



**MINUTES
OF THE
ORDINARY MEETING OF THE COUNCIL
HELD ON
TUESDAY, 11 DECEMBER 2018
AT 6.30PM IN THE COUNCIL CHAMBERS
MELVILLE CIVIC CENTRE**

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1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:31pm. Mr J Clark, Governance and Compliance Advisor, read aloud the Disclaimer that is on the front page of these Minutes and then the His Worship the Mayor, R Aubrey, read aloud the following Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

Cr T Barling (Deputy Mayor)
Cr M Woodall Cr C Robartson
Cr N Pazolli, Cr S Kepert
Cr G Wieland, Cr J Barton
Cr D Macphail, Cr K Mair
Cr P Phelan, Cr K Wheatland

WARD

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

3. IN ATTENDANCE

Mr M Tieleman
Ms C Young
Mr S Cope
Mr M McCarthy
Mr M Duncan
Mr L Hitchcock

Mr G Ponton (*until 9:30pm*)
Mr B Dawkins (*until 8:35pm*)
Mr J Hobbs (*until 9:30pm*)
Mr J Clark
Ms C Newman
Ms J Head
Ms T Wright (*until 9:30pm*)

Chief Executive Officer
Director Community Development
Director Urban Planning
Director Technical Services
A/Director Corporate Services
Executive Manager Governance and Legal Services
Manager Strategic Urban Planning
Manager Neighbourhood Amenity
Strategic Urban Planner
Governance and Compliance Advisor
Governance Coordinator
Governance Officer
A/Executive Assistant

At the commencement of the meeting there were approximately 12 members of the public and one representative from the Press in the Public Gallery.

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

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Cr N Robins – Bateman-Kardinya-Murdoch Ward

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

Nil.

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

Nil.

6. QUESTION TIME**6.1 Questions Received Prior to the Meeting****6.1.1 Mr E Nielsen, Booragoon****Question 1**

With reference to the attached, the City's interpretation of mezzanine floors is concerning. A 'habitable space between two storeys' is in fact a storey according to the Building Code Australia Volume One – Definition on Habitable Rooms and Figure A1.1(ME). To create habitable rooms walls are required and therefore it is no longer a mezzanine. The City's definition items a. b. and c. suggests that a person will have to purchase two apartments, one on top of the other and cut 2/3 of the floor/ceiling out and install a staircase and so on, so why is the issue of mezzanine floors (something that generally belongs in factories/warehouses) even mentioned when dealing with the configuration of apartment buildings or is it merely a smokescreen for sanctioning additional floors thus increasing the height of the building i.e. a bonus for developers?

Response

The proposed amendment relating to mezzanine floors provides additional clarification as to under what circumstances and conditions a mezzanine floor may be considered for the purposes of the Canning Bridge Activity Centre Plan. The Building Code definition of a mezzanine would continue to apply for the purposes of building regulation and any construction would be required to respond to the Building Code particularly in terms of fire and safety regulations. As mentioned, the definition simply seeks to clarify that for the purposes of the Activity Centre Plan that a mezzanine would not be considered a separate storey and could be developed as long as it met the proposed controls and limitations.

6. *Public Question Time Continued*

6.1.2 Mr E Nielsen, Booragoon (second set of questions submitted)

In the Draft of the CP-014 it states that...

'...each questioner will be limited to two (2) questions at a time. Questions with multiple parts will be considered as separate questions.'

Question 1

Does that mean then that in the case of a topic with 4 or 5 questions the remaining questions will be carried over to the next Ordinary Meetings of Council, 2 at a time?

Response

The intent of the proposed new policy is to provide equitable opportunity for everyone in the community to participate in the public question time process. Two questions from each questioner, will be dealt with at the meeting, with any remaining questions dealt with two at a time, per questioner, up to the maximum allocation of 30 minutes for public question time. At this point, the Council can decide to extend public question time, take any remaining questions on notice or have them responded to by officers. Questions will not be carried over to future Council meetings, unless taken on notice.

Question 2

Does that also mean that if I submit 3 Question Forms for an OMC, each on a different topic, having multiple questions, only 2 questions, randomly chosen, will be dealt with and the rest carried over (2 questions at a time) meeting after meeting?

Response

Questions received for each meeting will be responded to in the order outlined in the proposed policy. Questions will either be responded to at the meeting or taken on notice for response at a future meeting. It is not intended that questions will be carried over from meeting to meeting.

'...Preambles may be summarised by the City for the purpose of public question time, to ensure as many questions as possible can be addressed in the allotted time.'

Question 3

Summarisation of preambles (together with incorrect responses) are already widely used by the City and they are often the main cause for repeat submissions. Would it not be better to acknowledge (like the DLGSC does) that preambles are often part of the question and necessary for the attendees in the public gallery to understand what the question is about?

Response

If, as outlined in the proposed policy, preambles to provide context are concise and relevant they would be read out. Otherwise officers will summarise extensive preambles for the purpose of allowing as many questions as possible to be dealt with in the time allocated to public question time.

6. *Public Question Time Continued*

6.1.3 Ms H Cook, Applecross

My questions are concerning P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE - REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT to be discussed at the Ordinary Council Meeting on 11th December:

Question 1

1. *It appears that the public submission process, in regards to the H4 proposed changes, have been utilised by the City as a type of straw poll on the proposals. It would seem that the City have taken all submissions and simply tallied responses to decide whether or not a change should be introduced, regardless of the quality of the argument. Is this the usual public submission approach?*

Response

That is not the case. The submission period enables comment on the proposed amendment. The Council is then required to have regard to the submissions received, along with a range of other strategic considerations when making a decision. The process of consideration of submissions is not based on a poll or vote. It is noted that many components of the proposed amendment received objections however are being recommended for approval.

Question 2

2. *I am also rather confused by conflicting information about where the community feedback came from. On page 11, regarding lot size and frontage, the report states:*

"Heavy opposition is seen from the submissions relating to the proposed amendments. It is notable that opposition to the amendments appear to mostly stem from property owners within the H4 zone."

Later, on page 16, the report states:

"Identifying the locational source of individual submission has not been possible due to the nature in which responses have been received."

I don't know if I am missing something but the two statements cannot both be true, surely? Are you able to provide further clarity on this issue for me?

Response

More than half of the submissions received are identifiable by address. The address of submitters in many other submissions is evident from the content of the submission. In the case of feedback on the frontage and lot area proposals, a combination of addresses provided and the specific nature of the comment received, has informed the notation that the submissions were received from people with a direct interest in H4 properties.

6. *Public Question Time Continued – Ms H Cook, Applecross*

Question 3

3. *I note that to pose a question to Council I am required to provide my name and address. It would appear to be an anomaly that no such requirements are made of public submissions, particularly given they are being used as a straw vote. Is it fair that a submission from someone who lives outside of Melville, or even outside WA, whose quality of life is not impacted in the least by the proposed changes is given the same weighting as someone who lives in, or adjacent to, the H4 Zone?*

Response

The *Planning and Development (Local Planning Schemes) Regulations – Deemed Provisions* contain content relating to the acceptance of submissions for amendments to activity centre plans. These regulations (Schedule 2, Part 5, Clauses 34 and 35) do not require a submitter to provide address information. The Regulations also require the Council to take into account all submissions when making a decision on a proposed amendment. With an increase in online submissions the City will investigate introducing additional fields to encourage inclusion of address details. As highlighted in the response to question 2, it is noted that more than half of submissions can be linked to an address and many more include content which establishes the submitter's area of interest. Importantly all Elected Members have been provided with copies of the submissions received and will have this level of information when taking the submissions into account when making a decision on the proposals.

Question 4

4. *As an H4 Zone resident, I have not encountered any neighbours who oppose the lot size and frontage changes, with the exception of a small subset of H4 residents living on Forbes Road. If the locational source of individual submissions is able to be obtained, as the first statement on page 11 indicates, and given that the submissions are being utilised as a straw poll, is it possible to determine the percentage of individual submitters living within or adjacent to the H4 Zone who supported or had neutral positions on the changes regarding lot size and frontage versus those who opposed them?*

Response

As stated above, the purpose of the amendment advertising period is to invite comments on the proposals which would then form part of the Council's considerations when making a submission. The receipt of submissions is not a polling or voting process. In relation to the frontage and lot size proposal, the comment period highlighted that there were many submissions opposed to this part of the amendment. Examination of the data indicates that the concerns largely originated from owners in the H4 area. It is not practical to break this information down further. This information, along with copies of all submissions has been presented to the Council to enable Elected Members to take them into account in the decision making process.

6. *Public Question Time Continued*

6.1.4 City of Melville Residents and Ratepayers Association (Inc)

Question 1

Following last year's Annual General Meeting of Electors held on the 6 December 2017, former CEO Shayne Silcox instigated a survey for City Officers who attended the meeting (Survey). 29 City officers, including Shayne Silcox were present at that meeting.

Question 1.1

Could you please include the attached copy of the Survey and list of other recorded incidences to the minutes of this meeting?

Response

The Survey referred to in the question is not part of the proceedings of this meeting and will not be included in the minutes of this meeting.

Question 1.2

Will the City be instigating another staff survey following this year's Annual General Meeting of Electors (AGM) held on Wednesday 5 December 2018?

Response

No survey has been planned on this occasion.

Question 2

The Survey and list of other incidences, which is now in the public domain, was used as supporting documentation to support the CEO's recommendation to Council at the Ordinary Meeting of Council held on the 17th of April 2018 in relation to changes to the Legal Representation Policy, Elected Members and Employees (CP-017).

This funding is available to current and former Elected Members and employees, at the CEO's discretion. The motion was carried 6-3 with the support of Mayor Aubrey, Cr Wieland, Cr Barling, Cr Phelan, Cr Robartson and Cr Robins.

Question 2.1

Does the CEO have any plans to recommend any more policies to Council as a result of the 5 December 2018 AGM?

Response

There are no plans for further policy development as a result of the General Meeting of Electors held on 5 December 2018.

6. *Public Question Time Continued – CoMRRRA (Inc)*

Question 3

Of the 29 City officers who attended that 2017 AGM it is understood that all of these officers are still employed by the City, with the exception of fr (sic) CEO Shayne Silcox. The Survey and other incidences shows responses completed by a number of City officers:

Question 3.1

Is the officer who wrote: "...indicating he would strangle the officer" still employed by the City? Is the officer that made that statement a Senior Officer or a senior manager, if so which is it a Senior Officer or senior manager?

Response

The names of the officers or members of the public are not shown in the document provided under Freedom of Information that has been resubmitted by the questioner.

Question 3.2

Which Senior Officers contributed to the Survey post the December 2017 AGM?

Response

The Survey was conducted in confidence and the names of responders are not recorded.

Question 3.3

What are the dates of each of the incidences listed on the second page of the incidences?

Response

This information was redacted when the document was provided via a Freedom of Information application and will remain confidential. As noted in the Department of Local Government Operational Guidelines – Managing Public Question Time, question time is not be used to circumvent the Freedom of Information process.

Question 4

Mayor Russell Aubrey introduced meeting rules at the 5 December 2018 AGM (AGM) that prevented 'negative reflections' against the City, Council or any individuals (Rules).

Question 4.1

Under what legislative authorities have the Rules been developed and adopted?

Response

The *City of Melville Meeting Procedures Local Law 2017* and *Local Government (Administration) Regulations 1996* contains the clauses relating to meeting conduct and procedure.

The notice of meeting and agenda also clearly outlined the processes that the presiding member would apply at the General Meeting of Electors.

6. *Public Question Time Continued – CoMRRA (Inc)*

Question 4.2

When did Council approve the Rules?

Response

The guidance for determining the conduct of the meeting is provided in the Local Law that was approved by the Council at the Ordinary Meeting of Council held on 18 April 2017 and the *Local Government (Administration) Regulations 1996*.

Question 4.3

Has the Department of Local Government provided any feedback on the Rules, if so what is it?

Response:

The Department of Local Government, Sport and Cultural Industries reviews all local laws and did so on this occasion. There was no relevant comment provided on the clauses that relate to meeting conduct.

Question 4.4

Mayor Aubrey made a decision at the AGM to rule out of order a motion of no confidence in him and he subsequently decided to eject the proposer of that motion for 'negative reflections' (Decisions); so on what basis would Mayor Aubrey be deemed to NOT have a real or perceived conflict in making the Decisions?

Response

I was conducting the meeting in accordance with the *Local Government Act 1995, relevant Regulations* and the City's Meeting Procedures Local Law 2017.

Question 4.5

How will Council get the feedback it needs to improve if Electors are prevented from expressing their views in public at future AGMs. For example, how else can the Electors express their lack of confidence in the Mayor, like Subiaco electors have recently done, if these motions are deemed a 'negative reflection'?

6. *Public Question Time Continued – CoMRRRA (Inc)*

Response

Members of the Public will not be prevented from expressing their views in a respectful manner.

There are many ways City of Melville electors can provide feedback and connect with the City regarding either City services or personnel. Details are available at www.melvillecity.com.au/our-city/connect-with-us.

Specifically, in relation to City services, products, events or staff, feedback can be provided via a feedback form in the ONLINE SERVICES section of the City's website. Where there is a specific complaint regarding an Elected Member or staff member this must be submitted to an appropriate agency, details of which are available in the OUR COUNCIL section of the City's website.

Feedback can also be directed to Elected Members, whose role is to represent the over 100,000 residents across the district. Their email and contact details are available in the OUR COUNCIL section of the City's website, as well as in various City brochures and publications located at many of our facilities.

The City's Customer Relations team can also provide direction by calling 9364 0666 or 1300 635 845, or utilising the pop-up Online Chat service available via the website.

Question 4.6

Will Mayor Aubrey publically apologise for his uneven and inappropriate execution of his Rules at the meeting?

Response

I conducted the meeting within the powers provided to a presiding member by the *Local Government (Administration) Regulations 1996* and in accordance with the relevant provisions of the *City of Melville Meeting Procedures Local Law 2017*.

Question 5

We understand the Department of Fire and Emergency Services (DFES) recently highlighted to the City the errors in what the City was ordering residents and ratepayers to do.

Question 5.1

What exactly was the cause of DFES's intervention, ie what was the City's non-compliance DFES highlighted?

Question 5.2

Who did DFES engage with at the City, was it the CEO?

6. *Public Question Time Continued – CoMRRRA (Inc)*

Question 5.3

Had the non-compliant documentation been reviewed by the City's in-house legal adviser?

Question 5.4

Was Council informed of the non-compliances DFES highlighted?

Question 5.5

What action and/or changes will Council make to make sure such failures and non-compliances do not happen again?

Response to Questions 5.1 to 5.5

Following receipt of the same information provided to all elected members in email form, which included an extract of a letter from the Department of Fire and Emergency Services, the City has contacted them to ascertain what matter they were referring to as these details had been redacted from the copy of the letter provided by the questioner.

The City is awaiting their response.

6.1.5 Mr R Willis, Bull Creek

At the electors meeting last year we were told that LandCorp was meeting officers to discuss development opportunities on Melville Glades Golf Course and John Connell Reserve. We were even told a presentation would be made to Council on 19 December 2017.

We now have been advised that on the 19th December 2017 was a confidential meeting with elected members and some \$122,000 has been expended on consultant fees. A year has now passed

Question 1

Now that this item has been outstanding having been recommitted by Council for 4.5 years can the CEO advise when will a report be submitted to council and electors permitted to comment keeping in mind a petition signed by 208 residents objected strongly to any development on Melville Glades Golf Course?

Response

The report to Council Item (P18/3795) will be presented at the Special Meeting of Council scheduled for the 18 December 2018.

Question 2

As John Connell Reserve is an old rubbish tip (closed some 15 years ago) surely there is legal requirement or at least an obligation to complete the redevelop (sic) of John Connell Reserve?

6. *Public Question Time Continued – Mr R Willis, Bull Creek*

Response

As in the past, the City continues to liaise and work with the Department of Water & Environmental Regulation (DWER) and the Department of Health (DoH) directives for managing the portions of the landfill affected Crown Reserve in accordance with the Contaminated Sites Act 2003.

Question 3

When can we expect John Connell Reserve Redevelopment will be completed?

Response

Further information regarding the anticipated timeframe for the redevelopment project is expected to be available after the Special Meeting of Council scheduled for the 18 December 2018.

Public Art Strategy

Over a year ago the Council recommitted an item on a policy review on Public Art that requires 1% of a project to be in the form of public art. Since then the Council has adopted a Public Art Strategy that highlights the many forms of public Art that can be considered?

Question 4

Can the CEO advise when he will present a report to Council on a review of the Public Art Policy that reflects the Strategy?

Response

The review of the Public Art Policy will be presented to the Council in early 2019.

Question 5

While Garden City Redevelopment does not need to provide Public Art as it was not considered in the Garden City Structural Plan: What Public Art or Funds have been provided by the two 20 store (sic) buildings and one 30 store (sic) building in the Planning Canning Bridge Structural Plan especially as they have been raised over 15 stories?

Response

The developments within the Canning Bridge Activity Centre Plan area that are approved and under construction are Cirque, Ogilvie Road, The Precinct, Canning Highway, and Sabina, Canning Highway/Kintail Road. These developments are required to deliver public art installations in accordance with the Activity Centre Plan requirements, which in each of the cases quoted, is capped to a maximum value of \$500,000.

6. *Public Question Time Continued – Mr R Willis, Bull Creek*

Annual Meeting of Electors 5 December 2018:

With the City of Melville Celebrating 50 years as a City it is the first time in 50 years that public questions from electors were not received from the floors (sic) in General Business

Question 6

Could you please advise why public questions where not permitted in General Business from the floor and as per the Agenda of the Electors meeting?

Response

Public Questions were accepted from attendees.

Community Safety and Junk Verge Collection

Recently I attended a meeting of concerned residents in Bateman on Community Safety which was attended by Cr MacPhail (sic). They are very concern (sic) with the anti-social behaviour of persons in the Bateman area especially in the proximity to the Bull Creek Railway Station. Only this weekend three (3) cars had their windows smashed. A request was made and supported by this gathering that the Junk Verge Collection be not (sic) carried out in the school holidays especially at Christmas. Too many people move around at all times of the day.

I also wish to add that the verge rubbish in McGowan Cove at the north end of Dean Road is excessive equating to a 10 tonne truck load in front of one vacant property. I have attached some photos for your convenience.

Question 7

Could the council please consider moving the Junk Verge Collection away from December and January?

Response

This has been investigated and was not considered practical given that the verge pick-ups currently occur over 50 weeks of the year as required to adequately service the municipality and changes to the program would have significant cost and resource implications.

Question 8

Could the Council please give special attention to stop the anti-social behaviour in Bateman which appears to be young juveniles that come from outside the area that have no respect for others?

6. *Public Question Time Continued – Mr R Willis, Bull Creek*

Response

The City is aware of the issues in particular parts of Bateman and have been working closely with the WA Police in particular Murdoch Police station to target our resources, the Community Safety Service in those areas to deter, monitor and report this unwanted behaviour to the Police. We also encourage where possible for people to park their vehicles off the street as we are aware vehicles have been targeted. It's important for the community to report all suspicious activities to police on 131 444 and also give the CSS a call, if we are not already in the area we can respond at the time and see if we can obtain more information for the police. This information was provided to Mr Willis yesterday via e-mail.

Question 9

Can McGowan Cove be tidied up as quickly as possible as it's a blight on the landscape of Bateman from Leach Highway?

Response

The site in question is located in Area 12 of the City's verge collection program and is planned for collection this week. The material placed on the verge has been illegally dumped on vacant lots. Residents are advised to place verge collection material only on the verges outside their own property. The City is reviewing pre-collection inspections in areas known to have a high incidence of illegal dumping and investigating ways to minimise this practice.

6.2 Question Taken on Notice at Previous Meeting

16 October 2018 – Ordinary Meeting of Council

6.2.1 Friends of Bert Jeffery (7.2.1)

Question 1

*On 7 May 2018, a total of 208 letters were sent to local residents **seeking feedback on whether the cricket games played between January and March this year have caused any inconvenience or if residents have had a positive experience they would like to share.** Nearly 80% of the response to a community survey indicated that they did not want a change in the use at Bert Jeffery park, yet Council appears to be proceeding. How can the Acting CEO say that there is a basic level of support for infrastructure at BJP when 80% of the survey responses from the locals shows they don't want it?*

Response

On the 7th May 2018, 208 letters were sent with less than 9% of recipients responding. The feedback sought was measuring the impact that Cricket may or may not have had on residents. It did not seek feedback on a change of use at Bert Jeffery Park.

The decision to allow sport on Bert Jeffery Park, which is public open space, has already been made.

6. *Public Question Time Continued*

Question 2

- a) *Please explain in detail exactly why was the proposed site chosen for the building was not placed as far away from homes as possible?*

Response

The report presented to Council in May 2018 explains the reasons for the chosen site location.

Question 3

- b) *The sewerage pump installation on the esplanade (sic)at Mount Pleasant/Canning Bridge near Rookwood street has a strong odour, which has been present for as long as it has been installed (more than 30 years). If the COM installs a sewerage pump type installation at Bert Jeffery, how will it ensure no such offensive odours occur and impact on the local residents?*

Response

The sewage pump installation will be installed to current Australian Standards and design methodology which has improved significantly over the past 30 years.

