



MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

TUESDAY, 20 and 27 AUGUST 2019

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 6:30pm. Mr B Taylor, Manager Governance and Property, read aloud the Disclaimer that is on the front page of these Minutes and then 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 N Robins
Cr C Robartson, Cr M Woodall
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
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 J Bird
Mr A Ferris
Mr L Hitchcock

Mr P Prendergast
Mr M Scarfone (*until 8:40pm*)
Ms J Arbel (*until 11:08pm*)
Mr B Taylor
Ms C Newman
Ms T Wright

Chief Executive Officer
Director Community Development
Director Urban Planning
A/Director Technical Services
Director Corporate Services
Executive Manager Governance and Legal Services
Manager Strategic Planning
Planning Services Coordinator
Strategic Communication Adviser
Manager Governance & Property
Governance Coordinator
Governance Officer

At the commencement of the meeting there were approximately 28 members of the public and one representative from the Press in the Public Gallery.

At 6:30pm Cr Barling entered the meeting.

At 6:30pm Cr Robins entered the meeting.

At 6:31pm Cr Robartson entered the meeting.

At 6:31pm Cr Phelan entered the meeting.

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

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Nil.

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

Nil.

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

Nil.

6. QUESTION TIME

6.1 Questions Received with Notice

6.1.1 C Geers, Applecross

Question 1

We request that Killilan Road Applecross to have 2 hour or residents only parking on one side of the road and no parking on the otherside of the road to address the traffic problem caused by workers on the surrounding developments, can this be arranged if so what do we need to do to action this request?

Response

Following a recent site visit and inspection of the current parking situation on Killilan Road, it was determined that the vehicles were not causing safety issues and were generally parking legally. The City will continue to monitor this location to observe parking and road safety issues and, if justified, undertake community consultation with affected residents should any changes in parking arrangements be proposed. At this time parking restrictions are not recommended.

Question 2

In view of the developments taking place in the Canning Bridge precinct when a development is approved why are the developers/builder not responsible for the parking requirements of their workers so that rate payers are not inconvenienced, does the council have a (sic) traffic management in place, if so, what is it, if not , why not?

Response

With regards to all major development approvals, a condition of approval is the submission of a construction management plan to be approved by the City and this includes a parking management plan and a traffic management plan. The approved plans and any management measures must be followed by the developers and where they are not, the City will enforce compliance.

6.2 Questions Received without Notice

6.2.1 City of Melville Residents and Ratepayers Association (Inc)

On 3 August we wrote to CEO Marten Tieleman with questions relating to discrepancies on the out of date on-line Gift Register: Mr Tieleman did not respond. Council please confirm:

Question 1

Why is the on-line gift register not live, or at least updated at least weekly?

Response

This question will be taken on notice.

6. *Public Question Time – City of Melville Residents and Ratepayers Assoc (Inc) cont'd*

Question 2

Why there are disparities between gifts claimed by Cr Duncan Macphail (\$2,358) and Mayor Russell Aubrey (\$315) for attending same event in Taipei (lines 600 and 599 respectively)?

Response

This question will be taken on notice.

Question 3

Why have Mayor Aubrey and Cr Macphail have (sic) not provided adequate detail of the travel, including a proper breakdown of the expenses incurred? Did either take

a) additional personal time away in conjunction with the trips?

Or

b) a travel companion?

Response

This question will be taken on notice.

Question 4

What as the total cost of the trips to Taipei for each of Mayor Aubrey and Cr MacPhail (sic)?

Response

This question will be taken on notice.

Question 5

Who funded Mayor Aubrey's and Cr MacPhail's (sic) trips to Taipei and in what amount, ie what portion was paid for by the City, the South West Group and the Elected Members themselves?

Response

This question will be taken on notice.

Question 6

What was the justification for both Mayor Aubrey and Cr Macphail attending this event in addition to Mr Tom Griffiths of the South West Group, what was the value proposition?

Response

This question will be taken on notice.

6. *Public Question Time – City of Melville Residents and Ratepayers Assoc (Inc) cont'd*

Question 7

What gifts did Mr John Christie received (sic) at line 516?

Response

This question will be taken on notice.

Question 8

What the gifts (sic) did former Shayne Silcox received (sic) at lines 535, 538, 538 (sic), 542 and 550 whilst he was still in the employ of the City?

Do these gifts add to the more than (sic) \$18,000 of travel, entertainment and accommodation gift fr CEO Shayne Silcox declared since 2016, and if so by what amount?

Response

This question will be taken on notice.

Question 9

Why has Ms Christine Young, Director Community Development, only just declared travel, entertainment and accommodation gifts to the value of \$5,300 dating back to September 2018 (lines 614 and 615); in breach of the local government statutory requirements.

Response

This question will be taken on notice.

Question 10

What was the total cost of Ms Young trips, who paid and in what proportion and who funded Ms Young's total time away?

Response

This question will be taken on notice.

Question 11

What corrective action will Council take in relation to Ms Young's apparent statutory breaches.

Response

This question will be taken on notice.

6. *Public Question Time – City of Melville Residents and Ratepayers Assoc (Inc) cont'd*

We understand that the City has stopped providing parking permits to Disabled Returned Veterans TPI to enable them to park free of charge in City paid parking areas

Question 12

Why has the City stopped providing parking permits to our veterans?

Response

This question will be taken on notice.

Question 13

Does the City appreciate the stress that this unannounced change has caused some of our heroic war veterans?

Response

This question will be taken on notice.

Question 14

When will the City reverse their decision and provide free parking permits to our veterans?

Response

This question will be taken on notice.

Question 15

Why has Mayor Russell Aubrey not proactively supported out veterans act to rectify this?

Response

This question will be taken on notice.

6. *Public Question Time – City of Melville Residents and Ratepayers Assoc (Inc) cont'd*

At the 16 July OMC Council **did not answer** our question in relation to the Authorised Inquiry as it had not made a decision on its response, so please answer it now. That is:

Question 16

On 27 June Mayor Russell Aubrey was reported in the press as saying ‘the release of a long-awaited report into the City vindicates the way it dealt with a small number of “unreasonable people” in the community’; subsequently other comments along the lines of ‘The independent inquiry report has totally exonerated and vindicated the Council for any wrongdoing’ as posted on the Aubrey cabal’s Melville Community Chat Facebook page by Ms Vanessa Robertson, and Aubrey cabal devotee who has the support of Mayor Aubrey and Cr Phelan. Given the Authorised Inquiry report has a number of adverse findings against the City and Minister Templeman has highlighted that the City needs to changes its culture to be more open, transparent and to better deal with complaints:

- a) *does Council fully endorse the abovementioned comments made in the media? and*
- b) *will Council fully accept accountability for the City’s identified failures?*

Response

This question will be taken on notice.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL – 16 JULY 2019
Minutes 16 July 2019****COUNCIL RESOLUTION**

At 6:42pm Cr Wieland moved, seconded Cr Robartson –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 16 July 2019, be confirmed as a true and accurate record.

