request to remove the mature WA Peppermint tree. Officers assessed the tree and concluded that the tree was in good health and predominantly sound structural condition consistent with the age of the tree. The tree reaches a height of 6 meters and has a canopy spread of 8 meters. The tree has an anticipated useful life expectancy of 10-20 years with an amenity dollar value of \$34,200. The amenity dollar value has been determined by City Officers utilising the City of Melville Tree Evaluation Method.



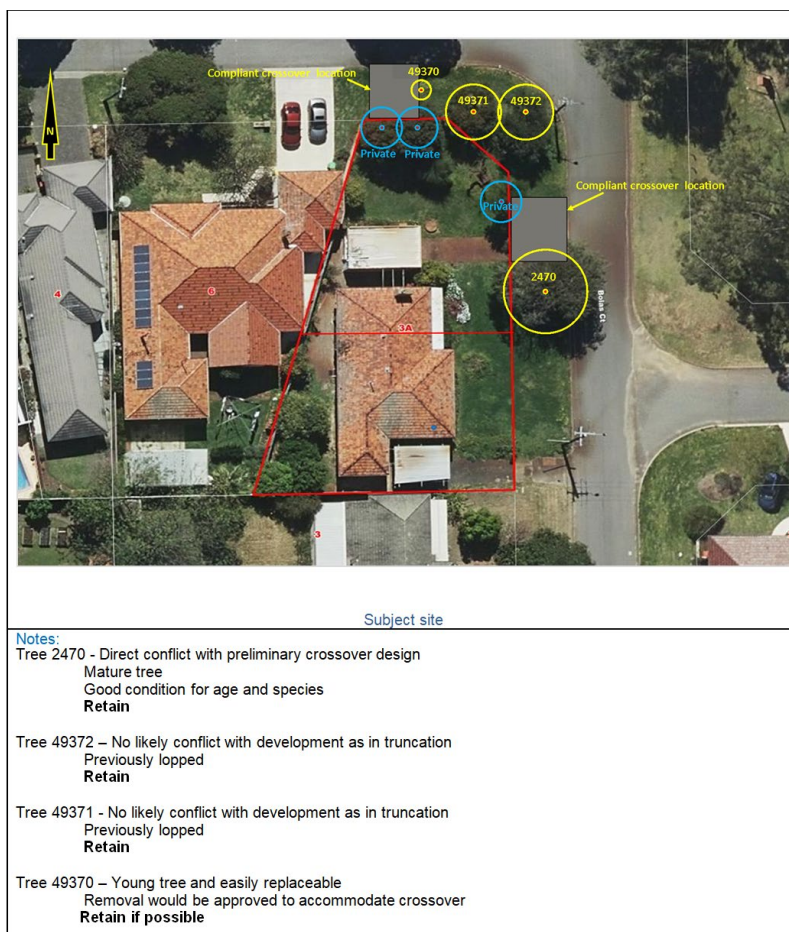
This tree removal request has been received after the property owners' purchased the land at 3A Bolas Court as their preferred house design would require the removal of the tree to enable the installation of a crossover.

As per Council Policy CP-029, officers investigated the possibility of other crossover access locations and identified two other options as indicated below:

- From Mudge Street, retaining the 6m from the turning point of the corner.
- From Bolas Court in the same location as the existing crossover

T21/3915 REQUEST TO REMOVE STREET TREE AT 3A BOLAS COURT, MYAREE
(REC) (ATTACHMENT)

The information provided to prospective purchasers by the officers is shown below.



It is acknowledged that the options identified by the officers were aimed at protecting the City's tree assets, noting that these options would require removal of trees on private land. Although the City supports the retention of trees on private land, it does not have any control over tree removal on private land.

The owner did not support either of these crossover options and prefers a house design that seeks to maximise the north facing frontage to Mudge Street for solar access, with the garage to the rear of the property.

The owner met with the Planning staff on site at 3A Bolas Court, following acceptance of an offer to purchase the lot, and was advised that the tree would need to be retained and a house design requiring the removal of the tree would not be supported by officers assessing the development application.

The property owner formally requested the tree be removed via email. Officers responded on 15 March 2021 reiterating the officer's position to retain this tree and forwarded contact details of the Mayor and Ward Councillors should they wish to seek removal of the tree. The Mayor and Ward Councillors supported the tree removal request thereby requiring a report to Council in accordance with CP-029 Tree Policy.

**T21/3915 REQUEST TO REMOVE STREET TREE AT 3A BOLAS COURT, MYAREE
(REC) (ATTACHMENT)**

An arborist consultant was engaged by the City to undertake an independent tree assessment related to the WA Peppermint Tree.

The City also undertook stakeholder engagement to seek community feedback on the tree removal request. It was noted in the tree removal request submitted by the owner that support for the tree removal had been received from several households in the vicinity following an approach by the owner. This information is included in the community feedback results below.

At the 20 April 2021 Council Meeting, a motion (Item 17.2 Amendment to Tree Policy CP-029) was withdrawn to be considered at an Elected Member Workshop. A deputation on the proposed changes to the policy and specifically the tree removal request for 3A Bolas Court, Myaree was presented at the 13 April 2021 Agenda Briefing Forum. At the deputation, the owner of the property at 3A Bolas Court presented photographs of the tree and spoke to the tree removal request during his deputation to the Council.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Within the Strategic Community Plan People Places Participation 2020 – 2030, green space and trees figure prominently. The aspiration includes “Clean and well-maintained parks, reserves, natural areas and public open spaces where everyone can socialise, be active and be safe.

Due to potential impact on a wider area of the community than just the adjacent residents and in line with the Stakeholder Engagement Policy CP-002, the proposed tree removal request was referred to local residents within the vicinity of this tree to ascertain the impact removing it would have of the wider neighbourhood. Residents were asked if they agreed or did not agree with the proposal to remove the Western Australian Peppermint at 3A Bolas Court, Myaree.

42 letters were sent out and 16 responses have been received related to the letters sent out, indicating a 38% response rate. An additional 8 responses were received, based on residents approached by the property owner, with the total responses indicated below.

Response	Number	Percentage of responders
Remove and replace	20	40%
Retain	4	8%
Other		

The feedback from the local residents in support of removal noted the following issues:

- Replace with another tree in a suitable position (several responses)
- Have no issue to tree being removed

T21/3915 REQUEST TO REMOVE STREET TREE AT 3A BOLAS COURT, MYAREE
(REC) (ATTACHMENT)

- Change is inevitable so I feel this approach is a good compromise
- Happy to remove as find the tree ugly and should be replaced with a Jacaranda or Poinciana

The feedback from residents that do not agree with the tree removal noted the following issues:

- Rare to have such a large, mature beautiful tree in neighbourhoods, please don't remove tree (several responses)
- Keep this beautiful tree, new residents coming into a mature and established area should not be entitled to change the landscape to suit themselves
- The property was purchased with the tree present which can be preserved by a design which takes into account existing nature
- Tree has great sentimental value to family and other residents and big trees are vital in the fight against climate change

II. OTHER AGENCIES / CONSULTANTS

An independent arborist completed a visual tree and risk assessment upon this tree on 24 March 2021 and concluded that the tree is in good health, has a predominantly sound structure and has an anticipated useful life expectancy of 20-30 years. These results concur with the City Officers previous visual assessment.

[3915 Independant Tree Assessment 3A Bolas Court Myaree](#)

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The tree associated with this request is managed within on-going operational budgets, which are reviewed annually as part of budget submissions and approval process.

Management costs of a street tree generally include:

- Planting
- Watering to establish
- Pruning – formative, remedial (due to damage), asset/boundary clearance
- Health treatments – fertiliser, microbes, pesticide etc.
- Removal at end of useful life (ULE), including stump grinding and replacement

Removal of the tree and the cost of two replacement trees would be required to be borne by the owner once approval is given to remove the street tree.

T21/3915 REQUEST TO REMOVE STREET TREE AT 3A BOLAS COURT, MYAREE
(REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Environmental Policy CP-030 – Policy Statement.

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

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

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

Tree Policy CP-029 – Policy Statement.

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

T21/3915 REQUEST TO REMOVE STREET TREE AT 3A BOLAS COURT, MYAREE
(REC) (ATTACHMENT)

The Tree Policy includes discretionary factors for consideration of tree removal requests such as:

- Inappropriate for the site; or
- An unauthorised planting; or
- Dead or in irreversible decline; or
- Significantly damaged and beyond remediation; or
- Will be significantly or unavoidably damaged by development with retention not a viable option; or
- Demonstrably structurally unsound and presents an unacceptable potential of harm to person or property, as determined by the City; or
- Not in keeping with the overall streetscape aesthetics as determined by the City; or
- When agreed by the Mayor, relevant Ward Councilors and Director of Technical Services in writing.

Under section 6.3 Tree removal for development, the Tree Policy states the City will not consider the removal of a healthy City managed tree for development except when:

- There is insufficient space to accommodate a compliant crossover
- The proximity of works will significantly compromise the tree's amenity, health, form or longevity, as determined by the City

In this circumstance, the current discretion under the Tree Policy does not extend to consideration of wider environmental, social or economic factors such as the environmental performance of adjacent buildings (existing or planned) or potentially poor built form development outcomes (e.g. garage location, loss of solar passive opportunities, functional outdoor spaces).

ALTERNATE OPTIONS AND THEIR IMPLICATIONSUtilising an alternative location for the crossover

Other crossover locations were not supported by the owner as they do not allow for the current house design to be utilised. If an alternative crossover was able to be achieved, additional redesign costs would need to be borne by the owner. Both alternative crossovers are considered achievable through house redesign, although it is acknowledged that either would require the removal of existing trees on private land.

It is also recognised that the alternative crossover locations would reduce the solar access and passive solar benefits associated with the proposed residence as the garage on the northern side facing Mudge Street would block solar access to a proportion of the ground floor. If the crossover was retained at its existing location, the house design would need to accommodate a centrally located garage. The owner has advised that both of these options are not suitable.

T21/3915 REQUEST TO REMOVE STREET TREE AT 3A BOLAS COURT, MYAREE
(REC) (ATTACHMENT)**CONCLUSION**

There are a number of risks in removing healthy trees, particularly along street verges where multiple functions essential for living are required to be undertaken and located,

(path, crossovers, and utilities such as power, water, gas and communications). Verges are one of the key locations outside of parks and bushlands where the City can not only protect but add to the urban forest.

A major risk in removing healthy trees is that it sets an undesirable precedent and may generate concerns in the wider community regarding the City's genuine direction toward the environment, sustainability and potentially lead to an increase in similar requests further challenging the number of strategic documents and Council endorsed policies relating to protecting and enhancing the City's urban forest.

The current Tree Policy does not include discretionary factors for tree removal that consider wider environmental, economic and social outcomes or opportunities that seek improved environmental performance in built form adjacent to verge trees.

Community feedback demonstrates greater support for the tree removal request from local residents, noting that a smaller proportion of feedback did not support removal of the tree.

The officers recommendation is that the *Agonis flexuosa* (WA Peppermint) verge tree at 3A Bolas Street, Myaree be removed and that the CP-029 Tree Policy be reviewed taking into account discretion being applied for wider environmental, social and economic factors, including the environmental performance of adjacent build form.

CP-029 Tree Policy is due for review in March 2022 and it is proposed to work with Elected Members during May and June 2021 to gather input and feedback for consideration in the review process.

**T21/3915 REQUEST TO REMOVE STREET TREE AT 3A BOLAS COURT, MYAREE
(REC) (ATTACHMENT)**

At 7:22pm Cr Wheatland left the meeting and returned at 7:23pm.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3915) APPROVAL

At 7:22pm Cr Sandford moved, seconded Cr Mair –

That the Council:

- 1. Support the request to remove and replace the *Agonis flexuosa* (WA Peppermint) verge tree at 3A Bolas Street, Myaree;**
- 2. Review Council Policy CP-029 Tree Policy taking into account wider environmental, social and economic factors, including the environmental performance of adjacent build form; and**
- 3. Directs the Chief Executive Officer to advise the applicant seeking removal of the tree of this decision.**

At 7:22pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

Disclosures of Interest

Member Cr Wheatland
 Type of Interest Interest under the Code of Conduct
 Nature of Interest In my role as an Electorate Officer for the Member of Bateman, I was approached by Members of the community in relation to this matter.
 Request Stay, Discuss and Vote
 Decision Stay, Discuss and Vote

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

Ward : All
 Category : Local Planning Framework
 Application Number : Not Applicable
 Property : Not Applicable
 Proposal : Adoption of Local Planning Policy 1.21: Short Stay Accommodation
 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 P21/3898 – Control of Short Stay Accommodation, Ordinary Meeting of Council held 16 February 2021
 Responsible Officer Gavin Ponton
 Manager Strategic Urban Planning

AUTHORITY / DISCRETION

DEFINITION

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

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council held on 16 February 2021, Council resolved to adopt Local Planning Policy 1.21 - Short Term Accommodation for the purpose of public advertising.
- The report to Council also recommended a second part of a response to the control of short term accommodation which involved initiation of a scheme amendment to formalise land use definitions and to establish land use permissibility in different zones. This part of the proposed response was not adopted by Council.
- The Local Planning Policy (LPP) establishes that short term accommodation is a land use distinct to standard accommodation and thus, requires planning approval. The draft LPP also identifies a number of performance criteria and development standards to control short stay accommodation and to assist in assessment of applications.
- The LPP was advertised for comment on the City's website and within the local newspaper. Twelve submissions were received raising matters both in support and against the LPP content.
- This report provides a summary of submissions suggests minor modifications and recommends adoption of the modified LPP.
- The report also notes proposed part 2 of the previously recommended approach relating to initiating of a scheme amendment. This option is again presented to Council with a recommendation that the scheme amendment be initiated.

BACKGROUND

At the Ordinary Meeting of Council on 16 February 2021 (Item P21/3898) Council resolved to endorse LPP1.21 – Short Term Accommodation –for the purpose of advertising.

The LPP has been developed to establish a clear framework for the identification, assessment and determination of applications for short term accommodation and to ensure appropriate location and management of short term accommodation with an objective to protect the amenity of residential areas or nearby residents.

It is noted that the report to Council also included a recommendation to commence a second phase of the response to control short stay accommodation. This second phase involved an amendment to Local Planning Scheme 6 (LPS6) to formalise the land uses referred to in the LPP and to establish the level of permissibility across the different zones in LPS6. The proposed scheme amendment component of the response to the control of short term accommodation was not adopted by Council.

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

The recommended scheme amendment approach as described in the report to the February 2021 Council meeting is outlined below. On review, the amendment content has been modified to depict “hosted accommodation” as a P use across Residential, Centre and Mixed Use zones having regard to the reduced impacts associated with this category of land use:

a. *Establishment of new use classes and definition as follows:*

<i>Hosted Accommodation</i>	<i>Means a portion of a dwelling or entire ancillary dwelling used to provide short-term accommodation with a permanent live in host (owner/occupier/manager) but does not include a bed and breakfast or caravan park or serviced apartment</i>
<i>Holiday House</i>	<i>Means single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast or hosted accommodation.</i>
<i>Holiday Accommodation</i>	<i>Means 1 or more grouped dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot, but does not include hosted accommodation</i>
<i>Holiday Apartment</i>	<i>Means a multiple dwelling that is used to provide short term accommodation, but does not include hosted accommodation.</i>

b. *Inclusion of the proposed use classes in the Zoning Table of Local Planning Scheme 6 with the following designations:*

USE AND DEVELOPMENT CLASS	<i>Residential</i>	<i>Centre C1</i>	<i>Centre C2</i>	<i>Centre C3</i>	<i>Centre C4</i>	<i>Mixed Use</i>	<i>Service Commercial</i>	<i>Light Industry</i>	<i>Private clubs and institutions and places of public worship</i>	<i>Urban Development</i>
<i>Hosted Accommodation</i>	P	Refer to Clause 18(7)	Refer to Clause 18(7)	P	P	P	X	X	X	Refer to Clause 18(7)
<i>Holiday House</i>	A	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

<i>Holiday Accommodation</i>	A	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)
<i>Holiday Apartment</i>	A	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)

DETAIL

Draft LPP 1.21 has been advertised for public comment in accordance with Council's resolution. The comment period was open between 4 March 2021 and the 26 March 2021 with invitations to comment being publicised on the City's website and in the local newspaper.

In total 12 submissions were received. Six submissions opposed the LPP, three submissions were in support and three noted support with some concerns. Results of the advertising period were presented at an Elected Members Information Session on 6 April 2021. A summary of the issues raised in the submissions is provided in the table below.

Summary of Submissions

Comment supporting LPP	Comments Opposing LPP
LPP needs to go further to prevent commercial uses in residential areas	Short stay accommodation provides flexibility for visiting family, travellers.
Supported but need for additional policing of breaches and controls	Additional red tape and fees
Noise and parking needs regulation	LPP is too restrictive
Support but suggest less restriction for hosted accommodation	Support but suggest less restriction for hosted accommodation
Support however needs reference to need to comply with other legislation e.g. Building Codes	

**P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY
ACCOMMODATION (REC) (ATTACHMENT)**

Full details of the results of advertising are available in the schedule of submissions.

[3911 Attachment 1 Schedule of Submissions](#)

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Advertising of the draft LPP was completed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

II. OTHER AGENCIES / CONSULTANTS

Clause 4(b) of Schedule 2 of the Regulations requires that the Council advise the Western Australian Planning Commission (WAPC) if it is of the opinion that the policy is inconsistent with any State Planning Policy. The draft LPP is not considered to present any inconsistency and WAPC referral is not required.