Question 4

- c) *Will placing the facility in another location away from residents' houses at the Park avoid the cost of the sewerage pump and associated system? If it will cost the same or less to build it away from residents' houses, why not put it there?*

Response

No, there will be no cost savings locating the building on another part of the site.

Question 5

- d) *Please state what the additional future capital and ongoing costs for maintenance and repair/replacement for this sewerage system will be?*

Response

A lifecycle costing of the facility will be part of the business case for funding approval.

Question 6

- e) *The sewerage pump installation on the esplanade at Mt Pleasant/Canning Bridge near Rookwood street has a strong odour, which has been present for a long as it has been installed (more than 30 years). If the COM installs a sewerage pump type installation at Bert Jeffery, how will it ensure no such offensive odours occur and impact on the local residents?*

6. *Public Question Time Continued*

Response

The sewage pump installation will be installed to current Australian Standards and design methodology which has improved significantly over the past 30 years.

Question 7

- f) *Reasons have been given by the City for the huge increase in costs from the original estimate.*
- (i) Please provide justification as to why these additional costs were not foreseen in the original estimate and why any cost should be incurred by ratepayers against the majority of the residents' wishes?*
 - (ii) Does the City not believe these additional costs should be avoided if at all possible?*
- g) *Now that the estimate has increased significantly from the original amount, how can the City justify the overall costs to ratepayers in order to provide these facilities? Has a new economic justification been prepared for the Council? What does this mean for the expected fees to be paid by the ACC?*

Response

The report presented to Council in May 2018 explained the reason for cost escalations and the need for basic facilities to support activities at sporting reserves. The business case for the facilities, once finalised, will present a number of options and costings for the development of facilities.

6. *Public Question Time Continued*

COUNCIL RESOLUTION

At 7:13pm Cr Barton moved, seconded Cr Kepert–

That the Council approves the extension of public question time for a period of 15 minutes.

At 7:14pm the Mayor submitted the motion, which was declared

CARRIED (9/3)

Vote Result Summary	
Yes	9
No	3

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Cr Macphail	No
Cr Robartson	No
Mayor	No

Question 8

- a) *How does the ‘new’ estimate cost including ongoing maintenance of the sewer pump, compare with the costing for other venues previously examined within the City?*
- (i) *Please provide a breakdown of costs incurred during your investigations phase, and state the costs to establish similar facilities for ACC at each of the alternative locations considered in the report (some of which already have amenity building) – Tompkins Park, Winthrop Park, Shirley Strickland Reserve, John Creaney, John Connell, Somerville Park, Attadale Reserve/Troy Park and Trevor Gribble Reserve?*
- (ii) *Please provide detailed evidence of estimated costs for all of these alternative venues as outlined in the report. Have any definitive quotes been obtained or tenders held?*

Response

Cost is only one consideration. Additionally you need to consider:

- Overall existing use of the reserve;
- The impact on other summer and winter users of the reserve due to placement of the turf block;
- Impact of access to the reserve for non-organised sports activities; and

Scheduled upgrade works and available funds for the establishment of sports fields and supportive facilities, e.g. toilets and changing facilities. As public open space suitable for sporting use Bert Jeffery requires amenities to support this use.

6. *Public Question Time Continued*

At 7:16pm Cr Pazolli left the meeting, and returned at 7:20pm.

Question 9

b) (i) *What were the costs for the irrigation upgrade at BJP?*

Response

Bert Jeffrey was already due for replacement in 17/18 as per the irrigation asset management replacement programme. Irrigation design had been completed in 16/17 so only minor modifications were required to accommodate the wicket. Total costs as tendered through the Pre-Qualified Supplier agreement was \$90,000.

Question 10

(ii) *State the portable (sic) and bore water usage costs to maintain the turf at BJP to date?*

Response

The Club is responsible for the costs to water the turf wicket with portable water. There would be no additional costs for bore water attributed to watering the turf wicket as the City is already watering the park.

Question 11

c) *What are the estimated costs to relocate the playground to accommodate the amenity building in the proposed location?*

Response

Approximately \$10,000 is required to relocate the swing set, with the combination pit proposed to stay in its current position.

Question 12

d) *Mr Cahoon stated in his report that Winthrop Park would incur some costs; and that amenity buildings already exist.*

(i) *What were the extra costs Mr Cahoon referred to?*

(ii) *What would be the estimated costs of moving the floodlights at Winthrop Park to accommodate all sport?*

6. *Public Question Time Continued*

Response

Cost is only one consideration. Additionally you need to consider:

- Overall existing use of the reserve;
- The impact on other summer and winter users of the reserve due to placement of the turf block;
- Impact of access to the reserve for non-organised sports activities; and
- Scheduled upgrade works and available funds for the establishment of sports fields and supportive facilities, e.g. toilets and changing facilities.

Question 13

- e) *Earlier correspondence from the City states the BJP building would be only "approximately 45m²". Have part of the additional costs now come from a new much larger size amenities of 160m², more three times the original size?*

Response

Initial investigations were considering a staged build. The proposed amenities at Bert Jeffery Park are still considered modest in comparison to the majority of other reserves.

Question 14

Councillor Robins asked a question at the recent Agenda Briefing Forum as to what the main reason for complaints in other locations was, with the Officer's response being that it came from noise from social events hosted at these sites.

She then asked if social events could be hosted in the proposed facility and was told that it could not as these would only be change rooms.

- a) *Residents have for years held social events (picnics, birthday parties, social cricket, and on) at BJP.*
- (i) *State the number of complaints to date that the City has received over the last 5 years, when residents have used the park in this way?*
 - (ii) *State the number of complaints the City has received when sporting events/sport training takes place at the park (for example with parking/noise/loitering/swearing/drinking etc).*

Response

Complaints have been minimal. The City does not have data that would identify if a complaint was due to a residents use of the park or non residents.

6. *Public Question Time Continued*

Question 15

- b) *The City of Melville have stated the toilets will to create anti-social behaviour because they won't be public.*
- (i) *Is the Council aware other Cities in the metropolitan area have closed toilets due to anti-social behaviour?*

Response

Yes.

This will be managed through appropriate lighting and security as employed at other City reserves and facilities.

Question 16

- (ii) *Is the Council aware that correspondence sent to locals stated that the 'non-public' amenities was intended to only be 'initially'? Please clarify if initially really means only on a temporary basis?*

Response

The City does not intend to provide public toilets from Bert Jeffery Park as it is not believed that Bert Jeffery Park needs public toilets accessible outside of the use by groups who have pre booked. Initially means; if in the future there was an overwhelming support from the community and a demonstrated need it could be reconsidered.

Question 17

- (iii) *Is it only initially because the real intention is for the facilities to be available for more than ACC as is evident in CoM correspondence?*

Response

It is a community building and will be used by user groups at Bert Jeffery Park, however as previously stated there is no intention to have the toilets open outside of structured use, ie as 'Public toilets'

Question 18

Was Council aware that correspondence from the City states: "the small amenities building ... will be opened for use by reserve users or local residents via bookings", and "... demand by local community for a public toilet ... may be revisited"? If Councillors are not, how can voting take place without being aware of the true facts and full impact for residents?

Response

Councillors are aware of the intended use.

6. *Public Question Time Continued*

Question 19

- c) *It has also been stated that the proposed building will be place 3m below resident's driveways. This means the land will slope sharply from the road to the building and that a sheltered area behind the building will be created. This resulting narrow passage provides an ideal location for anti-social behaviour such as drug dealing, a place for the homeless and the like.*
- (i) *In the design, did the City consider the potential dangers for residents in creating a concealed or sheltered space which as history has shown, could be used for illegal activities?*
- (ii) *State the specifics about how was this aspect was (sic) considered by the City when designing the building?*

Response

The detailed designs for the amenities building have not been completed. This will be considered during the detailed design process.

Question 20

- d) *It has been stated publicly by ACC players that cricketers like to have a beer after the game. There has already been evidence of drinking of alcohol occurring at BJP after cricket, despite the City's assurance that this would not be the case.*
- With a sport and Club that has a drinking culture, and liquor store as a sponsor, and with no plans in the proposed design to provide any internal space for this after game activity, does this not force players to drink on the oval and thereby break the law?*
- e) *Former CEO Dr Silcox stated at the Special electors meeting that residents can monitor any type of activity that occurs at the Park, report to the police, and forward the police report number to the City.*
- (i) *Why has the City put the onus on local residents to monitor and report anti-social behaviour by ACC members at BJP?*

Response

Applecross Cricket Club are a valued community sporting organisation that has utilised community facilities for over 70 years. It has also been part of the Association that holds the restricted club liquor license at Shirley Strickland Reserve. It has demonstrated its compliance to the liquor laws over this period of time and have committed to returning to their main clubrooms at Shirley Strickland Reserve for the consumption of alcohol.

At 7:25pm Cr Woodall left the meeting, and returned at 7:28pm.

6. *Public Question Time Continued*

Question 21

Silcox further stated that in the event of inappropriate behaviour by the ACC members, rights to use the City facility/ground would be removed.

- (ii) What is the City's policy with regard to removing club's rights to use grounds?*
- (ii) Has there been any instances where any clubs have been refused the right to use a CoM ground?*

Response

No, Clubs are generally good community minded organisations that provide an avenue for residents to participate in activities that improve physical activity and bringing community together through a sense of belonging.

Question 22

- (iii) will the City include clauses in the agreement with ACC to enable the City to unilaterally terminate ACC's use of BJP in the event any ACC members or guest is found to be in possession of alcohol (open or not) or illicit substances at any time at BJP?*

Response

The City allocates use of sporting reserves on an annual basis.

Question 23

- f) If Cr Robins believes there will always be more games and no social activities,*
 - (i) please explain how the potential for complaints has been solved?*
 - (ii) is the Council aware that City of Melville documents state that the amenities will be available for non-sporting use? And "that facilities may also support other sporting and non-sporting bookings that may occur at the Park"?*

Precisely, what does 'non-sporting use' mean if it is not social events whether it be ACC, or other sections of the community?

- (iv) In light of this, does this not follow that BJP residents can expect anti-social behaviour because this is what happened to the City in the past?*

Response

It is a community building and will be used by user groups at Bert Jeffery Park. The City does not expect an increase in anti-social behaviours due to the installation of community facilities at BJP. The City will provide the same responses should anti-social behaviours occur at BJP as it does with other City of Melville facilities.

6.3 Questions Received at the Meeting

6.3.1 Ms J Spanbroek, Bull Creek

Article published in the Sunday Times at the weekend providing information on which Perth Council's have cancer-preventing shade structures on playgrounds.

The list did not include City of Melville.

I was concerned, therefore, I contacted the journalist and expressed my disappointment. The journalist informed me that the City of Melville were contacted twice and did not respond.

Please explain how many playgrounds the City of Melville have and how many have suitable cancer-preventing structures such as shade sails or other?

I would also like an explanation, on such an important issue, as to why there was no response to the journalist on two occasions?

Response

These questions were taken on notice.

At 7:29pm Cr Barton moved, seconded Cr Kepert–

That the questions submitted to public question time by Mr G Gear and Ms M Sandford, who were not in attendance be read out to the meeting.

At 7:30pm the Mayor submitted the motion, which was declared

LOST (5/7)

Vote Result Summary	
Yes	5
No	7

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Wheatland	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Wieland	No
Cr Woodall	No
Mayor	No

The Presiding Member requested the questions submitted by Mr G Gear and Ms M Sandford be provided in the minutes of the meeting along with the responses.

6.4 Questions Submitted, Questioner Not Present.

6.4.1 Mr G Gear, Alfred Cove

Question 1

What part of the definition of “sham’ from the Cambridge dictionary is “Negative Reflection”?

Response

The word “sham” as per the definition referred to above included words such as

“something that is not what it seems to be and is intended to deceive people, or someone who pretends to be something that they are not.”

Calling the Bowls Strategy Report a “sham” can in light of the above definition can only be interpreted as a negative reflection on the City’s officers involved in the preparation of the Strategy and the Council who adopted the Strategy.

Question 2

Does the Bowls Strategy Report have the necessary fiscal and analytical integrity to warrant the spending of over \$10M of ratepayers money?

Response

Yes – Mr Gear has been provided with detailed responses by the City to similar questions in the past. It is also noted that the “spending of over \$10million of ratepayers money” which presumably references the Tompkins Park Redevelopment Project is not simply a result of the implementation of the Bowls Strategy and includes other works necessary to ensure that Tompkins Park and associated facilities remains fit for use and meet contemporary standards.

6. *Public Question Time Continued*

6.4.2 Ms M Sandford, Applecross

Question 1

Before Melville City Council voted to relocate the Melville Bowling Club and the Mount Pleasant Bowling Club to Tompkins Park to form a new amalgamated bowling club, or at any stage, did the City of Melville ensure that the following requirements of Section 102 of the Associations Incorporation Act 2015 (WA) had been complied with and approved by 75% of members of each club (special resolution) and, if not, why were these requirements not made conditions precedent to the said relocation decision and the Lease to Urbnsurf (Perth) Pty Ltd?

Ms Sanford provided excerpts from the *Associations Incorporation Act 2015*, section 102.

102

- (1) An application may be lodged with the Commissioner in the approved form for the incorporation of an association (the new body) that is an amalgamation of 2 or more existing incorporated associations.*
- (2) The application must be made by a person duly authorised to do so by each of the existing associations.*
- (3) An application cannot be made if the proposed amalgamation is inconsistent with the rules of any of the existing associations.*
- (4) An application cannot be made unless —
 - (a) the terms of amalgamation; and*
 - (b) the name and the objects or purposes of the new body; and*
 - (c) the rules of the new body,*have been approved by a special resolution of each of the existing incorporated associations concerned.*

Response

While both Clubs had originally voted to work with the City to relocate to Tompkins Park, it is not necessarily a requirement as the City remains the landlord and is responding to endorsed Recommendations of the Council to relocate Clubs to the new facility at Tompkins Park. The process of the merger, or the establishment of a new Association, is up to the individual Clubs.

There was no requirement for the Clubs to pass a special resolution in order for the Council to approve the Concept Plan and associated recommendations.

Any new Association would need to register once formed.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL – 20 NOVEMBER 2018**
Minutes 20 November 2018**COUNCIL RESOLUTION**

At 7:32pm Cr Wieland moved, seconded Cr Phelan–

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 20 November 2018, be confirmed as a true and accurate record.

At 7:32pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (12/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 27 NOVEMBER 2018
Notes 27 November 2018**COUNCIL RESOLUTION**

At 7:32pm Cr Barling moved, seconded Cr Robartson –

That the Notes of Agenda Briefing Forum held on Tuesday, 27 November 2018, be received.

At 7:32pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (12/0)

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

Nil.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Barton – Item P18/3796 – Review of H4 Areas of the Canning Bridge Activity Centre – Report on the Results of Stakeholders Engagement, Interest Under the Code

10. DEPUTATIONS**10.1 Mr M McLerie and Mr S Wallace, Representing the City of Melville Residents and Ratepayers Association (Inc).**

Item M18/5657 – Public Question Time at Council or Committee Meetings Policy.

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

13. PETITIONS

Nil.

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 7:33pm the Mayor brought forward item M18/5657 – Public Question Time at Council or Committee Meetings Policy for the convenience of the public gallery.

At 7:33pm Mr M McLerie and Mr S Wallace entered the Chambers for the purpose of providing a presentation on item M8/5657 – Public Question Time at Council or Committee Meetings Policy for the convenience of the public gallery.

*At 7:33pm Cr Wieland left the meeting, and returned at 7:49pm
At 7:33pm Cr Macphail left the meeting, and returned at 7:49pm*

At 7:36pm the Mayor called Mr McLerie to order.

At 7:38pm Mr M McLerie commenced the deputation, which concluded at 7:48pm.

At 7:39pm Cr Phelan left the meeting, and returned at 7:49pm.

**M18/5657 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**

Ward	: All
Category	: Policy
Subject Index	: Policy and Policy Development Council Administration – Public Question Time
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	: 17.1 Motion – Improving Public Question Time (December 2017) 18/5595 – Public Questions Time at Council or Committee Meetings (February 2018)
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Corrine Newman Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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>

**M18/5657 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Department of Local Government, Sports and Cultural Industries advocates for each local government to implement standard procedures in relation to legislated public question time.
- The *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the *City of Melville Meeting Procedures Local Law 2017* all provide legislated requirements on the management of Public Question Time.
- The City is committed to giving the public equal and fair opportunity to participate in public question time.
- This report recommends that the proposed new policy CP-014 Public Question Time at Council or Committee Meetings be adopted and implemented.

BACKGROUND

At the Ordinary Meeting of Council held 15 August 2017, the Council resolved the following:

“That the Council requests the Chief Executive Officer to undertake a review of the public question time process in Ordinary Meetings of Council, Agenda Briefing Forums and other meeting of Council where question time may be allowed, and a draft Council Policy and / or amendment to a Local Law for consideration at an Elected Members Information Session that will ensure that the public question time process remains consistent with the requirements of the *Local Government Act 1995* and ensures that Ordinary Meetings of Council public questions at Ordinary Meetings of Council and Council’s answers to those question are either read out at the Ordinary Meetings of Council, or other meetings as relevant provided that the questions are not defamatory, offensive, frivolous , in the form of a statement or have been previously asked of the Council.”

At the Ordinary Meeting of Council held 12 December 2017 the Council resolved the following:

“That the Council requests the Chief Executive Officer (“CEO”) to be guided by the following principles, subject to the *Local Government Act* and any other applicable law, in undertaking the Review of the Public Question Time Policy/Local Law (Item 17.1 Ordinary Meeting of the Council, (15 August 2017):

- 1) Questions are not to be distinguished on the basis of whether they are ‘operational’ or ‘strategic’;
- 2) A minimum of 15 minutes is to be provided for Question Time at Agenda Briefing Forums and Ordinary Meetings of the Council;
- 3) Questions are to be read out by the Presiding Member in the order that they are received;
- 4) Questions are to be answered to the best of the Council’s ability (acting reasonably);
- 5) Question and Council’s answers are to be recorded in the minutes of the relevant meeting – any questions not able to be answered publicly due to effluxion of time are to be listed in the Minutes of the Council meeting and responded to in writing after the meeting; and

**M18/5657 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**

- 6) Any comments within a question that are considered by the Presiding Member and the CEO to be defamatory to a person, not meeting the usual standards of public decency, or otherwise not in compliance with the law, are not to be read out publicly and are to be deleted from the written record. The Presiding Member will attempt to read the question without the deleted words.”

A new policy was presented to the Ordinary Meeting of Council held 20 February 2018, with this matter being deferred to allow for further information and clarification on amendments proposed at that meeting.

During mid-2018, the City engaged the Western Australian Local Government Association (WALGA) to review the City's formal meeting structure, including public question time. Elected Members were given the opportunity to provide input into the review, with WALGA presenting its findings at an Elected Member Information Session held in September 2018.

Further opportunities were provided for Elected Members to provide input into the elements of a revised policy via a short survey, a further presentation at an Elected Member Information Session in October 2018 and the opportunity to provide comments in writing.

The City has current policy CP-014 – Question Time at Committee and Council Meetings and rather than try and amend this policy, a new policy was been developed and has been further refined as a result of the feedback outlined above.

DETAIL

The *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* requires that a minimum of 15 minutes is set aside for public questions at each Ordinary Meeting of Council and at other prescribed meetings. A prescribed meeting is a committee meeting that has a delegated power or duty. The City does not currently have any Committees with delegated power or duty.

The *City of Melville Meeting Procedures Local Law 2017*, Part 7 provides guidance on public participation at formal meetings and makes specific reference to the requirement of the *Local Government Act 1995* and the *Local Governments (Administration) Regulations 1996*.

The Department of Local Government, Sports and Cultural Industries has Operational Guidelines on Managing Public Question Time which advocates for local governments adopting standard procedures in relation to the public question time. These principles contained in these guidelines have been used in the development of the proposed policy.

The proposed new policy:

- outlines the Council's commitment to understanding the community's needs and aspirations in its decision making processes and ensuring that members of the community are given equitable opportunity to participate in public question time.
- provides guidance and direction on the management of public question time to ensure the City and the Council meets the legislative requirements.
- provides clarity to the community on how to present a question to public question time and the types of questions that will not be responded to.
- provides clarity on the order in which questions will be responded and the format of those responses.

**M18/5657 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**

The proposed new policy will allow for questions submitted before a deadline to be adequately researched for response and where necessary, particularly for questions related to items on the agenda, for this information to be provided to Elected Members prior to the meeting.

The proposed new policy seeks to address the objectives outlined in the Council resolutions of 15 August 2017 and 12 December 2017, the input provided by Elected Members in a variety of forums, the City's aspiration of improving communication mechanisms with the community and meeting the City's legislated obligations.

The proposed new policy would come into effect from commencement of the 2019 schedule of Council Meetings. Further input will be sought from Elected Members once the policy is operational.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No specific comment has been sought from the community, however Elected Members have been explicit in their desire to better meet the needs of the community in this process and matters raised in relation to the public question time process by the community have been taken into consideration.

II. OTHER AGENCIES / CONSULTANTS

The City engaged the Western Australian Local Government Association to undertake a review of the City's formal meeting structure, including public question time. The recommendations of this review have been taken into consideration in the development of the proposed policy, in addition to a desk top review of practices in other local governments and the principles contained in the Department of Local Government, Sports and Cultural Industries Operational Guidelines – Managing Public Question Time.