At 6:42pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (13/0)

**8.2 NOTES OF AGENDA BRIEFING FORUM – 6 AUGUST 2019
Notes 6 August 2019****COUNCIL RESOLUTION**

At 6:42pm Cr Robartson moved, seconded Cr Wieland –

That the Notes of Agenda Briefing Forum held on Tuesday, 6 August 2019, be received.

At 6:42pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (13/0)

**8.3 SPECIAL MEETING OF ELECTORS – 12 AUGUST 2019
Minutes Special Meeting of Electors 12 August 2019****COUNCIL RESOLUTION**

At 6:42pm Cr Robartson moved, seconded Cr Wieland –

That the Minutes of the Special Meeting of Electors held on Monday, 12 August 2019, be confirmed as a true and accurate record.

At 6:42pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (13/0)

(Note a report considering the resolutions of the Special Electors Meeting will be presented to a future meeting).

9. DECLARATIONS OF INTEREST

9.1 FINANCIAL INTERESTS

- Mayor Aubrey – Item P19/3810 - Adoption of Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height Provisions, Proximity Interest
- Mayor Aubrey - Late Item P19/3918 – RAR DAP 20 – 22 Kintail Road, Proximity Interest

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Mair – P19/3810 - Adoption of Local Planning Policy - Canning Bridge Activity Centre – Bonus Building Height Provisions, Interest Under the Code.
- Cr Barton – P19/3810 - Adoption of Local Planning Policy - Canning Bridge Activity Centre – Bonus Building Height Provisions, Interest Under the Code.
- Mayor Aubrey – Item P19/3817 - Review of Canning Bridge Activity Centre Plan – Project Scope, Interest Under the Code.
- Cr Mair – Item P19/3817 - Review of Canning Bridge Activity Centre Plan – Project Scope, Interest Under the Code.
- Cr Pazolli – Late Item P19/3918– 22 Kintail Road, Applecross, Interest Under the Code.
- Cr Barton – Item 3817 – Review of Canning Bridge Activity Centre Plan – Project Scope, Interest Under the Code.

10. DEPUTATIONS

10.1 Ms S Fielder, (Director, Grandton Limited) and Mr M Zuvela (Silver Thomas Hanley)

- Late Item 3918 – RAR DAP 20 – 22 Kintail Road

10.2 Mr M Burns of Applecross

- Late Item 3918 – RAR DAP 20 – 22 Kintail Road; and
- Item P19/3810 - Adoption of Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height Provisions

10.3 Mr C Ross of Applecross and Mr D Kenny of Applecross

- Late Item 3918 – RAR DAP 20 – 22 Kintail Road; and
- Item P19/3810 - Adoption of Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height Provisions; and
- Item P19/3817 - Review of Canning Bridge Activity Centre Plan – Project Scope

10.4 Ms L Emery of Mount Pleasant

- Late Item 3918 – RAR DAP 20 – 22 Kintail Road; and
- Item P19/3809 - Review of Local Planning Policy 1.2 Architectural and Urban Design Advisory Panel and Council Policy 68 Street Numbering
- Item P19/3817 - Review of Canning Bridge Activity Centre Plan – Project Scope

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

- Confidential Item - M19/5699 – Blue Water (WA) Pty Ltd – Assignment Of Lease
- Confidential Item - T19/3815 – Southern Metropolitan Regional Council (SMRC) Major Trading Undertaking And Major Land Transaction Business Plan - RRRC Divestment And Fogo Processing Opportunity
- Motion with Notice 16.6 Garden City Redevelopment and Land Exchange

That the meeting be closed to members of the public, if required, to allow for items deemed confidential in accordance with Section 5.23 (2) (c) of the *Local Government Act 1995* to be discussed behind closed doors.

13. PETITIONSRe-development of 2 Lawlor Road, Attadale

A petition signed by 13 residents has been received by the City of Melville. The petition reads as follows:

“We, the undersigned, do respectfully request that the Council address the serious shortage of parking at the Moreing Rd shopping centre. The undersigned are very concerned about the proposed re-development of 2 Lawlor Rd as proposed by the City (Item CD 19/8116 current council minutes) and its potential impact on the already current parking problems being experienced at the shopping centre.

Should the City’s proposed re-development, which includes a child care centre, proceed without adequate parking to support the re-development it would be financially damaging to the centre’s businesses as it will further compound the current lack of parking during operating hours.

The undersigned feel it is highly inappropriate to proceed with any re-development of this former kindergarten site without addressing the shortage of parking at the centre. We would expect that any future re-development of the site should have adequate parking to sufficiently service the site’s intended use. Furthermore in keeping with ‘Place making’ principles together with the City’s recognition of the role that small businesses play in growth and prosperity it is appropriate for the business owners of the complex to be included and properly consulted in the proposed re-development of the site which sadly, to date, has not occurred.”

COUNCIL RESOLUTION

At 6:46pm Cr Kepert moved, seconded Cr Wieland—

That the Council acknowledges the petition with 13 signatures relating to the redevelopment of 2 Lawlor Road, Attadale and that this matter is the subject of a report to be considered at this meeting, and requests that the Lead Petitioner be advised of the Council’s resolution in relation to Item CD19/8116 – Former Kindergarten Site – 2 Lawlor Road, Attadale.

At 6:46pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

14 REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 6:47 Cr Wheatland left the meeting and returned at 6:48pm.

At 6:48pm Ms S Fielder, (Director, Grandton Limited) and Mr M Zuvela (Silver Thomas Hanley) entered the Chambers for the purpose of making a deputation in relation Late Item 3918 – RAR DAP 20 – 22 Kintail Road. The presentation concluded at 6:59pm. [Rar Dap 20-22 Kintail Rd - Fielder & Zuvela](#)

At 7:16pm Ms Fielder and Mr Zuvela departed the Council Chambers.

At 7:16pm Mr M Burns of Applecross entered the Chambers for the purpose of making a deputation in relation Late Item 3918 – RAR DAP 20 – 22 Kintail Road and Item P19/3810 - Adoption of Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height Provisions. The presentation concluded at 7:20pm.

At 7:24pm Mr Burns departed the Council Chambers.

At 7:25pm Mr C Ross of Applecross and Mr D Kenny of Applecross entered the Chambers for the purpose of making a deputation in relation Late Item 3918 – RAR DAP 20 – 22 Kintail Road, Item P19/3810 - Adoption of Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height Provisions and Item P19/3817 - Review of Canning Bridge Activity Centre Plan – Project Scope.