STATUTORY AND LEGAL IMPLICATIONS

Local Planning Scheme 6 and the Planning and Development (Local Planning Schemes) Regulations establishes the approval process and advertising requirements for a LPP. A LPP is required to be advertised for a period of not less than 21 days. At the conclusion of the advertising period (current stage) the local government is required to review the LPP in light of any submissions made and decide whether or not to proceed with or modify the policy. Substantial modification of the LPP would require a further advertising period. If the LPP is adopted by Council, it will take effect upon advertising of a Notice in a local newspaper.

FINANCIAL IMPLICATIONS

Establishment of the need for planning approval for short term accommodation will apply to any existing short term accommodation uses. It is anticipated that introduction of the new policy position will result in additional development applications requiring assessment as well as additional compliance responses where the requirements of the LPP are not being met. The compliance response and associated assessment and determination of development applications is expected to involve additional demand on resources. The demand would be monitored but may require consideration of additional resources.

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The proposed planning response to short term residential accommodation responds to the purposes and aims of LPS6 particularly in relation to the guiding and controlling of development. It is noted that the role of the Scheme with respect to residential areas includes the need to enhance the character and amenity of residential areas whilst also providing for a range of compatible and complementary non-residential uses. This position notes the importance of protecting the amenity of residential areas whilst acknowledging the role of appropriate non-residential uses in contributing to vibrancy, access to services and support for the economy and tourism.

Risk Statement & Consequence	Level of Risk	Risk Treatment
Inability of planning framework to respond to increase in short term accommodation leads to adverse impacts and loss of amenity in residential areas.	Moderate consequences which are possible, resulting in a Medium level of risk	Proposed LPP clarifies that short term residential accommodation is a use requiring planning approval and establishes criteria relating to the control of development.
Planning response to short term accommodation in LPP may be viewed as overly restrictive by decision makers (WAPC, SAT, JDAP), noting existing planning framework controls for similar uses such as serviced apartments, bed and breakfast	Moderate consequences which are possible, resulting in a Medium level of risk.	Planning response is considered to be proportionate to the anticipated impacts and in keeping with the objectives of the Scheme.
Planning response to short term accommodation viewed as overly restrictive by existing and potential operators.	Moderate consequences which are possible, resulting in a Medium level of risk.	Planning response is considered to be proportionate to the anticipated impacts and in keeping with the objectives of the Scheme. The approach enables applications to be assessed on their merits based on impacts (as opposed to seeking prohibition of the use)

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

POLICY IMPLICATIONS

There are not considered to be other policy implications associated with adoption of the proposed LPP. There may be opportunity to consider combining related Local Planning Policies, such as LPP 1.13 Bed and Breakfast Accommodation. It is recommended this be explored separately as part of the regular policy review to avoid potential delays to the implementation of the Short Term Accommodation LPP.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Alternative options to respond to the control of short term residential accommodation are discussed below:

Alternative Option	Implications	Comment
Take no action and maintain the current land use interpretation that short term accommodation does not represent a change of use from standard residential.	<ul style="list-style-type: none"> • Would not provide opportunity for the City to assess the potential impacts of short term accommodation. • Reduced abilities for the City to intervene should short term accommodation uses be found to be causing adverse impacts 	<ul style="list-style-type: none"> • Taking no action is not recommended. The proposed LPP clarifies that short stay accommodation uses require planning approval and puts in place standards and guidelines.
Initiate Scheme Amendment to formalise land uses referred in the LPP and to establish land use permissibility across different zones.	<ul style="list-style-type: none"> • Would provide additional weight to LPP response and level of control of development. Enables identification of specific land use permissibility for different zones 	<ul style="list-style-type: none"> • Recommended that Council give additional consideration to the previously proposed scheme amendment component.
Consider further modification to the LPP to introduce additional controls and/or guidance	<ul style="list-style-type: none"> • Any modification to the LPP which introduces additional content is likely to require further advertising of the LPP, which would delay its introduction. 	<ul style="list-style-type: none"> • The LPP primary objective is to promptly establish that short stay accommodation requires planning approval and to introduce general performance standards to assist in assessment of applications. Should further modification to the LPP be proposed, an option to avoid delays to the LPP introduction would be to proceed with the current LPP and to schedule a further review shortly after adoption.

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

Alternative Option	Implications	Comment
Consider an alternative approach to management of short stay accommodation which involves registration and monitoring of uses, with actions taken in the event of any impacts on amenity.	<ul style="list-style-type: none"> The approach places less demand on resources and provides flexibility for operators (development applications are not required). Amenity of nearby residents is protected through enforcement action in the event of impacts being observed. 	<ul style="list-style-type: none"> A potential alternative to the approach to require short stay accommodation to be regulated through the planning system. Enables resources to be targeted to where impacts are occurring.

COMMENT/CONCLUSION

The advertising period has highlighted a range of different views on the use of dwellings for short term accommodation. The emerging popularity in use of dwellings for short stay accommodation provides options for home owners seeking to rent out all or part of their homes and provides convenience and choice for travellers seeking short term accommodation. The use of dwellings for short stay accommodation is also noted to have potential to impact the amenity of residential areas.

Submissions received supporting the draft LPP highlight the potential amenity impacts such as disturbance due to noise, parking and the commercial nature of the use. The LPP responds to these impacts by limiting short term accommodation uses to appropriate locations, introduction of suitable controls and guidelines. The issue of National Construction Code requirements raised in the submissions is noted and responded to below. Comments regarding opportunity to recognise the reduced impacts of hosted accommodation are noted and responses proposed in the LPP and associated scheme amendment option.

Submissions received against the draft LPP generally raise concern that the approach is too restrictive. The LPP seeks to balance the differing views by allowing short term uses in appropriate locations and controlling potential impacts. Opportunities to reduce restrictions on hosted accommodation are also responded to.

In response to the submissions received and further review, three modifications are proposed to the draft LPP:

Reference to Compliance with Other Legislation:

Operation of short stay accommodation uses may trigger the need for compliance with other legislation such as the Health Act and/or requirements under the National Construction Code. A note in the LPP advising applicants of the need to understand and respond to requirements of other legislation is recommended.

With respect to the National Construction Code (NCC), there has been considerable discussion and legal consideration as to whether the use of an apartment for short stay accommodation triggers a change in the classification of the building. Under the NCC a typical apartment building is a Class 2 building whereas a building such as a hotel is Class 3.

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

Differences between Class 2 and Class 3 requirements include higher standards in relation to fire safety.

The NCC does not provide clarification that the use of a dwelling/apartment for short stay accommodation triggers a requirement that a building be constructed to Class 3 requirements. Current interpretation is that the length of time a person stays in a dwelling (long term residential or short stay accommodation) does not alter the classification of the building, given that it is still a dwelling.

The draft LPP is not able to provide meaningful direction on building classifications. Investigations indicate that a local government may have opportunity to intervene on the question of building classification when certifying suitability of buildings for occupancy. The suggested addition to the LPP would respond to this situation by highlighting the need to comply with other legislation.

Additional Reference to Likely Impacts Due to Scale and Nature of Use:

The content of the LPP notes that potential impacts of short term accommodation uses may vary depending on the characteristics of the use. It is recommended that additional emphasis be placed on this relationship. In particular, it is proposed to highlight the difference in potential impacts between a smaller hosted use in comparison to a larger un-hosted short term accommodation use. Further, content is proposed noting the likely increased impact on amenity where an accumulation of short term accommodation uses occurs in a locality, site or building. An additional clause 1.3 in the LPP is proposed in relation to this issue.

Modification to Require Applicant to Demonstrate Compliance With Strata Body Requirements:

Wording change to require the applicant to demonstrate that strata body requirements have been met, as opposed to relying on response to standard consultation.

The draft LPP with the above described modifications highlighted is provided in the attachment below.

[3911 Attachment 2 Short Term Accommodation Policy With Modifications](#)

The above modifications do not substantially alter the content of the LPP as advertised. Further advertising of the LPP is not considered necessary. Adoption of the modified LPP is recommended accordingly.

Scheme Amendment:

The February 2021 report to Council proposing response to the control of short stay accommodation included a second component involving the initiation of a scheme amendment to formalise proposed use classes and establish land use permissibility across zones. Details of the proposed scheme amendment are outlined in the “Background” section of this report and described more fully in Item P21/3898 – Control of Short Stay Accommodation. As noted a change to the amendment wording is suggested to designate hosted accommodation as a permitted use across Residential, Centre and Mixed Use zones.

In addition to the adoption of the LPP, it is recommended that the proposed scheme amendment be initiated.

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (3911)

APPROVAL

At 7:23pm Cr Barber moved, seconded Cr Barton –

That the Council:

1. **Notes the submissions received during the public advertising for the Local Planning Policy.**
2. **Pursuant to Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopt Local Planning Policy 1.21: Short Term Accommodation inclusive of modifications as outlined in Attachment 2 of this report.**
3. **Directs the Chief Executive Officer to publish a notification in a local newspaper informing the community of this decision.**
4. **Pursuant to Section 75 of the *Planning and Development Act 2005*, resolves to prepare and initiate Scheme Amendment No. 11 to Local Planning Scheme No. 6 as follows:**
 - a. **Establishment of new use classes and definition as follows:**

Hosted Accommodation	Means a portion of a dwelling or entire ancillary dwelling used to provide short-term accommodation with a permanent live in host (owner/occupier/manager) but does not include a bed and breakfast or caravan park or serviced apartment
Holiday House	Means single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast or hosted accommodation.
Holiday Accommodation	Means 1 or more grouped dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot, but does not include hosted accommodation
Holiday Apartment	Means a multiple dwelling that is used to provide short term accommodation, but does not include hosted accommodation.

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

b. Inclusion of the proposed use classes in the Zoning Table of Local Planning Scheme 6 with the following designations:

USE AND DEVELOPMENT CLASS	Residential	Centre C1	Centre C2	Centre C3	Centre C4	Mixed Use	Service Commercial	Light Industry	Private clubs and institutions and places of public worship	Urban Development
Hosted Accommodation	P	Refer to Clause 18(7)	Refer to Clause 18(7)	P	P	P	X	X	X	Refer to Clause 18(7)
Holiday House	A	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)
Holiday Accommodation	A	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)
Holiday Apartment	A	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

5. Advise the Western Australian Planning Commission that the proposal is considered to be a standard amendment to Local Planning Scheme 6 in accordance with regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as:
 - a) The amendment is consistent with the relevant objectives of the Scheme and Local Planning Strategy;
 - b) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
 - c) The amendment would have minimal impact on land in the scheme area that is not subject of the amendment.
6. Notes that a further report will be presented to the Council following the completion of the public advertising process for the scheme amendment.

At 7:24pm in introducing an amendment to the Officer Recommendation, Cr Pazolli advised of a series of changes to the amendment that had been circulated.

- That in clause 1(g) the words “the short stay accommodation agreement” be deleted and replaced with the words “an approved management plan”.
- That clause 1 (h) “Amend Public Consultation Clause 7.1 deleting “14 days and inserting “28 days” be deleted in its entirety.
- That Clause 1(c) be deleted and replaced with “That Clause 1.3 be amended by inserting the word “Where” at the beginning of the sentence and the words “the un-hosted use will not be supported by the City” at the end of the sentence”.

And that the clauses be renumbered.

At 7:25pm Mr Prendergast left the meeting and returned at 7:30pm.

Amendment

At 7:45pm Cr Pazolli moved, seconded Cr Sandford –

That the Council amends Officer Recommendation (3911) by adding to the end of Item 2; “and as amended by the following amendments:”

1. Amend the draft Local Planning Policy 1.21:
 - (a) Delete Policy Scope text and replace with the following to provide further clarity: “This policy applies to all short-term accommodation land uses throughout the City including Activity Centres, but not including land uses such as Bed and Breakfast, Serviced Apartments and Tourist Accommodation that are defined elsewhere in the City’s Planning framework.”

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

- (b) In the “Definitions / Abbreviations Used in Policy” section insert after the “Regulations” the following:

“Residential Building a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being uses or intended, adapted or designed to be used for the purpose of human habitation:

- Temporarily by two or more persons; or
- Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.”

- (c) That Clause 1.3 be amended by inserting the word “Where” at the beginning of the sentence and the words “the un-hosted use will not be supported by the City” at the end of the sentence.

- (d) Insert the following sentence In Clause 2.1 after the sentence ending with “...complementary to residential development...”, insert the following sentence / words: “ The City’s policy position is that short stay accommodation (in particular, holiday apartments) is not supported in residential zones. However, “.

- (e) Delete Clause 2.1 Preferred Property Characteristics sub-clause (a) and replace with; “Location within, abutting or opposite to mixed use centres.”.

- (f) Delete Clause 2.1 Undesirable Property Characteristics sub-clause (c) and replace with; “Properties comprising grouped or multiple dwelling developments with shared access arrangements.”

- g) Clause 4.1 Car Parking insert the words underlined:
On-site parking is to be provided in accordance with the relevant standards of the Residential Design Codes, or Activity Centre Plan, or other applicable legislation including disability parking provisions. Required parking is to be provided, maintained and available on site with users of the short-term accommodation not reliant on verge or street parking and must be required by the terms of an approved management plan to only use on-site parking.

- (h) Compliance with Other Legislation Clause 9.1: Add the following words in brackets and underlined below to the end of clause 9.1:

(For Example, where applicable, short-term accommodation in a multi-level apartment complex must comply with Class 3 building specifications of the Australian National Construction Code and Australian/NZ Standard 2890.6 for parking for people with disabilities and Fire safety requirements)

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

- (i) References that may be applicable to this Policy on Page 6 add the following:

Australian National Construction Code
Australian/NZ Standard 2890.6 for parking for people with disabilities and Fire safety requirements

2. Amend Item 4b. of the Officer Recommendation in the Zoning Table for the Residential zone and Holiday Apartment use class by deleting “A” and inserting “X”.

At 7:28pm Ms Davis left the meeting and returned at 7:29pm.

Procedural Motion

COUNCIL RESOLUTION

At 7:52pm Cr Wheatland moved, seconded Cr Barber –

That Cr Pazolli’s amendment lay on the table and be dealt with later in the meeting.

At 7:52pm the Mayor declared the Motion

CARRIED UNANIMOUSLY (12/0)

Amendment

COUNCIL RESOLUTION

At 7:52pm Cr Woodall moved, Seconded Cr Robins –

That Item 4b of the Officer Recommendation in the Zoning Table for the Residential, Centre C3, Centre C4 and Mixed Use zones and Holiday House use class be amended by deleting “A” and inserting “P” in each instance.

At 8:13pm, the Mayor declared the motion

CARRIED (7/6)

NOTE: Due to an equality of votes at the Council Meeting, 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.

Yes	6	Cr Robartson, Cr Barber, Cr Wheatland, Cr Robins, Mayor Gear, Cr Wooddall
No	6	Cr Barton, Cr Mair, Cr Fitzgerald, Cr Sandford, Cr Kepert, Cr Pazolli

At 7:57pm Cr Barton left the meeting and returned at 8:00pm.

At 8:12pm Mr McAuliffe joined the meeting electronically.

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)**Procedural Motion****COUNCIL RESOLUTION**

At 8:15pm Cr Mair moved, seconded Cr Kepert –

That Cr Pazolli’s amendment in relation to this matter be put back on the table.

At 8:15pm the Mayor declared the Motion

CARRIED UNANIMOUSLY (12/0)

Amendment

At 7:45pm Cr Pazolli moved, seconded Cr Sandford –

That the Council amends Officer Recommendation (3911) by adding to the end of Item 2; “and as amended by the following amendments:”

1. **Amend the draft Local Planning Policy 1.21:**
 - (a) **Delete Policy Scope text and replace with the following to provide further clarity: “This policy applies to all short-term accommodation land uses throughout the City including Activity Centres, but not including land uses such as Bed and Breakfast, Serviced Apartments and Tourist Accommodation that are defined elsewhere in the City’s Planning framework.”**
 - (b) **In the “Definitions / Abbreviations Used in Policy” section insert after the “Regulations” the following:**

“Residential Building a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being uses or intended, adapted or designed to be used for the purpose of human habitation:

 - **Temporarily by two or more persons; or**
 - **Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.”**
 - (c) **That Clause 1.3 be amended by inserting the word “Where” at the beginning of the sentence and the words “the un-hosted use will not be supported by the City” at the end of the sentence.**
 - (d) **Insert the following sentence In Clause 2.1 after the sentence ending with “...complementary to residential development...”, insert the following sentence / words: “ The City’s policy position is that short stay accommodation (in particular, holiday apartments) is not supported in residential zones. However, “.**

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

- (e) Delete Clause 2.1 Preferred Property Characteristics sub-clause (a) and replace with; “Location within, abutting or opposite to mixed use centres.”
 - (f) Delete Clause 2.1 Undesirable Property Characteristics sub-clause (c) and replace with; “Properties comprising grouped or multiple dwelling developments with shared access arrangements.”
 - g) Clause 4.1 Car Parking insert the words underlined:
On-site parking is to be provided in accordance with the relevant standards of the Residential Design Codes, or Activity Centre Plan, or other applicable legislation including disability parking provisions. Required parking is to be provided, maintained and available on site with users of the short-term accommodation not reliant on verge or street parking and must be required by the terms of an approved management plan to only use on-site parking.
 - (h) Compliance with Other Legislation Clause 9.1: Add the following words in brackets and underlined below to the end of clause 9.1:

(For Example, where applicable, short-term accommodation in a multi-level apartment complex must comply with Class 3 building specifications of the Australian National Construction Code and Australian/NZ Standard 2890.6 for parking for people with disabilities and Fire safety requirements)
 - (i) References that may be applicable to this Policy on Page 6 add the following:

Australian National Construction Code
Australian/NZ Standard 2890.6 for parking for people with disabilities and Fire safety requirements
2. Amend Item 4b. of the Officer Recommendation in the Zoning Table for the Residential zone and Holiday Apartment use class by deleting “A” and inserting “X”.