STATUTORY AND LEGAL IMPLICATIONS

The *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* contain specific clauses in relation to question time for the public. Additionally the *City of Melville Meeting Procedures Local Law 2017* provides further guidance on public question time. The proposed new policy has been developed to support these legislative requirements.

FINANCIAL IMPLICATIONS

Whilst there are no financial implications associated with the implementation of the proposed new policy, there are indirect resources and financial implications associated with managing, researching, recording and responding to questions presented at public question time.

**M18/5657 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of in accurately assessing the community needs, aspirations and areas of interest through an inequitable and ineffective public question time process.	Major consequences which are possible, resulting in a High level of risk	Ensure policy and processes in place to mitigate the likelihood of occurrence and ensure good governance practices and organisational transparency to meet legislative requirements and additional community needs and aspirations.

POLICY IMPLICATIONS

The proposed new policy CP014 - Public Question Time at Council or Committee Meetings Policy supports the objectives of Elected Members in engaging with the community through the public question time process, whilst meeting legislative requirements and obligations.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could resolve not to adopt the proposed new Public Question Time at Council and Committee Meetings and the current policy would remain in place.

CONCLUSION

Through the City of Melville Corporate Business Plan (Priority 5), the City is committed to improving the mechanisms it uses to communicate with the community. The implementation of a new policy around the management of Public Question Time at Council or Committee meetings responds to all feedback received and supports this aspiration and provides clarity to the community on effectively participating in these forums.

OFFICER RECOMMENDATION (5657)

APPROVAL

At 7:49pm Cr Wieland moved, seconded Cr Robartson–

That the Council:

1. **Approves the implementation of the new Council Policy CP-014 – Public Question Time at Council and Committee Meetings
5657 Public Question Time Policy**
2. **Directs that the new policy be implemented at the commencement of the 2019 Schedule of Council meetings; and**
3. **That the Amendments proposed at the February 2018 Ordinary Meeting of Council be deemed to have been dealt with.**

**M18/5657 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**

At 7:50pm Cr Wheatland left the meeting and returned at 7:51pm.

Amendment 1

At 7:50pm Cr Barling moved, seconded Cr Pazolli–

That the Council request the Chief Executive Officer to amend the Public Question Time at Council or Committee Meeting Policy by inserting the following sentence at the end of the section “Responses to Questions” on pg 2:

“Questions on notice will be provided to Elected Members in written form by email before the start of the meeting so they have the opportunity to read through and follow the questions whilst they are being read out during Question Time.”

Procedural Motion

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

That the matter be deferred for discussion at an Elected Member Information Session in February 2018 for presentation to the March 2019 Ordinary meeting of Council.

At 7:58pm the Mayor submitted the motion, which was declared

LOST (5/7)

Vote Result Summary	
Yes	5
No	7

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Wheatland	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Wieland	No
Cr Woodall	No
Mayor	No

**M18/5657 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**

Amendment 1

COUNCIL RESOLUTION

At 7:50pm Cr Barling moved, seconded Cr Pazolli–

That the Council request the Chief Executive Officer to amend the Public Question Time at Council or Committee Meeting Policy by inserting the following sentence at the end of the section “Responses to Questions” on pg 2:

“Questions on notice will be provided to Elected Members in written form by email before the start of the meeting so they have the opportunity to read through and follow the questions whilst they are being read out during Question Time.”

At 8:14pm the Mayor submitted the motion, which was declared

CARRIED (7/5)

Vote Result Summary	
Yes	7
No	5

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Wieland	No
Mayor	No

**M18/5657 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**

At the request of Elected Members, the Presiding Member agreed that each point of the amendment proposed by Cr Woodall would be voted upon separately.

Amendment 2

At 8:14pm Cr Woodall moved, seconded Cr Robartson –

That the Council amend Officer Recommendation 5657 by amending the attached new Council Policy CP-014 – Public Question Time at Council and Committee Meetings as follows:

- 4. After the words ‘previous meeting’ at the end of the last bullet point in the section ‘Assessment of Questions’ insert the following:**

“..., where the answers to those questions have not changed...”

At 8:26pm the Mayor submitted the motion, which was declared

CARRIED (11/1)

Vote Result Summary	
Yes	11
No	1

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Wieland	No

**M18/5657 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**

Amendment 2 (part 2)

5. At the end of the last sentence in the section ‘Assessment of Questions’ insert the following new sentence:

“No distinction will be made between questions on the basis of whether they relate to ‘operational’ or ‘strategic’ matters.”

At 8:27pm the Mayor submitted the motion, which was declared

CARRIED (9/3)

Vote Result Summary	
Yes	9
No	3

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Cr Phelan	No
Cr Wieland	No
Mayor	No

**M18/5657 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**

Amendment 2 (part 3)

6. In the second paragraph of the section ‘Responses to Questions’, after the words ‘Responses will be provided’ insert the following:

“...to the best of the City’s ability and...”

At 8:28pm the Mayor submitted the motion, which was declared

LOST (6/7)

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

Vote Result Summary	
Yes	6
No	6

Vote Result Detailed	
Cr Barton	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Cr Barling	No
Cr Kepert	No
Cr Macphail	No
Cr Phelan	No
Cr Wieland	No
Mayor	No

Reasons

1. Repeat questions should be allowed if the answers to the question have changed. For example, a question about the progress of a particular project might be asked in March and June – each question might be identical but the answers are likely to have changed. Such questions should be answered by Council.
2. Questions should be answered regardless of whether they relate to ‘strategic’ or ‘operational’ matters. Residents and ratepayers are entitled to ask about any Council/City related issue and to have the answers provided publicly, regardless of the type of question.
3. Concerns have been raised that the answers to questions are sometimes limited or do not provide the questioner with the information they are seeking. This additional wording intends to strengthen the policy by ensuring that questions are answered to the best of the Council’s ability.

**M18/5657 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**

Amendment 3

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

That the last paragraph be amended to read ...

“Questions from members of the public that do not comply with this policy may be ruled out of order and the question will not be recorded in the minutes.”

At 8:50pm the Mayor submitted the motion, which was declared

LOST (5/7)

Vote Result Summary	
Yes	5
No	7

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Wheatland	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Wieland	No
Cr Woodall	No
Mayor	No

At 8:35pm Mr B Dawkins left the meeting and did not return.

At 8:44pm Cr Woodall advised of his intention to foreshadow a motion

**M18/5657 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**

Foreshadowed Motion

At 8:51 Cr Woodall, seconded Cr Barling

That the last paragraph be amended to read ...

“Questions from members of the public that do not comply with this policy, the *City of Melville Meeting Procedure Local Law 2017* or the *Local Government Act 1995* and *Regulations* may be ruled out of order and the question will not be recorded in the minutes”.

At 8:55pm the Mayor submitted the motion, which was declared

CARRIED (8/4)

Vote Result Summary	
Yes	8
No	4

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Macphail	No
Cr Mair	No
Cr Robartson	No
Cr Wieland	No

At 8:51pm Mr G Ponton left the meeting and returned at 8:53pm.

**M18/5657 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**

Substantive Motion as Amended

COUNCIL RESOLUTION (5657)

At 7:49pm Cr Wieland moved, seconded Cr Robartson–

That the Council:

1. Approves the implementation of the new Council Policy CP-014 – Public Question Time at Council and Committee Meetings
5657 Public Question Time Policy subject to the following amendments:
 - Insert the following sentence at the end of the section “Responses to Questions” on pg 2:
“Questions on notice will be provided to Elected Members in written form by email before the start of the meeting so they have the opportunity to read through and follow the questions whilst they are being read out during Question Time.”
 - After the words ‘previous meeting’ at the end of the last bullet point in the section ‘Assessment of Questions’ insert the following:
“..., where the answers to those questions have not changed...”
 - At the end of the last sentence in the section ‘Assessment of Questions’ insert the following new sentence:
“No distinction will be made between questions on the basis of whether they relate to ‘operational’ or ‘strategic’ matters.”
 - That the paragraph “Questions that do not comply with this policy” be amended to read
“Questions from members of the public that do not comply with this policy, the City of Melville Meeting Procedure Local Law 2017 or the Local Government Act 1995 and Regulations may be ruled out of order and the question will not be recorded in the minutes.”
2. Directs that the new policy be implemented at the commencement of the 2019 Schedule of Council meetings; and
3. That the Amendments proposed at the February 2018 Ordinary Meeting of Council be deemed to have been dealt with.

At 8:57pm the Mayor submitted the motion, which was declared

CARRIED (7/5)

Vote Result Summary	
Yes	7
No	5

Vote Result Detailed	
Cr Barling	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Barton	No
Cr Kepert	No
Cr Mair	No
Cr Pazolli	No
Cr Wheatland	No

Disclosures of Interest

Item No.	
Member	Cr J Barton
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Family member property interest in the Canning Bridge Activity Centre
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)**

Ward	: Applecross/Mt Pleasant
Category	: Strategic
Application Number	: Not Applicable
Property	: Various
Proposal	: Review of H4 areas of Kintail and Ogilvie quarters in the Canning Bridge Activity Centre - report on the results of stakeholder engagement
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	: P18/3786 – Review of Canning Bridge Activity Centre Plan - Draft Amendment, Ordinary Council Meeting 17 July 2018; P18/3779 – Review of Canning Bridge Activity Centre Plan – Update, Ordinary Meeting of Council 17 April 2018. P17/3765 – Report on Canning Bridge Activity Centre Plan, Special Meeting of Council 22 August 2017.
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE 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 (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

- At the Ordinary Meeting of Council held on 17 July 2018 the Council resolved to approve the advertising of a series of proposed amendments to the Canning Bridge Activity Centre Plan (CBACP). The amendments related to Building Height; Mezzanine Levels; Single Dwellings; Privacy and Amenity; Overshadowing; and, Lot Size and Building Height.
- As per the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* the City has undertaken formal public consultation for the proposed amendments.
- Consultation occurred via letters sent to all land owners and residents within the H4 zone of the CBACP plus those immediately adjacent the precinct boundary. Invitations to comment were also advertised on the City's website and within the local newspaper.
- This report provides a summary of the submissions received and in response provides a series of recommendations.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)**

BACKGROUND

At the Ordinary Council meeting on 17 July 2018 (Item P18/3786) Council considered a draft amendment to the CBACP. The amendment represented the results of the review of the H4 provisions of the CBACP and included proposals relating to building height, mezzanine levels, relaxation of controls for single dwellings, introducing privacy controls, building bulk and overshadowing and the relationship between lot sizes and building height.

At its meeting on the 17 July 2018 Council resolved to support the draft amendment and to initiate public advertising of the proposals.

[3796 Attachment 2 P18-3786 Council Report July 2018](#)

As per the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* the City has proceeded to formal public consultation for the proposed amendments.

STAKEHOLDER ENGAGEMENT

Advertising Required: 30 Days

Invitations to comment on the proposed changes were sent to all owners and residents of the H4 zone as well as properties immediately adjacent to the H4 zone. Full details of the proposed amendments, including a background and an information report, were also advertised on the City's website. An advertisement inviting comment was also placed in a local newspaper. The comment period was open between 20 August 2018 and 19 September 2018.

87 submissions were received in total. Submissions largely represent individuals comments with 1 submission received on the behalf of the Swan Foreshore Protection Association.

Overall, the feedback was varied across the proposed amendments. The results of the consultation process for each item are detailed in the following section of this report.

A copy of all the submissions received is provided as a confidential attachment which was distributed to Elected Members on Friday 23 November 2018 under confidential cover.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)**

DETAIL

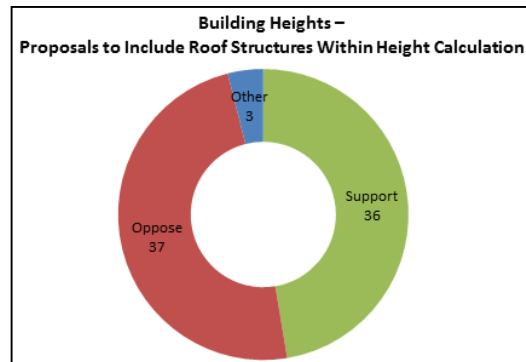
Below is a summary of the submissions that referenced each proposed amendment.

[3796 Attachment 3 CBACP Review of the H4 Areas \(July 2016\)](#)

Building Heights

The primary reason for the proposed modification is to clarify that roof structures are not included in calculation of a building's height. Setbacks to roof structures (from the edge of buildings) and height limits on roof structures are proposed to reduce potential impacts relating to building bulk, privacy and noise.

76 Submissions



For this amendment an equal share of responses supported and opposed the recommended change. Common comments from respondents are as follows;

- Lift shafts and other utilities should be exempt from the greater setback;
- A reference should be made to natural ground level and finished floor level to ensure consistency with other provisions of the CBACP;
- A number of alternative setback options were suggested ranging from 1m-6m from the building edge to side and rear boundaries;
- Opposition to roof structures not being included within the 16m height limit;
- Concern that greater setback requirements undermine properties development potential.

While some opposition is apparent for the proposed amendment the provisions are not considered to materially affect the design opportunities or development potential of properties.

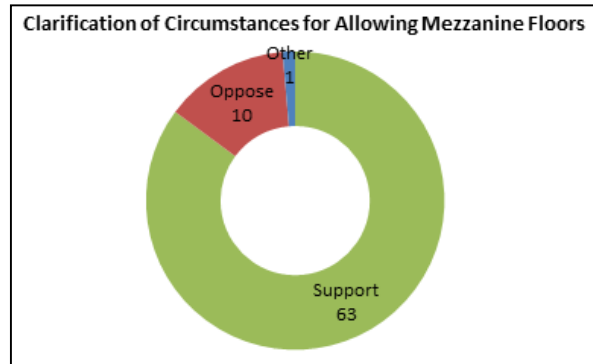
The commentary suggesting reference to natural ground level and finished floor levels is noted and supported. It is recommended that such a modification be made to the amendment for greater clarity. Submissions also noted an omission in the amendment wording with respect to the calculation of the setback distance for roof structures as measured from the street. A modification to address this matter is also recommended.

P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE - REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

Clarification of Circumstances for Allowing Mezzanine Floors

The intent of the proposed modification is to provide additional clarity that for the purposes of the CBACP mezzanine floors are permitted and do not constitute a storey. The design and extent of mezzanine levels is proposed to be managed in response to concerns that they may be used to create excessive floor space and appear as additional storeys.

74 Submissions



Substantial support is apparent for this modification. Common comments from respondents are as follows:

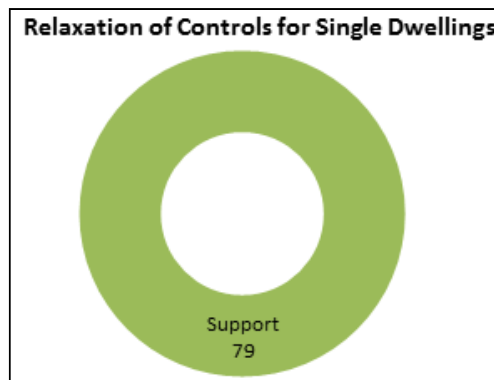
- Clarification is appreciated and provides greater certainty on the interpretation of mezzanine floors;
- Some discontent that mezzanine floors are permitted at all and believe mezzanines should be classified as storeys.

It is recommended that the amendment proceed as proposed.

Relaxation of Controls for Single Dwellings

The proposed amendment is designed to clarify that while single dwellings are not a preferred land use they may be considered subject to achieving the desired outcomes of the CBACP, most specifically, by demonstrating the ability of the dwelling to be converted to a more intensive development at a later date.

79 Submissions



**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
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The submissions identified unanimous support for the relaxation of controls to allow for single dwellings in the H4 zone. However, most submissions oppose single dwellings being subject to other development provisions of the CBACP in particular; Element 5 - Side and rear setbacks; Element 11 – Sustainability; and, Element 13 - Adaptability. Several submissions suggest that single dwellings should be able to develop as per the R-Codes.

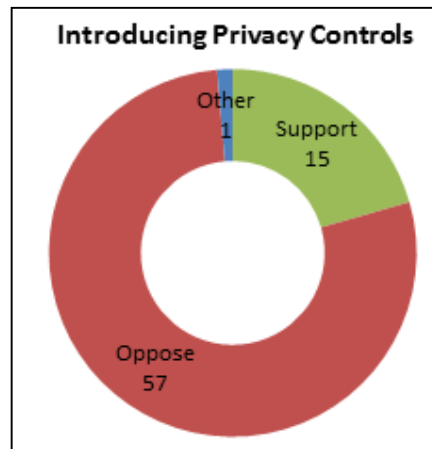
Discretion within the CBACP provides opportunity to examine the suitability of single dwellings and the nature of the proposed built form to be assessed on a case by case basis. In relation to the longer term objectives of the CBACP it is recommended that demonstrating achievement of the desired outcomes for each element remains integral to ensure the scale, intensity and quality of development is as envisaged by the plan.

It is recommended that the amendment proceed as proposed.

Privacy and Amenity

The proposed introduction of privacy setback controls respond to concerns raised on this issue and are intended to align with industry standards including the imminent State Government apartment design policy Design WA.

73 Submissions



The majority of submissions oppose the recommended amendment on the basis that the additional privacy controls constrain development. It should be noted that six (6) submissions which oppose the amendments are on the basis that they do not perceive the recommended privacy controls adequately address privacy concerns.

Key comments from respondents are as follows:

- Privacy provisions aligning with Design WA are sensible;
- Support for the introduction of privacy controls, however, suggest greater setbacks and other measures;
- Oppose greater setbacks. Believe current setback provisions adequately manage visual privacy;
- Concern that increased setbacks and privacy controls will compromise the development potential of properties and potentially undermine the design quality and liveability of dwellings.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
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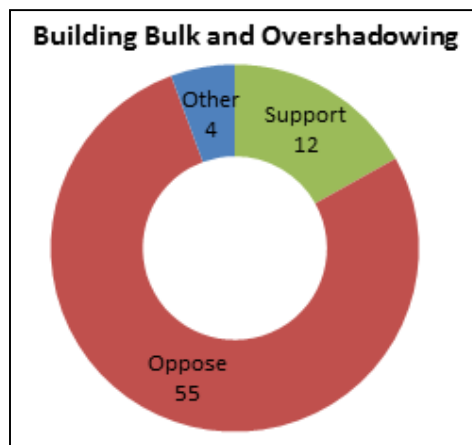
While there is noteworthy opposition to the proposed amendment the fact that a significant portion of the opposition is on the premise that privacy controls should go further confirms that privacy controls are a worthy introduction to the H4 area to manage amenity. The adoption of the Design WA privacy provisions are not considered to materially affect the design opportunities or development potential of properties.

It is recommended that the amendment proceed as proposed.

Building Bulk and Overshadowing

The suggested additional setback to third and fourth storeys for development around the edges of the CBACP to be setback further from properties outside of the plan recognise that such properties warrant additional protection from the proposed intensity of development by minimising impact of overshadowing and building bulk.

71 Submissions



The submission revealed significant opposition to the introduction of greater setback requirements. Key comments from respondents are as follows:

- Support for proposed amendment. Suggestions that an overshadowing assessment as per the R-Codes should apply where development is adjacent to lots outside of the CBACP;
- Strong opposition to proposed amendment. Believes current setback provisions sufficiently address overshadowing issues.
- Reducing third and fourth floor areas severely undermines feasibility of development projects;
- Overshadowing and greater building setbacks should be applied on site orientation context not to all lots that abut property outside of the CBACP;
- Reducing overall permitted building heights suggested as a more effective measure to reduce overshadowing.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
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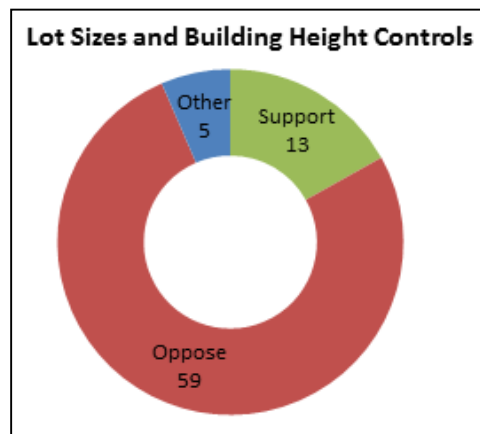
While there is considerable opposition to the proposed amendment it appears that the detail of the amendment may have been misinterpreted in some submissions, which is that it is thought to apply to all properties within the H4 zone and not just those which abut residential land outside of the CBACP. The suggested additional setbacks only impact a small number of properties around the perimeter of the precinct and will assist in reducing the impact of bulk and overshadowing to properties outside the CBACP.

It is recommended that the amendment proceed as proposed.

Lot Sizes and Building Height Controls

The relationship between lot characteristics and the capacity to develop to a certain height is recognised and therefore the amendment recommends minimum lot frontages, and as a result of the resolution of Council, a minimum lot size. The proposed amendments would effectively limit development potential of a typical single lot in the H4 area to three storeys. More intensive development would generally require amalgamation of lots to achieve the required frontage and land area.