COUNCIL RESOLUTION

At 7:36pm Cr Keper moved, seconded Cr Wieland–

That Mr Ross and Mr Kenny be granted a further 10 minutes to speak on this matter.

At 7:36pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (11/0)

The presentation concluded at 7:44pm. [Presentation Ross & Kenny](#)

At 7:47pm Mr Ross and Mr Kenny departed the Council Chambers.

At 7:48pm Ms L Emery of Mount Pleasant entered the Chambers for the purpose of making a deputation in relation Late Item 3918 – RAR DAP 20 – 22 Kintail Road, Item P19/3810 - Adoption of Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height Provisions and Item P19/3809 - Review of Local Planning Policy 1.2 Architectural and Urban Design Advisory Panel and Council Policy 68 Street Numbering. The presentation concluded at 7:54pm.

At 7:59pm Ms Emery departed the Council Chambers.

Disclosures of Interest

Member	Mayor Aubrey
Type of Interest	Proximity Interest
Nature of Interest	Owns a unit in Kintail Road, which is in the CBACP area
Request	Leave
Decision	Leave
Member	Cr Pazolli
Type of Interest	Interest Under the Code
Nature of Interest	Community Member on Board of Alchera Living, who operate in a similar market to Grandton.
Request	Stay, discuss and vote.
Decision	Stay, discuss and vote.

At 6:47pm Mayor Aubrey having declared an interest in this matter, left the meeting.

At 6:47pm Cr Barling assumed the Chair.

At 7:17 Cr Wheatland left the meeting and returned at 7:19pm.

At 7:28 Ms Wright left the meeting and returned at 7:31pm.

At 7:35 Cr Phelan left the meeting and returned at 7:38pm.

At 8:00pm the Presiding member brought forward Late Item 3918 – RAR DAP 20 – 22 Kintail Road for the convenience of the public gallery.

At 8:00pm Mr Prendergast, Manager Statutory Planning and Mr Scarfone, entered the Chambers for the purpose of making a presentation on Late Item 3918 – RAR DAP 20 – 22 Kintail Road. The presentation concluded at 8:12pm. [3918 RAR Dap 20-22 Kintail Road](#)

At 8:34pm Mr Tieleman left the meeting and returned at 8:35pm.

At 8:39pm Mr Prendergast and Mr Scarfone departed the Council Chambers.

LATE ITEM - P19/3918 DEVELOPMENT ASSESSMENT PANEL APPLICATION – 15 STOREY AGED CARE DEVELOPMENT AT LOTS 1060 & 1061 (20 & 22) KINTAIL ROAD, APPLECROSS (REC) (ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DAP-2019-2
 Property : Lots 1060 & 1061 (20 & 22) Kintail Road, Applecross
 Proposal : 15 Storey Aged Care Development Comprising 10 High Care Units and 84 Independent Living Units and Cafe
 Applicant : Norup and Wilson Projects Pty Ltd
 Owner : 22 Kintail Road Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil.
 Responsible Officer : Peter Prendergast
 Manager Planning 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>

**P19/3918 DEVELOPMENT ASSESSMENT PANEL APPLICATION – 15 STOREY AGED CARE DEVELOPMENT AT LOTS 1060 & 1061 (20 & 22) KINTAIL ROAD, APPECROSS
(REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning approval is sought from the Metro Central Joint Development Assessment Panel (JDAP) to construct a 15 storey aged care development comprising 10 high care units and 84 independent living units and café at Nos. 20 & 22 Kintail Road, Applecross.
- The application by virtue of its value is a mandatory JDAP application which was submitted to the City on 17 May 2019.
- Council officers have completed the Responsible Authority Report (RAR) which was provided to the JDAP under the Planning and Development (Development Assessment Panel) Regulations 2011 on 16 August 2019.
- The RAR is the subject of a call up to a meeting of the Council. This call up request was lodged by Cr Pazolli and Cr Kepert in accordance with the provisions of Local Planning Policy LPP1.1 “Planning process and Decision Making”.
- The recommendation of the RAR is that the JDAP approve the application.
- A copy of the resolution of the Ordinary Meeting of Council will be forwarded to the JDAP as a late attachment to the RAR noting that reference to this Council meeting process has been included within the RAR.

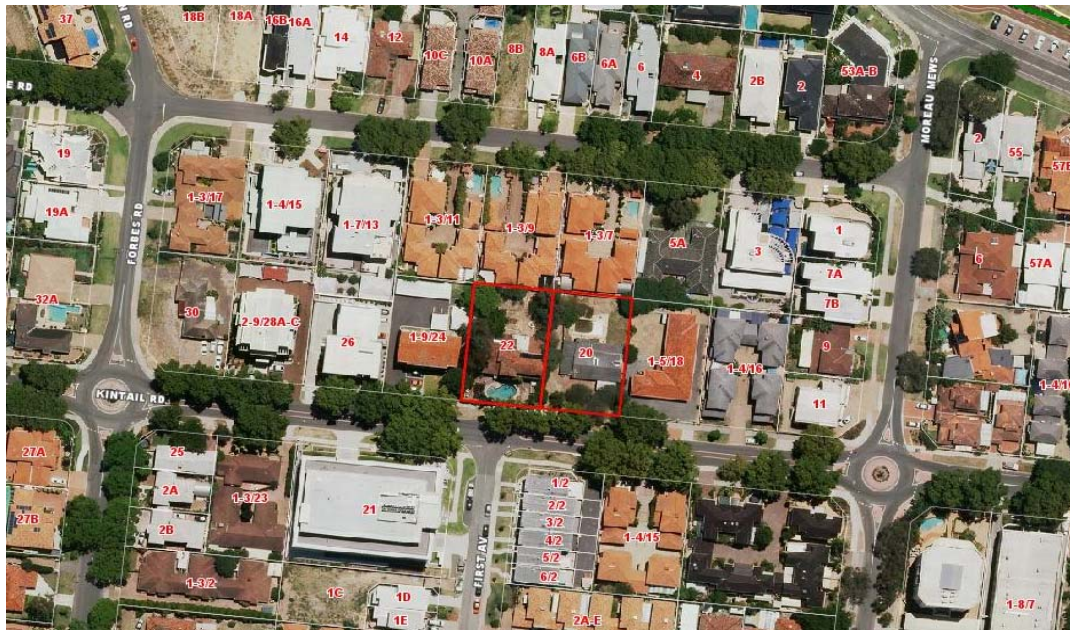


Figure 1: Aerial Map of Subject Site

**P19/3918 DEVELOPMENT ASSESSMENT PANEL APPLICATION – 15 STOREY AGED CARE DEVELOPMENT AT LOTS 1060 & 1061 (20 & 22) KINTAIL ROAD, APPLECROSS
(REC) (ATTACHMENT)**