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

At 8:17pm during discussion and debate the mover and the seconder consented to the following changes to the amendment:

- Item 1(g) after the words “by the terms of” insert the words “a short stay accommodation agreement and”
- Insert Item 1(h) after 1(g) as follows
Amend Public Consultation Clause 7.1 by inserting at the end of the sentence “or longer with the owner’s consent by way of letters to the adjacent land owners”.
And clauses be renumbered accordingly.

Amendment**COUNCIL RESOLUTION**

At 7:45pm Cr Pazolli moved, seconded Cr Sandford –

That the Council amends Officer Recommendation (3911) by adding to the end of Item 2; “and as amended by the following amendments:”

1. **Amend the draft Local Planning Policy 1.21:**
 - (a) **Delete Policy Scope text and replace with the following to provide further clarity: “This policy applies to all short-term accommodation land uses throughout the City including Activity Centres, but not including land uses such as Bed and Breakfast, Serviced Apartments and Tourist Accommodation that are defined elsewhere in the City’s Planning framework.”**
 - (b) **In the “Definitions / Abbreviations Used in Policy” section insert after the “Regulations” the following:**

“Residential Building a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being uses or intended, adapted or designed to be used for the purpose of human habitation:

 - **Temporarily by two or more persons; or**
 - **Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.”**
 - (c) **That Clause 1.3 be amended by inserting the word “Where” at the beginning of the sentence and the words “the un-hosted use will not be supported by the City” at the end of the sentence.**

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

- (d) Insert the following sentence In Clause 2.1 after the sentence ending with “...complementary to residential development...”, insert the following sentence / words: “ The City’s policy position is that short stay accommodation (in particular, holiday apartments) is not supported in residential zones. However, “.
- (e) Delete Clause 2.1 Preferred Property Characteristics sub-clause (a) and replace with; “Location within, abutting or opposite to mixed use centres.”.
- (f) Delete Clause 2.1 Undesirable Property Characteristics sub-clause (c) and replace with; “Properties comprising grouped or multiple dwelling developments with shared access arrangements.”
- (g) Clause 4.1 Car Parking insert the words underlined:
On-site parking is to be provided in accordance with the relevant standards of the Residential Design Codes, or Activity Centre Plan, or other applicable legislation including disability parking provisions. Required parking is to be provided, maintained and available on site with users of the short-term accommodation not reliant on verge or street parking and must be required by the terms of an approved management plan to only use on-site parking.
- (h) Amend Public Consultation–Clause 7.1 by inserting at the end of the sentence (or longer with the owners’ consent by way of letters to the adjacent land owners)
- (i) Compliance with Other Legislation Clause 9.1: Add the following words in brackets and underlined below to the end of clause 9.1:
(For Example, where applicable, short-term accommodation in a multi-level apartment complex must comply with Class 3 building specifications of the Australian National Construction Code and Australian/NZ Standard 2890.6 for parking for people with disabilities and Fire safety requirements)
- (j) References that may be applicable to this Policy on Page 6 add the following:
Australian National Construction Code
Australian/NZ Standard 2890.6 for parking for people with disabilities and Fire safety requirements

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

- 2. Amend Item 4b. of the Officer Recommendation in the Zoning Table for the Residential zone and Holiday Apartment use class by deleting “A” and inserting “X”.**

At 8:27pm the Mayor declared the motion

CARRIED (11/1)

Yes	11	Cr Robartson, Cr Barber, Cr Barton, Cr Wheatland, Cr Mair, Cr Sandford, Cr Pazolli, Cr Kepert, Cr Fitzgerald, Mayor Gear, Cr Woodall
No	1	Cr Robins

At 8:23pm Cr Woodall left the meeting and returned at 8:26 pm.

At 8:26pm Mr Ferris left the meeting and returned at 8:32pm.

Reasons for the Amendment as provided by Cr Pazolli

- For Item 1(b) above of the Amendment, the term “Residential Building” is referred to in clause 3.1 of the Policy on page 3 in relation to dwellings exceeding more than 6 guests, so it would be informative to include this term in the definitions section of the Policy.
- For Item 1(c) above of the Amendment, the last sentence of Clause 1.3 would now read: “Un-hosted uses have potential to result in adverse amenity impacts, and an accumulation of such un-hosted land uses in a particular locality, site of building may result in greater impacts in which case un-hosted use shall not be supported by the City.”

This should highlight that the officers of the City will not support un-hosted development for short stay accommodation in residential areas that results in excessive amenity impact. It does not attempt to refuse to accept un-hosted short stay accommodation as it might be beyond the scope of a Local Planning Policy without the associated Local Planning Scheme amendments.

- For Item 1(d) above of the Amendment, the paragraph at the beginning of Clause 2.1 would now read: “The Residential Zone includes the objective to “provide for a range of non-residential uses. Which are compatible with and complementary to residential development ...”. The City’s policy position is that short stay accommodation, in particular, holiday apartments, is not supported in residential zones. However, some locations and dwelling types will be better suited to short term accommodation in terms of being compatible and complementary.”

Again this highlights in the LPP that the City does not support short stay accommodation in residential zones unless there are significant mitigating factors that indicates amenity impacts on neighboring residents is limited. The wording of this additional sentence was suggested by a respondent to the draft LPP advertising, so that there would be no need to re-advertise the LPP as it has resulted from consideration of the community feedback from the advertised LPP draft.

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

4. For Item 1(e) above of the Amendment, the use of the words “close to, or abutting” is not sufficiently precise and will result in developers claiming that a property 100m from a commercial area is sufficiently “close to”. The change in wording is to provide a more precise interpretation of the proximity to mixed use centres that would be acceptable to Council and match community expectations. Having short term accommodation located near schools, public open space or community/civic facilities is not considered to be acceptable locations for this use.
5. Item 1(f) above of the Amendment replaces “strata development” with the broader grouped or multiple dwelling developments This is consistent with the expectations of the community that Residential Zones shall not be subject to what is effectively a commercial development adjacent to their homes of a scale that is closer to a commercial hotel than a Bed’n’Breakfast dwelling.

Substantive Motion as Amended**COUNCIL RESOLUTION**

At 7:23pm Cr Barber moved, seconded Cr Barton –

That the Council:

1. **Notes the submissions received during the public advertising for the Local Planning Policy.**
2. **Pursuant to Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopt Local Planning Policy 1.21: Short Term Accommodation inclusive of modifications as outlined in Attachment 2 of this report and as amended by the following amendments:**
 - (a) **Delete Policy Scope text and replace with the following to provide further clarity: “This policy applies to all short-term accommodation land uses throughout the City including Activity Centres, but not including land uses such as Bed and Breakfast, Serviced Apartments and Tourist Accommodation that are defined elsewhere in the City’s Planning framework.”**
 - (b) **In the “Definitions / Abbreviations Used in Policy” section insert after the “Regulations” the following:**

“Residential Building a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being uses or intended, adapted or designed to be used for the purpose of human habitation:

 - **Temporarily by two or more persons; or**
 - **Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.”**

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

- (c) That Clause 1.3 be amended by inserting the word “Where” at the beginning of the sentence and the words “the un-hosted use will not be supported by the City” at the end of the sentence.
- (d) Insert the following sentence In Clause 2.1 after the sentence ending with “...complementary to residential development...”, insert the following sentence / words: “ The City’s policy position is that short stay accommodation (in particular, holiday apartments) is not supported in residential zones. However, “.
- (e) Delete Clause 2.1 Preferred Property Characteristics sub-clause (a) and replace with; “Location within, abutting or opposite to mixed use centres.”
- (f) Delete Clause 2.1 Undesirable Property Characteristics sub-clause (c) and replace with; “Properties comprising grouped or multiple dwelling developments with shared access arrangements.”
- (g) Clause 4.1 Car Parking insert the words underlined:
On-site parking is to be provided in accordance with the relevant standards of the Residential Design Codes, or Activity Centre Plan, or other applicable legislation including disability parking provisions. Required parking is to be provided, maintained and available on site with users of the short-term accommodation not reliant on verge or street parking and must be required by the terms of an approved management plan to only use on-site parking.
- (h) Amend Public Consultation–Clause 7.1 by inserting at the end of the sentence (or longer with the owners’ consent by way of letters to the adjacent land owners)
- (i) Compliance with Other Legislation Clause 9.1: Add the following words in brackets and underlined below to the end of clause 9.1:

(For Example, where applicable, short-term accommodation in a multi-level apartment complex must comply with Class 3 building specifications of the Australian National Construction Code and Australian/NZ Standard 2890.6 for parking for people with disabilities and Fire safety requirements)

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

- (j) References that may be applicable to this Policy on Page 6 add the following:

Australian National Construction Code
Australian/NZ Standard 2890.6 for parking for people with disabilities and Fire safety requirements

3. Directs the Chief Executive Officer to publish a notification in a local newspaper informing the community of this decision.
4. Pursuant to Section 75 of the *Planning and Development Act 2005*, resolves to prepare and initiate Scheme Amendment No. 11 to Local Planning Scheme No. 6 as follows:
 - a. Establishment of new use classes and definition as follows:

Hosted Accommodation	Means a portion of a dwelling or entire ancillary dwelling used to provide short-term accommodation with a permanent live in host (owner/occupier/manager) but does not include a bed and breakfast or caravan park or serviced apartment
Holiday House	Means single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast or hosted accommodation.
Holiday Accommodation	Means 1 or more grouped dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot, but does not include hosted accommodation
Holiday Apartment	Means a multiple dwelling that is used to provide short term accommodation, but does not include hosted accommodation.

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

b. Inclusion of the proposed use classes in the Zoning Table of Local Planning Scheme 6 with the following designations:

USE AND DEVELOPMENT CLASS	Residential	Centre C1	Centre C2	Centre C3	Centre C4	Mixed Use	Service Commercial	Light Industry	Private clubs and institutions and places of public worship	Urban Development
Hosted Accommodation	P	Refer to Clause 18(7)	Refer to Clause 18(7)	P	P	P	X	X	X	Refer to Clause 18(7)
Holiday House	P	Refer to Clause 18(7)	Refer to Clause 18(7)	P	P	P	X	X	X	Refer to Clause 18(7)
Holiday Accommodation	A	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)
Holiday Apartment	X	Refer to Clause 18(7)	Refer to Clause 18(7)	A	A	A	X	X	X	Refer to Clause 18(7)

P21/3911 – ADOPTION OF LOCAL PLANNING POLICY 1.21: SHORT STAY ACCOMMODATION (REC) (ATTACHMENT)

5. Advise the Western Australian Planning Commission that the proposal is considered to be a standard amendment to Local Planning Scheme 6 in accordance with regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as:
 - a) The amendment is consistent with the relevant objectives of the Scheme and Local Planning Strategy;
 - b) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
 - c) The amendment would have minimal impact on land in the scheme area that is not subject of the amendment.
6. Notes that a further report will be presented to the Council following the completion of the public advertising process for the scheme amendment.

At 8:28pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

At 8:29pm Mr Prendergast left the meeting and did not return.

Disclosures of Interest

Member : Cr Mair
 Type of Interest : Financial Interest
 Nature of Interest : Director of a Company that owns property in the Riseley Activity Centre Area.
 Request : Leave
 Decision : Leave

At 8:28pm having declared an interest in the matter, Cr Mair left the meeting.

P21/3912 - RISELEY ACTIVITY CENTRE STRUCTURE PLAN - ALIGNMENT WITH STATE PLANNING POLICY 7.3, RESIDENTIAL DESIGN CODES (REC) (ATTACHMENT)

Ward : Central Ward
 Category : Strategic
 Application Number : Not Applicable
 Property : Various
 Proposal : Proposed Amendments in response to State Planning Policy 7.3, Residential Design Codes Volume 2 – Apartments (R-Codes Vol.2).
 Applicant : City of Melville
 Owner : Various
 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 : Gavin Ponton
 Manager Strategic Urban Planning

AUTHORITY / DISCRETION

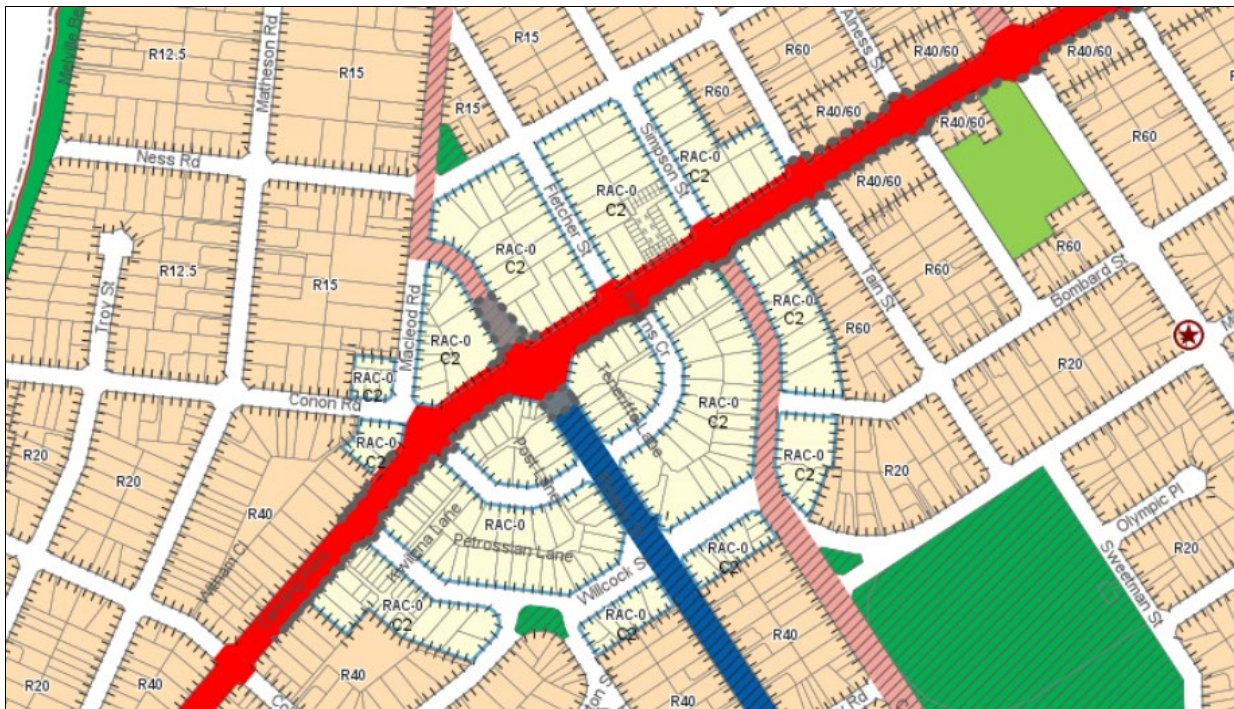
DEFINITION

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

P21/3912 - PROPOSED AMENDMENTS TO THE RISELEY ACTIVITY CENTRE STRUCTURE PLAN TO ALIGN WITH STATE PLANNING POLICY 7.3, RESIDENTIAL DESIGN CODES VOLUME 2 (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- In May 2019, the Western Australian Planning Commission (WAPC) introduced State Planning Policy (SPP) 7.3, Residential Design Codes Volume 2 – Apartments (R-Codes Vol.2).
- SPP 7.3 introduces a range of design provisions into the R-Codes to support the primary development controls (e.g. siting, façade design, landscaping, tree provision, resource conservation, parking, solar access, ventilation, dwelling design, universal access, energy efficiency, water management, waste management).
- SPP 7.3 seeks local governments to maximise consistency between Activity Centre / Structure Plans and Residential Design Codes in particular to ensure incorporation of the new design initiatives.
- In response to the state government directive, changes to the Riseley Activity Centre Structure Plan (RACSP) are proposed to replace existing content in the Plan with the design initiatives of the Design Codes.
- It is recommended that proposed changes to the RACSP be supported and that advertising of the amendments be commenced.



LPS6 zoning map showing the Riseley Activity Centre Structure Plan

**P21/3912 - PROPOSED AMENDMENTS TO THE RISELEY ACTIVITY CENTRE
STRUCTURE PLAN TO ALIGN WITH STATE PLANNING POLICY 7.3, RESIDENTIAL
DESIGN CODES VOLUME 2 (REC) (ATTACHMENT)****BACKGROUND**

In May 2019, the Western Australian Planning Commission (WAPC) introduced State Planning Policy 7.3, Residential Design Codes Volume 2 – Apartments (R-Codes Vol.2). The R-Codes Vol.2 provides planning and design standards for residential apartments in areas coded R40 or above, within mixed use development and activity centres. The R-Codes Vol.2 encourages local governments to maximise consistency between the local planning framework, including Activity Centre and Structure Plans and the policy, and in particular to provide for incorporation of the new design initiatives.

The RACSP was prepared and adopted in 2015 prior to the existence of the R-Codes Vol.2 and as a result contains inconsistencies with the content of the R-Codes Vol.2. An amendment to the RACSP would enable the design initiatives of the new R-Codes to be incorporated. Similar amendments to the City's other Activity Centre Plans are intended to be presented to Council in the future, in keeping with the direction from State Government.