77 Submissions



Heavy opposition is seen from the submissions relating to the proposed amendments. It is notable that opposition to the amendments appear to mostly stem from property owners within the H4 zone. Key comments are listed below:

- Minimum lot size provisions present as a significant restriction due to the large number of existing smaller lots and strata developments. Introducing such a requirement will disable development within the H4 zone;
- Provisions present as a significant challenge to existing landowners and family investors to develop and will undermine property values for current owners;
- Support increased heights on Forbes Road to H8 where adjacent to M10. Concerned there is no transition on Forbes Road via H8 zone as per other areas of the Structure Plan.
- Support for the amendment to create a diversity of building typology. A range of alternative lots sizes and frontage requirements also suggested.
- Support for the amendment, however, suggest introducing a density provision the equivalent of R60 regardless of lot size.
- Suggest further clarification for how corner and irregular shaped lots will be assessed.

P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE - REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC) (CONFIDENTIAL ATTACHMENT)

The proposal to restrict four storey developments to larger/wider lots was intended to manage the number of four storey developments, and to limit four storey developments to larger lots which may offer more design flexibility to offset the impacts of the additional height on adjoining sites. The considerable opposition to the introduction of minimum lot sizes and frontages in relation to building height is noted. As a result, further investigation into which properties within the H4 zone will no longer be capable of four storey development was undertaken. Additional analysis of the site characteristics of approved development within the H4 zone was also completed.

The analysis found that of the 118 lots within the H4 zone a total of six (5%) meet both the proposed site area and minimum frontage development criteria (See Figure 1 and Table 1). This ratifies that the proposed changes will have a widespread impact on the development of the H4 zone effectively limiting the area to a three storey height limit without amalgamation.

Table 1 also provides an overview of the land area and lot frontage of the properties in the H4 zone. The table provides an understanding of the impact of a restriction on four storey development based on minimum frontages and/or lot size. A restriction on lot frontage (minimum 25m) alone for example would enable four storey developments on 28% of sites. Relaxing the restriction to 20m, for example, would allow for four storey development on 45% of sites. In relation to lot sizes, 31% of lots would achieve a minimum site area of 1,000m² compared to 6% at 1,199 square metres or larger. A lesser requirement for lot size or minimum frontage would allow more properties to develop as is currently permitted while enforcing smaller lots to amalgamate to achieve lots of a feasible development size.

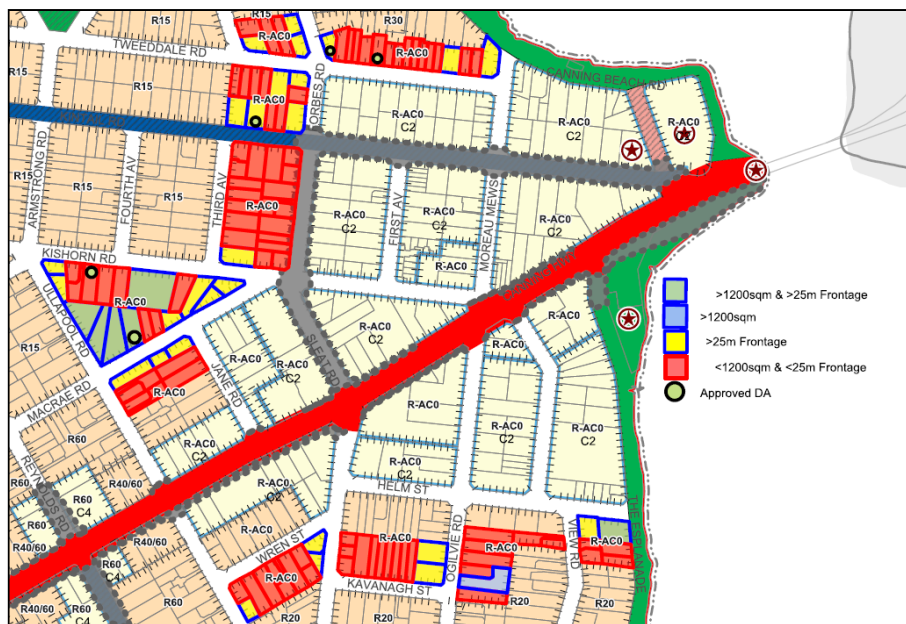


Figure 1. Further Analysis of Property Eligibility against proposed amendment

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	KINTAIL QUARTER	OGILVIE QUARTER	H4 TOTAL
	82 Lots*	36 Lots*	118 Lots*
Lot Size	No. Lots / (%)	No. Lots / (%)	No. Lots / (%)
>1200m ²	5 (6%)	2 (6%)	7 (6%)
1100m ² - 1200m ²	- (0%)	3 (8%)	3 (2%)
1000m ² - 1099m ²	20 (24%)	7 (19%)	27 (23%)
900m ² -1099m ²	- (0%)	- (0%)	- (0%)
800m ² -999m ²	2 (2%)	- (0%)	2 (2%)
700m ² -899m ²	3 (4%)	3 (8%)	6 (5%)
600m ² -799m ²	9 (11%)	2 (6%)	11 (9%)
<600m ²	43 (52%)	19 (53%)	62 (53%)
Lot Frontage	No. Lots / (%)	No. Lots / (%)	No. Lots / (%)

>25m	26 (32%)	7 (19%)	33 (28%)
20m-25m	18 (22%)	2 (6%)	20 (17%)
15m-19m	9 (11%)	15 (42%)	24 (20%)
<15m	29 (35%)	12 (33%)	41 (35%)

Table 1. Further Analysis of Property Eligibility against proposed amendment

Another point to consider is that the proposed changes will result in buildings outside of the structure plan area having greater building heights permitted than those within the H4 zone. The City's LPP1.9 Height of Buildings policy permits properties zoned R60+ within the Canning Highway Public Transport Corridor to have a building height of up to 17.5m regardless of lot size. This discrepancy could be seen to contradict the strategic objective which intends on encouraging a greater intensification of development within structure plan areas.

It is noteworthy that since the gazettal of the CBACP only five development approvals have been granted within the H4 zone, none of which have progressed to a building permit being issued. Analysis of the site characteristics for these sites found that only one of the five sites met the proposed site area criteria.

Development	Lot Size	Frontage
36 Kintail Road	1026m ²	25m
8 Macrae Road	1353m ²	26m
21 Kishorn Road	1012m ²	20m
18 Tweeddale Road	1157m ²	28m
12 Tweeddale Road	672m ²	17m

Table 2. H4 zone approved development application site characteristics

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While it is a small sample size, the limited number of development approvals and the characteristics of the approved sites suggest that developments are unlikely to be feasible on lots less than 1,000m² and with frontages less than 20m (12 Tweeddale Road being the outlying development approval).

The submissions received have indicated strong opposition to the proposal to limit 4 storey developments to sites with a frontage of at least 25 metres and a land area of 1,200 square metres. Analysis of lot characteristics confirms that this proposal would restrict four storey developments to just 6 existing sites. In relation to this aspect of the amendment options include:

- proceed with proposed amendment unchanged
- delete the proposed restrictions on four storey development based on lot size and frontage.
- consider adjustment to the lot size and lot frontage criteria for restricting four storey developments.

Various alternative combinations of controls to restrict four storey developments have been examined. The outcome of different options is summarised below:

Option – Minimum Requirement to Develop 4 Storey	Lots	%
25m frontage only	33	28%
Minimum 1200sqm only	7	6%
20m frontage only	53	45%
Minimum 1000sqm only	37	31%
20m frontage and 1000sqm	22	19%
25m frontage and 1200sqm (current proposal)	6	5%

It is concluded that the introduction of minimum lot sizes will limit the development potential of individual properties and undermine the realisation of the intended vision of intensification of the CBACP area. A less restrictive pre-requisite for four storey development could be pursued (lesser lot size and/or frontage requirements) and may still achieve a mix of three and four storey development which may in turn reduce potential impacts on some neighbouring properties. The benefits of any reduced impacts would need to be weighed up against the lost opportunities for development in the H4 zone and considered in light of the objections received during the advertising period. In these circumstances, it is noted that impacts on adjoining properties will be significantly reduced through the package of initiatives included in the H4 amendment. In particular, the proposed introduction of privacy provisions will require additional building setbacks and encourage more innovated design for developments including three and four storey buildings. In this situation the need to further control the distribution of four storey development is reduced. Accordingly it is recommended that the elements of the proposed amendment relating to minimum frontage and minimum lot size requirements for four storey development not be pursued.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
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I. COMMUNITY

The level of communication for the H4 review process in relation to Stakeholder Engagement Policy CP-002 is to consult with the community. This is consistent with the significant engagement process during the development of the CBACP. The consultation process was an opportunity to gauge the community level of support for the proposed changes.

II. OTHER AGENCIES / CONSULTANTS

Relevant servicing/government agencies would be consulted as part of any formal amendment to the CBACP.

STATUTORY AND LEGAL IMPLICATIONS

This report updates the findings and previous recommendations made in April 2018 following stakeholder engagement. If the report findings are supported a formal amendment to the CBACP would be prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2005*

FINANCIAL IMPLICATIONS

There are no financial implications for the Council.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The review of the CBACP aligns with the City's strategic goals and in particular responds to Priority 3 of the Corporate Plan, "Urban development creates changes in amenity (positive and negative) which are not well understood". The review of the CBACP focuses on responding to identified amenity concerns, whilst maintaining overall strategic objectives of the plan.

POLICY IMPLICATIONS

There is no Council Policy that relates to this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The H4 area review has recommended a number of amendments to the CBACP in response to items raised in earlier Council resolutions. The current report provides detail on the results of stakeholder feedback to the proposed amendments. As stakeholder feedback has not garnered common support for several of the recommended changes the Council may choose not to proceed with some or all of the recommended changes or consider modifications to the recommended changes. In particular, in relation to the proposed amendment relating to minimum lot sizes and frontages to achieve four storey developments, a number of alternative approaches have been discussed.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
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The recommendations of this report are considered to suitably respond to the issues raised in the stakeholder feedback and remain aligned with the proposed State Planning Policy Design WA, whilst maintaining the objectives and strategic intentions of the CBACP. Alternative options may detract from achievement of these strategic objectives and may not be supported by the WAPC.

Alternatively, the Council may not wish to proceed with the proposed amendments at all. In such a situation the CBACP will continue to operate as current.

CONCLUSION

The stakeholder engagement to the proposed amendments produced mixed responses. 57 submissions (65%) indicated support for the CBACP as it currently stands and only support clarification on interpretation of terms and minor amendments to improve the operation of the Plan. Importantly this sentiment identifies that largely the requirements of CBACP are performing as expected and reinforce that there is support for the vision and intent of the approved structure plan. This position is reflected by general support for the clarification regarding mezzanine floors and the development provisions relating to roof top structures.

Strong support is also evident for allowing single dwellings; however the support is undercut with some discontent that single dwellings are subject to satisfying other desired outcomes of the CBACP.

Strong opposition is obvious for the proposed amendments which are seen to undermine the development potential of individual properties. This is observable in the responses to the introduction of privacy and overshadowing controls, however, is most vehement in opposition to introducing minimum lot sizes to control building height.

Identifying the locational source of individual submission has not been possible due to the nature in which responses have been received. Nonetheless, there is indication of a consistent theme with the findings of the 'Review of the H4 Area' report completed in 2016 that found:

"Those whose property falls outside of the CBACP area would prefer to reduce the allowable development, and those inside the area would like to keep or increase the allowable development in the area."

It is expected that the proposed amendments, with the exception of lot size related building height controls, would assist the interpretation and application of standards to make for a smoother transition from the current low density environment to the planned higher density neighbourhoods and lessen amenity concerns. The proposed modified amendments enhance the alignment with the content of Design WA and maintains the objectives of the CBACP.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE -
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(CONFIDENTIAL ATTACHMENT)**

Recommended responses to the various elements of the proposed amendment are provided throughout the report. In summary it is recommended that having regard to the results of the advertising period that the H4 amendment be supported and forwarded to the WAPC for approval with the following modifications:

- a) include reference to natural ground level and finished floor levels in relation to building height;
- b) clarify the calculation of setback distance to roof structures from the street boundary and
- c) To not proceed with the elements of the amendment relating to minimum land area and frontage requirements for four storey development.

The proposed modified wording is outlined below. Actual proposed new or modified text is shown highlighted.

Building Height:

Amend definition of Height

Having regard to 1 and 2 above, that the Council requests the Western Australian Planning Commission amend the Canning Bridge Activity Centre Plan as follows:

a) Amend definition of Height

1) In metres:

In relation to a building, means the distance measured from the mean natural ground level of that part of the land on which the building is erected to the highest point of any part of the building above it but does not include:

- (a) Any lift plant, water tower or similar utility services, not exceeding 3.0 metres in height measured from the finished floor level of the roof deck; or
- (b) Any architectural feature or decoration, other than a free-standing sign, not used for any form of accommodation, or any open roofed structures which (in Q1 and Q2 is required to be) is open on three sides and does not exceed 3.0 metres in height measured from the finished floor level of the roof deck, which may be developed to provide recreation and open space opportunities for building occupants which may be approved by the decision maker.

2) In storeys:

Does not include a basement

Add a new clause 4.9 on page 29

Within H4 Zones (in Q1 and Q2) any structure located at roof level containing a roof and wall(s) shall be setback from the front street boundary an additional setback distance of 6 metres from the building edge.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)**

OFFICER RECOMMENDATION (3796)

APPROVAL

At 8:58pm Cr Wieland moved, seconded Cr Robartson–

That the Council;

1. a) Notes the submissions received during the public advertising period for the proposed amendments to the provisions relating to the H4 zone of the Canning Bridge Activity centre Plan.
b) Forwards the amendment to the Canning Bridge Activity Centre Plan, inclusive of the modifications outlined below, to the Western Australian Planning Commission for approval and requests that the West Australian Planning Commission considers the amendment, as modified, according to Clause 45 (1) and (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the City of Melville considers the modifications to the amendment to be of a minor nature.
2. Having regard to the results of the public advertising period resolves to modify the amendments to;
 - a) include reference to natural ground level and finished floor levels in relation to building height;
 - b) clarify the calculation of setback distance to roof structures from the street boundary
 - c) Delete reference to minimum land area and frontage requirements in relation to building height.
3. Having regard to 1 and 2 above, requests the Western Australian Planning Commission amend the Canning Bridge Activity Centre Plan as follows:
 - a) Amend definition of Height
 - 1) In metres:
In relation to a building, means the distance measured from the mean natural ground level of that part of the land on which the building is erected to the highest point of any part of the building above it but does not include:
 - (a) Any lift plant, water tower or similar utility services, not exceeding 3.0 metres in height measured from the finished floor level of the roof deck.;
or
 - (b) Any architectural feature or decoration, other than a free-standing sign, not used for any form of accommodation, or any open roofed structures which (in Q1 and Q2 is required to be) is open on three sides and does not exceed 3.0 metres in height measured from the finished floor level of the roof deck, which may be developed to provide recreation and open space opportunities for building occupants which may be approved by the decision maker.
 - 2) In storeys:
Does not include a basement

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)**

b) Add a new clause 4.9 on page 29

Within H4 Zones (in Q1 and Q2) any structure located at roof level containing a roof and wall(s) shall be setback from the front street boundary an additional setback distance of 6 metres from the building edge.

c) Add a new clause 5.8 to page 30

Within H4 Zones (in Q1 and Q2) any structure located at roof level containing a roof and wall(s) shall be setback from side and rear boundaries an additional setback distance of 2.5 metres from the building edge.

d) Modify clause 5.7 to read:

Provisions of privacy and solar access and overshadowing do not apply within the Canning Bridge Activity Centre Plan except as follows:

Within the H4 Zone (in Q1 and Q2) windows, balconies and accessible roof spaces are to provide with separation distance to the side and rear boundaries for visual privacy as follows:

View from	Separation Distance
Bedroom, study, living area or open space walkway	4.5m
Balcony or accessible roof area	6m

e) Add definition of mezzanine to the CBACP:

Mezzanine: For the purposes of the provisions (relating to Q1 and Q2) of the Canning Bridge Activity Centre Plan, is limited to meaning a habitable space between two storeys that is:

- a. accessible only from the apartment space or storey area immediately below;
- b. limited in area to no more than one third of the floor space area it is located within;
- c. designed in a manner which ensures the mezzanine space is open to the floor area below and
- d. of an overall height and design which ensures that the space does not appear as a separate floor in the external elevations of the building.

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(CONFIDENTIAL ATTACHMENT)**

f) Add new clause 1.3 and 1.5

1.3 Q1 – Single Dwellings. Single dwellings whilst not preferred land uses may be considered by the decision maker, subject to development being to a minimum height of 2 storeys and the applicant satisfactorily demonstrating the ability of the dwelling to be converted to a more intensive development at a later date.

1.5 Q2 – Single Dwellings. Single dwellings whilst not preferred land uses may be considered by the decision maker, subject to development being to a minimum height of 2 storeys and the applicant satisfactorily demonstrating the ability of the dwelling to be converted or staged to a more intensive development at a later date.

g) Add new clause 5.8

5.8 Development of any third or fourth storey on any site (in Q1 and Q2) adjoining residential zoned land outside of the Canning Bridge Activity Centre Plan shall be setback a minimum of 8 metres from that common boundary.

Amendment

At 8:58pm Cr Pazolli moved, seconded Cr Kepert –

That the Council amend Officer Recommendation 3796 by:

- 1. In clause 2c) replace the word “Delete” with the word “include”.**
- 2. Inserting a new clause 3(h):**
“Add new clause 2.6:

2.6 Development of 4 storey and 16m high buildings within Q1 and Q2 of the H4 Zone shall be restricted to sites that achieve a minimum 25 metres continuous street frontage (including street corners) and a minimum lot size of 1200 square metres. Sites not achieving these requirements are restricted to a development height of three storeys and 12 metres.

**Addition of note to H4 reference on Heights Table on page 19:
*Refer also to requirements of Clause 2.6**

Adjustment to Clause 3.1 to read:

Maximum building heights shall be in accordance with Figure 2 Land Use, Built Form and Zones Plan, noting the minimum site area and frontage requirements of Clauses 2.2, 2.3 and 2.6.”

- 3. Inserting a new clause 4:**

“4. Requests the Chief Executive Officer arrange for planning officers to include in the upcoming Canning Bridge Activity Centre Plan scheme amendment review consideration of applying plot ratio, open space and other applicable Multi-Unit Housing Code controls to ensure dwelling density and development bulk expectations of the community and Council are achieved in the revised Canning Bridge Activity Centre Plan.”

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)**

At 9:01pm Cr Woodall left the meeting and returned at 9:04pm.

At 9:02pm Ms J Head left the meeting and returned at 9:03pm.

At 9:06 Cr Kepert moved, seconded Cr Robartson

That Councillor Pazolli be granted an extension of two minutes to speak on the proposed amendment.

At 9:06pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

At 9:17pm Cr Pazolli, with the consent of the seconder, edited his amendment by changing "20 metres" to "25 metres" and "1100 square metres" to "1200 square metres" in the proposed new clause 2.6.

Reasons

1. It is clear that the Council and a significant number of residents in the Canning Bridge H4 area are concerned with the excessive dwelling density and building heights that are evident in the five H4 development approvals since the gazettal of the CBACP. The dwelling densities achieved in these DA applications in some cases exceeded over 200 dwellings per hectare (ie greater than R200). This is far in excess of the R50 to R75 dwelling density envisaged in the State Planning Policy 4.2 Activity Centres for Perth and Peel (Aug 2010) for transition zone areas like the H4 transition zones of the CBACP.
2. Ideally the dwelling density should be controlled by the application of plot ratio maximums and site open space minimums as is specified in Table 4 of the Residential Design Codes (SPP 3.1), referenced as the Multi-Unit Housing Codes (MUHC). However, implementing these changes would represent a significant change to the CBACP and would require a scheme amendment and the attendant period of community consultation etc. that would take 12 to 18 months to complete. This is something that the City Planning Officers should undertake as part of the CBACP scheme amendment review currently underway and thus the addition of Clause 4 in this amendment.
3. In the interim the proposed changes advertised for feedback at the level of 25 metres frontage and minimum 1200 square metres land area should serve to ensure that the level of density realized in the H4 area is maintained at realistic levels until the scheme amendment is completed. Given that the officers assess that only six properties meet the 25m/1200sqm criteria, this amendment reduces the requirement to 20m and 1100sqm that should allow access to the higher building heights for more properties than the 6 identified in the officers' report.

**P18/3796 - REVIEW OF H4 AREAS OF THE CANNING BRIDGE ACTIVITY CENTRE
REPORT ON THE RESULTS OF STAKEHOLDER ENGAGEMENT (REC)
(CONFIDENTIAL ATTACHMENT)**

Procedural Motion

At 9:22pm Cr Wieland moved, seconded Cr Barling -

That item P18/3796 be deferred for discussion at an Elected member information Session to be held in February 2019, for presentation at the March 2019 Ordinary Meeting Council, and an extension be sought from the Western Australian Planning Commission for the City to provide its response.

At 9:29pm the Mayor submitted the motion, which was declared

CARRIED (7/6)

NOTE: Due to an equality of votes associated with this resolution, the Mayor as the Presiding Member exercised his right to cast a second voted to reach a decision on this matter (Section 5.21(3) of the *Local Government Act 1995*).

Vote Result Summary	
Yes	6
No	6

Vote Result Detailed	
Cr Barling	Yes
Cr Mair	Yes
Cr Phelan	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Mayor	Yes
Cr Barton	No
Cr Kepert	No
Cr Macphail	No
Cr Pazolli	No
Cr Robartson	No
Cr Woodall	No

At 9:25pm Cr Kepert left the meeting and returned at 9:26pm.