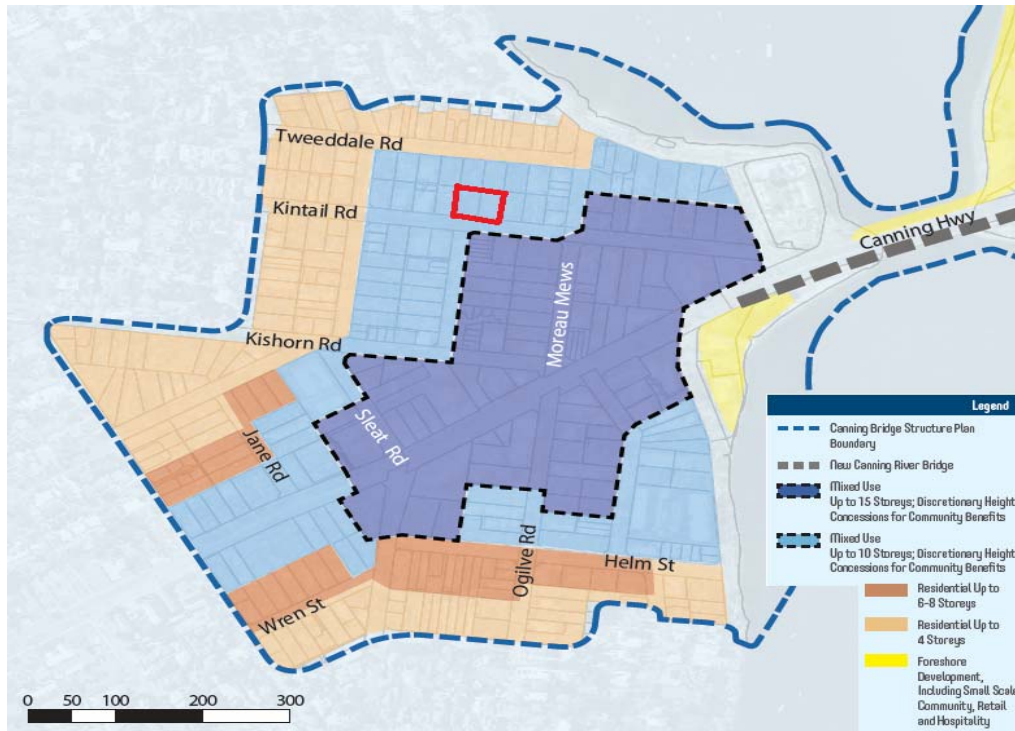


Figure 2: Subject site located within the Canning Bridge Activity Centre Plan

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: District Centre – Canning Bridge Activity Centre
CBACP Zoning	: M10
Use Type	: Restaurant and Aged Care Dwellings
Use Class	: Preferred

Site Details

Lot Area	: 2021m ²
Street Tree(s)	: Yes - 3
Street Furniture (drainage pits etc)	: Footpaths (to remain/upgraded) Crossovers (to removed)
Site Details	: See aerial photo above

DETAIL

Development approval is sought from the Metro Central JDAP for a 15 storey aged care development comprising 10 high care units and 84 independent living units and café.

**P19/3918 DEVELOPMENT ASSESSMENT PANEL APPLICATION – 15 STOREY AGED CARE DEVELOPMENT AT LOTS 1060 & 1061 (20 & 22) KINTAIL ROAD, APPECROSS
(REC) (ATTACHMENT)**

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

[3918 RAR DAP 20 22 Kintail Road Applecross](#)

[3918 20 22 Kintail Road Applecross Development Plans](#)

Elected Members will recall that the subject site was previously proposed to be developed as a 16 storey mixed use development comprising apartments and commercial facilities. The RAR for that development was the subject of call up to a Special Meeting of the Council held 26 June 2018 at which time Council resolved not to support the development. The Council resolved as follows:

1. That the Metro Central Joint Development Assessment Panel be advised that the Council of the City of Melville rejects the recommendation of the Responsible Authority Report....to approve the application for the proposed 16 Storey Mixed Use Residential Development with 91 apartments and five non-residential tenancies at Lots 1060 (20) and 1061 (22) Kintail Road, Applecross, subject to conditions.
2. That the Council may be prepared to support a development proposal which similarly satisfied the requirements of the Canning Bridge Activity Centre Plan, including similar design and community benefits up to 14 storeys and appoints Cr Pazolli and Cr Kepert to make deputation to the Metro Central Joint Development Assessment Panel on behalf of the Council.
3. That the Council directs the Chief executive Officer to advise the Metro Central Joint Development Assessment Panel of this resolution.

It is noted that the application in question was refused consent by the JDAP, after which the matter was referred by the applicant to the State Administrative Tribunal. After a mediation process, the details of the DA were updated and Section 31 reconsideration was made. The reconsideration DA was also refused consent by the JDAP.

A subsequent SAT mediation resulted in the appeal being held in abeyance pending the lodgement and determination of a new DA for an aged care facility. This is now the DA the subject of this report. It is noted that it remains the applicant's prerogative to revert to the SAT appeal process in respect of the previous Mixed Use 16 storey development proposal in the event that the current DA is not supported.

STAKEHOLDER ENGAGEMENT

Refer to the RAR attached to this report.

STATUTORY AND LEGAL IMPLICATIONS

The City is not the determining authority for the application. The Planning and Development (Development Assessment Panel) Regulations require the City, as the responsible authority to which a DAP application is made, to provide a report to the Development Assessment Panel.

**P19/3918 DEVELOPMENT ASSESSMENT PANEL APPLICATION – 15 STOREY AGED CARE DEVELOPMENT AT LOTS 1060 & 1061 (20 & 22) KINTAIL ROAD, APPECROSS
(REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

None applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

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

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

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

At 8:59pm the Presiding Member adjourned the meeting
At 9:06pm the Presiding Member resumed the meeting.

At 9:07pm Cr Phelan entered the meeting.
At 9:07pm Cr Wheatland entered the meeting.