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	C2 Centre Zone
R-Code	:	RAC-0
Use Type	:	N/A
Use Class	:	N/A

Site Details

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

DETAIL

An amendment to the RACSP is proposed to incorporate the design initiatives of the new R-Codes. The amendment effectively requires development in the RACSP to be assessed against the R-Codes unless otherwise specified. The primary controls in the RACSP (such as height) would remain in accordance with the Structure Plan however under the amendment the bulk of the new design initiatives in the R-Codes would be read as part of the Structure Plan.

The new design initiatives in the R-Codes would replace existing content currently in the RACSP. The change would ensure the RACSP achieves additional consistency with the industry standard. The R-Code content to be incorporated is also noted as being more comprehensive than that currently in the RACSP.

P21/3912 - PROPOSED AMENDMENTS TO THE RISELEY ACTIVITY CENTRE STRUCTURE PLAN TO ALIGN WITH STATE PLANNING POLICY 7.3, RESIDENTIAL DESIGN CODES VOLUME 2 (REC) (ATTACHMENT)

The proposed updates apply to mixed use and residential development only. The existing provisions in the RACSP (facades and frontages, signage, landscaping, resource conservation, car parking and waste management) still apply to commercial development.

The existing RACSP is proposed to be updated as follows:

R-Codes Vol 2	City of Melville Response
Part 2: Primary Controls	<p>Part 2 of the R-Codes Vol.2 are the primary controls such as, building heights, street setbacks and side and rear setbacks. The existing primary controls in the RACSP were formed as part of a detailed Urban Form study that investigated urban form and structure, built form character, built form requirements and public spaces.</p> <p>The existing primary controls of the RACSP have been adopted in a manner that is consistent with the provisions of the R-Codes Vol.2 and reflect controls specific to the Riseley Precinct. The proposed amendment is limited to incorporating additional design initiatives from the new R-Codes into the RACSP. It is not proposed to modify the primary controls as part of this current administrative amendment. Changes to these provisions would require comprehensive review of the built form framework. It is proposed that this occur as part of the scheduled review of the RACSP in 2025.</p>
Part 3: Siting the Development	<p>Part 3 of the R-Codes Vol.2 provides guidance on the design and configuration of apartment development at a site scale.</p> <p>These elements are proposed to be incorporated into the structure plan with the exception of <i>Element 3.5 Visual Privacy</i> which is proposed to be incorporated in a modified form to reflect the existing RACSP primary controls.</p>
Part 4: Designing the Building	<p>Part 4 of the R-Codes Vol.2 provides design guidance for building layout, functionality, landscaping, environmental performance and residential amenity.</p> <p>All of these elements are proposed to be incorporated into the structure plan.</p>

An overview and description of the R-Codes provisions proposed to be incorporated into the RACSP is provided in Attachment 1

[3912 Attachment 1 Overview of Proposed R-Code Provisions](#)

The table of proposed modifications to the RACSP is detailed in Attachment 2

[3912 Attachment 2 Schedule of Modifications](#)

**P21/3912 - PROPOSED AMENDMENTS TO THE RISELEY ACTIVITY CENTRE
STRUCTURE PLAN TO ALIGN WITH STATE PLANNING POLICY 7.3, RESIDENTIAL
DESIGN CODES VOLUME 2 (REC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

If the Council resolved to initiate the amendments it would require the completion of a public advertising period. An amendment to the RACSP would be required to be advertised for 42 days after the day on which the notice is first published.

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

An amendment to the structure plan requires a resolution of the Council to initiate the process, including the commencement of advertising. Procedures are specified by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

FINANCIAL IMPLICATIONS

Should the Council resolve to proceed with initiation of the Structure Plan amendments costs will be incurred in terms of items including preparation of supporting planning reports and advertising.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Initiation of an amendment to align with the R-Codes Vol. 2 is considered to be in keeping with the Local Planning Strategy. There are no strategic, risk or environmental management implications with this request.

POLICY IMPLICATIONS

An amendment to update the RACSP to align with the R-Codes Vol. 2 at this point in time is considered in keeping with the Local Planning Strategy.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could resolve to not initiate or support the structure plan amendment. In this case, the structure plan will continue to apply in its current form including the inconsistencies with the R-Codes Vol. 2. This would be contrary to direction from the DPLH to align the content of the RACSP with the design initiatives in the R-Codes.

P21/3912 - PROPOSED AMENDMENTS TO THE RISELEY ACTIVITY CENTRE STRUCTURE PLAN TO ALIGN WITH STATE PLANNING POLICY 7.3, RESIDENTIAL DESIGN CODES VOLUME 2 (REC) (ATTACHMENT)

Council may consider reviewing other aspects of the RACSP such as the primary controls (building height, built form and setbacks). Examination of changes to these provisions would require comprehensive review including built form investigations. Legislative changes would also require a review of the RACSP to follow structure and supporting documentation specified in the new State Planning Policy 7.2 Precinct Design. Reviewing the performance of the RACSP and incorporating the initiatives of the Precinct Design approach is currently scheduled for 2025. Earlier commencement of a wider RACSP review would require re-prioritisation ahead of other projects. A review of the RACSP is estimated to involve a cost in the order of \$250,000, which is currently not budgeted.

It is noted that the RACSP, unlike the Canning Bridge Activity Centre Plan, already incorporates the R-Codes to ensure appropriate built form responses. Specific provisions in the RACSP also require substantial setback distances (greater than those required by the R-Codes) at the transition between precincts and for the interface between land within and outside of the Structure Plan. Development in precincts 4 and 5 is subject to the standard R-Code controls such as privacy and overshadowing. Development within Precincts 4 and 5 which adjoins land outside of the Structure Plan is also subject to setback and overshadowing requirements greater than those specified in the R-Codes. Development in Precincts 1 and 2 is also required to address privacy and overshadowing. Development which impacts land outside of these precincts is required to comply with R-Codes overshadowing and privacy controls and meet setback controls in addition to the R-Code standards.

CONCLUSION

An administrative amendment is proposed to the RACSP to incorporate the design initiatives of the recently released R-Codes. The proposed amendment responds to State Government directions and will provide additional consistency and clarity with respect to design outcomes in the RACSP. The new design initiatives proposed to be included in the RACSP are considered to be either equally effective or more effective than the provisions that are proposed to be replaced. The proposed amendment is limited to an administrative amendment to allow timely incorporation of the new design content of the R-Codes. Examination of the primary controls in the RACSP would require a separate project involving comprehensive review of the Plan.

It is recommended that the amendment be initiated for advertising. At the conclusion of the advertising period the amendment will be presented to the Council to consider submissions and to prepare a recommendation on the amendment for forwarding to the WAPC.

P21/3912 - PROPOSED AMENDMENTS TO THE RISELEY ACTIVITY CENTRE STRUCTURE PLAN TO ALIGN WITH STATE PLANNING POLICY 7.3, RESIDENTIAL DESIGN CODES VOLUME 2 (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (3912)

APPROVAL

At 8:28pm, Cr Wheatland moved, seconded Cr Barber –

That the Council:

1. In accordance with Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* approve the proposed modifications to the Riseley Activity Centre Structure Plan as outlined in 3912 Attachment 1 Overview of Proposed R-Code Provisions and 3912 Attachment 2 Schedule of Modifications of this item for the purpose of advertising.
2. 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 should be approved or modified.

Procedural Motion

COUNCIL RESOLUTION

At 8:29pm Cr Pazolli moved, seconded Cr Kepert –

That Item P21/3192 Proposed Amendments to the Riseley Activity Centre Structure Plan to Align with State Planning Policy 7.3, Residential Design Codes Volume be deferred to the 17 August 2021 Ordinary Meeting of Council.

At 8:35pm, the Mayor declared the motion

CARRIED (10/1)

Yes	10	Cr Barton, Cr Wheatland, Cr Robins, Cr Fitzgerald, Mayor Gear, Cr Woodall, Cr Barber, Cr Sandford, Cr Kepert, Cr Pazolli
No	1	Cr Robartson

Disclosures of Interest

Member	Cr Mair
Type of Interest	Financial Interest
Nature of Interest	Director of a Company that owns property in the Riseley Activity Centre Area.
Request	Leave
Decision	Leave

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

Ward	: Applecross - Mt Pleasant
Category	: Activity Centre Plan
Application Number	: Not Applicable
Property	: Not Applicable
Proposal	: Activity centre plan and scheme amendments to modify the southern boundary of the Canning Bridge Activity Centre Plan. Results of stakeholder engagement.
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	: P20/3883 - Initiation of amendment to modify southern boundary of the Canning Bridge Activity Centre Plan (17 November 2020). Item 18.2 Motion Without Notice - Relocation of Southern Boundary Canning Bridge Activity Centre Plan Ordinary Council Meeting 20 and 21 October 2020. P20/3851 - Petitions seeking modification to the south western boundary of the Canning Bridge Activity Centre Plan (19 May 2020)
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

AUTHORITY / DISCRETION

DEFINITION

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

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

- The Council has appointed independent consultants to undertake a review of the Canning Bridge Activity Centre Plan (CBACP). Consideration of modification to the southern boundary of the CBACP is part of the scope of that review.
- At the 19 May 2020 Meeting of Council, Council considered a petition requesting the relocation of the CBACP boundary. At that meeting the Council resolved to consider the boundary modification as part of the review of the CBACP.
- At the 20 and 21 October 2020 Meeting of Council, the Council considered a Motion Without Notice requesting that modification to the southern boundary of the CBACP be commenced immediately.
- At the 17 November 2020 Meeting of Council, the Council resolved to initiate amendments to the CBACP and LPS6 to modify the southern boundary of the CBACP separately from the CBACP review. The Council resolved to submit the amendments to the Western Australian Planning Commission (WAPC) without undertaking public consultation.
- On the 23 December 2020 the WAPC directed the City to advertise the proposed CBACP and LPS6 amendments.
- The CBACP and LPS6 amendments were publicly advertised from 28 January to 29 March 2021. A total of 257 submissions have been received. Of these, 208 support and 49 oppose the proposed modification.
- A total of 26 submissions were received from properties within the area proposed to be excluded from the CBACP. Of these submissions 10 support and 16 oppose the proposed modification.
- The transition between land within and adjoining the CBACP requires careful consideration. The current review of the CBACP is providing this comprehensive assessment. The proposed amendment, whilst responding to concerns raised, may not achieve the most optimal outcome in response to the boundary transition issue.
- It is recommended that a decision on the amendment await the outcomes of the CBCAP review. The Council has until 25 June 2021 to reach a recommendation on the proposed amendments. By this time details of the findings of the CBACP review will be known and may inform the Council recommendation on the proposed amendments.

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

Petition requesting boundary change

At the 19 May 2020 Ordinary Meeting of Council, Council considered a petition requesting for the relocation of the CBACP boundary in the vicinity of View Road. At this meeting Council resolved to progress investigation of the boundary change as part of the CBACP review noting that the boundary change has wider implications across the CBACP area and could not be effectively considered in isolation. The approach also noted that a modification to the boundary of the CBACP would also involve an amendment to LPS6 to zone the land no longer within the CBACP.

Motion Without Notice to commence the modification

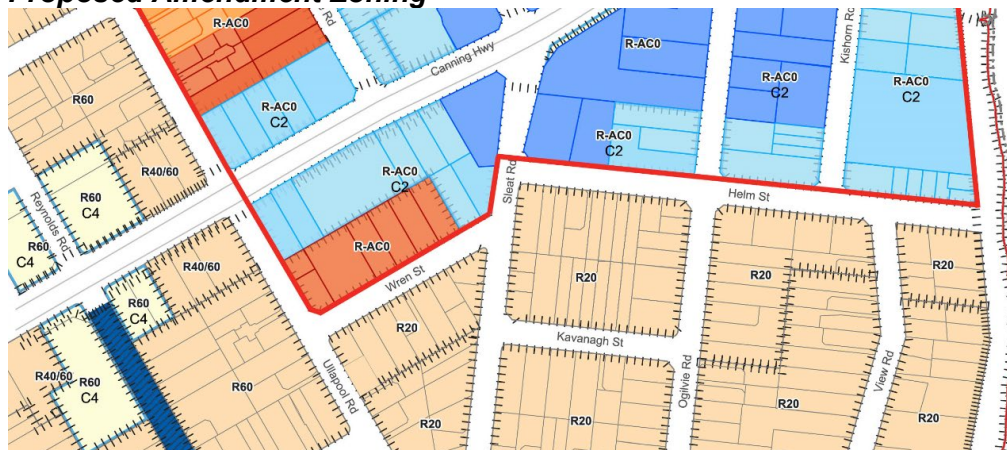
At the 20 and 21 October 2020 Meeting of Council, the Council considered a Motion Without Notice relating to the southern boundary of the CBACP and resolved as follows:

“Directs the CEO to immediately take steps to commence the implementation of a modification to the south-eastern (or as described by City Officers, the south-western) boundary of the Canning Bridge Activity Centre Plan, so that the boundary follows the carriageways of Helm Street, Sleat Road and Wren Street to Ullapool Road, Mount Pleasant, in accordance with the attached proposed boundary plan. That the area removed from the Canning Bridge Activity Centre being zoned to R20.”

Existing CBACP Zoning



Proposed Amendment Zoning



Existing Boundary
Proposed Boundary

Canning Bridge Activity Centre Plan
 H4 M10
 H8 M15

LPS6 ZONING
 R20 RESIDENTIAL

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

Initiation of LPS6 and CBACP amendment

At the 17 November 2020 Meeting of Council, the Council resolved to initiate the CBACP and LPS6 amendments to modify the boundary of the CBACP. The Council resolved to progress the LPS amendment as a ‘basic’ scheme amendment and the CBACP amendment as a ‘minor’ activity centre plan amendment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), therefore, the amendments were submitted to the WAPC without public advertising being undertaken.

WAPC direction to advertise

On the 23 December 2020 the WAPC directed the City to advertise the proposed amendments. The WAPC determined that the proposed modification “*represents a ‘major’*” rather than ‘minor’ amendment to the activity centre plan and that the corresponding LPS6 amendment is ‘Complex’ rather than ‘Basic’ and should be advertised in accordance with the Regulations.

Given the interrelationship between the CBACP and LPS6 amendments, the WAPC subsequently provided guidance that the two amendments should be advertised and progressed concurrently. This direction resulted in the CBACP amendment submission period increasing from 42 to 60 days to align with the advertising timeframe for the LPS6 amendment as required by the Regulations.

DETAIL

The proposed amendments were publicly advertised from 28 January to 29 March 2021.

The City has engaged with the community via letters to all residents and landowners in the area which is the subject of the proposed amendment and all residents and landowners within one street block of the proposed change. The amendment was also advertised via Melville Talks on the City of Melville website, e-news, social media and newspaper advertisements.

A total of 257 submissions have been received. Of these, 208 support and 49 oppose the proposed modification. A total of 26 submissions were received from properties within the area proposed to be excluded from the CBACP. Of these submissions 10 support and 16 oppose the proposed modification.

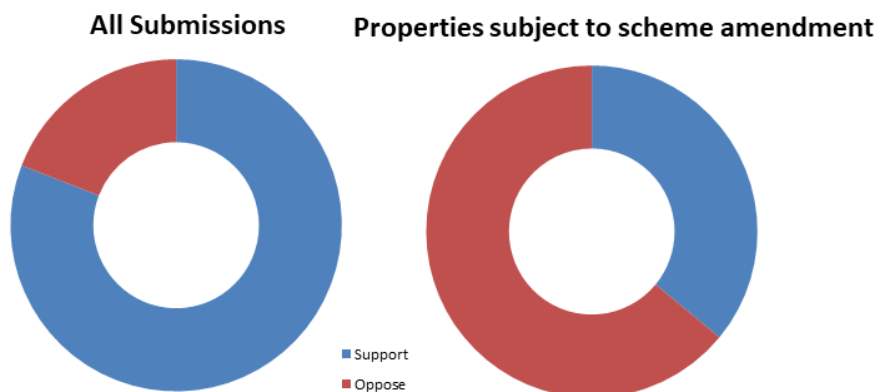


Figure 1. CBACP boundary modification submissions

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

Of the submissions that support the proposed boundary modification, concerns regarding the loss of amenity as a result of new development within the CBACP area generally make up the bulk of issues raised. In summary, reasons cited for support of the amendments include:

- New development within the existing H4 zone will cause loss of amenity for existing residents within the locality. In particular strong concerns are evident in regards to potential overshadowing, loss of privacy and loss of trees, as well as some concerns relating to increased pressure on infrastructure, traffic and car parking issues.
- That the CBACP boundary following streets rather than being located along property lines is more logical and will provide a better buffer between zones.
- Concerns regarding the effects of new development on property values.

Of the submissions that oppose the proposed boundary modification, concerns generally relate to the loss of development potential for individual properties. Subsequently, the resultant contrast in development intensity at the proposed interface between the north and south sides of both Wren and Helm streets is a primary concern. The northern side of these streets contain properties zoned H8, M10 and M15 that will be opposite properties zoned R20 on the southern side should they be excluded from the CBACP. An indicative representation of how the proposed amendment will alter the transition between these two areas is demonstrated in Figure 2.