At 9:30pm the Mayor adjourned the meeting.

At 9:30pm Mr G Ponton left the meeting and did not return.

At 9:30pm Mr J Hobbs left the meeting and did not return.

At 9:30pm Ms T Wright left the meeting and did not return.

At 9:38pm the Mayor resumed the meeting.

**CD18/8106 – INVESTIGATION OF A SUITABLE LOCATION FOR A MEN’S SHED (REC)
(ATTACHMENT)**

Ward	: All
Category	: Strategic
Subject Index	: Property Management – Leases, Licenses, Agreements Contracts
Customer Index	: Bicton Men’s Shed
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable.
Works Programme	: Proposed for inclusion in 2018-2019 Programme
Funding	: Proposed for 2018-2019 Budget
Responsible Officer	: Leanne Hartill Manager Neighbourhood Development

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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>

**CD18/8106 – INVESTIGATION OF A SUITABLE LOCATION FOR A MEN’S SHED (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Men’s Shed locations provide a safe, friendly and welcoming social environment where men are able to work on meaningful projects and share their skills with the broader community.
- The Bicton Men’s Shed has been operating since June 2010 from the Bicton Uniting Church, Carrington Street, Palmyra.
- The Men’s Shed Group has outgrown its current location and the Uniting Church has intentions of redeveloping the site which has required the Group to consider other suitable locations.
- The City has worked with the Group to consider a number of possible locations for a Men’s Shed since 2013 with none able to meet all requirements of the community, the City and the Men’s Shed Group.
- A report on the Investigation of a suitable location for a Men’s Shed was provided to the May 2018 Ordinary Meeting of Council and a deferral motion endorsed seeking Officers to investigate alternative locations.
- Following investigation of possible additional sites as identified by Elected Members, Bob Gordon Reserve remains the most suitable location to further assess.
- The City seeks support from the Council to investigate Bob Gordon Reserve as a possible location for a Men’s Shed, in line with proposed park redevelopments on this site.

BACKGROUND

A report was presented to the Ordinary Meeting of Council in May 2018 seeking to further investigate Bob Gordon Reserve as a possible location for a Men’s Shed.

At the May 2018 Ordinary Council Meeting the following recommendation was put forward

OFFICER RECOMMENDATION (8106)**APPROVAL**

- 1. That the Council supports the investigation of Bob Gordon Reserve as a suitable location for a Men’s Shed.**
- 2. That the \$100,000 allocation proposed in the 2018-2019 Capital Budget, for a detailed design of the proposed park improvements for Bob Gordon Reserve; if approved, include consideration of locating a Men’s Shed on the site.**
- 3. That further engagement is undertaken with the community and other stakeholders in relation to investigating the Men’s Shed location at Bob Gordon Reserve.**
- 4. That a report be prepared for the Council on the outcome of the investigation as to the suitability of Bob Gordon Reserve for a Men’s Shed, including costings.**

**CD18/8106 – INVESTIGATION OF A SUITABLE LOCATION FOR A MEN’S SHED (REC)
(ATTACHMENT)**

This was followed by the two further motions:

Reject and Replace

At 10.03pm Cr Robins moved, seconded Cr

That a report be prepared for the August 2018 Meeting of Council outlining at least five potential sites for a Men’s Shed within the City of Melville, with advantages, disadvantages and preliminary costs of each site included.

Following clarification and advice from Officers, Cr Robins consented to withdrawing her motion.

Deferral Motion

At 10.10pm Cr Woodall moved, seconded Cr Robartson-

That the item be deferred for consideration of Heathcote, John Connell, Piney Lakes, Morris Buzzacott and Bill Ellson reserves and other reserves as nominated by Elected Members and presented for discussion at the earliest possible Elected Member Information Session.

At 10:13pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

The following detail submitted at the May Ordinary Council Meeting remains unchanged.

Officers presented to an Elected Members Information Session on the 30 October 2018 and this Report is now brought forward for further consideration.

Men’s Shed WA (MSWA) recognises a Men’s Shed as ‘*any community-based, non-profit, non-commercial organisation that is accessible to all men and whose primary activity is the provision of a safe, friendly and welcoming environment where men are able to work on meaningful projects at their own pace in their own time in the company of other men. A major objective is to advance the health and wellbeing of their male members and to encourage social inclusion.*’ Many Men’s Sheds have expanded their operations to be more inclusive and provide benefits for all community members.

The Bicton Men’s Shed has been operating since June 2010 at 1 Carrington Street, Palmyra, on the Uniting Church site.

In 2013, the Men’s Shed Committee was notified by the Church that they would need to seek an alternate location within the next 12 to 18 months, with planned improvements to the site requiring the space where the Men’s Shed was currently located. The Church agreed at this time to continue the current Men’s shed lease through to November 2015, with the option to terminate the lease with six months’ notice should the Men’s Shed Committee source a suitable alternate location.

In August 2013, the Bicton Men’s Shed wrote to the City seeking assistance to source an alternate location due to the likelihood of the Church redeveloping the site.

**CD18/8106 – INVESTIGATION OF A SUITABLE LOCATION FOR A MEN’S SHED (REC)
(ATTACHMENT)**

Over time, the membership of the Bicton Men's Shed has increased and funding sourced from Attadale Rotary and Lotterywest for equipment and improvements, including increased space.

Additional funds are raised through an annual membership fee of approximately \$100.

DETAIL

In the initial Report to the Council in May 2018 the City had investigated a number of possible locations for a Men’s Shed, including Kardinya Hall, Hickey Street houses, Piney Lakes Environment Centre and Bill Ellson Reserve in Bateman (disused tennis courts adjacent to Mandala Hall). Further to the deferral motion the locations nominated by the Council which included Heathcote, John Connell, Piney Lakes, Morris Buzzacott and Bill Ellson Reserves were investigated.

The considerations for a suitable location of a Men’s Shed include land zoned for recreation purposes, accessibility to public transport, parking, storage availability, proximity to residential housing; connection to community and/or sporting hub, accessibility for persons with mobility challenges.

Table 1 indicates considerations for each location identified in the May 2018 Council Item:

Location	Land zoned recreation	Transport	Parking	Storage	Residential proximity	Connection to Hub	Accessibility	Comments
Kardinya Hall	✓		✓	New building required	✓	✓	✓	Well utilised site – now accommodating Wood turners Group
Hickey Street Houses	✓	✓						Heritage listed buildings, current residential layout not suitable

**CD18/8106 – INVESTIGATION OF A SUITABLE LOCATION FOR A MEN’S SHED (REC)
(ATTACHMENT)**

Piney Lakes			✓	New building required	✓	✓	✓	Change of land use land clearing of bushland required
Bill Ellson Reserve	✓		✓	New building required		✓	✓	Residents abutting park strongly oppose
Bob Gordon Reserve	✓	✓	✓	✓ Possible sharing of facilities with new and existing	✓	✓	✓	Further investigation and stakeholder engagement required

Table 2 indicates considerations for the alternate sites identified by Elected Members

Location	Land Zoned Recreation	Transport	Parking	Storage	Residential Proximity	Connection to Hub	Accessibility	Comments
Heathcote	Restricted Conditions on title	None – all surveys show less than 1% use anything other than cars. The closest public transport is 20mins walk away (Canning Hwy)	✓		Very close a house shares the property boundary	✓		No new buildings allowed due to State Heritage Conditions/ A Class Reserve under Department of Lands/ restrictions by our Town Planning Scheme for special Heritage Zone
John Connell	✓		✓		Could be isolated depending on placement	✓		New building required
Morris Buzzacott/ Kardinya Hall	✓	Bus No 998 Or for long distance train/ bus 700m walk from bus to Morris Buzzacott	✓		About 400m to nearest house	✓		New building required

**CD18/8106 – INVESTIGATION OF A SUITABLE LOCATION FOR A MEN'S SHED (REC)
(ATTACHMENT)**

The following summarises the investigation with the identification of two preferred sites which rated the highest across the required criteria.

In late 2016, a possible suitable location for a Men's Shed was identified at Bill Ellson Reserve adjacent to Mandala Hall in the attached Concept Plan. The City worked with the Men's Shed Group to consider size and scale of a suitable facility with some initial concept drawings drafted. The Group organised a community event, financially supported by the City in July 2017 to gauge interest and support from the community to further investigate this location and gather together a Steering Committee to progress the possibility.

In line with the Council Community Hub Policy, additional groups were considered for inclusion in the proposed facility, including the Woodturners, believed to be a good fit, and were required to relocate from their room at Leisure Fit Melville due to impending renovations.

As the Bill Ellson Reserve investigation proceeded, the proximity to residential housing adjacent to the park became a point of concern for residents who strongly opposed the location as suitable for any additional buildings.

[8106 Bill Ellson Carpark Concept Plan](#)**Bob Gordon Reserve**

The City has been exploring options for a significant playground in the Leeming and Bull Creek area. The intention of this Parks and Environment project is to provide high quality recreational and gathering space for the Bull Creek and Leeming communities (the south- east neighbourhood).

The City engaged with residents of Bull Creek and Leeming, who came together to form a Community Reference Group (CRG). The purpose of the group was to identify a location and style for the new play space within the south-eastern neighbourhood. After a number of meetings, the CRG proposed Bob Gordon Reserve in Bull Creek as the most suitable location for the new play space. Bob Gordon Reserve is located at 10 Benningfield Road, Bull Creek.

[8106 Aerial View Bob Gordon Reserve](#)

The City then produced a Draft Concept Plan (attached) and requested community feedback in July 2017, with revision of the initial plan based on feedback. A large response was received with a total of 502 people taking the survey. In addition, there were media releases, letters were sent, signs were erected on site and two meetings were held at the park. As a result, verbal and written responses were also received and taken into consideration along with the survey. A report has been produced which includes an explanation of the process, as well as data and analysis of the feedback received.

[8106 Premier Playspace Revised Concept Plan Nov 2017](#)

**CD18/8106 – INVESTIGATION OF A SUITABLE LOCATION FOR A MEN’S SHED (REC)
(ATTACHMENT)**

The project engagement did not include any discussion about the inclusion of a Men’s Shed on this site as the City was simultaneously investigating the Bill Ellson Reserve site, with support and involvement from the Men’s Shed members and engaging with stakeholders in relation to a Men’s Shed located at this Reserve.

The activity around Bob Gordon Reserve and proposed park redevelopments highlighted an opportunity to investigate the location of a Men’s Shed at this Reserve.

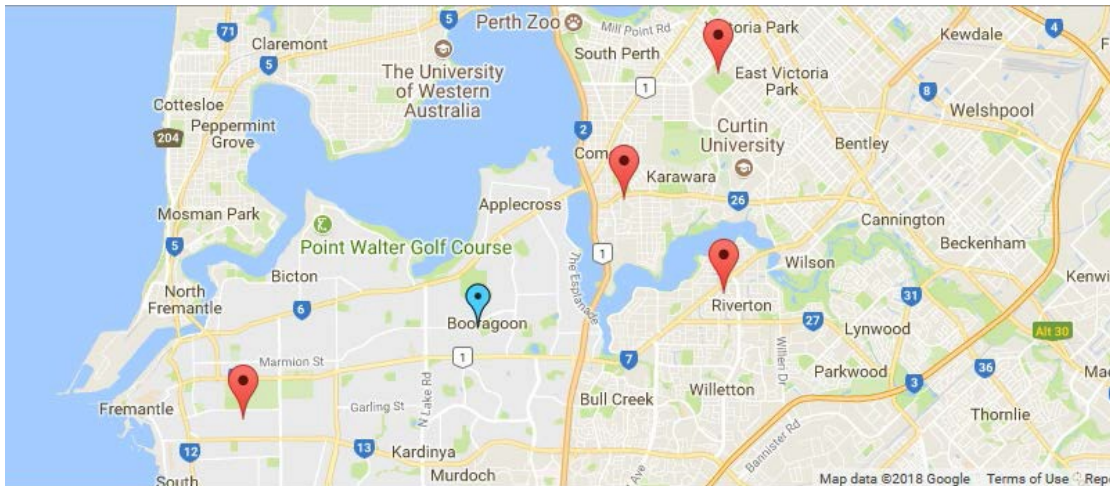
The Bull Creek Leeming Scout Group currently have the management license for the building located on Bob Gordon Reserve and sublet the building to both regular and casual hirers, primarily during weekdays, with the Leeming Uniting Church using the building on Sunday mornings. The attached images show the Scout building location.

[8106 Images Bob Gordon Reserve](#)

When considering suitable locations for a Men’s Shed the local community demographics are also taken into account, specifically analysis of the numbers of people in the seniors’ age groupings are considered.

For both Bateman and Bull Creek, the 2016 Census data indicates that the emerging groups are older persons in the 70 to 84 age range.

Men’s Sheds within 10 km radius of Civic Centre (excluding Bicton Men’s Shed).



Investigations as to the suitability of the identified site of Bob Gordon Reserve will include environmental and social impacts, current usage of the site, feedback from community and other stakeholders and financial requirements including external grant funding opportunities. These investigations will be considered in the context of planning for the whole site.

**CD18/8106 – INVESTIGATION OF A SUITABLE LOCATION FOR A MEN’S SHED (REC)
(ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

A comprehensive Stakeholder Engagement Plan will be developed if further investigation of the suitability of this site is supported, building on the engagement process already undertaken for the proposed park and playground improvements.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Included in the 2018-2019 capital budget is a proposal for \$100,000 to carry out a detailed design for Bob Gordon Reserve proposed park improvements. The opportunity to locate a Men’s Shed on this site could be included in this design proposal.

There may be opportunities with neighbouring Council for an opportunity for a shared facility across local government areas. This would be discussed further if investigations progress.

**CD18/8106 – INVESTIGATION OF A SUITABLE LOCATION FOR A MEN’S SHED (REC)
(ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation
Council does not support further investigations of Bob Gordon Reserve as a potential Men’s Shed location.	Unlikely/Major Consequence – Medium Risk	Investigation only at this stage provides for the gathering of more information for the Council to make a decision regarding possible future funding. Communication strategy for community and stakeholders can provide details behind reasons for the Council decision.
Community and stakeholder resistance to investigating a Men’s Shed at this location.	Possible/Moderate – Medium Risk	<ul style="list-style-type: none"> • Extensive engagement strategy to build on momentum and participation of community in relation to the park improvements planning.

POLICY IMPLICATIONS

CP – 037 Neighbourhood Development Community Hub Policy

- *Appropriately located community facilities owned by the City.*
- *Facilities consolidated into identified community hubs which aim to provide:*
 - *effective and efficient service coordination and delivery;*
 - *place making;*
 - *community building;*
 - *a localised approach to the delivery of services;*
 - *a financially sustainable community asset.*
- *Provision of services to support and develop community groups.*

CP – 002 STAKEHOLDER ENGAGEMENT POLICY

The City’s engagement practices will identify, seek to understand and respond to the interests, risks and interdependences of all project stakeholders as well as address any legislative and public policy requirements for engagement.

**CD18/8106 – INVESTIGATION OF A SUITABLE LOCATION FOR A MEN’S SHED (REC)
(ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Several alternate proposed site options have been identified, however these did not demonstrate the necessary criteria and are deemed not suitable.

Undertaking no further investigations of City owned or controlled sites within the City for a Men’s Shed is another option. The City could then support the group by encouraging them to approach other landholders within the City or nearby localities. This would mean that older people living within the City may be required to travel longer distances to access a Men’s Shed and the social and support services it provides. This may prove difficult to access for our community members resulting in increased social isolation.

CONCLUSION

Men’s Sheds provide a unique and fulfilling social outlet for primarily senior men, although all members of the community benefit by having this resource easily accessible.

Bob Gordon Reserve has been identified as ideal for park improvements with engagement with the community and other stakeholders being undertaken to understand their requirements, interests and concerns. An opportunity is presented to build on this knowledge and relationships to investigate the suitability of a Men’s Shed on this Reserve.

Following investigations of alternative sites as proposed by Elected Members; Bob Gordon Reserve remains the most suitable location to allocate resources to further investigate as to the suitability of a Men’s Shed at this site.

OFFICER RECOMMENDATION (8106)**APPROVAL**

At 9:41pm Cr Barling moved, seconded Cr Wieland –

That the Council:

- 1. Supports the results of the investigation which shows Bob Gordon Reserve or immediate surrounds is the most suitable location for a proposed Men’s Shed.**
- 2. Directs that the \$100,000 allocation (proposed in the 2018-2019 Capital Budget) – now approved, for a detailed design of the proposed park improvements for Bob Gordon Reserve be extended to include; consideration of designs for a proposed Men’s Shed on Bob Gordon Reserve or immediate surrounds.**
- 3. Directs that further engagement be undertaken with the community and other stakeholders in relation to more detailed investigations of the Men’s Shed location at Bob Gordon Reserve or immediate surrounds.**
- 4. Directs that a report be prepared for the Council on the outcome of the detailed investigations as to the suitability of Bob Gordon Reserve or immediate surrounds for a Men’s Shed, including preliminary costings and funding opportunities.**

**CD18/8106 – INVESTIGATION OF A SUITABLE LOCATION FOR A MEN’S SHED (REC)
(ATTACHMENT)**

Amendment

COUNCIL RESOLUTION (8106)

At 9:43pm Cr Woodall moved, seconded Cr Robartson –

That the Council amend Officer Recommendation 8106 by:

- 1. Deleting parts (1) and (2);**
- 2. Renumbering parts (3) and (4) as parts (1) and (2) respectively.**

At 10:09pm the Mayor submitted the motion, which was declared

CARRIED (8/4)

Vote Result Summary	
Yes	8
No	4

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Mayor	No

Reasons

1. The City initially identified Bill Ellson Reserve as the most suitable location for a Men’s Shed in late 2016, but this plan was abandoned when it became clear that the proximity to residential housing was a point of concern for residents. Bob Gordon Reserve is also adjacent to residential housing on its southern and western sides, with housing also located on the other side of Parry Ave in respect of the northern boundary. If residents adjacent to Bill Ellson Reserve were concerned about a men’s shed near their homes, it is difficult to see how residents adjacent to Bob Gordon Reserve would view the issue any differently.
2. The \$100,00 allocation for the Premier Playspace project detailed design is a separate piece of work and should not be used to fund the men’s shed investigations. The draft Premier Playspace proposal has already undergone public consultation, and to now suggest that a men’s shed be included at the same site would, in my view, confuse the issues. The men’s shed and Premier Playspace should be treated as entirely separate issues and should not be funded out of the allocation intended solely for the Premier Playspace. In addition, the men’s shed project should not be allowed to delay the detailed design of the Premier Playspace.
3. It is reasonable for City officers to undertake further investigations into Bob Gordon Reserve and community consultation is absolutely essential as part of that process, however it remains to be seen whether Bob Gordon Reserve is the most suitable location for a men’s shed.

**CD18/8106 – INVESTIGATION OF A SUITABLE LOCATION FOR A MEN’S SHED (REC)
(ATTACHMENT)**

Substantive Motion as Amended.

COUNCIL RESOLUTION (8106)

At 9:41pm Cr Barling moved, seconded Cr Wieland –

That the Council:

1. **Directs that further engagement be undertaken with the community and other stakeholders in relation to more detailed investigations of the Men’s Shed location at Bob Gordon Reserve or immediate surrounds.**
2. **Directs that a report be prepared for the Council on the outcome of the detailed investigations as to the suitability of Bob Gordon Reserve or immediate surrounds for a Men’s Shed, including preliminary costings and funding opportunities.**

At 10:11pm the Mayor submitted the motion, which was declared

CARRIED (11/1)

Vote Result Summary	
Yes	11
No	1

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Phelan	No

CD18/8111 – POLICY REVIEW – PARKING PERMIT POLICY (REC) (ATTACHMENT)

Ward	: All
Category	: Policy
Subject Index	: Not Applicable
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	: CD16/8079 Parking Permit Policy April 2016.
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Brodie Dawkins Manager Neighbourhood Amenity

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>

CD18/8111 – POLICY REVIEW – PARKING PERMIT POLICY (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council in April 2016 the Parking Permit Policy was endorsed.
- Prior to this no Policy existed leading to inconsistent application to issuing of parking permits.
- The Parking Permit Policy now gives officers direction which has led to consistent application when issuing Parking Permits throughout the City.
- The only changes to the existing Policy included updating referencing to the Parking Local Law 2016 and the Local Planning Scheme No. 6.

BACKGROUND

At the Ordinary Meeting of Council in April 2016 the Parking Permit Policy was endorsed.

Prior to the Parking Permit Policy, officers only had guidelines (not endorsed by Council). This led to some Council Resolutions in regard to the provision of parking permits at times being different to the City's operational guidelines.

This presented an opportunity for improvement to provide officers with a clear policy to ensure consistency with the way the City responds to Parking Permit requests as the Council intends.

DETAIL

It has been over two and a half years since the Policy was endorsed by the Council giving the City an opportunity to review what has worked well and if any changes need to be made.

The Parking Permit Policy has provided officers with clear direction ensuring consistent application when making decisions. Consequently, the only changes recommended are to update references to the Parking Local Law 2016 and the Local Planning Scheme No. 6.

With the introduction of the Policy the community has understood the need for consistency in decision making throughout the City and the Parking Permit Policy has created equity for the community.