OFFICER RECOMMENDATION (3918)**RECOMMEND APPROVAL**

At 8:39pm Cr Macphail moved, seconded Cr Wieland –

- 1. That the Metro Central Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to approve the application for the proposed 15 storey aged care development comprising 10 high care units and 84 independent living units and café at Lots 1060 & 1061 (20 & 22) Kintail Road, Applecross, subject to conditions.**

**P19/3918 DEVELOPMENT ASSESSMENT PANEL APPLICATION – 15 STOREY AGED CARE DEVELOPMENT AT LOTS 1060 & 1061 (20 & 22) KINTAIL ROAD, APPECROSS
(REC) (ATTACHMENT)**

At 9:13pm the Presiding Member, submitted the motion, which was declared

LOST (3/9)

Vote Result Summary	
Yes	3
No	9

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

Reasons for the Council Decision

1. The proposed community benefits are not proportionate to the bonus height sought.
2. The development is inconsistent with the height hierarchy envisaged for the Canning Bridge Activity Centre Plan.
3. The ceding of land in the development control area is not considered by the Council to be a community benefit in this location.

At 9:24pm at the request of Elected Members, the Presiding Member brought forward Item CD19/8116 – Former Kindergarten Site – 2 Lawlor Road, Attadale for the convenience of the public gallery.

At 9:24pm Mr L Hitchcock left the meeting and returned at 9:24pm.

At 9:24pm Mr M Tieleman left the meeting and returned at 9:24pm.

At 9:24pm the Mayor returned to the meeting.

At 9:25pm the Deputy Mayor relinquished the Chair.

At 9:25pm the Mayor assumed the Chair.

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)

Ward	: Bicton - Attadale – Alfred Cove
Category	: Strategic
Subject Index	: Public Open Space)
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	: Petition - 19 March 2019 Ordinary Meeting of Council
Works Programme	: Not Applicable
Funding	: Not Applicable
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 (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>

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)**KEY ISSUES / SUMMARY**

- The site at 2 Lawlor Road, Attadale previously accommodated the Attadale Kindergarten
- The building was demolished in 2015
- Design options for residential and retail land uses were considered following demolition including potential for leasing to a childcare operator or for a residential subdivision
- The site is currently vacant and accommodates a drainage sump in the north-east corner that is required to be retained. The site is also constrained by changes in the topography around the periphery and several mature trees limiting future redevelopment envelopes should they be retained.
- Remediation of the sump should be further investigated as the outcome could impact on development opportunities
- A petition from the community requesting the entire site be converted to a public park was presented to the March Ordinary Meeting of Council.
- The Council recommendation provides for an increase in the size of the park and a reduced commercial footprint, providing funding opportunities for park improvements and ongoing maintenance.

BACKGROUND**Petition from 19 March 2019 Ordinary Meeting of Council**

Rezoning 2 Lawlor Road, Attadale from Residential to Public Open Space

A petition signed by 573 residents has been received by the City of Melville. The petition reads as follows:

“We, the undersigned, all being electors of the City of Melville, respectfully request that the Council:

That 2 Lawlor Road (2217.6m²; Lot 1, Diagram 43154) be re-zoned from Residential to Public Open Space and developed as parkland by Melville City Council.

Justification:

- The location of the site adjacent to the Moreing Road shops, allows the unique opportunity to create a community hub to encourage residents of all ages to come together.
- The Moreing Road shops are a recognised local centre in the Melville City
- Council Local Planning Strategy (2016), which notes the need to integrate open space with mixed use developments in these areas.
- The Melville City Council Local Planning Strategy (2016) has the site falling within an area of POS deficit area based on walkability catchment (2004).”

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)

That the Council:

1. Directs the Chief Executive Officer to engage with the Lead Petitioner and other interested stakeholders in relation to the role that the City's owned land at 2 Lawlor Road Attadale could play in the attainment of the Communities aspirations and the City's Corporate Business Plan including incorporating "Place Making" principles that will help ensure activation of the Moreing, Lawlor and Davis Road's precinct and report back on the results of that engagement process to a future meeting of the Council; and

2. Requests that the Petition be acknowledged in writing to the Lead Petitioner.



Figure 2 Aerial View

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)

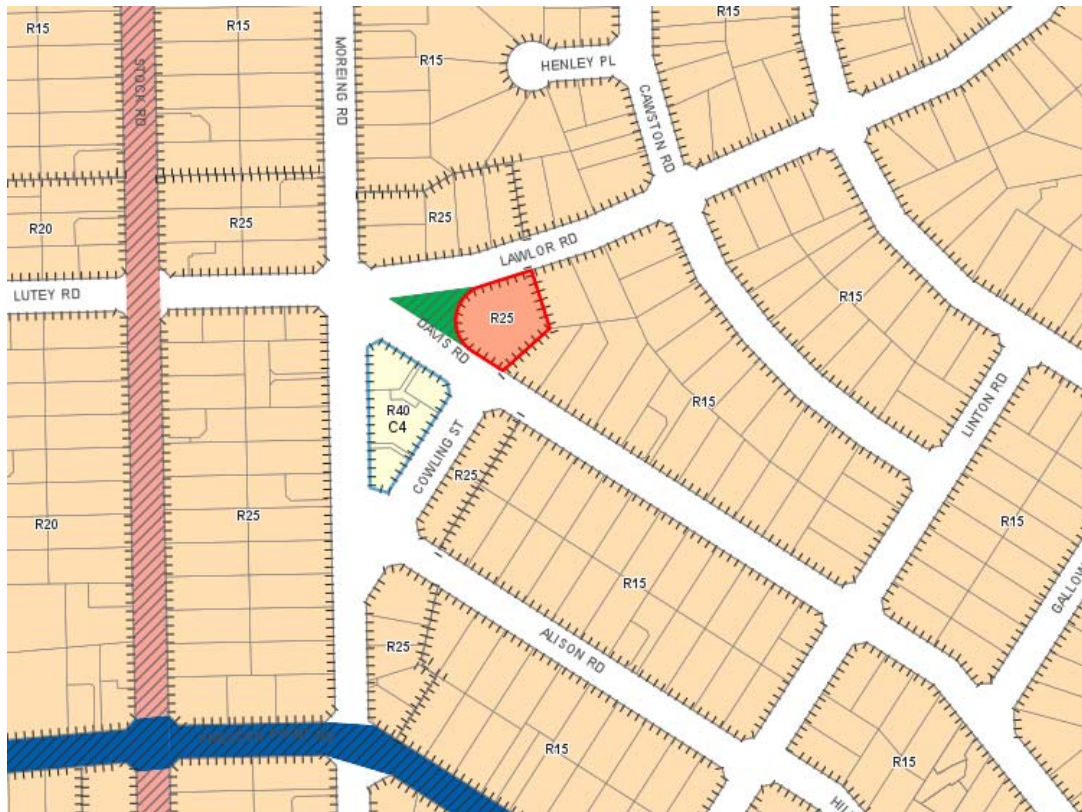


Figure 3. Local Planning Scheme No.6 Zoning

The site previously accommodated the Attadale Kindergarten. The former building had significant issues and was demolished in mid 2015 with the site remaining vacant since this time. A public pocket park was created on the western verge area adjacent to the site in late 2015.