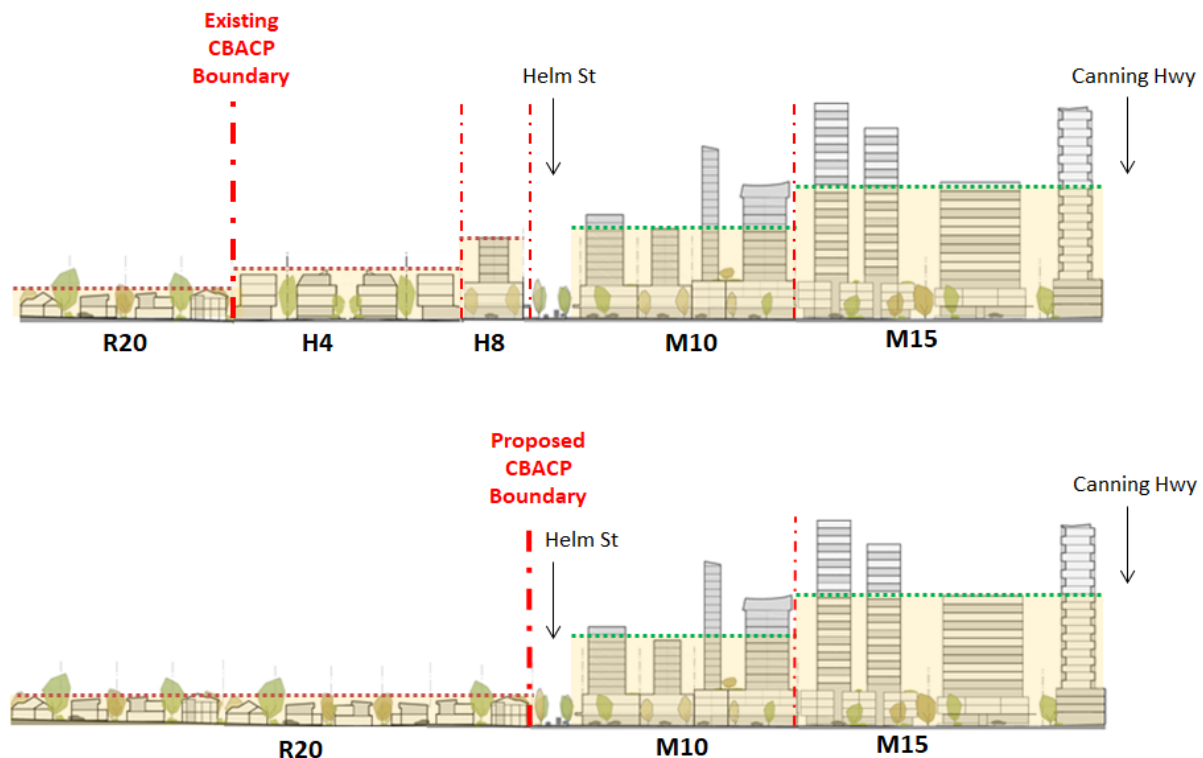


Figure 2. CBACP Boundary Modification - Indicative building height transition

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

Other reasons cited for opposition to the proposed amendments include:

- Support for the vision and objectives of the CBACP and the City's Local Planning Strategy, predominantly goals relating to the promotion of housing diversity and affordability in suitable locations, and a desire to see these goals realised.
- Concerns regarding loss of development potential and the effect of this on property values.
- That the change will undermine investment in the area and detract from local economic stimulus.
- Inadequate community consultation.

A number of submissions that oppose the proposed amendments suggest alternative modifications to the boundary or associated zonings to manage the transition between properties within the CBACP and properties outside of the CBACP. These suggestions include:

- Greater setbacks and/or reduced building heights applying to development that directly adjoin R20 coded properties.
- Extending the CBACP boundary for the block between The Esplanade and View Road to Rookwood Street to allow roads to form the boundary and to maximise access to the river.
- Increasing the southern side of Wren Street to a six storey height limit.

A copy of all submissions received is provided in Attachment 1.

[3913 Attachment 1 Schedule of Submissions](#)**STAKEHOLDER ENGAGEMENT**

Advertising Required:	42 days (CBACP amendment) 60 days (LPS6 amendment)
Advertising Undertaken:	60 days (CBACP & LPS6 as approved by the WAPC)

I. COMMUNITY

A summary of the community engagement undertaken and a schedule of all submissions is attached to this report. All submitters will be informed of the Council's decision.

II. OTHER AGENCIES / CONSULTANTS***Western Australian Planning Commission***

The WAPC on a number of occasions has advised the City that the recommended approach to considering changes to the CBACP be undertaken as part of the comprehensive review of the CBACP.

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

On 9 June 2020, in considering Amendment 5 to the CBACP, the WAPC advised as follows:

“Advise the City of Melville it is the Western Australian Planning Commission’s expectation that no further amendments are initiated for the Canning Bridge Activity Centre Plan, in lieu of undertaking a full review.”

On 23 December 2020, in considering the boundary modification LPS6 amendment following its initiation independently from the CBACP review, the WAPC advised as follows:

“The amendment is not consistent with the City’s Local Planning Strategy, endorsed by the WAPC in April 2016. Increased densities sought by the strategy for the Canning Bridge area were advanced through amendment of Local Planning Scheme No. 6 in May 2016. The boundary modification proposed, and its associated impact on densities, is not consistent with the strategy or outcomes advanced by the scheme for this area.”

In the same correspondence in considering whether the corresponding amendment to the activity centre plan was ‘minor’, the WAPC advised as follows:

“The amendment does not consider the transition between zones within, and to land adjoining, the Canning Bridge Activity Centre Plan area. The amendment is inconsistent with Canning Bridge Activity Centre Plan Desired Outcome DO3 for Element 3 - Height which requires an interface between zones to be appropriately managed.”

With this advice it is unlikely that the WAPC will support the standalone boundary modification to the CBACP or associated amendment to LPS6 outside of the full CBACP review.

City of South Perth

The CBACP is an Activity Centre Plan common to both City of Melville and City of South Perth. Amendments to the CBACP require endorsement from the City of South Perth prior to consideration by the WAPC. The City of South Perth has been advised of the amendment and will be informed of the Council’s decision.

STATUTORY AND LEGAL IMPLICATIONS

The *Planning and Development (Local Planning Schemes) Regulations 2015* outline the approval process for an amendment to an Activity Centre Plan and a Local Planning Scheme. In summary, each amendment and the submissions received during the advertising period need to be considered by Council and a recommendation for approval or refusal for each will be forwarded to the determining authority (WAPC for the CBACP amendment; Minister for Planning for the LPS6 amendment) for determination. The City is required to reach a recommendation on the proposed amendments within 90 days of the close of submissions. The time period equates to Friday 25 June 2021 (the last business day within the time period).

For the CBACP amendment, endorsement from the City of South Perth will be required.

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

FINANCIAL IMPLICATIONS

Preparation of the amendments to the CBACP and amendment to LPS6 involves costs associated with staff resources and advertising expenses.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The City's Local Planning Strategy seeks to provide for greater intensity of development within activity centres and along key transport corridors and to leave suburban residential areas relatively unchanged. The amendments to modify the boundary of the CBACP are inconsistent with the City's strategic goals of the Local Planning Strategy. Progressing the amendments independently of the comprehensive CBACP review may create uncertainty and set unrealistic expectations for the community given that the amendments are unlikely to be approved by the WAPC.

Risk Statement & Consequence	Level of Risk	Risk Treatment
Modification to the existing CBACP boundary outside of the review of the CBACP may not be supported by the decision maker (WAPC).	Moderate consequences which are likely, resulting in an High level of risk	The WAPC has advised that it is its expectation that no further amendments to the CBACP will be initiated until the review of CBACP is undertaken. It is recommended that the boundary modifications are resolved as part of the current CBACP review.
Proceeding with the activity centre plan amendment and the scheme amendment may create uncertainty and set unrealistic expectations for the community given that the amendments are unlikely to be approved by the WAPC.	Moderate consequences which are possible, resulting in a Medium level of risk.	Recommendation that Council does not proceed with the boundary modification amendments. As discussed, It is recommended that the boundary modifications are considered as part of the current CBACP review.

POLICY IMPLICATIONS

There are not considered to be policy implications associated with this proposal.

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

In considering the community feedback for the proposed CBACP boundary modification and associated LPS6 amendment the Council can consider the following decision options:

- Proceed with the amendments as advertised (and forward to WAPC for determination)
- Modify the amendments – e.g. modify the proposed boundary and/or proposed zoning for any excluded properties (and forward to WAPC for determination)
- Recommend to the WAPC that the amendment not be approved (the amendments are still required to be forwarded to the WAPC for determination).

CONCLUSION

The Council direction to prepare the southern boundary amendment is noted. It is recognised that for such an amendment to be successful it would need to be supported by a wider review of the existing transition arrangements and strategic planning objectives for land within and immediately adjoining the CBACP. Such a review would need to include a comprehensive examination of options and wider implications. The current review of the CBACP is facilitating this approach. The review process has recognised the issues with the current boundary and is examining a range of responses including boundary changes and/or more restrictive development controls to mitigate impacts in the transition areas. In particular the current review will establish whether or not additional development and design controls can suitably address the transition impacts, or whether a boundary change is the better response. Accordingly, it is recommended that the Council defer consideration of reaching a recommendation on the proposed boundary modifications until the results of the CBACP review are presented.

The proposed boundary modification has wider implications across the CBACP area which cannot be effectively considered in isolation. The boundary change potentially detracts from the goals and objectives of the CBACP and the built form expectations of the Canning Bridge precinct having regard to its strategic positioning within the City's Local Planning Strategy.

Concerns regarding the proposed boundary have also been raised in many of the submissions received. The WAPC has also advised the Council of its position that the proposed boundary amendment is not consistent with the planning objectives for the locality and that its preference is for the matter to be investigated as part of the wider review of the CBACP.

The City has until 25 June 2021 to reach a recommendation on the boundary modification amendments. Within this timeframe the details of the proposed response to the boundary transition issues as part of the CBACP review will be known. It is recommended that Council defer making a recommendation on the proposed boundary amendments until the proposed approach in the CBACP review is known and evaluated.

Deferral of a recommendation on the proposed boundary amendments is recommended accordingly.

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

OFFICER RECOMMENDATION (3913)

DEFERRAL

That the Council:

1. Notes the submissions received during the public advertising of the Canning Bridge Activity Centre boundary modification amendment and Local Planning Scheme No.6, Amendment No.9.
2. Defers its consideration of the proposed modification to the Canning Bridge Activity Centre boundary and the associated amendment to Local Planning Scheme 6, to enable consideration of the proposals contained in the review of the Canning Bridge Activity Centre Plan in response to the boundary transition issues.
3. Notes that a recommendation to the WAPC on the proposed modification to the Canning Bridge Activity Centre boundary and the associated amendment to Local Planning Scheme 6 will be required to be resolved by 25 June 2021

Reject and Replace

At 8:35pm, Cr Sandford moved, seconded Cr Pazolli –

That the Council rejects the recommendation of the officers and replaces it with the following:

1. In accordance with Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to adopt the following amendment to the Canning Bridge Activity Centre Plan to:

Modify the southern boundary of the Canning Bridge Activity Centre Plan so that the boundary follows the carriageways of Helm Street, Sleat Road and Wren Street to Ullapool Road, Mount Pleasant, in accordance with Attachment 2.
2. Pursuant to Section 75 of the Planning and Development Act 2005, resolves to adopt Scheme Amendment No. 9 to Local Planning Scheme No. 6 as follows:
 - a) Modify the southern boundary of the Canning Bridge Activity Centre Plan so that the boundary follows the carriageways of Helm Street, Sleat Road and Wren Street to Ullapool Road, Mount Pleasant, in accordance with Attachment 2.
 - b) Modify the zoning of those properties excluded from the Canning Bridge Activity Centre Plan from Centre Zone RAC-O to Residential R20.
3. Directs the CEO pursuant to Part 5, Regulation 44 of the Planning and Development (Local Planning Schemes) Regulations 2015 to provide the amendment to the Western Australian Planning Commission within 21 days.
4. Notes the submissions received during the public advertising of the amendment to the Canning Bridge Activity Centre Plan and the associated Scheme Amendment No.9 and directs the Chief Executive Officer to advise all submitters and relevant landowners in writing of the Council's resolution.

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

At 8:35pm the Mayor adjourned the meeting.

At 8:42pm the Mayor resumed the meeting.

Reject and Replace

At 8:35pm Cr Sandford moved, seconded Cr Pazolli –

That the Council rejects the recommendation of the officers and replaces it with the following:

1. **In accordance with Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to adopt the following amendment to the Canning Bridge Activity Centre Plan to:**

Modify the southern boundary of the Canning Bridge Activity Centre Plan so that the boundary follows the carriageways of Helm Street, Sleat Road and Wren Street to Ullapool Road, Mount Pleasant, in accordance with Attachment 2.

2. **Pursuant to Section 75 of the Planning and Development Act 2005, resolves to adopt Scheme Amendment No. 9 to Local Planning Scheme No. 6 as follows:**
 - a) **Modify the southern boundary of the Canning Bridge Activity Centre Plan so that the boundary follows the carriageways of Helm Street, Sleat Road and Wren Street to Ullapool Road, Mount Pleasant, in accordance with Attachment 2.**
 - b) **Modify the zoning of those properties excluded from the Canning Bridge Activity Centre Plan from Centre Zone RAC-O to Residential R20.**
3. **Directs the CEO pursuant to Part 5, Regulation 44 of the Planning and Development (Local Planning Schemes) Regulations 2015 to provide the amendment to the Western Australian Planning Commission within 21 days.**
4. **Notes the submissions received during the public advertising of the amendment to the Canning Bridge Activity Centre Plan and the associated Scheme Amendment No.9 and directs the Chief Executive Officer to advise all submitters and relevant landowners in writing of the Council's resolution.**

At 8:54pm Cr Woodall left the meeting and returned at 8:55pm.

At 8:58pm Ms Young left the meeting and did not return.

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

Procedural Motion

COUNCIL RESOLUTION

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

That Cr Sandford be granted a further five minutes to speak on the Reject and Replace.

At 8:49pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

Reject and Replace

COUNCIL RESOLUTION

At 8:35pm Cr Sandford moved, seconded Cr Pazolli –

That the Council rejects the recommendation of the officers and replaces it with the following:

1. **In accordance with Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to adopt the following amendment to the Canning Bridge Activity Centre Plan to:**

Modify the southern boundary of the Canning Bridge Activity Centre Plan so that the boundary follows the carriageways of Helm Street, Sleat Road and Wren Street to Ullapool Road, Mount Pleasant, in accordance with [Attachment 2](#).
2. **Pursuant to Section 75 of the Planning and Development Act 2005, resolves to adopt Scheme Amendment No. 9 to Local Planning Scheme No. 6 as follows:**
 - c) **Modify the southern boundary of the Canning Bridge Activity Centre Plan so that the boundary follows the carriageways of Helm Street, Sleat Road and Wren Street to Ullapool Road, Mount Pleasant, in accordance with [Attachment 2](#).**
 - d) **Modify the zoning of those properties excluded from the Canning Bridge Activity Centre Plan from Centre Zone RAC-O to Residential R20.**
3. **Directs the CEO pursuant to Part 5, Regulation 44 of the Planning and Development (Local Planning Schemes) Regulations 2015 to provide the amendment to the Western Australian Planning Commission within 21 days.**
4. **Notes the submissions received during the public advertising of the amendment to the Canning Bridge Activity Centre Plan and the associated Scheme Amendment No.9 and directs the Chief Executive Officer to advise all submitters and relevant landowners in writing of the Council's resolution.**

At 9:07pm, the Mayor declared the motion

CARRIED (9/2)

Yes	1	Cr Barber, Cr Barton, Cr Wheatland, Cr Sandford, Cr Pazolli, Cr Kepert, Cr Fitzgerald, Mayor Gear, Cr Woodall
No	11	Cr Robartson, Cr Robins

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)Reasons for the Reject and Replace as Provided by Cr Sandford

1. At the 17 November 2020 OMC this Council voted unanimously 11/0 to modify the southern boundary of the CBACP, as now advertised. At that time Council did so to protect those residents unfairly impacted by the current mid-block position of this boundary. We should not abandon this goal at the 11th round of the 12 round fight, particularly now that there has been extensive community consultation and we know that 81% of the 257 submissions support this boundary move. 100% of the 208 submissions in support of the boundary move were from people who live in the City of Melville.
2. Of the 16 people counted as living within the affected area who opposed the boundary change, two live in Helm street, so they will not be affected by the proposed boundary change, as they will remain within the CBACP area. Of the remaining 14 objectors, 12 cited perceived financial loss.
3. In the overall total of 49 submissions counted as opposing, of which 3 (numbers 139,140 and 232) instead give reasons in support, a total of 24 out of 46 (over 50%) allege potential negative financial impact (including the 12 who live within the area of change). On the other hand, those R20 residents who object to neighbouring development applications in the current H4 zone do not have the luxury of relying on loss of perceived value to property or windfall profit as a ground for objection, as this is not a proper planning consideration. Most of the submissions in support of the boundary relocation cite loss of amenity, which is a proper planning consideration. 22% of the objectors do not state any reasons.
As at least 4 opposing submissions came from persons whose address is outside the City of Melville, it is arguable that they should not be included.
4. Given that the City was required by the WAPC to go to public consultation, the Council should not disregard the overwhelming majority of the public's views made on proper planning grounds, which disregard would legitimately bring our integrity into question. As Ms Waldron-Hartfield said in her deputation at the ABF of 11 May 2021, if it is seen that the minority opinion rules, this will send a message to the community that, even overwhelming community opinion is meaningless, and that community consultation is nothing but a sham.
5. The very next day, on 12 May 2021, a decision to approve the development next door to Ms Waldron-Hartfield's property was delivered by SAT, which drives home her worst fears. She and her husband now stand to suffer serious detriment, which the alleged protections of the CBACP Review cannot mitigate. There are at least 13 houses on the southern boundary which stand to lose their amenity between now and when the CBACP Review comes into effect at some uncertain future time, possibly next year? We should not let this keep happening. Residents urgently need protection now – rather than allowing them to remain exposed to further detrimental development applications pending the completion of a protracted review process that has no certain outcome.