STAKEHOLDER ENGAGEMENT

No public consultation has been carried out.

CD18/8111 – POLICY REVIEW – PARKING PERMIT POLICY (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

The City of Melville Parking Local Law 2016 part 5 allows the issuing of parking permits. The permits are issued for a period not exceeding one year, with all permits expiring on 31 December in the year of issue.

There is currently a delegated authority in place (DA 84 – Local Laws Relating to Residential Parking Permits) that provides the authority to issue residential parking permits.

FINANCIAL IMPLICATIONS

There are no financial implications for Council as a result of this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The process of policy review will serve to minimise both strategic and risk management implications by ensuring the policies are consistent with current legislation.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Administration undertakes functions delegated by the Council in a manner not in accordance with the Council's objectives causing reputational risk.	Unlikely to a Major consequence depending on the issue resulting in a medium level of risk.	Ensure sound Council policies are in place that provide clear guidance to the administration.
Policy is not in compliance with legislative requirements.		Periodic review mitigates against outdated legislative or other relevant references.

POLICY IMPLICATIONS

There are no identified policy implications that have been identified in this review.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council has policies to provide direction to officers on the Council's expectation of how a variety of matters will be addressed. This direction provides a consistent approach to all persons who make similar applications to the City.

CD18/8111 – POLICY REVIEW – PARKING PERMIT POLICY (REC) (ATTACHMENT)

Should the Council resolve to remove this Council Policy, officers would not have the understanding of the Council's intent in providing parking permits with the potential that persons would receive different responses from the City with the issuing of these permits.

By providing a consistent approach, the community will have confidence in the City's application of judgement on matters and that decisions are applied against a structure.

CONCLUSION

The Policy has been reviewed taking into consideration any operational experience gained through the application of the Policy since its inception in April 2016. As a result only minor referencing changes have been made.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8111) APPROVAL

That the Council approves the Parking Permit Policy as contained in the following attachment

[CD8111 Parking Permit Policy CP-097](#)

At 10:16pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

M18/5656 - COUNCIL MEETING SCHEDULE 2019 (REC) (ATTACHMENT)

Ward	: All
Category	: Operational
Subject Index	: Schedule of Meetings
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	: M17/5545 – Council Meeting Cycle – Alternative Options – May 2017 – Ordinary Meeting of Council M17/5589 – Council Meeting Cycle – December 2017 Ordinary Meeting of Council
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Corrine Newman Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

M18/5656 - COUNCIL MEETING SCHEDULE 2019 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report summarises the monthly Ordinary Meetings of Council cycle to commence in February 2019.
- The Council is required to determine and advertise the meeting dates for Ordinary Meetings of Council each year.
- The report recommends adoption of the proposed meeting schedule.

BACKGROUND

The Council Meeting Cycle was reviewed in May 2017 where it was resolved to continue a monthly meeting cycle consisting of:

- First Tuesday – Agenda Briefing Forum
- Second Tuesday – Elected Member Information Session
- Third Tuesday – Ordinary Council Meeting
- Fourth Tuesday Elected Member Information Session

This meeting schedule applies to each month, with the exception of January when the Council is in recess and December when meetings are brought forward to allow for the Council resolutions to be addressed in time to accommodate for the festive period.

It has also been previously resolved that the Ordinary Meeting of Council and the Council Agenda Briefing Forums would be rescheduled in October of each Local Government Election year. The rescheduling of the October meetings allows the meeting cycle to be completed prior to the commencement of the term of newly Elected Members. As the 2019 Local Government election is scheduled to be held on the 19 October 2019, there was no need to alter the scheduled meeting dates for this month.

The Ordinary Meeting of Council and the Council Agenda Briefing Forum are both open to the public with decision making by the Council only taking place at the Ordinary Meeting of Council.

DETAIL

A copy of the 2019 proposed meeting cycle calendar, based on the resolved position of the Council is attached [5656 Council Meeting Schedule 2019](#)

The proposed meeting cycle calendar for 2019, does not schedule meetings in January 2019, it should be noted that a Special Meeting of the Council may be called if there are any matters requiring a timely decision of the Council. The meeting dates for December 2019 have been brought forward to allow completion of the meeting cycle on the second Tuesday of December as is the practice in recent years.

M18/5656 - COUNCIL MEETING SCHEDULE 2019 (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The City informs the public of the dates that meetings will be held through the media, press releases and notices at the Civic Centre, Libraries and website. When adopted, the meeting schedule for the 2019 year will be advertised in a local newspaper.

II. OTHER AGENCIES / CONSULTANTS

The Western Australian Local Government Association has reviewed the City's Council meeting structure, with officers working with Elected Members with regard to the implementation of suggested changes. The review did not recommend any change to the Council meeting schedule.

STATUTORY AND LEGAL IMPLICATIONS

The Local Government Act 1995, Section 5.3 - Ordinary and Special Council Meetings provides that:-

- (1) *A Council is to hold ordinary meetings and may hold special meetings.*
- (2) *Ordinary meetings are to be held not more than three months apart.*

The Council must formally resolve to provide its meeting schedule for the next 12 months and advertise the times and date for future meetings of the Council and the Ordinary Meeting of Council Agenda Briefing Forum. Should the Council resolve to adopt the proposed meeting cycle, Section 5.25(1) (g) of the *Local Government Act 1995* requires that local public notice of meetings is provided.

The *Local Government (Administration) Regulations 1996* require at Regulation 12(2), that the Local Government give local public notice of any change to advertised meetings date, time or place.

FINANCIAL IMPLICATIONS

A provision for the cost of advertising is held in an operational budget cost centre.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Matters will be brought to the Council on 11 occasions and where required, a Special Meeting of Council will be held to resolve urgent matters or those matters that will absorb a full Council agenda. There is no risk or environmental management implications in this report.

M18/5656 - COUNCIL MEETING SCHEDULE 2019 (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The current model provides for 11 scheduled meetings per annum with a provision to call Special Meetings of Council where a matter requires urgent attention.

Consideration was given to alternative options for the schedule of Council meetings in May 2017, when it was resolved to continue with the currently monthly cycle. There is an option to revert to a different model for meeting frequency, which may provide a more or less frequent cycle of Ordinary Meetings of Council, increasing or decreasing the amount of decision making opportunities for the Council. Changes to the meeting cycle would have an impact on the resource allocations for this purpose.

CONCLUSION

The current monthly Council meetings cycle was adopted with the intention of providing a stable meeting date for all Ordinary Meetings of Council and Council Agenda Briefing Forums. The current model has been successful in achieving the requirements of the Council and it is recommended that it be maintained.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5656) APPROVAL**That the Council:**

- 1. Approves the Ordinary Meetings of Council to be held on the third Tuesday of each month, commencing in February 2019 to November 2019 and on the second Tuesday of December 2019.**
- 2. Approves the Agenda Briefing Forums to be held on the first Tuesday of each month, commencing in February 2019 to November 2019 and also on 26 November 2019, for the 10 December Ordinary Meeting of Council, and be chaired by the Mayor or his delegate.**
- 3. Resolves that it will go into recess in January 2019 and that neither the Ordinary Meeting of Council nor a Council Agenda Briefing Forum will be held during the month of January 2019.**
- 4. Endorses that Elected Member Information Sessions occur as required on any Tuesday evenings that are not required for Ordinary Meetings of Council, Agenda Briefing Forums or meetings of Standing Committees.**
- 5. Directs the Chief Executive Officer to advertise the Schedule of Council Meetings in order to inform the community of the Council Meeting dates.**

At 10:16pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

**M18/5657 – PUBLIC QUESTION TIME AT COUNCIL OR COMMITTEE MEETINGS
POLICY (REC) (ATTACHMENT)**

Item brought forward.
See page 28.

M18/5659 – CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF MEETINGS OF THE COUNCIL POLICY (REC) (ATTACHMENT)

Ward	: All
Category	: Policy
Subject Index	: Policy and Policy Development Council Administration – Public Question Time
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	: M15/5458 – Policy Review – Management Services (December 2015) 16.1 Motion – Review of Recording of Meetings Policy – CP-088 (February 2018)
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Corrine Newman Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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>
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<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

M18/5659 – CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF MEETINGS OF THE COUNCIL POLICY (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council held 20 February 2018, it was resolved that a review be undertaken of CP-088 Recording of Meetings to provide the community with better access to the Council's decision making process.
- The Department of Local Government, Sports and Cultural Industries has undertaken Phase 1 of the Local Government Act Reform process. Phase 1 addresses live streaming of Council meetings and provision of information electronically.
- The current policy has been revised to provide guidance on the creation, access and storage of audio recordings of Council meetings.
- This report recommends that the revised policy CP-088 Creation, Access and Retention of Audio Recordings of Meeting of the Council be adopted and implemented for commencement of the 2019 Council meeting schedule.

BACKGROUND

At the Ordinary Meeting of Council held 20 February 2018, the Council resolved the following:

“That the Council directs the Chief Executive Officer to be guided by the Local Government Act, Regulations and Department of Local Government, Sport and Cultural Industries Guidelines as well as any other applicable law, in undertaking a review of the City of Melville Recording of Meeting Policy CP-088:

1. *That a recording (either web-stream, direct download or both) of the public Council meetings be provided on the City of Melville website from the date of the instigation of the updated policy, excluding certain sections of the meeting eg, items for which the meeting should be closed to the public etc;*
2. *The cost and technical practicability of provide a live audio stream (and possibly video) of each public Council meeting be investigated with the intent of implementation;*
3. *That the updated policy includes guidance to the public as to the use of the recordings under the Commonwealth Copyright Act eg. That editing or altering any part of the download or web stream in not permitted;*
4. *That the City be guided by the Policies of other WA and Australian Councils that provide a similar facility to their residents eg City of Perth, City of Joondalup etc*
5. *That the Recordings of Meeting Policy CP-088 be extended to all public meetings: Ordinary Meetings of Council, Agenda Briefing Forums, Special Meetings of Council, Electors Annual General Meetings and Special Electors Meetings; and*
6. *That the draft amended Policy be included in an Elected Members Bulletin for comment to Officers prior to discussion at an Elected Members information Session and subsequent presentation to the May 2018 Ordinary Meeting of Council.”*

M18/5659 – CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF MEETINGS OF THE COUNCIL POLICY (REC) (ATTACHMENT)**DETAIL**

The *Local Government Act 1995* does not currently provide any guidance on the publishing of audio recordings or live streaming of Council meetings. The Department of Local Government, Sport and Cultural Industries Local Government Act Review, Phase 1, which was concluded in March 2018, included “electronic availability of information”. The State Government provided position papers on the priority reforms in August 2018, with the “Public Notice Policy Position” addressing live streaming of Council Meetings, which received significant support. However there were concerns associated with costs and potential defamation. The drafting of the Amendment Bill associated with the priority reforms is currently underway and will address live streaming of Council meetings and the provision of information electronically.

There are significant costs, changes to infrastructure and processes, and resource implications associated with live audio of Council meetings to a reasonable standard, with take up by the community being very limited at this time. It is recommended that this matter be deferred with officers continuing to investigate and gather information on these matters in anticipation of changes to *the Local Government Act 1995* providing guidance on these matters.

During mid-2018, the City engaged the Western Australian Local Government Association (WALGA) to review the City’s formal meeting structure, and whilst the topic of access to audio recordings of Council meetings was not a specific topic for review, it featured in many of the discussions with there being a general aspiration for the current audio recordings of the Council meetings to be published to the website.

Further opportunities were provided for Elected Members to provide input into the elements of a revised policy via a short survey and a presentation at an Elected Member Information Session in October 2018.

The existing policy CP-088- Recording of Meetings has been significantly revised and added to, to provide clarity around the creation, access and retention of the audio recordings of Council meetings.

The revised Policy:

- Outlines the City’s commitment to engaging with its community on the publishing of audio recordings from public meetings that will provide opportunity for the community to hear how the Council’s makes decisions.
- Provides for the audio recording of Agenda Briefing Forums, Ordinary and Special Meetings of Council and General and Special Meetings of Electors.
- Provides guidance on the publishing of audio recordings on the City’s website.
- Provides guidance on the access to audio recordings.
- Provides guidance on the storage and retention of audio records.

M18/5659 – CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF MEETINGS OF THE COUNCIL POLICY (REC) (ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No comment has been sought from the community.

II. OTHER AGENCIES / CONSULTANTS

A desk top review of practices in other local governments in relation to the publishing of audio recordings of Council meetings has been undertaken with the findings taken into consideration in the development of the revised policy.

STATUTORY AND LEGAL IMPLICATIONS

The *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* contain specific clauses in relation to the keeping of minutes of Council and Committee meetings. This legislation does not yet cover audio or visual recordings, with the official record of the meeting being the meeting minutes, which requires confirmation by Council resolution, and must be signed by the person presiding at the meeting.

It is anticipated that the forthcoming Local Government Act Reform Amendment Bill will provide guidance on this matter.

FINANCIAL IMPLICATIONS

Whilst there are no financial implications associated with the implementation of the proposed new policy, there are direct resources and financial implications associated with the management of audio recordings in accordance with the proposed policy.

In relation to setting a charge draft policy CP-088 states – “*The costs of providing physical copies of any recordings of meetings of the Council to the public will be advertised in the City’s fees and charges schedule each year.*” The charge, based on cost to provide the recording, is yet to be determined. When known the new charge will be presented to a future meeting of the Council for adoption, advertising and inclusion in the current Schedule of Fees and Charges.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of inaccurately assessing the community needs, aspirations and areas of interest through an inequitable and ineffective public question time process.	Major consequences which are possible, resulting in a High level of risk	Ensure policy and processes are in place to mitigate the likelihood of occurrence and ensure good governance practices and organisational transparency to meet legislative requirements.

M18/5659 – CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF MEETINGS OF THE COUNCIL POLICY (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

The revised policy CP088 – Creation, Access and Retention of Audio Recordings of Meeting of the Council supports the aspiration to improve communications mechanisms with the community through improvements to the City's website.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could resolve not to adopt the proposed new Creation, Access and Retention of Audio Recordings of Meeting of the Council Policy, and the current policy would remain in place, which does not provide for the audio recordings to be published.

CONCLUSION

Through the City of Melville Corporate Business Plan (Priority 5), the City is committed to improving the mechanisms it uses to communicate with the community, the implementation of this revised policy supports this aspiration and provides the opportunity to the community to better understand the Council's decision making process through an electronic process.

OFFICER RECOMMENDATION (5659)**APPROVAL**

At 10:11pm Cr Barling moved, seconded Cr Woodall –

That the Council:

1. Approves the revised Council Policy CP-088 – Creation, Access and Retention of Audio Recordings
5659 Creation Access and Retention of Audio Recordings of Council Meetings Policy for implementation at the commencement of the 2019 Scheduled of Council meetings, and
2. Resolves that the further report associated with video and/or live-streaming of Council meetings be deferred until the Local Government Act Reform Amendment Bill is finalised.

M18/5659 – CREATION, ACCESS AND RETENTION OF AUDIO RECORDINGS OF MEETINGS OF THE COUNCIL POLICY (REC) (ATTACHMENT)

Procedural Motion

At 10:12 Cr Kepert moved, seconded by Cr Pazolli

That item M18/5659 be deferred for discussion at an Elected Member Information Session to be held in February 2019, for presentation at the March 2019 Ordinary Meeting Council.

At 10:14pm the Mayor submitted the motion, which was declared

CARRIED (8/4)

Vote Result Summary	
Yes	8
No	4

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Wheatland	Yes
Cr Barling	No
Cr Wieland	No
Cr Woodall	No
Mayor	No

M18/5000 – 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	: Corrine Newman – Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

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<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 23 October 2018 up to and including 15 November 2018 for the Council's noting.

M18/5000 – 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
CS2073	City of Melville and North Lake 88 Pty Ltd.	Agreement Deferring Amalgamation of Lots 80 & 81 North Lake Road, Myaree	DA-2018-597

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

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

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

FINANCIAL IMPLICATIONS

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

M18/5000 – COMMON SEAL REGISTER (REC)**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' information.

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

That the Council notes the actions of His Worship the Mayor and the Acting Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 23 October 2018 up to and including 15 November 2018.

At 10:16pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

C18/5658 – SUSTAINABILITY POLICY (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Subject Index : Sustainability
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Jag Walia
 Sustainability Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

C18/5658 – SUSTAINABILITY POLICY (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- At the August 2018 Ordinary Meeting of Council a motion without notice was raised for an amendment to the *Council Policy CP-009 Investment of Funds* to create a new section on Environmental Investing. It was resolved that the motion be deferred for discussion at an Elected Member Information Session (EMIS) and brought back to the October 2018 Ordinary Meeting of Council. The timing of this item was delayed due to prioritisation of other matters through the EMIS structure.
- The EMIS on 13 Nov 2018 highlighted that the motion resulted in limited effect to achieve sustainable outcomes as the City is bound by the “*Local Government Act Financial Management Regulations 1995*”, and the foremost investment considerations of credit rating, comparable rate of return and risk diversification.
- The role and benefit of a broader consideration of sustainability in all aspects of the organisations operations was discussed. It was proposed that rather than amend the Council Policy on investment, the Council considers and endorses the proposed Sustainability Policy, which was first presented at an EMIS in May 2018.
- The objectives of this policy are to:
 - provide a clear statement of Council's intent to make City of Melville a sustainable organisation (the City) and a sustainable community, with the City to demonstrate leadership on sustainable development;
 - provide guidance to City Officers on information to be provided to the Council, that highlights the associated sustainability aspects, for decision making;
 - acknowledge that sustainability is an ongoing strategic and operational objective and to provide a commitment to ensure sustainability considerations across the City's functions ; and
 - Embedding sustainability aspects and considerations in the City's existing and new frameworks, projects, plans, products, services and programs.

BACKGROUND

At the August 2018 Ordinary meeting of Council the following motion without notice was raised:

That the Council amend Council Policy CP-009 Investment of Funds by:

1. *under point 11 Risk Management Guidelines - (vii) Ethical Investing, deleting the last two paragraphs commencing with “Green Investments are ...” and ending with “... diversification are fully satisfied.”*
2. *at the end point 11 Risk Management Guidelines, create a new sub section heading “(viii) Environmental Investing” and include the following paragraph:*

“When investing surplus City funds, a deliberative preference be made in favour of authorised institutions that are environmentally friendly. This preference will however only be exercised after the foremost investment considerations of credit rating, comparable rate of return and risk diversification are fully satisfied.”

It was resolved that the motion be deferred for discussion at an Elected Member Information Session (EMIS) and brought back to the October 2018 Ordinary Meeting of Council. The timing of this item was delayed due to prioritisation of other matters through the EMIS structure.

C18/5658 – SUSTAINABILITY POLICY (REC) (ATTACHMENT)

Section 6.14 (1) of the *Local Government Act 1995* (Act) provides that “Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III”.

Under Regulation 19C of the *Local Government (Financial Management) Regulations 1996* it is provided that a local government can only invest money:

- With an authorised deposit taking institution or the Western Australian Treasury Corporation
- For a fixed term of no more than 12 months
- In bonds guaranteed by the Commonwealth, State or Territory governments
- In bonds for a term on no more than 3 years
- In Australian currency but not in foreign currency

The City in its investments with authorised deposit taking institutions focuses on ESG (Environmental, Social and Governance) considerations of the institution to ensure that the investment by the city is sustainable and has reduced risks (non-financial) over a long term. ESG (also described as “ethical”) criteria are defined simplistically in the form of a slogan such as “No Fossil Fuels”. The manifestation of this approach to not support the fossil fuel industry is often to suggest investments not be made with the major banks as these banks (rather than smaller regional banks, building societies and credit unions) are the ones funding the fossil fuel industry.

The institutions invested in by the City ensure that their portfolio has strong (third party) verified performance across ESG indicators, which ensures that the institutions are using the money for environmentally and socially sound businesses and projects.

Ethical investing has received strong support from the institutions, and increases the focus on all aspects of Quadruple Bottom-line in assessing their portfolios. The Council’s Investment of Surplus Funds Policy also focuses on enhancing the percentage of ethical investment in the future, whilst ensuring it can do so within the defined rules of the Act and after the foremost investment considerations of credit rating, comparable rate of return and risk diversification have been met.

The City supports a holistic assessment and decision making approach that considers the externalities of a given subject and the Social, Economic and Environmental values.

The City is committed to abide by the requirements of *the Local Government Act 1995* (WA) and recognises its responsibility to demonstrate leadership and work with the community by delivering excellence in governance leading towards an integrated environmental, social and economically sustainable future.

The proposed Sustainability Policy ensures that these endeavours are strengthened and that the organisation, through the Council, demonstrates its leadership in these aspects.

It was discussed at the EMIS on 13 November 2018 that the motion resulted in limited effect to achieve sustainable outcomes as the City is bound by the “*Local Government Act 1995* Section 6.14 (1) & *Local Government (Financial Management) Regulations 1996* – Reg. 19C” and the foremost investment considerations of credit rating, comparable rate of return and risk diversification. The proposed motion limits the investment options to the City but will not result in any change from the current situation as it also prioritises risk diversification.