From the community's perspective they have observed and utilised the site as public open space for 4 years.

DETAIL

Council's Land Policy CP-005, the Land Asset Management Plan and the Land Asset Strategy aspire to generate a capital return or ongoing revenue streams from the City's landholdings.

Ideally, the goal to plan for the whole community is seen as a balance between provision of public open space and commercial return.

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)

The City of Melville owns 2 Lawlor Road, Attadale in freehold. The site comprises 2,218m² with street frontage to Lawlor Road and Davis Road. The site is zoned Residential R25, allowing subdivision, and is located opposite the Attadale Local Centre. The site currently consists of a large drainage sump in the north-eastern corner (~650sqm) which is required to be retained and several mature trees. A pocket park (~700m²) exists within the large verge area to the west of the site.

Property Details

Site Address	Legal Description	Certificate of Title	Land Area (m ²)
2 Lawlor Road, Attadale	Lot 1 Plan 43154	1327/541	2,218

URBAN PLANNING

Zoning:	Residential
R-Code:	R25

SITE CHARACTERISTICS



CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)**Land Use Potential**

The Residential zoning applicable to the site allows for residential subdivision or limited land uses permitted for commercial development. Suitable discretionary land uses include; art gallery, child care premises, civic use, community purpose and educational establishment. Given the site previously accommodated the Attadale Kindergarten, child care premises presents as the most appropriate use for the site.

Constraints

The sites' development potential is limited by the following constraints:

- Drainage sump that is required to be retained
- Several mature trees
- Topography changes around the periphery of the site
- Loss of amenity to the community who perceive the site as underdeveloped public space.

Drainage Sump

The existing drainage sump is the greatest impediment to redeveloping the site as it restricts both the size and configuration of developable land. The drainage sump has been excluded from indicative development options throughout this report, however, the opportunity exists to upgrade the sump into a landscaped area that could either be included in a land lease, land sale or form part of expanding the pocket park.

The cost of remediating the sump (excluding new landscaping) is likely to be in the range of \$200k-\$400k (based on a City of Vincent case study and Technical Services estimates - subject to detail investigation). The remediated sump land would be suitable for landscaped areas only and would not be able to accommodate buildings. Remediation also poses issues with retaining existing trees within the sump area. Nevertheless investment in remediating the sump presents a great opportunity to increase the City's return on the land and/or offer greater amenity to the community through unlocking a currently unproductive portion of the asset.

There are four options to consider for the site:

Option 1**LEASE TO CHILD CARE OR SIMILAR PROVIDER**

Analysis of the Child Care sector suggests a modest centre could be accommodated at the site with child care centres generally requiring between 1,000m²-3000m² depending on the number of places offered. A child care centre would promote increased visitation to the local centre and as a result provide associated economic benefits for the existing local businesses.

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)

Due to the significant capital investment required a long term lease would be necessary. A net present value leasing income of \$1,497,507 is estimated over a 30 year lease*. Such revenue could fund expanding the existing pocket park into the undeveloped portions of the site and/or upgrade the existing drainage sump to incorporate water sensitive urban design.

An Expressions of Interest (EOI) or Request for Proposal (RFP) process would allow the City to retain the site as an asset while diversifying the City's revenue streams to reduce the upward pressure on rates. The site would be taken on an "as is" basis; with any capital works and any ongoing maintenance being the ongoing responsibility of the user group. This option closely aligns with the City's Land and Property Retention, Disposal and Acquisition policy with an objective of the policy being:

"To ensure that decisions made in relation to the use of City of Melville land and property assets ensure maximum return to the City by either realising a commercial level of financial return or by fulfilling a community benefit aligned to the visions of the City of Melville".

An EOI or RFP process would also allow the City to maintain a level of control over the sites built form outcome including the potential to mandate tree retention where appropriate.

This option mitigates the cost to the City, however, as the child care provider would be required to make the significant financial investment for construction and would likely need a rental abatement or substantial rental reduction for a period of time from the City.

***Lease Assumptions:**

Lease term: 30 years

Commencing: 1 July 2019

Lease area: ~1500m²

Rate: \$50 per m²

CPI Annual Increase: 2.5%

Excludes any rental abatement or reduction

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)



Figure 4 Child Care indicative lease area (illustrative purposes only)

Option 2

RESIDENTIAL SUBDIVISION

The applicable R25 residential zoning requires average lot sizes of 350m². Retaining the drainage sump as is and the sites irregular shape limits the potential residential lot yield. A two or three lot residential subdivision, as demonstrated in figures 4 and 5, could be achieved at the site. Surplus land not required for the residential lots in the western and northern portions of the site presents as an opportunity to expand the existing pocket park as a trade off.

Based on comparable residential land sales identified within the locality*, the value of the residential lots is within a land rate range of between \$1,200 to \$1,800/m². Applying the median value of \$1,500/m² to either a two or three lot subdivision indicates that the site has the potential to yield significant revenue. Such revenue could be utilised to expand the existing pocket park into the undeveloped portions of the site and/or upgrade the existing drainage sump to incorporate water sensitive urban design.

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)

While this option will provide a capital return to the City it is likely to face significant opposition from the community due to the inevitable loss of trees, amenity and disapproval from the perception the City is 'selling off' an asset.

Subdivision Option	Land Area	Approximate Land Value
2 Lot Subdivision	850m ²	\$1,275,000
3 Lot Subdivision	1050m ²	\$1,575,000

*Vacant land sales data within Attadale and Bicton sourced from RPD Data (14/3/2019)

2.1 Three Residential Lots (plus expansion of public open space)



Figure 5 Three Residential Lots (illustrative purposes only)

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)

2.2 Two Residential Lots (plus expansion of public open space)



Figure 6 Two Residential Lots (illustrative purposes only)

Option 3

Conversion of entire site to enhanced public open space

A petition has been received from the community requesting the entire site be converted to public open space. Central to the petition is a 'business case' for the conversion of the site to public parkland which states *"The proposed park location area would reduce a zone of Attadale/Bicton recognised in the City of Melville Local Planning Strategy as deficient in Public Open Space due to being outside of the 400m walkable catchment of a public space"*. This statement is incorrect in that the existing parklet within the verge of the site is recognised as public open space and is the measuring point for the public space 400m walkable catchment (see Figure 7). The walkable catchment coverage would not change should the site be converted to public open space, nonetheless, a larger park would provide additional amenities to those currently offered.