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

6. Mr Clive Ross in his deputation at the ABF referred us to the principles of democracy, and also reminded us that the Local Government Act, the WAPC, the Council and the City's Officers have all created a legitimate expectation that the process of community consultation will be treated seriously, and taken into account, including during the CBACP review process, whether or not the outcome accords with the view of City officers or the perceived view of the WAPC.
7. The officer's recommendation is that a decision on the amendment should await the outcome of the review of the CBCAP. However, disappointingly considering the said overwhelming public opinion, we have already been told by the review consultants that they do not intend to amend any of the boundaries of the CBACP. Instead they indicated that some controls are likely to be introduced after the draft amendments to the medium density R-Codes are passed, which is not expected until at least the end of this year.
8. The full nature and extent of these proposed amendments to the R-Codes will not be known for at least another 6 months. Even if passed in their current draft form, to which there has been considerable opposition by developers, such measures do not provide any certainty, as they are subject to the exercise of discretion by the decision-maker, such as deemed compliance with performance criteria. As we have seen with recent childcare centre and Kearns Crescent developments, this too often results in less than optimal compliance with setbacks, height/storey limits, and privacy & overlooking requirements.
9. It is due to the very failure of the CBACP to follow orderly and proper planning principles that Council should implement the proposed street boundaries, as it has done with the Kardinya ACP. The proposed amendment to LPS6 is pursuant to Reg. 34(e) of the Planning and Development (Local Planning Schemes) Regulations 2015, to make the town planning scheme consistent with Clause 6.3.1(2) of State Planning Policy 4.2, which does not include side boundaries as one of the factors by which an activity centre boundary should be defined.
10. No credible planning principle, including the alleged criteria of being within an 800 metre radius from the train station (which assumes a 10 minute walk, according to the Canning Bridge Train Station Precinct Community Engagement Report 2007 prepared for the City of South Perth) has ever been established to justify the adverse impacts of the mid-block side boundaries on adjoining R20 residents. In fact the mid-block boundary at 4A View St, Mt Pleasant is a walking distance of 1.1 km from the train station, being an estimated 14 minute walk, according to my screenshot of Google Maps on page 5. See also the ** table on page 4 which shows that, on average, only 20-29 year olds can walk 800m in 10 minutes, not likely a large percentage of CBACP residents.
11. Council should not knowingly keep residents at risk of this adverse amenity impact with no protection until some time in 2022. We have a duty to act with the requisite urgency to do what we can now, which is to allow the boundary move to proceed to consideration by the WAPC.

P21/3913 - CBACP SOUTHERN BOUNDARY MODIFICATION REPORT ON RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

12. In conclusion, at the ABF of 5 November 2019, even the architect for the proposed development at 4A View Road, Mt Pleasant in the H4 Zone (Mr Giles Hardon-Jones), concluded that the mid-block boundary was an error and should be amended quickly. This shows that residents and developers alike have identified the mid-block boundary as an error. He said:

"It is unusual in this instance to have a boundary square down in between two property boundaries where you've got an R high density zone to an R20. It's probably slipped through the cracks that one. And if the Council is serious about this they need to address that and it needs to be addressed sooner rather than later. I know that some of these things take a fair while to trawl their way through local government but this probably should be a fast track if you can. You can't have an R20 and an R60 or whatever it happens to be zoning next to each other because the neighbours are just going to be badly impacted. And being absolutely fair, it's actually not fair on neighbours, they shouldn't have to put up with that. These things need to be in roadways. They need to be in pathways. They need to be done like that. In summary, I urge the Council to address this. You need to. This won't be the only property, there will be more of this happening. The City of Nedlands recently had their scheme changed. All their boundaries happen and start and stop at streets and street boundaries."

****Average Walking Speed Table To Walk 1.1km By Age**

The following table taken from the internet calculates the distance and time, based on age and average walking speed, to walk 1.1km. Even a 20-29 year old will take nearly 14 minutes to walk 1.1km at the average speed. A 50-59 year old which would be the predominant age in the area, will take 15 minutes. You will see that only the 20-29 bracket achieves 800 metres in 10 minutes. All of the other age brackets are in the 738 to 757 metre range at 10 minutes.

KPH	Age	Mins/ Km	1.1 Km Mins
4.43	50-59	0.738	14.90
4.54	40-49	0.757	14.54
4.54	30-39	0.757	14.54
4.83	20-29	0.805	13.66

Disclosures of Interest

Member	Cr Robartson
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Reference to the Use of my name
Request	Leave
Decision	Leave

At 9:07pm having declared an interest in the matter Cr Robartson left the meeting.

At 9:07pm Cr Barber left the meeting and returned at 9:09pm.

At 9:08pm Mr Taylor left the meeting and returned at 9:08pm.

At 9:08pm Cr Wheatland left the meeting and returned at 9:08pm

At 9:08pm Cr Mair returned to the meeting.

P21/3916 - SUBMISSIONS FOR NAMING OF UNNAMED ROAD BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC) (ATTACHMENT)

Ward	: Bateman – Kardinya – Murdoch Bull Creek – Leeming
Category	: Operational
Application Number	: DA-2019-1082 DA-2020-1686
Property	: 12 Benningfield Road, Bull Creek Farrington Road, Kardinya
Proposal	: Naming of unnamed road, Bull Creek Renaming of a section of Farrington Road, Kardinya
Applicant	: N/A
Owner	: N/A
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter
Previous Items	: Item P21/3893 – Naming of Unnamed Road, Bull Creek and Renaming of section of Farrington Road, Kardinya – Ordinary Meeting of Council held 16 February 2021
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

P21/3916 - SUBMISSIONS FOR NAMING OF UNNAMED ROAD BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC) (ATTACHMENT)

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- Recent subdivision approvals in Kardinya and Bull Creek have triggered a need to consider the naming of two road carriageways.
- 2 Stone Court, Kardinya has been granted Development Approval for two single storey dwellings (DA-2020-1686) which will result in one of the dwellings having street frontage to a section of road named Farrington Road, Kardinya (street signed – Farrington Street)
- 9 Dirk Hartog Road, Bull Creek has been subdivided to create a new lot fronting an unnamed road reserve (running through Bob Gordon Reserve). The new lot had been proposed to be assigned a Benningfield Road address (the closest named street), although the lot does not front that road. Naming of the unnamed road through Bob Gordon Reserve is recommended to provide the new lot with a meaningful street address.
- The proposed renaming and new road name underwent public consultation after consideration by the Council at the February 2021 Council Meeting and in accordance with Council Policy CP-096 with submissions closing 9 April 2021.
- This report provides a summary of the submissions received and seeks Council endorsement to adopt the proposed renaming and new road name; and submit the Council endorsement to Landgate Geographic Names Committee for final determination.

P21/3916 - SUBMISSIONS FOR NAMING OF UNNAMED ROAD BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC) (ATTACHMENT)**BACKGROUND**

Under the provisions of the *Land Administration Act 1997*, Landgate and the Geographic Names Committee (GNC) have delegated authority for all official naming of topographical and/or cultural features to ensure the selection and recording of names in a systematic and timely manner. Any naming proposals are required to meet the Geographic Names Committee Policies and Standards.

Local governments in Western Australia are required to make submissions to Landgate for any naming proposals for place names, features, administrative boundaries, localities or roads within their jurisdiction.

Within Western Australia road naming is standardised to facilitate the application of correct address information and to ensure that a consistent approach is undertaken to benefit residents, emergency service responders, transport and service delivery. All roads, whether they are public or private, shall be named and formally approved by Landgate.

The City has commenced a project to update and identify additional names for the City's Schedule of Names (including indigenous representation) for Asset Naming however, these two naming proposals need to be progressed as a priority as requested by Landgate

Farrington Road, Kardinya

A name change to the section of Farrington Road, Kardinya which is independent of the actual Farrington Road thoroughfare is proposed. A separate road name will provide clear identification of the road and adjoining properties and avoid ambiguity. The portion of carriageway to be renamed flows into Windelya Road at the eastern end and Maritime Avenue at the western end.

The preferred option to rename the section of carriageway is to use one of these existing road names. Street numbering on both Maritime Avenue and Windelya Road is conducive to the proposed name change. It is noted that a property at 30 Maritime Avenue currently has a cross over to the section of carriageway currently named Farrington Road. Accordingly it would be preferable to use the name Maritime Avenue for clarity and to avoid any need for renumbering.

Unnamed Road Reserve, Bob Gordon Reserve, Bull Creek

As a result of subdivision of 9 Dirk Hartog Road, Bull Creek, Landgate has requested the City name a portion of unnamed road reserve through Bob Gordon Reserve, accessed from Benningfield Road.

The rear subdivided lot of 9 Dirk Hartog Road, Bull Creek (Lot 2 on Survey Strata Plan 80581) currently fronts the unnamed road reserve through Bob Gordon Reserve, however has a street address of 12 Benningfield Road, Bull Creek. Benningfield Road is approximately 56 metres away from the lot. Lot 2 was issued with a Building Licence for a two storey dwelling in October 2020.

Future potential subdivision of adjoining 7, 5 and 5A Dirk Hartog Road may also involve frontage to the unnamed road reserve.

P21/3916 - SUBMISSIONS FOR NAMING OF UNNAMED ROAD BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC) (ATTACHMENT)

This unnamed road reserve will still remain in its current form, with no immediate or future plans to connect the road into the Parry Avenue, Bull Creek Drive roundabout.

DETAIL

At the Ordinary Meeting of Council held on 16 February 2021 at Item P21/3893 it was resolved that the Council:

1. *Endorses the renaming of the portion of Farrington Road, Kardinya between Maritime Avenue and Windelya Road and directs the Chief Executive Officer to commence community engagement on the following proposed road names:
(a) Maritime Avenue as the preferred option; or
(b) Windelya Road*
2. *Endorses the naming of unnamed road reserve through Bob Gordon Reserve, Bull Creek and directs the Chief Executive Officer to commence community engagement on the following proposed road names:
(a) Costello Place;
(b) Kernot Place; or
(c) Overman Place
(d) Robartson Place*
3. *Notes that on completion of the 30 day public engagement period, a report on any submissions received will be presented to Council for consideration and forwarding of recommendations to the Geographic Names Committee.*

P21/3916 - SUBMISSIONS FOR NAMING OF UNNAMED ROAD BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC) (ATTACHMENT)

The portion of Farrington Road renaming and Bob Gordon Reserve road naming were both advertised for 30 days with the City consulting with the community via the following:

Farrington Road Renaming

- Letters to residents along Windelya Road, Maritime Avenue and within 200m radius posted 10 March 2021. Residents (110) Absent landowners (29)
- Direct email to affected residents (where details provided)
- Melville Talks – live Friday 12th March
- Submissions open until 4pm Friday 9th April

A total of 33 submissions were received. Eleven support the section of Farrington Road being renamed Windelya Road and 22 support Maritime Avenue.

Bob Gordon Reserve road naming

- Letters to residents within 200m radius posted 10 March 2021. Residents (47) Absent landowners (9)
- Letters to Sporting Clubs and user groups of Bob Gordon Reserve
- Direct email to affected residents (where details provided)
- Melville Talks – live Friday 12th March
- Submissions open until 4pm Friday 9th April

A total of 51 submissions were received for the Bob Gordon Reserve road naming. 8 voted for Costello Place; 5 voted for Kernot Place; 7 voted for Overman Place and 31 voted for Robartson Place.

The community consultation submissions resulted in the preference of Robartson Place in recognition of Councillor Clive Robartson. In accordance with Landgate's Policies and Standards for Geographical Naming in Western Australia, Landgate will not accept a commemorative naming proposal for a living person (while they are still alive) for a road or locality. However, if the Council is to adopt the use of this commemorative name for the road, the Minister in rare circumstances at his or her discretion, may approve a commemorative name of a living person for a road or locality, where they have attained exceptional achievements at state, national or international level, requiring special recognition.

Refer to Attachment 1 for the schedule of submissions including any additional comments.

[3916 Schedule of Submissions Redacted](#)**STAKEHOLDER ENGAGEMENT**

All naming proposals were subject to consultation with the community in accordance with the requirements of Landgate's Policies and Standards for Geographical Naming in Western Australia.

P21/3916 - SUBMISSIONS FOR NAMING OF UNNAMED ROAD BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC) (ATTACHMENT)**I. COMMUNITY**

This report outlines the results of the community engagement. If Council resolves to endorse the proposed road name and renaming proposal; the City will refer the details, any submissions received and the minutes of the applicable Council meeting to Landgate for final determination and approval by Landgate's Geographic Names Committee.

II. OTHER AGENCIES / CONSULTANTS

The Geographic Names Committee is responsible for the final approval of all Road names. If the Geographic Names Committee approves the proposed road name and renaming proposal; the City will advise any other relevant stakeholders or service providers including, but not limited to:

- Australia Post
- Alinta Gas
- Western Power
- Water Corporation
- City's Technical Services (new Street signage)
- City's GIS officer

STATUTORY AND LEGAL IMPLICATIONS

Authority for the official naming of features, localities and roads within the Western Australia is delegated by the Minister for Lands to the Geographic Names Committee. The Geographic Names Committee has published the Policies and Standard for Geographical Naming in Western Australia. This provides for the orderly selection and recording of names in a systematic and timely manner.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the adoption of the proposed road names other than the costs associated with any advertisements and public consultation.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

This proposal is in accordance with Council Policy CP-096 Naming of Roads, Parks, Buildings and Infrastructure.

**P21/3916 - SUBMISSIONS FOR NAMING OF UNNAMED ROAD BULL CREEK AND
RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The proposed road names will provide clarity to street addressing and property locating, assisting the servicing of these sites. The City may choose to not proceed with the proposed road naming and road renaming. The implication would be reduced clarity on property location and ambiguity to service providers, including emergency service providers.

CONCLUSION

The proposed road renaming for a portion of Farrington Road, Kardinya meet the requirements of the Council Policy and Landgate's Geographical Naming Committee Policies and Standards. Considering the community consultation submissions, it is recommended the Council support the proposed road renaming. The City will then refer the details, submissions received and the minutes of Council meeting to Landgate for final approval of the Geographic Names Committee.

For the proposed naming of the unnamed road reserve through Bob Gordon Reserve, Bull Creek the community consultation submissions resulted in the preference of Robartson Place in recognition of Councillor Clive Robartson. The use of this commemorative name will require Minister approval, therefore it is recommended an alternate road name is also adopted in the event that Landgate does not approve Robartson Place.

OFFICER RECOMMENDATION (3916)**APPROVAL**

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

That the Council

- 1. Approves the adoption of Maritime Avenue for the renaming of the section of Farrington Road, Kardinya**
- 2. Approves the adoption of Robartson Place for the naming of the unnamed road through Bob Gordon Reserve, Bull Creek**
- 3. Approves the adoption of Costello Place in the event Landgate does not approve Robartson Place for the naming of the unnamed road through Bob Gordon Reserve, Bull Creek**
- 4. Requests the CEO to seek final approval from the Geographical Names Committee at Landgate for the road names to be adopted**

P21/3916 - SUBMISSIONS FOR NAMING OF UNNAMED ROAD BULL CREEK AND RENAMING OF SECTION OF FARRINGTON ROAD, KARDINYA (REC) (ATTACHMENT)

At 9:15pm Cr Wheatland left the meeting and returned at 9:17pm

At 9:21pm Mr McAuliffe left the meeting and returned at 9:33pm.

Amendment

At 9:13pm Cr Kepert, seconded Cr Pazolli –

That the Officers Recommendation be amended:

- **Point 2 reworded to “Approves the adoption of Costello Place for the naming of the unnamed road through Bob Gordon Reserve, Bull Creek”**
- **Delete point 3 and renumber point 4 to point 3**

At 9:25pm, the Mayor declared the motion

LOST (4/7)

Yes	4	Cr Sandford, Cr Kepert, Cr Fitzgerald, Cr Pazolli
No	7	Cr Barber, Cr Barton, Cr Wheatland, Cr Mair, Cr Robins, Mayor Gear, Cr Woodall

At 9:15pm, Cr Wheatland left the meeting and returned at 9:15pm.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3916)

APPROVAL

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

That the Council

- 1. Approves the adoption of Maritime Avenue for the renaming of the section of Farrington Road, Kardinya**
- 2. Approves the adoption of Robartson Place for the naming of the unnamed road through Bob Gordon Reserve, Bull Creek**
- 3. Approves the adoption of Costello Place in the event Landgate does not approve Robartson Place for the naming of the unnamed road through Bob Gordon Reserve, Bull Creek**
- 4. Requests the CEO to seek final approval from the Geographical Names Committee at Landgate for the road names to be adopted**

At 9:26pm the Mayor declared the motion

CARRIED (9/2)

Yes	9	Cr Barber, Cr Barton, Cr Wheatland, Cr Mair, Cr Robins, Mayor Gear, Cr Woodall, Cr Sandford, Cr Kepert, Cr Fitzgerald, Cr Pazolli
No	2	Cr Kepert, Cr Pazolli

T21/3915 - REQUEST TO REMOVE STREET TREE AT 3A BOLAS COURT, MYAREE
(REC) (ATTACHMENT)

Item Brought Forward
See Page 15

T21/3919 – CITY OF MELVILLE WASTE PLAN 2021 TO 2025 (REC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Waste
 Customer Index : Resource Recovery and Waste
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Paul Molony
 Manager Resource Recovery and Waste

AUTHORITY / DISCRETION

DEFINITION

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

T21/3919 – CITY OF MELVILLE WASTE PLAN 2021 TO 2025 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Local Governments are required to submit a Council adopted Waste Plan to the Department of Water and Environment Regulation (DWER) by June 2021 in accordance with the Waste Avoidance and Resource Recovery Act (WARR Act).
- Officers recommend the adoption and implementation of the City of Melville Waste Plan to meet the State Government's legal requirements based on the three objectives and foundation strategies of the Waste Strategy 2030 and its associated targets:
 - Objective One – Avoid: reduce municipal solid waste by 5% by 2025 and 10% by 2030 and that all waste is managed and/or disposed of using better practice approaches;
 - Objective Two – Recover: Increase recovery rates to 67% by 2025 and 70% in 2030 and recover energy only from residual waste;
 - Objective Three – Protect: Move towards zero illegal dumping and littering by 2030; and
 - Foundation Strategies – Information and data, regulation and policy, education and planning.
- Further detailed information on specific projects and timeframes are itemised in the attached [City of Melville Waste Plan 2021-2025](#).