C18/5658 – SUSTAINABILITY POLICY (REC) (ATTACHMENT)**DETAIL**

The *Local Government Act 1995* Section 1.3(3) states : “*In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.*”

The City has embedded these considerations in its business planning and decision making frameworks and is of the view that community wellbeing for today and tomorrow in a holistic sense can be delivered through sustainable development and ensuring sustainability across all its functions. The proposed Sustainability Policy commits the City to the following:

- maintain and strengthen the approach of incorporating sustainability considerations across its strategic frameworks, planning and operations to ensure community well-being.
- identify and monitor indicators across business strategies, informing plans and operations that reflect the City’s performance on sustainability and set targets across these indicators for short and long term.
- establish and maintain a revolving fund to support sustainability initiatives that provide additional benefits through associated externalities.
- establish new and improve existing plans, programs, products and services to ensure provision of sustainable development in the community and across the City’s operations and assets.
- proactively engage the staff and the community in upskilling and innovation by enabling programs that provide ecosystem to nurture for future needs and technology access.
- strengthen the City’s adaptation and resilience efforts and engender them as critical aspects to all the City’s future plans, assets and service.
- engage with other governments and businesses to explore opportunities and strengthen their performance on sustainability subjects.
- strengthen its monitoring, and verification systems to ensure performance and proactive management as and when required
- establish a sustainability reporting framework (internationally benchmarked) to disclose its performance.

Through this policy, the Council also endorses the City’s meaning and definition for sustainability as follows:

Delivering to the needs and aspirations of current and future generations through integration of environmental protection, social advancement and economic prosperity, ensuring excellence in governance and best value for money

The City recognises that pursuing sustainability is a continuing process and therefore supports its integration with the organisational approach towards continual improvement. The City acknowledges the different roles that the organisation plays in the community and its responsibility to demonstrate leadership. The City therefore accepts its responsibility to promote and support sustainable development across the community through focused programs, education and enabling services. The City supports the consideration of positive or negative externalities (such as costs associated with risk mitigation, end of life, incident response, social diseconomy or opportunity benefit) for budgeting and decision making.

C18/5658 – SUSTAINABILITY POLICY (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT**

Internal stakeholder groups were engaged across all the steps of development of this policy. Broad meetings were conducted to articulate the City's management consensus on the proposed Policy and the associated approach to deploy it. This was further discussed and endorsed by City's Executive Leadership Team and Manager Leadership Team. This has also been discussed with Elected Members at Elected Member Information Sessions in May 2018 and November 2018.

External Stakeholders have also been consulted on a regular basis. Benchmarking studies were done across several local governments within the State and across the nation. Community consultation conducted for the development of the Strategic Community Plan also highlighted the highest areas of community interest. Outcomes from wellbeing surveys and perception surveys also highlighted the community interest in sustainability subjects across the quadruple bottom lines of Social, Environmental, Economic and Governance.

STATUTORY AND LEGAL IMPLICATIONS

- The *Local Government Act 1995* (WA) Section 1.3(3) : *"In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity."*
- *Local Government Act 1995* Section 6.14 (1) & *Local Government (Financial Management) Regulations 1996* – Reg. 19C:

a local government may not do any of the following

- a) deposit with an institution except an **authorised institution**;*
- b) deposit for a fixed term of more than 3 years;*
- c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
- d) invest in bonds with a term to maturity of more than 3 years;*
- e) invest in a foreign currency.*

FINANCIAL IMPLICATIONS

The Policy will help ensure improvement in the overall value of the City's functions across all services and will not require additional cost overall.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The Policy aligns with City's Strategic Community Plan (SCP) which is prepared collaboratively with the community and sets out the community vision and aspirations for the future. The Policy underpins all the six key aspirations within the SCP which are:

- Clean and Green
- Sustainable and Connected Transport
- Growth and Prosperity
- Sense of Community

C18/5658 – SUSTAINABILITY POLICY (REC) (ATTACHMENT)

- Healthy Lifestyles
- Safe and Secure

The City's Corporate Business Plan is the Council's response to the community aspirations in the Strategic Community Plan and this Policy is engendered within that Plan and strengthens its expected outcomes.

Environmental Policy CP-030 outlines the City of Melville's commitment to the protection and enhancement of biodiversity and the creation of a sustainable urban environment. The proposed Sustainability Policy will further strengthen the objectives of the Environmental Policy as well in both the and long term.

This Policy is an enabling and guiding commitment and is integrated across all of the City's strategic and operational risks.

POLICY IMPLICATIONS

Approval by the Council will result in a new Council Policy that will strengthen the City's leadership and performance on sustainability.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Non adoption of the proposed Policy may result in a lost opportunity by the Council to:

1. Demonstrate leadership on Sustainability
2. Strengthen commitment towards Community Wellbeing for today and tomorrow
3. Strengthen commitment to meeting the high level objectives of the *Local Government Act 1995*
4. Receive stronger holistic information for decision making
5. Strengthen community confidence
6. Strengthen planning, monitoring, verification and reporting with respect to the Community's Aspirations

CONCLUSION

The City is endeavouring to strengthen its leadership on sustainability through the introduction of this Policy. It will enhance meeting the high level objective expressed in ce with Section 1.3 of the *Local Government Act 1995* in achieving community wellbeing and satisfaction.

This Sustainability Policy will support the City's approach to holistic assessment and decision making which considers the externalities of a given subject and the Social, Economic, Governance and Environmental values; and ultimately lead to the best possible decisions for achieving the City's Vision of "*Community Wellbeing and Satisfaction for Today and Tomorrow*".

C18/5658 – SUSTAINABILITY POLICY (REC) (ATTACHMENT)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5658)****APPROVAL****That the Council:**

- 1. Approves the Sustainability Policy as attached [5658 Sustainability Policy](#) and**
- 2. Resolves that the deferred *Motion Without Notice* contained in item 17.2 of the minutes of the August 2018 Ordinary Meeting of Council, is now not required to be actioned noting that as a result of the adoption of the *Sustainability Policy* no amendment is required to Council Policy CP-009 *Investment of Funds* as requested in that Motion.**

At 10:16pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

C18/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2018 (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	: Bruce Taylor – 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 October 2018 for the Council's information and noting.

C18/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2018 (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.

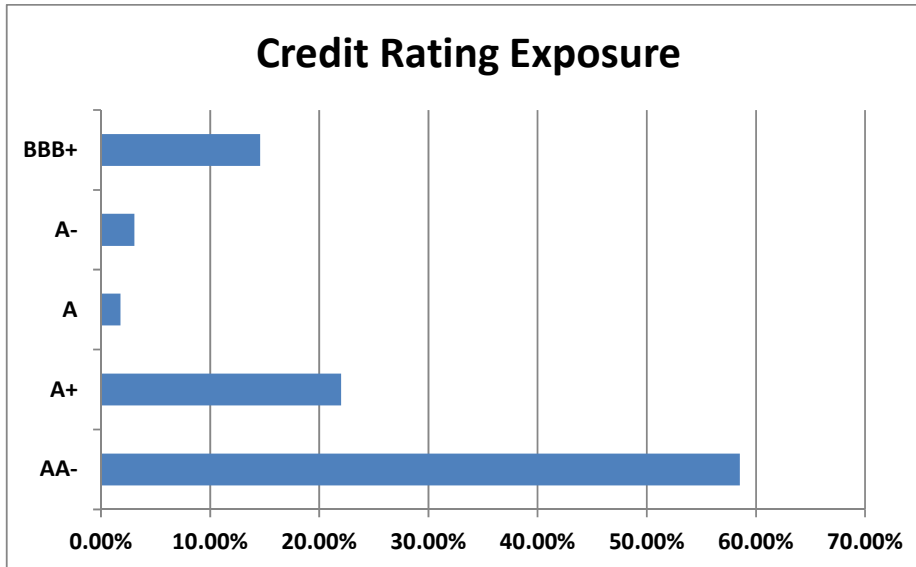
The investment of cash holdings is undertaken in accordance with Council Policy CP-009 - Investment of Funds, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

Summary details of investments held as at 31 October 2018 are shown in the tables below. The following statements detail the investments held by the City as at 31 October 2018.

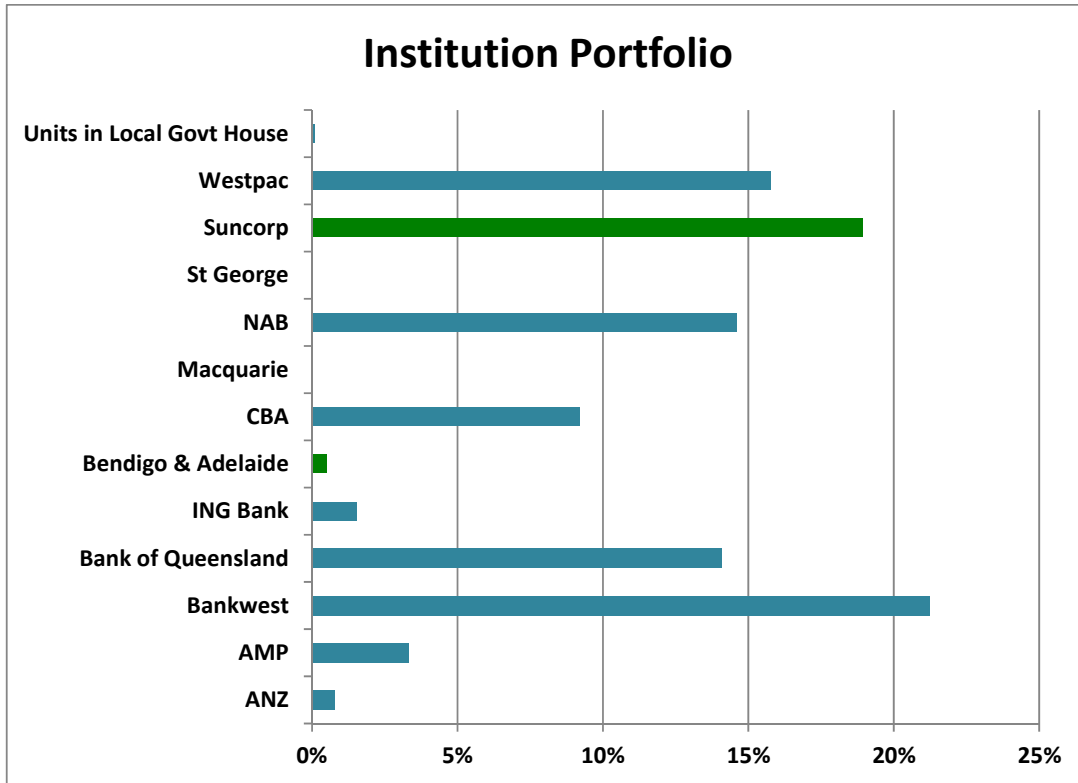
CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 OCTOBER 2018	
SUMMARY BY FUND	
	AMOUNT \$
MUNICIPAL	\$ 48,366,603
RESERVE	\$ 145,853,644
TRUST	\$ 1,025,133
CITIZEN RELIEF	\$ 215,497
	\$ 195,460,876
SUMMARY BY INVESTMENT TYPE	
	AMOUNT \$
11AM	\$ 4,191,560
31DAYS AT CALL	\$ 2,000,000
60DAYS AT CALL	\$ 2,000,000
90DAYS AT CALL	\$ 8,600,000
TERM DEPOSIT	\$ 178,514,649
UNITS (Local Govt Hse)	\$ 154,668
	\$ 195,460,876
SUMMARY BY CREDIT RATING	
	AMOUNT \$
AA-	\$ 114,306,209
A+	\$ 43,000,000
A	\$ 3,500,000
A-	\$ 6,000,000
BBB+	\$ 28,500,000
UNITS (Local Govt Hse)	\$ 154,668
	\$ 195,460,876

C18/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2018 (REC)



DIVERSIFICATION RISK & GREEN INVESTMENTS									
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT	\$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	NON FOSSIL FUEL	INVESTMENT WITH ADI WITH NON FOSSIL FUEL
ANZ BANK (TERM)	TERM	AA-	1,499,152		0.77%	0.77%	30%	No	
AMP BANK (TERM)	TERM	A	6,500,000		3.33%	3.33%	25%	No	
BANKWEST (TERM)	TERM	AA-	41,500,848		21.23%	21.23%	30%	No	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	27,500,000		14.07%	14.07%	15%	No	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	BBB+	1,000,000		0.51%	0.51%	15%	Yes	1,000,000
COMMONWEALTH BANK (TERM)	TERM	AA-	18,000,000		9.21%	9.21%	30%	No	
ING BANK (TERM)	TERM	A-	3,000,000		1.53%				
ING BANK (FRTD)	FRTD	A-	-		0.00%	1.53%	25%	No	
MACQUARIE BANK (TERM)	TERM	A	-		0.00%	0.00%	25%	No	
NAB (TERM)	TERM	AA-	28,514,649		14.59%	14.59%	30%	No	
ST GEORGE BANK (TERM)	TERM	AA-	-		0.00%	0.00%	30%	No	
SUNCORP METWAY LTD (TERM)	TERM	A+	37,000,000		18.93%	18.93%	25%	Yes	37,000,000
WESTPAC (MAXI BONUS 1)	11AM	AA-	0		0.00%				
WESTPAC (MAXI BONUS 2)	11AM	AA-	-		0.00%				
WESTPAC (MAXI DIRECT)	11AM	AA-	4,191,560		2.14%				
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	2,000,000		1.02%				
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	2,000,000		1.02%				
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	8,600,000		4.40%				
WESTPAC (TERM)	TERM	AA-	14,000,000		7.16%	15.75%	30%	No	
UNITS IN LOCAL GOVT HOUSE	NA	NA	154,668		0.08%	0.08%		N/A	
			195,460,876		100%	100%			38,000,000
Total Non Fossil Fuel Lending ADI									19%

C18/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2018 (REC)



 Non Fossil Fuel Authorised Deposit Taking Institutions. (ADI's)

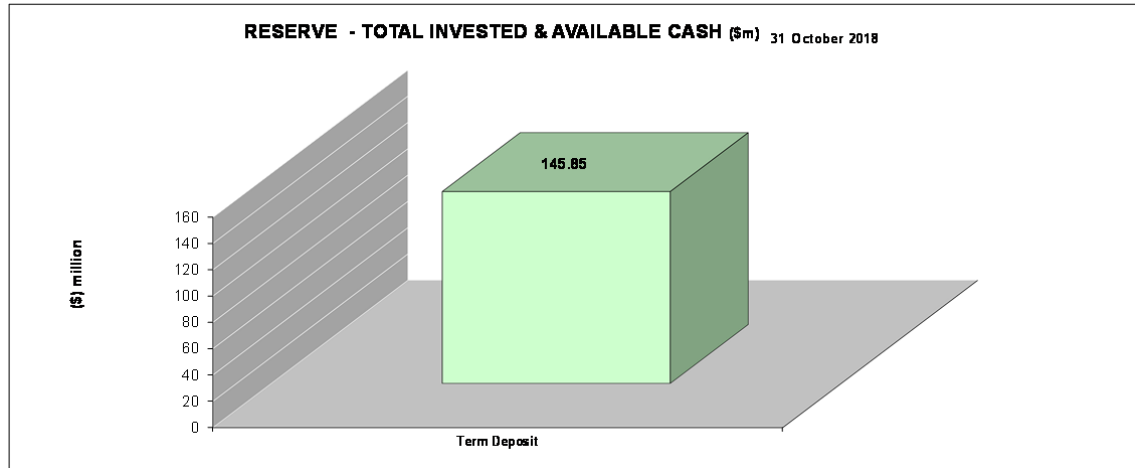
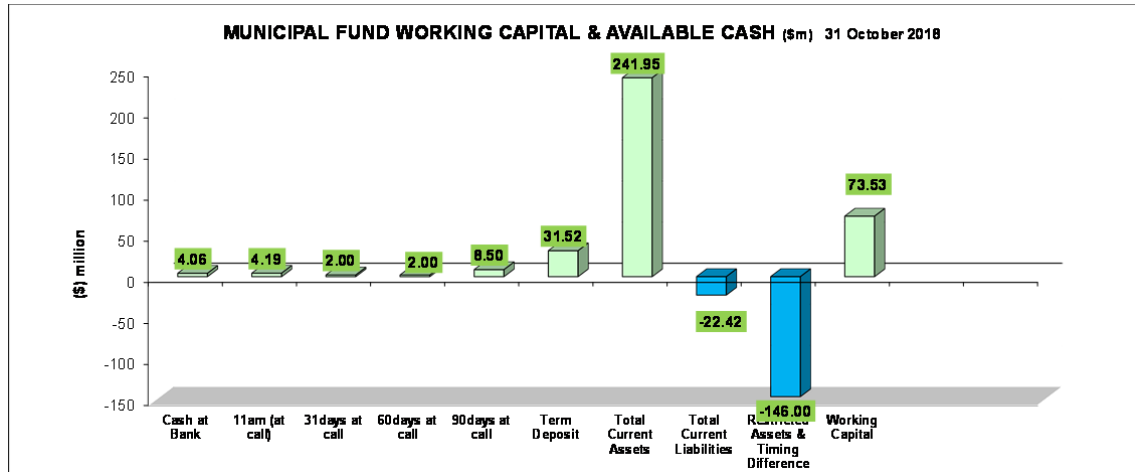
“Green investments” are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

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 October 2018 was \$38,000,000 or 19% of total investment holdings being in non-fossil fuels institutions. This compared to \$36,000,000 (18%) in September 2018. The amount of investment holdings in non-fossil fuels institutions increased from September and an increase in the overall percentage of the holding. The total investment holding for October was \$195,460,876 and September was \$196,460,876.

C18/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2018 (REC)

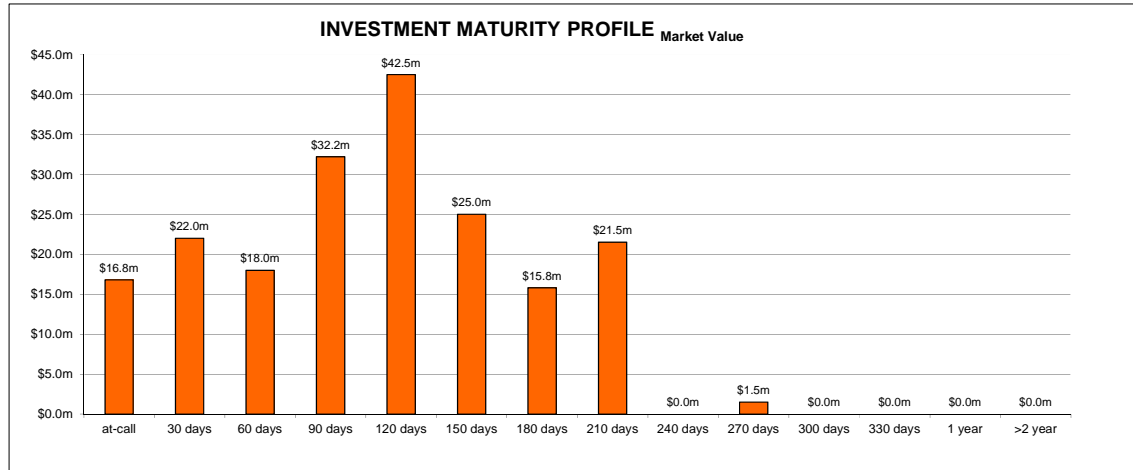
Net Funds Held

The graphs on the following page summarise the Municipal Fund working capital and available cash and the funds held in Cash Backed Specific Purpose Reserve Accounts as at 31 October 2018.



C18/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2018 (REC)

The graph below summarises the maturity profile of the City's investments at market value as at 31 October 2018.



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.

C18/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2018 (REC)

FINANCIAL IMPLICATIONS

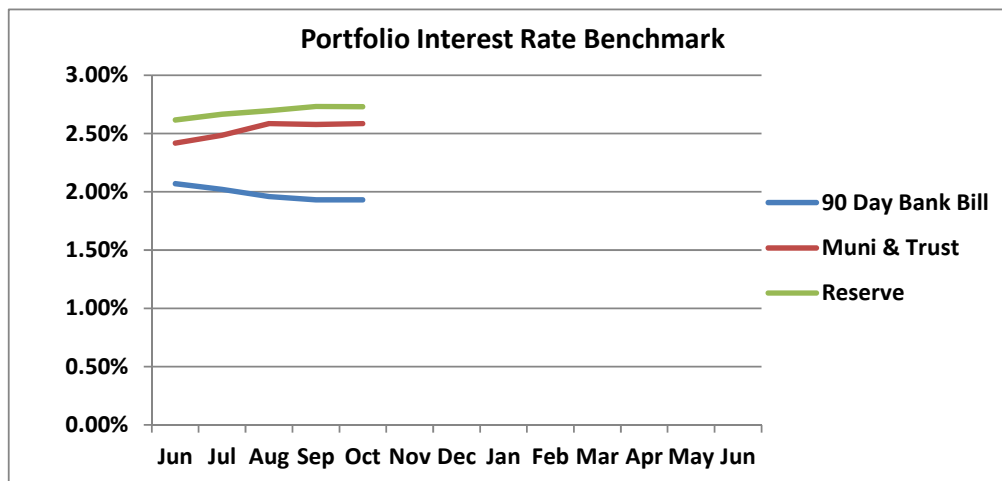
For the period ending 31 October 2018:

- Investment earnings on Municipal and Trust Funds were \$302,799 against a year to date budget of \$295,474 representing a \$7,325 positive variance.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 October 2018 was 2.59% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.93%.

- Investment earnings on Reserve accounts were \$1,416,817 against a year to date budget of \$853,333 representing a \$563,484 positive variance.