The City's Public Spaces Strategy identifies that the areas of Bicton that are not within 400 metres of recognised public spaces are quiet and shaded suburban streets well serviced by footpath that provide amenable walking environments. A local centre on the corner of Pembroke and Harris Streets also provides a local destination for residents.

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)

Converting the entire site to public open space means the City would forgo any significant financial value from the site as a land asset as well as a requirement to outlay substantial expenditure for park upgrades and maintenance. For reference, the existing parklet upgrades cost \$70,000 (~\$100 per square metre) and has a minimal annual maintenance budget of \$9500. Converting the entire site to public open space would have significant financial implications and is inconsistent with the City's Land Asset Strategy and Public Open Spaces Strategy. However social benefits, whilst not easily quantified, would have a positive impact for the local community, providing opportunities to contribute to the vibrancy and activation of the community.

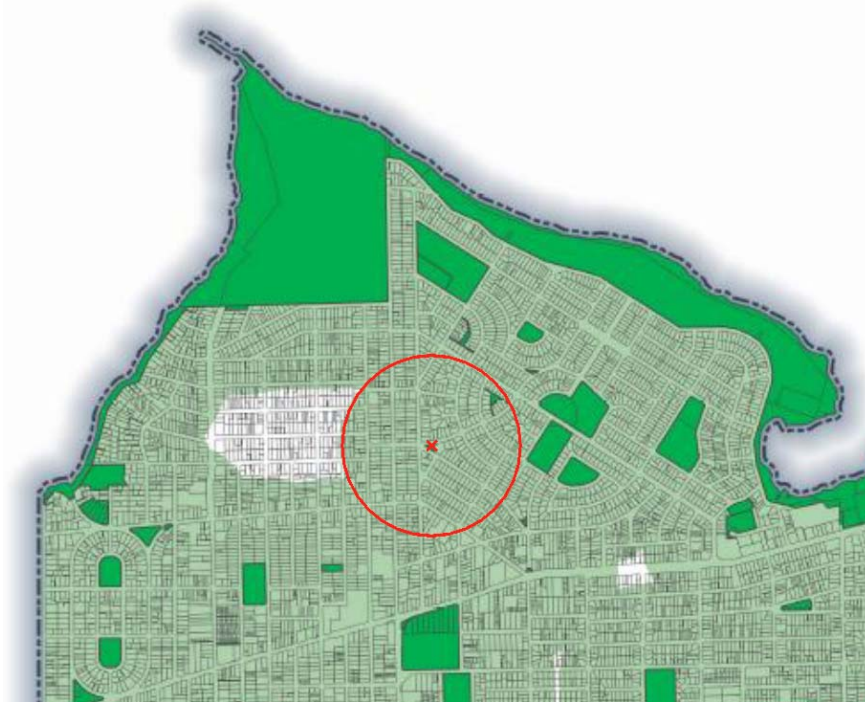


Figure 6. Public Spaces 400m walkable catchment.

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)



Figure 7. Convert site to Public Open Space

Option 4

Leave Site undeveloped in current state

If the City opts leave the site undeveloped any development potential of the site will not be realised along with the opportunity to capture the value of the land asset. The City needs to consider the lost opportunity cost of retaining an unproductive surplus asset, where the sale proceeds or lease income could be re-invested into more strategic land holdings or upgrading existing public spaces. There is risk that should the City opt to do nothing that the community perception that the site is undeveloped public open space will intensify. This is likely to result in ongoing and increased pressure towards the City to act to enhance and expand the park space.

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)

Options considered against organisational outcomes

Organisational outcomes are those priorities identified by the community as a part of regular and extensive engagement processes to review the Strategic Community Plan

Organisational Outcomes	Option 1 – Ground lease – child care or similar	Option 2 – residential subdivision	Option 3 – Convert to enhanced public open space	Option 4 – leave site undeveloped
1. Clean and Green	<ul style="list-style-type: none"> • Increase park size • Preserve significant trees 	<ul style="list-style-type: none"> • Decrease size of park • Removal of significant trees 	<ul style="list-style-type: none"> • Increase park size • Preserve significant trees 	<ul style="list-style-type: none"> • Site remains undeveloped • Preserve significant trees
2. Growth and Prosperity	<ul style="list-style-type: none"> • Local business opportunity • Bring people to other businesses in area 	<ul style="list-style-type: none"> • Additional residents utilising local businesses 	<ul style="list-style-type: none"> • Site becomes an attractive place for local people to utilise • Location attractive to local businesses 	<ul style="list-style-type: none"> • Utilising at current level no enhancement to park
3. Sense of community	<ul style="list-style-type: none"> • Local community asset • Gathering place at enhanced local park • Contribution to activation of the neighbourhood hub with additional service 	<ul style="list-style-type: none"> • Increased activity with additional residents • Contribution to activation of the neighbourhood hub with more residents 	<ul style="list-style-type: none"> • Local community asset • Gathering place at enhanced local park • Sense of ownership by local community • Community feel engaged/listened to • Opportunity for other events and activities on site 	<ul style="list-style-type: none"> • Community use site as a gathering place without any enhancements
4. Safe and Secure	<ul style="list-style-type: none"> • Additional people/movement through the area 	<ul style="list-style-type: none"> • Minimal additional people/movement through the area 	<ul style="list-style-type: none"> • Additional people/movement through the area 	<ul style="list-style-type: none"> • Current level people movements continue
5. Sustainable Connected Transport	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • N/A
6. Healthy Lifestyles	<ul style="list-style-type: none"> • Walkability to local businesses and park • Increased recreation space 	<ul style="list-style-type: none"> • Walkability to local businesses and park • Decreased recreation space 	<ul style="list-style-type: none"> • Walkability to local businesses and park • Enhanced recreation space 	<ul style="list-style-type: none"> • Walkability to local business/park • Limited recreational activities in open space

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

No formal community engagement by the City has been undertaken, however, community development staff have worked closely with the lead petitioners to understand the community perspective. The petitioners are well connected in the local community and engaged widely in relation to a successful project Robin Hood grant.

II. OTHER AGENCIES / CONSULTANTS

N/A

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications in the City converting the site into public open space. If the City proceeds with leasing or subdivision of the site, any future disposal by way of sale or lease, joint venture development or whether it qualifies as a major land transaction or not, requires such proposals to be carried out in accordance with Section 3.58 or Section 3.59 of the *Local Government Act 1995*.

FINANCIAL IMPLICATIONS

Costs associated with any RFP, EOI or subdivision and sale processes will relate to staff time to develop the specifications, advertising costs and assessment of the proposal submissions including any independent professional consulting advice, if required. Any costs incurred by the proponents during the RFP or EOI phase and thereafter are borne solely by the proponent.