BACKGROUND

The Waste Avoidance and Resource Recovery Strategy 2030 (Waste Strategy) includes a headline strategy to implement local government waste plans, which align local government waste planning processes with the Waste Strategy.

The Department of Water and Environmental Regulation (DWER), under section 40(4) of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act), requires all local governments and regional councils in the Perth and Peel regions that provide waste services to prepare a waste plan outlining how waste services will be managed, to achieve consistency with the Waste Strategy and protect public health and the environment.

DETAIL

The objectives of the Waste Strategy are to generate less waste, recover more value and resources from waste and protect the environment by managing waste responsibly.

The waste management activities included in waste plans should be consistent with the waste hierarchy and circular economy principles. The waste hierarchy ranks waste management options in order of their general environmental desirability with avoiding the generation of waste being the most preferred option and disposing of waste being the least preferred.

T21/3919 – CITY OF MELVILLE WASTE PLAN 2021 TO 2025 (REC) (ATTACHMENT)

A circular economy complements the waste hierarchy – it aims to keep materials and energy circulating in the economy for as long as possible to extract maximum value. The waste management activities included in waste plans should be consistent with waste hierarchy and circular economy principles.

The Waste Strategy recognises the roles that different individuals and organisations have in generating and managing waste. Local governments are both generators of waste, (waste resulting from services local government provides to the community) and managers of waste (providing household waste collection and recycling services, operating waste facilities and delivering education and awareness programs).

Many of the targets, objectives and strategies of the Waste Strategy are relevant to the waste management activities of local government and a number of the targets relate specifically to municipal solid waste (MSW).

The City of Melville is a leader in waste management and is one of the few metropolitan Councils that have adopted the best practice 3-bin waste collection systems recommended in the Waste Strategy.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No external engagement has been carried out due to the City having already implemented a best practise approach to waste management and the City's Waste Plan compliments this approach while working towards the key objectives in the Waste Strategy.

II. OTHER AGENCIES / CONSULTANTS

Not Applicable.

STATUTORY AND LEGAL IMPLICATIONS

The Chief Executive Officer of DWER has exercised his powers under section 40(4) of the *Waste Avoidance and Resource Recovery Act 2007* by written notice to require the City of Melville to include within its plan for the future a waste plan outlining how, in order to protect human health and the environment, waste services provided by the City will be managed to achieve consistency with the Waste Strategy.

The City's Waste Plan covers a four year period from 2021 to 2025, following which the plan is proposed to be reviewed and presented to Council for consideration and adoption.

FINANCIAL IMPLICATIONS

There are no up-front financial implications for the Council in this application. The annual costs for upkeep are under the annual operational expenditure in the waste management budget.

T21/3919 – CITY OF MELVILLE WASTE PLAN 2021 TO 2025 (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The City has an obligation to our current community and future generations to generate less waste and extract more from our valuable resources to better manage our waste and has done so by implementing the 3-bin Food Organics and Garden Organics (FOGO) waste system.

This best practice approach ensures that the City will meet and exceed the Waste Strategy targets and addressing Western Australia's poor record as the state with the highest level of waste generation per capita in the country.

Progress in improved waste management outcomes will result in significant and positive impacts on the environment and public health through reduced greenhouse gas emissions, pollution, and biodiversity loss and resource depletion.

Reducing the volume of waste generated is the best way to manage this risk and the City's Waste Plan outlines the opportunities for improvement along with the short, medium and long term priority areas.

Risk Statement & Consequence	Level of Risk	Risk Treatment
The Waste Plan highlights a number of key priorities to maintain best practise waste management. As a result there is a potential to increase contamination and reduce resource recovery and not meet the Waste Strategy targets set by the State Government unless the Waste Plan is implemented.	Moderate consequences which are likely, resulting in a High level of risk	Ensure best practice is maintained and the short, medium and long term priority areas within the Waste Plan are implemented and monitored for continuous improvement and risk mitigation.

POLICY IMPLICATIONS

Current Council Policy CP-036 Waste Minimisation states that the City of Melville has committed to the reduction in the volume of domestic waste being placed in landfill and over the last decade has achieved the previous State Government Waste Strategy target of 65% diversion of domestic waste from landfill by 2020. The State Government's Waste Avoidance and Resource Recovery Strategy 2030 has established new targets for waste diversion from landfill, now termed material recovery targets, of 70% by 2025 and 75% by 2030.

A significant strategy to help the City meet, and progress toward exceeding this goal, is the City's membership and partnership with the Southern Metropolitan Regional Council (SMRC) and its associated waste composting and material recovery programs. In addition to the State Government target, the City seeks to continuously improve its performance on behalf of residents and ratepayers across a range of waste recovery and waste education activities.

T21/3919 – CITY OF MELVILLE WASTE PLAN 2021 TO 2025 (REC) (ATTACHMENT)

The City of Melville is committed to reducing our impacts on climate change by the development and support of recycling and resource recovery strategies in support of sustainable and responsible disposal of domestic waste.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not Applicable.

CONCLUSION

The City, in partnership with the SMRC, is a leading local government in waste management. This report recommends the adoption and implementation of the City of Melville Waste Plan 2021-2025 in order to meet the State Government legal requirements and the three objectives and foundation strategies of the Waste Strategy and its associated targets.

*At 9:26pm Mr Ponton left the meeting and did not return.
Cr Robartson returned to the meeting at 9:26pm.*

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3919)**APPROVAL**

At 9:27pm Cr Robartson moved, seconded Cr Robins –

That the Council:

- 1. Approves and adopts the [City of Melville Waste Plan 2021 to 2025](#).**
- 2. Directs the CEO to submit the City of Melville Waste Plan 2021 to 2025 to the Department of Water and Environment Regulation.**

At 9:30pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

M21/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 16 March 2021 up to and including 13 April 2021 for the Council's noting.

M21/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Parties	Description	ECM Reference
CS2166	City of Melville and Michael Lee Minic & Sabrina Lynn Minic	Notification 70A for No. 124 (Lot No. 2) Redcourt Road, Attadale WA 6156	DA-2021-340
CS2167	City of Melville	Bush Fires (Firebreaks) Repeal Local Law 2021 – for Gazettal	6181457
CS2168	City of Melville	Health (Eating House) Repeal Local Law 2021 – for Gazettal	6181685
CS2169	City of Melville	Street Renumbering Amendment Local Law 2021 – for Gazettal	6181698
CS2170	City of Melville and West Australian Planning Commission	Notification 70A for No. 41A (Lot No.1) and No. 41B (Lot No.2) Holman Street, Alfred Cove WA 6154	DA-201-289

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

M21/5000 – COMMON SEAL REGISTER (REC)**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for the Elected Members' that details the documents to which the City of Melville Common Seal has been applied for the period from 16 March 2021 to 13 April 2021.

M21/5000 – COMMON SEAL REGISTER (REC)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5000)****NOTING**

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 16 March 2021 up to and including 13 April 2021.

At 9:30pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (12/0)

C21/6000 - INVESTMENT STATEMENTS FOR MARCH 2021 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

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

C21/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2021 (REC)

BACKGROUND

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

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

DETAIL

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

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 MARCH 2021		
SUMMARY BY FUND		
Municipal		\$51,154,970
Reserve		\$147,502,108
Trust		\$-
Citizen Relief		\$217,779
TOTAL		\$198,874,857
SUMMARY BY INVESTMENT TYPE		
11AM		\$10,454,385
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$163,820,473
TOTAL		\$198,874,857
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$149,374,142
	A+	\$10,000,716
A Category (A+ to A-)	A	
	A-	
BBB+ Category	BBB+	\$39,500,000
TOTAL		\$198,874,857

C21/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2021 (REC)

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

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 8,500,000	4.27%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 28,000,000	14.08%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 11,500,000	5.78%	15.00%	✓
CBA	AA-	AA Category	\$ 40,000,000	20.11%	30.00%	✓
Macquarie	A+	A Category	\$ 7,000,716	3.52%	25.00%	✓
NAB	AA-	AA Category	\$ 43,332,582	21.79%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 3,000,000	1.51%	25.00%	✓
Westpac	AA-	AA Category	\$ 57,541,560	28.93%	30.00%	✓
TOTAL			\$ 198,874,857	100%		

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

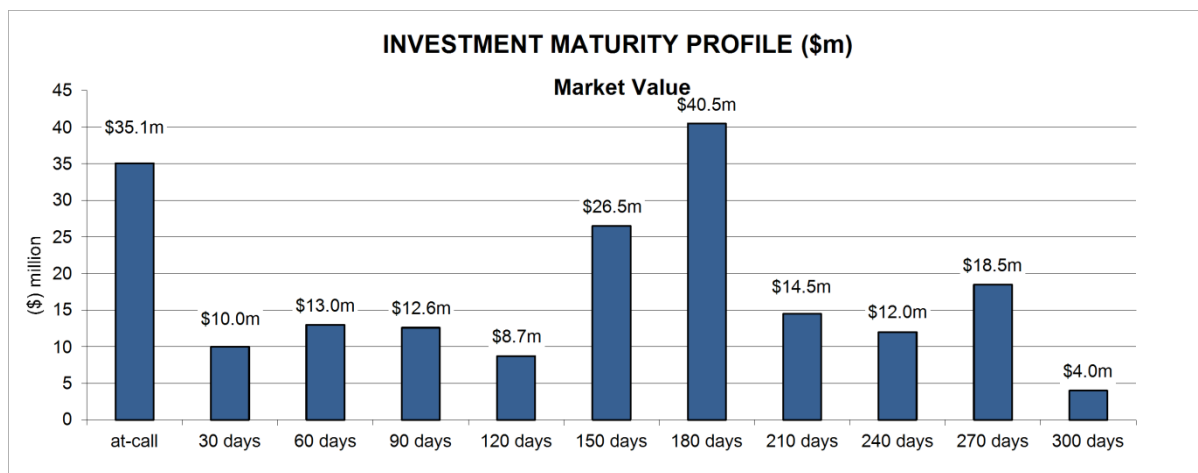
The City's investments were invested within the limits allowed within each category rating for March 2021.

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 149,374,142	75%	80%	✓
A Category (A+ to A-)	\$ 10,000,716	5%	50%	✓
BBB+ Category	\$ 39,500,000	20%	25%	✓
	\$ -			
TOTAL	\$ 198,874,857	100%		

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

C21/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2021 (REC)

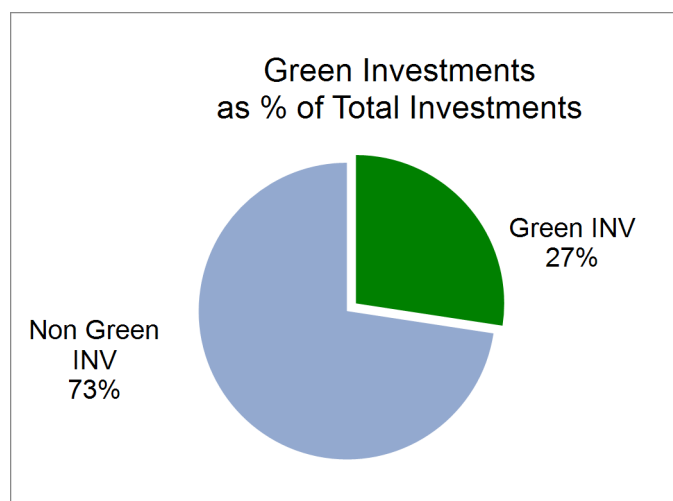
The below graph summarises the maturity profile of the City's investments at market value as at 31 March 2021. The immediacy of the demand for funds depends on the particular Fund or Reserve Account(s) of the City. The maturity profile provided in the table above meets the liquidity requirements of the Council policy.



The total investment prior to February included the Local Government House Trust. On the advice of the Western Australian Local Government Association (WALGA), this balance is now held within the City's Asset Register. The total investments holding excluding the Local government house Trust Units for March and February were \$198,874,857 and \$196,774,274 respectively.

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

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 31 March 2021 was \$54,500,000 or 27% of total investment holdings being in non-fossil fuels institutions, compared to \$52,500,000 (27%) in February 2021.



C21/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2021 (REC)

Green Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 11,500,000
CBA	AA-	AA Category	\$ 40,000,000
Suncorp	A+	A Category	\$ 3,000,000
TOTAL			\$ 54,500,000

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

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

C21/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2021 (REC)

FINANCIAL IMPLICATIONS

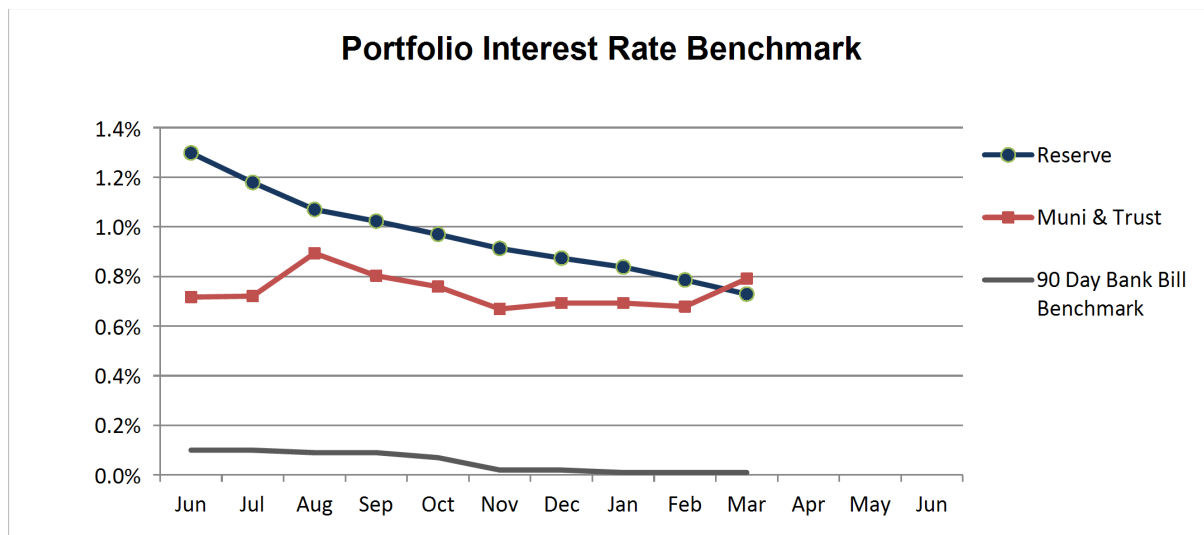
For the period ending 31 March 2021:

Investment earnings on Municipal and Trust Funds were \$224,747 against a year to date budget of \$233,625 representing a negative variance of \$8,879.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 March 2021 was 0.79% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.01%.

Investment earnings on Reserve accounts were \$1,010,757 against a year to date budget of \$1,028,750 representing a negative variance of \$17,993 as a result of lower interest rate than expected rates.

The weighted average interest rate for Reserve account investments as at 31 March 2021 was 0.73% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.01%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

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

Risk

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

C21/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2021 (REC)**Environmental**

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.79% to 0.73% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.01%.

27% 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 27% in February 2021.

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

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

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

At 9:30pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (12/0)

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR MARCH 2021 (REC)
(ATTACHMENT)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

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

C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR MARCH 2021 (REC)
(ATTACHMENT)

BACKGROUND

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

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

DETAIL

The Schedule of Accounts Paid for March including Payment Register numbers, Cheques: 791-791, Electronic Funds Transfers batches: 695-698, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 30th April 2021.

A total of \$8,621,796 direct creditor payments were paid during the month, of which, 17% of payments were paid to suppliers located within the City of Melville and 24% to suppliers within the South West Group, compared to 16% and 22% of total of \$8,467,211 direct creditor payments made over February 2021 respectively. The biggest payment of \$2,089,377 made during the month was the ESL Remittance to Department of Fire and Emergency Services. Approximately 96% of supplier invoices are paid within 30 days of receipt of the invoices.

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

SCHEDULE OF PAYMENTS MADE		
MARCH 2021		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
Cheques	Chq Payment Register No. 791	\$4,652.07
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	\$0.00
Electronic Funds Transfers	EFT Payment Register No. 696 and 698	\$8,320,178.79
	EFT Payment on Restricted Funds Register No. 105, 695 and 697	\$193,590.80
	Less Cancelled EFTs	(\$9,029.34)
		\$8,509,392.32
Direct Debits	Bank Fees	\$29,185.81
	Ampol Fuel	\$79,473.87
Direct Payments		\$3,744.52
	Total Direct Creditor Payments	\$8,621,796.52
Payroll	Total Pay 18, 19 and 20	\$5,513,600.63
	Total Payroll	\$5,513,600.63
Cards	Corporate Cards	\$9,099.29
	Purchase Cards	\$66,043.85
	American Express	\$1,369.05
	Total Card Payments	\$76,512.19
Total Direct Creditor Payments from Municipal Account		\$14,211,909.34

**C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR MARCH 2021 (REC)
(ATTACHMENT)**

Schedule of Payments Made continued.