The weighted average interest rate for Reserve account investments as at 31 October 2018 was 2.73% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.93%.



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 2016-2020.

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.

C18/6000 - INVESTMENT STATEMENTS FOR OCTOBER 2018 (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*.

Council Policy CP-030 – Environmental states that the “The City aims to prevent, manage and minimise environmental impacts associated with its activities, while conserving and enhancing the City's biodiversity and environmental quality, thereby maintaining and creating healthy surroundings for the community.” Whilst this Policy directly relates to the environmental impacts that relate to activities within the Cities boundaries and there is a tenuous link between the City's investment activities and lending to organisations producing fossil fuels, the City will, to the extent it can without putting invested funds at undue risk, direct its investments to financial institutions that do not lend to those organisations.

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 2.59% to 2.73% which well exceeds the benchmark three month bank bill swap (BBSW) reference rate of 1.93%.

19% 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 18% in September 2018.

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 October 2018.**

At 10:16pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

**C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2018 (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 : Bruce Taylor – 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 October 2018 and recommends that the Schedule of Accounts Paid be noted.

**C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2018 (REC)
(ATTACHMENT)**

BACKGROUND

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

DETAIL

The Schedule of Accounts Paid for October including Payment Registers numbers, Cheques 684-687 and Electronic Funds Transfers batches 530-535 Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 23 November 2018. Payments for the period totalled \$12,893,716.84 for the Municipal Fund and \$117,659.63 for the Trust Fund whilst new investment transactions totalled \$13,000,000.00. Details of the payments are shown in attachment [6001 October 2018](#).

Payments in excess of \$25,000 for the period are detailed as follows:

Supplier Number	Supplier Name	Remittance Number	Remittance Details	Amount
15719	Advantearing Civil Engineers	E067526 & E067887	Engineering Consulting Services	\$275,813.67
14313	Asphaltech Pty Ltd	E067468 & E067835	Roads and Paving Supplies	\$527,238.30
14964	AWB Building CO Pty Ltd	E067494 & E067860	Building Construction material and services for various locations	\$25,477.98
14724	Axiis Contracting Pty Ltd	E067845	Construct of In-situ concrete footpaths	\$173,301.08
99995	Building Commission Department of Commerce	E067263	Regulatory Fees and government charges	\$69,817.80
10004	Building & Construction Industrial Training Fund	Chq 007172	Remittance of the building construction training levy collected by the City with building licence applications	\$47,841.83
10965	Calibre Coatings Pty Ltd	E067355 & E067741	Painting at Willagee Community Centre, Dog Pound and Beasley Clubrooms	\$55,215.60
10056	City of Cockburn	E067314	Commercial waste tip fees for September	\$97,100.53
13935	Contraflow Pty Ltd	E067453 & E067820	Traffic Control Services	\$26,478.67
12131	DATA#3 Limited	E067400 & E067777	IT Software Licensing and maintenance	\$53,638.71
14051	Department of Fire and Emergency Services	E067458 & E067825	Regulatory Fees and Government Charges	\$1,013,880.98
14756	Eco Resources Pty Ltd	E067481 & E067847	Landfill Management Services	\$25,367.10
11380	EMSO Maintenance CrabClaw Holdings	E067377 & E067763	Building Construction materials and services	\$141,579.33
16433	Facilities First Australia	E067560 & E067935	Commercial Cleaning	\$46,754.25

**C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2018 (REC)
(ATTACHMENT)**

Supplier Number	Supplier Name	Remittance Number	Remittance Details	Amount
10385	Flexi Staff	E067335 & E067723	Temporary Labour Hire	\$67,005.37
10097	Hansen Pty Ltd (Forpark Australia Pty Ltd)	E067705	Fence and playground renewal at Trevor Knowles Park	\$27,500.00
14312	Hays Specialist Recruitment	E067467 & E067834	Temporary Labour Hire	\$40,905.26
16222	LGC Traffic Management	E067917	Traffic Control Services	\$35,741.64
10490	LGISWA	E067340	Insurance Premiums	\$615,380.27
15475	Lochness Landscaping Services	E067519 & E067879	Landscaping services and supplies	\$39,159.54
16439	Maintenance and Construction Services	E067936	Leisurefit and AH Bracks Refurbishment Project	\$290,241.47
10141	Major Motors Pty Ltd	E067322 & E067666 & E067709	Purchase of 2018 Isuzu Truck and various maintenance and repairs	\$135,414.58
11270	McLeods Barristers and Solicitors	E067375 & E067760	Legal And Conveyancing Services	\$28,247.86
10689	Miracle Recreation Equipment	E067347 & E067737	Playground Renewal at Elizabeth Manion Reserve and supply and install information Shelter	\$42,240.00
17940	Natural Area Management Services	E067610 & E067966	Weed control and plant installation	\$70,072.67
13563	Pearmans Electrical & Mechanical Services Pty Ltd	E067440 & E067810	Electrical Lighting maintenance and supplies and services across the City of Melville	\$172,649.26
16280	Quantum Building Services Pty Ltd	E067546 & E067922	Plumbing Maintenance supplies and services	\$28,041.78
10334	Sirsidynix Pty Ltd	E067334	IT Software/Licencing and maintenance	\$83,848.42
15122	Signature Paving and Earthworks Pty Ltd	E067503	Brick paving and materials	\$25,983.77
12203	SMRC Southern Metropolitan Regional Council	E067403 & E067778	MSW Gate Fees for September and October and Green Waste Gate Fees	\$1,126,650.64
16268	Sohan Ariel Hayes	E067920	Riseley Street Public Artwork	\$45,320.00
16625	Soft Landing Community Resources	E067592	Verge side/whitegoods Collection and Disposal	\$28,479.00
16605	Synergy Electricity	E067587 & E067953	Electricity Charges	\$280,775.00
18870	Technology Once	E067616	Intramaps Subscription and Consultancy Fees	\$38,860.80
17037	Tree Care WA Pty Ltd	E067600 & E067960	Arborist and Tree Services	\$91,512.59
12075	Turf Care WA Pty Ltd	E067398 & E067775	Turf mowing and maintenance	\$50,596.10
12334	Water Corporation	069643, 069660	Water Charges for various locations	\$39,040.48

**C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2018 (REC)
(ATTACHMENT)**

Payroll

Supplier Name	Remittance Number	Remittance Details	Amount
Various Banking Institutions	Direct Bank Transfers 03/10/2018, 16/10/2018 & 31/10/2018	Payment of salaries and wages to City employees net of tax and deduction for pays 5, 6 and 7.	\$3,257,606.55
Australian Taxation Office	Direct Bank Transfers 03/10/2018, 16/10/2018 & 31/10/2018	Pay as You-Go taxation and other deductions from employee payroll for pays 5, 6 and 7.	\$1,014,153.00
Creditors & Advances	Direct Bank Transfers 03/10/2018, 16/10/2018 & 31/10/2018	Payment of superannuation, union membership, council rates, vehicle deductions, Centrelink, etc. for pays 5, 6 and 7.	\$787,322.06
Total			\$5,058,081.61

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

STATUTORY AND LEGAL IMPLICATIONS

This report meets the requirements of the *Local Government (Financial Management) Regulations 1996* Regulation 11 - Payment of Accounts, Regulation 12 - List of Creditors and Regulation 13 - Payments from the Trust Fund and the Municipal Fund.

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.

**C18/6001 – SCHEDULE OF ACCOUNTS PAID FOR OCTOBER 2018 (REC)
(ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as this report presents information for noting only.

CONCLUSION

Payments for the period totalled \$12,893,716.84 for the Municipal Fund and \$117,659.63 for the Trust Fund whilst new investment transactions totalled \$13,000,000.00.

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 of October 2018 as approved by the Acting Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 October 2018](#)

At 10:16pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2018 (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	: Bruce Taylor – 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 October 2018 and recommends that they be noted by the Council.
- The variances for the month of October 2018 and recommends that they be noted by the Council.
- The Budget amendments required for the month of October 2018 and recommends that they be adopted by Absolute Majority decision of the Council.

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2018 (AMREC)
(ATTACHMENTS)**
BACKGROUND

The Statements of Financial Activity for the period ending 31 October 2018 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

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. Rate Setting Statement by Program, which provides details on the Program classifications,
2. Rate Setting Statement by Sub-Program, which provides further details on the Program classifications and,
3. Statement of Financial Activity by Nature and Type, which provides details on the various categories of income and expenditure.

Variances

RATE SETTING STATEMENT <small>by Program</small> EXTRACT OF RATE SETTING STATEMENT FOR VARIANCE \$50,000 for the Period 1 July 2018 to 31 October 2018							
	October Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
OPERATING ACTIVITIES							
Revenue from operating activities (excluding rates and non-operating grant, subsidies and contributions)							
General Purpose Funding	505,172	5,574,568	5,797,771	223,202	4%	10,568,752	10,568,752
Community Amenities	115,542	2,337,534	2,195,404	(142,131)	-6%	3,338,109	3,338,109
Recreation and Culture	683,977	2,727,631	2,814,859	87,228	3%	8,160,171	8,160,171
Transport	102,081	497,631	435,657	(61,974)	4%	1,585,458	1,585,458
Economic Services	227,351	1,574,660	1,651,566	76,906	5%	2,762,888	2,762,888
Other Property and Services	43,807	121,786	343,976	222,189	182%	334,849	670,499
	1,846,839	15,742,930	16,164,034	421,104		30,082,837	30,418,487
Expenditure from operating activities							
Governance	(473,364)	(1,772,975)	(1,662,150)	110,825	-6%	(5,612,027)	(6,029,121)
General Purpose Funding	(87,805)	(414,450)	(356,143)	58,307	-14%	(7,469,373)	(7,469,373)
Law, Order, Public Safety	(475,481)	(1,503,245)	(1,378,640)	124,605	-8%	(4,259,141)	(4,269,425)
Education & Welfare	(282,214)	(982,297)	(893,724)	88,573	-9%	(2,819,942)	(2,846,348)
Community Amenities	(2,274,874)	(8,672,254)	(8,278,169)	394,085	-5%	(25,607,458)	(25,950,000)
Recreation and Culture	(3,380,729)	(10,829,220)	(10,311,896)	517,323	-5%	(31,042,439)	(31,210,475)
Transport	(1,600,465)	(6,006,407)	(5,833,692)	172,715	-3%	(18,503,353)	(18,503,353)
Other Property and Services	(1,240,358)	(4,186,899)	(3,553,384)	633,514	-15%	(9,865,826)	(10,305,921)
	(10,243,398)	(35,664,041)	(33,609,644)	2,054,396		(108,727,124)	(110,241,581)
Investing Activities							
Non-operating grants, subsidies and contributions	380,200	1,243,587	1,377,079	133,492		4,963,126	6,119,146
Purchase of Furniture & Equipment	(199,942)	(593,830)	(368,660)	225,170	-38%	(1,863,602)	(3,049,769)
Purchase of Land & Buildings	(508,184)	(3,329,132)	(1,945,325)	1,383,807	-42%	(11,831,681)	(29,139,483)
Purchase of Infrastructure Assets	(1,592,684)	(4,394,228)	(4,445,805)	(51,577)	1%	(23,494,859)	(32,051,020)
	(2,019,664)	(7,208,103)	(5,528,258)	3,226,199		(33,614,073)	(60,277,333)

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2018 (AMREC)
(ATTACHMENTS)**

A more detailed summary of variances and comments based on the Rate Setting Statement by Sub-Program is provided in attachments [6002C Sub Program October 2018](#) and [6002H October 2018](#).

Revenue

\$87.50 million in Rates was raised as at 31 October 2018 compared to a year to date budget of \$86.17 million. There is a variance of \$1.33 million compared to the Rate Setting Statement due to an adjustment of rates overpayments of \$1.1 million. This is an accounting treatment and will be adjusted at year end. There is a positive variance of \$233,440 when compared to year to date actual (0.27%).

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for October 2018.

Budget Amendments

Details of Budget Amendments requested for the month of October 2018 are shown in attachment [6002J October 2018](#). Highlighted are three budget amendment journals greater than \$50,000 that were processed in October 2018:

- \$272,514 – Transfer budget for Shirley Strickland perimeter path project from parking project.
- \$50,000 – Transfer funds from community surveillance and security service reserve for the purchase of a mobile CCTV trailer.
- \$55,000 – Transfer budget for temporary library relocation to a new capital work project.

Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling \$3,213,150 were collected over the course of the month. Rates collection progress for the month of October is 1.4% below the target of 70.9%. This represents a dollar value of \$1,267,580. As at 31 October 69.5% of the 2018-2019 rates, including prior year arrears had been collected compared with 70.4% collected for the same time last year. Rates collection for 2018-2019 excluding prior year rate arrears is 72.2%.

Total sundry debtor balances decreased by \$277,707 over the course of the month from \$795,423 to \$517,716. The 90+ day's debtor balance increased by \$8,739 from \$269,640 to \$278,379.

Granting of concession or writing off debts owed to the City

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

There were no debts written off for the month of October 2018.

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2018 (AMREC)
(ATTACHMENTS)**

Proposed amendments to the 2018-2019 Fees and Charges

Nil

The following attachments form part of the Attachments to the Agenda.

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – October 2018	6002A Nature Type October 2018
Rate Setting Statement by Program – October 2018	6002B Program October 2018
Rate Setting Statement by Sub-Program – October 2018	6002C Sub Program October 2018
Representation of Net Working Capital – October 2018	6002E October 2018
Reconciliation of Net Working Capital – October 2018	6002F October 2018
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – October 2018	6002H October 2018
Details of Budget Amendments requested – October 2018	6002J October 2018
Summary of Rates Debtors – October 2018	6002L October 2018
Graph Showing Rates Collections – October 2018	6002M October 2018
Summary of General Debtors aged 90 Days Old or Greater – October 2018	6002N October 2018

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:

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2018 (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.

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2018 (AMREC)
(ATTACHMENTS)****FINANCIAL IMPLICATIONS****Variances**

Variances are detailed and explained in attachment [6002H October 2018](#) (Notes on Statement of Variances in excess of \$50,000 by Sub-Program).

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no identifiable strategic, risks or environmental management implications arising from this report.

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 October 2018.

**C18/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR OCTOBER 2018 (AMREC)
(ATTACHMENTS)**

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002) NOTING

At 10:15pm Cr Barling moved, seconded Cr Wieland –

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 October 2018 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – October 2018	<u>6002A Nature Type October 2018</u>
Rate Setting Statement by Program – October 2018	<u>6002B Program October 2018</u>
Rate Setting Statement by Sub-Program – October 2018	<u>6002C Sub Program October 2018</u>
Representation of Net Working Capital – October 2018	<u>6002E October 2018</u>
Reconciliation of Net Working Capital – October 2018	<u>6002F October 2018</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – October 2018	<u>6002H October 2018</u>
Details of Budget Amendments requested – October 2018	<u>6002J October 2018</u>
Summary of Rates Debtors – October 2018	<u>6002L October 2018</u>
Graph Showing Rates Collections – October 2018	<u>6002M October 2018</u>
Summary of General Debtors aged 90 Days Old or Greater – October 2018	<u>6002N October 2018</u>

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for October 2018 [6002J October 2018](#).**

At 10:15pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

**M18/5661 – APPOINTMENT OF EXTERNAL MEMBER FOR THE FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)
(CONFIDENTIAL ATTACHMENT)**

Ward	: All
Category	: Operational
Subject Index	: Audits – Compliance, Policies, Procedures, Agenda and Minutes
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	: M18/5648 – Recruitment of External Member of Financial Management, Audit, Risk and Compliance Committee November 2018.
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Jeff Clark Governance and Compliance Advisor

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>

**M18/5661 – APPOINTMENT OF EXTERNAL MEMBER FOR THE FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)
(CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Council resolved to recruit an external member for the Financial, Audit, Risk and Compliance Committee (FMARCC) on the last renewal of the previous External Member's term.
- The FMARCC appointed a Selection Panel of four Elected Members
- Advertisements attracted 12 applicants and interviews were conducted on a short list of two.
- This report advises the Selection Panel's recommended applicant for the position.

BACKGROUND

At the Council meeting held on the 19 September 2006 a Council resolution was passed by absolute majority decision that established the Financial Management, Audit, Risk and Compliance Committee as per the approved Committee Charter. The Council also approved the payment of expenses of up to \$2,500 per annum to be paid quarterly in arrears to the independent member of the Financial Management, Audit, Risk and Compliance Committee.

The Charter for the Committee outlines the following requirements relating to membership.

“3. Membership

- *In accordance with Section 7.1A (2) of the Local Government Act 1995 members of the Committee will be appointed by absolute majority decision of the Council;*
- *The Committee will comprise at least four persons of which at least three are to be Elected Members of the City of Melville and one other member who will be an independent person;*
- *Independent members will have no association with the Council either as a member, an officer or closely associated person;*
- *Where possible the majority of members shall have experience in business and/or financial and management reporting and risk management;*
- *The independent member shall be selected on the basis of their skills and experience in the financial and/or risk management environment;*
- *The CEO and designated City of Melville employees, whilst not permitted to be members of this Committee, will when requested be required to attend meetings of the Committee to provide advice and guidance to the committee;*
- *Membership of the Committee will be reviewed after every Local Government Election.*

DETAIL

The candidates for the position of External Member provided a range of skills relating to the charter of the FMARCC and assessed competences to fulfil the role. Of the 12 candidates, two candidates were shortlisted for interview.

**M18/5661 – APPOINTMENT OF EXTERNAL MEMBER FOR THE FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)
(CONFIDENTIAL ATTACHMENT)**

The Panel conducted interviews on 27 November 2018 and referee checks were conducted on the preferred candidate. All referee checks were positive and addressed the skills and competencies that would support the Committee in the role confirmed by the Committee's Charter. The application by the recommended candidate is provided as a Confidential Attachment.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No community engagement was required.

II. OTHER AGENCIES / CONSULTANTS

No liaison with external agencies or consultants was required.

STATUTORY AND LEGAL IMPLICATIONS

The *Local Government Act 1995* requires an Audit Committee to be established

*“7.1A. Audit committee**(1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.**(2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.”*

* Absolute majority required.

The Local Government Operational Guidelines Number 09 advise the following relating to Committee membership:

“Membership*The Act requires that an audit committee is to consist of a minimum of 3 members and in that situation all must be council members. Where a committee consists of more than 3 members then a majority of those members must be council members. Local governments may decide to appoint a committee involving only elected members or they may appoint one or more persons who are external to the Council. If a Council considers it appropriate, the whole Council can be appointed to the audit committee.**If the local government wishes to appoint one or more persons other than elected members to the committee, which is recommended, it should ensure that they have the requisite knowledge and skills to provide benefit to the committee.”*

**M18/5661 – APPOINTMENT OF EXTERNAL MEMBER FOR THE FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)
(CONFIDENTIAL ATTACHMENT)**

The Council has previously resolved to appoint an external member to the Committee that conforms to the recommended position of the Department of Local Government, Sport and Cultural Industries.

FINANCIAL IMPLICATIONS

Apart from an advertising cost for the recruitment, a budget provision of \$2,500 per annum for any expenses incurred by the External Member has been included in the current budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk and environmental management implications. The appointment of an experienced person in the role is expected to mitigate financial and other risks that come before the FMARCC.

POLICY IMPLICATIONS

The following Council Policies relate to this report:

CP-099	Risk Management Policy
CP-025	Accounting Policy
CP-104	Related Party Disclosures Policy
CP-024	Borrowings and Asset Financing Policy
CP-009	Investment of Funds Policy
CP-008	Financial Sustainability Forward Financial Planning and Funding Allocation
CP-023	Procurement Policy
CP-062	Fraud and Corruption Prevention Policy

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council has previously resolved to recruit an External Member and other than wishing to review the applications of other candidates, there is no alternative option that is consistent with the Council's determined position.

CONCLUSION

The Selection Panel has reviewed all applications and selected one candidate after interviews. The reference checks were positive and that candidate is now put to the Council to appoint as the External Member.

**M18/5661 – APPOINTMENT OF EXTERNAL MEMBER FOR THE FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)
(CONFIDENTIAL ATTACHMENT)**

**SELECTION PANEL RECOMMENDATION AND COUNCIL RESOLUTION (5661)
ABSOLUTE MAJORITY**

At 10:15pm Cr Macphail moved, seconded Cr Wheatland–

That the Council accepts the Financial Management, Audit, Risk and Compliance Committee's Selection Panel's recommended candidate and appoints the person named in Confidential Attachment A to the position of External Member of the Financial Management, Audit, Risk and Compliance Committee for a term ending in October 2020.

At 10:16 pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

15. EN BLOC ITEMS

At 10:16pm Cr Wheatland moved, seconded Cr Wieland–

That the recommendations for items CD18/8111, M18/5656, M18/5000, C18/5658, C18/6000 and C18/6001 be carried En Bloc.

At 10:16pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

17.1 Master Transport Plan

At 10:16pm Cr Mair moved, seconded Cr Barton –

That Cr Mair be permitted to present to the Council a Motion Without Notice relating to the Master Transport Plan

At 10:24pm the Mayor submitted the motion, which was declared

LOST (5/7)

Vote Result Summary	
Yes	5
No	7

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Wheatland	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Wieland	No
Cr Woodall	No
Mayor	No

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

19. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 10:25pm.