INTERFUND & INVESTMENT TRANSACTIONS		
<i>Interfund Transfers</i>		
Loan		\$0.00
Citizen Relief Trust		(\$2,000.00)
Citizen Relief Operating		\$2,000.00
Municipal		(\$2,999,416.05)
Reserve		\$2,999,416.05
Trust		\$0.00
<i>Total Interfund Transfers</i>		\$0.00
<i>New Municipal Investments</i>		
Westpac Bank	11/03/2021	\$1,000,000.00
Westpac Bank	19/03/2021	\$2,500,000.00
Westpac Bank	22/03/2021	\$1,500,000.00
Bank of Queensland	23/03/2021	\$1,000,000.00
Westpac Bank	25/03/2021	\$500,000.00
Bendigo & Adelaide Bank	26/03/2021	\$2,000,000.00
National Australia Bank	29/03/2021	\$600,000.00
<i>Total New Investments</i>		\$9,100,000.00
Grand Total		\$23,311,909.34

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

**C21/6001 – SCHEDULE OF ACCOUNTS PAID FOR MARCH 2021 (REC)
(ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

CONCLUSION

The Schedule of Payments for the month totals \$23,311,909.34.

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

At 9:30pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (12/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents:

- The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 31 March 2021 and recommends that they be noted by the Council.
- The variances for the month of 31 March 2021 and recommends that they be noted by the Council.
- The Budget amendments required for the month of 31 March 2021 and recommends that they be adopted by Absolute Majority decision of the Council.

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

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

OVERALL SUMMARY OF THE CITY'S FINANCIAL POSITION

- The Municipal cash balance at the end of the month is \$51.1m. This reflects that the City is in a positive financial position to meet its obligations.
- There was no change in investment holdings in reserve accounts, compared to the reserve investment holding \$147.5m in February 2021. 74% of the City's investment holdings are held in reserve accounts which are restricted to the defined purpose for which the reserve account was established.
- The Green investment in authorised banking institutions as at 31 March 2021 was \$54,500,000 or 27% of total investment holdings, compared to \$52,500,000 (27%) in February 2021.
- The mid-year budget review was carried out as per the requirements of the Local Government (Financial Management) Regulations 1996 and was approved by Council on the 16th of March 2021. The budget amendments processed during March 2021 include those for the Mid-Year Review.
- Rates raised year to date were \$81,266,675 with a negative variance of \$19,242 compared to the year to date annual budget of \$81,285,917. Rates collection progress for March is at 90.9% which is below the month end target of 92.5%.
- Total debtor collections for March equalled \$11,132,896. The year to date total outstanding debtors (including all rates and sundry debtors) is \$11,068,759. The YTD cash collection of \$106,075,812 from total debtors is lower than the cash collection of \$116,578,905 during the same period in the previous year. The rates raised in 2020-21 were lower due to COVID -19 concessions; hence the amount collected is also lower.
- Total waivers under the Community Stimulus Package adopted by Council on 9 April 2020, is \$1,021,464 over multiple financial years. There were no new waivers during the month of March 2021.

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 Sub-Program
Provides further breakdown on the Program classifications.

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

Variations

A detailed summary of variations and comments based on the Rate Setting Statement by Sub-Program is provided in attachments:

[6002C Statement Sub Program March 2021](#): Rate Setting Statement by Sub-Program

[6002H Statement of Variations March 2021](#): Statement of Variations in Excess of \$50,000

Revenue

Rates raised as at March were \$81,266,675, compared to a year to date budget of \$81,285,917. The negative variance of \$19,242 is made up of minor variations.

Rates Collection

SUMMARY OF RATE DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	9,142,487	9,142,487	0%	6,607,681	38%
Debtors Raised	102,091,016	102,158,688	0%	116,112,246	-12%
Payments Received	(101,037,145)	(90,569,259)	12%	(110,836,360)	-9%
Closing Balance	10,196,359	20,731,916	-51%	11,883,568	-14%

Total rate debtor collections for the month equalled \$10,467,885 .

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

Sundry Debtor Movement

SUMMARY OF SUNDRY DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	1,238,865	1,238,865	0%	432,873	186%
Invoices Raised	4,649,762	4,114,277	13%	6,325,079	-26%
Receipts	(5,038,667)	(4,373,657)	15%	(5,742,545)	-12%
Prepayments	22,440	22,722	-1%	29,283	-23%
Closing Balance	872,400	1,002,208	-13%	1,044,690	-16%

Sundry debtor balances decreased by \$129,807 over the course of March from \$1,002,208 to \$872,400 of which total 90 day sundry debtors over \$1,000 for the month is \$237,557 representing 27% of total sundry debtors.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for March 2021.

Budget Amendments

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

Granting of concession or writing off debts owed to the City

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

\$9,673.00 of overdue ground allocations were written off, under delegated authority in March, as part of the Tompkins Park operational support package.

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

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

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type	<u>6002A Statement Nature Type March 2021</u>
Rate Setting Statement by Program	<u>6002B Rate Setting Program March 2021</u>
Rate Setting Statement by Sub-Program	<u>6002C Rate Setting Sub Program March 2021</u>
Representation of Net Working Capital	<u>6002E Net Working Capital March 2021</u>
Reconciliation of Net Working Capital	<u>6002F Reconciliation Net Working Capital March 2021</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater	<u>6002H Notes Rate Setting Statement March 2021</u>
Details of Budget Amendments requested	<u>6002J Budget Amendments March 2021</u>
Summary of Rates Debtors	<u>6002L Summary Rate Debtors March 2021</u>
Graph Showing Rates Collections	<u>6002M Rates Collections Graph March 2021</u>
Summary of General Debtors aged 90 Days Old or Greater	<u>6002N General Debtors Aged 90days March 2021</u>

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2021 (AMREC)
(ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) *budget estimates to the end of the month to which the statement relates;*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

The variance adopted by the Council is 10% or \$50,000 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 March 2021](#): Notes on Statement of Variances in excess of \$50,000 by Sub-Program.

**C21/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2021 (AMREC)
(ATTACHMENTS)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

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

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

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

That the Council:

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

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type	<u>6002A Statement Nature Type March 2021</u>
Rate Setting Statement by Program	<u>6002B Rate Setting Program March 2021</u>
Rate Setting Statement by Sub-Program	<u>6002C Rate Setting Sub Program March 2021</u>
Representation of Net Working Capital	<u>6002E Net Working Capital March 2021</u>
Reconciliation of Net Working Capital	<u>6002F Reconciliation Net Working Capital March 2021</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater	<u>6002H Notes Rate Setting Statement March 2021</u>
Details of Budget Amendments requested	<u>6002J Budget Amendments March 2021</u>
Summary of Rates Debtors	<u>6002L Summary Rate Debtors March 2021</u>
Graph Showing Rates Collections	<u>6002M Rates Collections Graph March 2021</u>
Summary of General Debtors aged 90 Days Old or Greater	<u>6002N General Debtors Aged 90days March 2021</u>

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

At 9:30pm the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (12/0)

P21/3925 - TEN (10) MULTIPLE DWELLINGS – SECTION 31 RECONSIDERATION REQUEST - LOTS 899 AND 898 (NO. 18A AND 18B) TWEEDDALE ROAD, APPLECROSS (REC) (ATTACHMENT)

Item brought forward.
See page 10.

T21/3924 – CLEANING SERVICES TENDER - CITY OF MELVILLE BUILDINGS (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 : Various operational budgets
 Responsible Officer : Mario Murphy
 Manager City Buildings

AUTHORITY / DISCRETION

DEFINITION

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

T21/3924 – CLEANING SERVICES TENDER - CITY OF MELVILLE BUILDINGS (REC)
(CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

To recommend the acceptance of tenders submitted for cleaning services for various City buildings.

BACKGROUND

The City of Melville issued a request for tender seeking a suitably qualified and experienced contractor/s to undertake the supply of cleaning services for the following facilities;

Part A – Offices & Operations Centre (Commencing 1 July 2021)

- Civic Centre, 10 Almondbury Road, Booragoon WA 6154
- Operations Centre, Bramanti Road, Murdoch, WA 6150
- Piney Lakes Environmental Education Centre (PLEEC), Leach Hwy & Murdoch Dr, Winthrop WA 6155

Part B – Healthy Melville (Commencing 1 June 2021)

- LeisureFit Booragoon, 521 Marmion St, Booragoon, WA 6154
- LeisureFit Melville, 431 Canning Hwy, Melville WA 6156
 - AH Bracks Library
- Tompkins on Swan, 632 Canning Hwy, Alfred Cove WA 6154

Part C – Libraries, Community Centres and Museums (commencing 1 June 2021)

- Bull Creek Library, 24 Leichhardt St, Bull Creek WA 6149
- Willagee Library, Corner Winnacott Street and, Archibald St, Willagee WA 6156
- Civic Square Library, 10 Almondbury Rd, Booragoon WA 6154
- Canning Bridge Library, 2 Kintail Rd, Applecross WA 6153
- Bull Creek Community Centre, 24 Leichhardt, Bull Creek WA 6149
- Willagee Community Centre, Corner Winnacott Street and, Archibald St, Willagee WA 6156
- Blue Gum Community Centre, 33 Moolyean Rd, Brentwood WA 6153
- Heathcote Museum and Gallery, 58/60 Duncraig Rd, Applecross WA 6153
- Wireless Hill Museum and Gallery, Telefunken Drive, Ardross WA 6153
- Cirque Community Space, 63 Kishorn rd, Mount Pleasant WA 6154

The cleaning Contract will be a two year term with two 24 months option periods.

The Contractor was made aware that the Contract is performance based and its intent is to guarantee cleaning of the absolute highest quality. All daily, weekly, monthly and periodical cleaning is to be carried out thoroughly. The City also notified through the tender that it is expected that the cleaning staff will be diligent in carrying out their duties in accordance with the specification.

T21/3924 – CLEANING SERVICES TENDER - CITY OF MELVILLE BUILDINGS (REC)
(CONFIDENTIAL ATTACHMENT)

DETAIL

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

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

The Evaluation Report is provided as a Confidential Attachment to this report which was distributed to Elected Members under separate cover.

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

Pre-Tender Estimate	\$850,000.00 (total all buildings)
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation	Not applicable, within budget.

**T21/3924 – CLEANING SERVICES TENDER - CITY OF MELVILLE BUILDINGS (REC)
(CONFIDENTIAL ATTACHMENT)****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. Actions taken to address identified risks are listed in a confidential attachment included in the Contract and Tender Advisory Unit Meeting Minutes of 21 July 2020.

POLICY IMPLICATIONS

CP-023 Procurement of Products or Services

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options have been identified.

CONCLUSION

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

The confidential attachments are included in the Contract and Tender Advisory Unit Meeting Minutes of 11 May 2021 available on the Elected Members Portal.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3924) APPROVAL

At 9:30 pm, Cr Robartson moved, seconded Cr Mair –

That the Council

- 1. Accept the recommendations as contained in the Confidential Attachment – RFT202120 Contract and Tender Advisory Unit Minutes, and**
- 2. Directs that the successful respondents' names be inserted below this point 2, upon the tender being awarded;**
 - Briteshine Cleaning & Maintenance Services Pty Ltd ABN 45 607 606 968 for the Cleaning Services for City of Melville Buildings Part A & C and**
 - Facilities First Australia Pty Ltd ABN 68 084 820 468 for the Cleaning Services for City of Melville Buildings Part B for the RFT202120**

At 9:30pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

15. EN BLOC ITEMS

At 9:30pm Cr Mair moved, seconded Cr Barton –

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

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

At 9:30pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (12/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16.1 Policy for Major Development Construction Management Plans****Motion**

At 9:31pm Cr Pazolli moved, seconded Cr Wheatland –

That Council requests that the Chief Executive Officer:

- 1. Prepare a Local Planning Policy that requires the Developers of any Major Development (being a development of more than 10 dwellings) in the City of Melville to include in their development's Construction Management Plan the details for the arrangement and provision of off-street parking for its entire onsite workforce for the duration of that development's construction period and requires access by the public to view the details of the Construction Management Plan lodged with the City of Melville.**
- 2. Present the proposed Local Planning Policy to a Council Workshop for the discussion of Council, before submitting the Policy to a Council meeting for adoption.**
- 3. Amend the current Construction Management Plan condition ("the parking arrangements for contractors and sub-contractors") to include the requirements of the adopted above Local Planning Policy.**

At 9:48pm during discussion and debate elected members requested the deletion of the words "entire onsite" from point 1. The mover and seconder to the motion consented to the change.

COUNCIL RESOLUTION

At 9:31pm Cr Pazolli moved, seconded Cr Wheatland –

That Council requests that the Chief Executive Officer:

- 1. Prepare a Local Planning Policy that requires the Developers of any Major Development (being a development of more than 10 dwellings) in the City of Melville to include in their development's Construction Management Plan the details for the arrangement and provision of off-street parking for its workforce for the duration of that development's construction period and requires access by the public to view the details of the Construction Management Plan lodged with the City of Melville.**
- 2. Present the proposed Local Planning Policy to a Council Workshop for the discussion of Council, before submitting the Policy to a Council meeting for adoption.**
- 3. Amend the current Construction Management Plan condition ("the parking arrangements for contractors and sub-contractors") to include the requirements of the adopted above Local Planning Policy.**

At 9:52pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

16.1 *Policy for Major Development Construction Management Plans, continued*

Reasons for the Motion with Notice as provided by Cr Pazoli

1. Since the adoption of the Canning Bridge Activity Centre Plan in 2016 there have been some 11 multi-storey developments approved, in construction or constructed in the Canning Bridge Precinct. This significant construction activity over an extended period of time, now and into the immediate future, has had a significant impact on the amenity of local Applecross and Mt Pleasant residents, resulting in a number of complaints regarding construction workers' parking their vehicles for the entire working day in nearby suburban streets or in public on-street parking embayments.
2. Currently all major developments (which are those having more than 10 dwellings) have a standard condition of approval requiring the developer to submit for the City's approval a Construction Management Plan (CMP) that is required to include "the parking arrangements for contractors and sub-contractors". However, this condition does not currently seem to require the developer to actually provide the parking facilities for its construction workforce, with the result that suburban streets around the precinct are flooded with construction workers' vehicles, causing difficulties in residents accessing their properties and congesting their streets.
3. This motion will require the developers to arrange and provide sufficient off-street parking for its construction workforce without significant impact on the amenity of surrounding

At 9:52pm Cr Wheatland requested her objection to the Officer Recommendation in Item T21/3915 Request to Remove Street Tree at 3A Bolas Court Myaree be recorded.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

COUNCIL RESOLUTION

At 9:55pm Cr Mair moved, seconded Cr Barber –

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

At 9:55pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

Confidential Information Extracted

At 10.24pm Mr McAuliffe left the meeting and did not return.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

COUNCIL RESOLUTION

At 10:26pm Cr Fitzgerald moved, seconded Cr Barber –

That Cr Sandford be permitted to present to the Council a Motion Without Notice relating to Motion to Seek Barrister's Opinion on Grounds to Seek Leave to Appeal From SAT Decision of 12/05/2021 Regarding 4A View Rd, Mt Pleasant.

At 10:26pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

Confidential Information released by decision of the Council OMC 15 June 2021 pg 94
--

17.1 Motion to Seek Barrister's Opinion on Grounds to Seek Leave to Appeal From SAT Decision of 12/05/2021 Regarding 4A View Rd, Mt Pleasant

At 10:26pm Cr Sandford moved, seconded Cr Mair –

That the Council directs the CEO to:

1. **Immediately instruct solicitors to seek a legal opinion from a Senior Counsel specialising in planning law as to whether there are any grounds to seek leave to appeal from the decision of the State Administrative Appeals Tribunal in the matter of Ware v. City of Melville [2021] WASAT 65 (“Decision”), having regard to the strict time limit for seeking leave to appeal of 28 days from the date of the Decision delivered on 12 May 2021, ie, by 9 June 2021.**
2. **Provide the barrister's opinion to the Council in confidence at the earliest opportunity for Council to further urgently decide on whether the City should apply to seek leave to appeal the Decision; and the City's legal professional privilege over such opinion will not be waived without the consent of the majority of Council.**

At 10:46pm the Mayor declared the motion

LOST (5/7)

Yes	5	Cr Barber, Cr Mair, Cr Sandford, Cr Fitzgerald, Cr Kepert
No	6	Cr Robartson, Cr Barton, Cr Wheatland, Cr Pazolli, Cr Robins, Mayor Gear, Cr Woodall

At 10:40pm Ms Davis left the meeting and returned at 10:42pm.

COUNCIL RESOLUTION

At 10:46pm Cr Wheatland moved, seconded Cr Kepert -

That the meeting comes out from behind closed doors.

At 10:46pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

Confidential
Information
released by
decision of
the Council
OMC
15 June 2021
pg 94

At 10:46pm the meeting was reopened to the public. No members of the public returned to the meeting.

At 10:46pm the Mayor advised that in relation to:

- There was a motion that officers leave the meeting that lapsed for want of a seconder.
- There was a motion submitted in relation to an employee matter that was lost 1/11
- There was a motion to seek senior council on a SAT decision which was lost 7/5

18. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear confirmed that Cr Woodall was still in attendance electronically and declared the meeting closed at 10:49pm.