Cost associated with any expansion of the existing park or remediation of the sump would be borne by the City. Should part of the site be converted to public open space upgrades could be funded by revenue received from the sale or lease returns from the remainder of the site and the Public Open Spaces Reserve Fund may provide some additional funding.

Should all of the site be converted to public open space no revenue would be generated to fund upgrades.

The following graphs demonstrate indicative financial implications over a 30 year period for either pursuing a commercial lease for the site, while also remediating the sump and expanding the park, versus converting the entire site to a park (note figures are estimates and are for illustrative purposes only).

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)

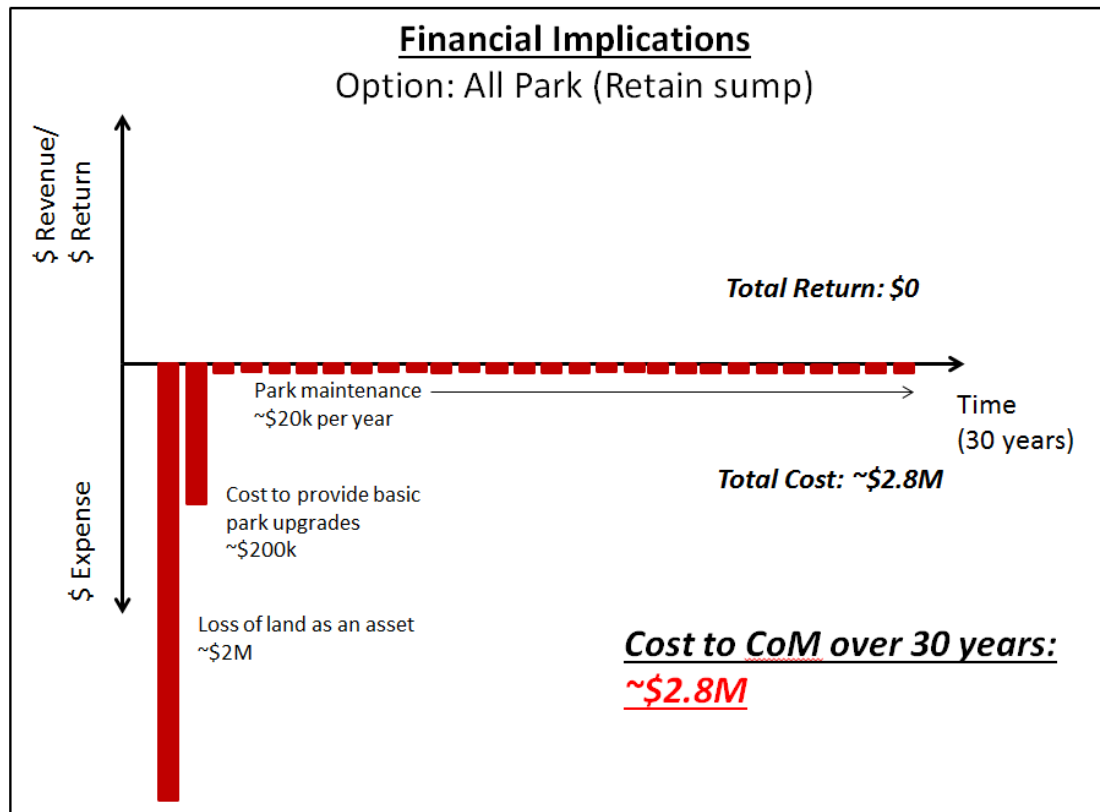
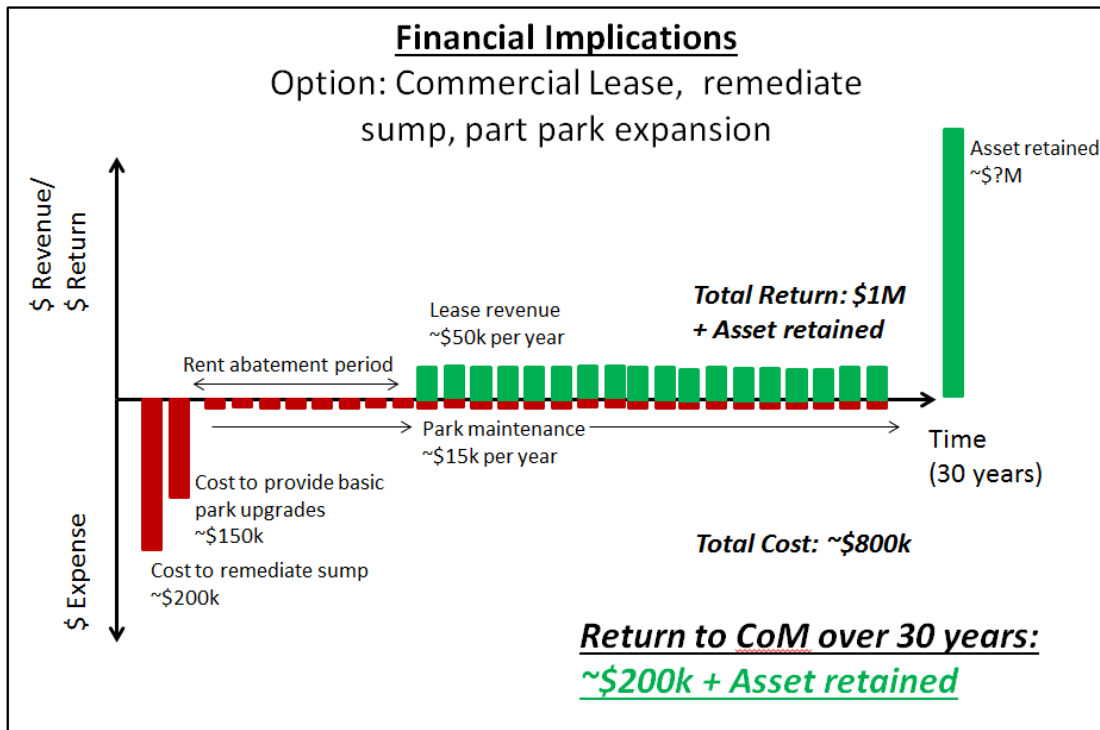


Figure 7. Estimated financial implications forecast over 30yr period*
*For illustrative purposes only. Subject to further investigation

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Land Asset Management Plan

The City relies on its land assets to support community services; enable economic sustainability, meet community needs and improve revenue diversity. The Land Asset Management Plan was prepared to outline the key priorities and challenges for the City's land assets in line with the corporate priorities and strategies.

Public Spaces Strategy

The Public Spaces Strategy is intended to provide a clear strategic direction and inform future decision-making on the best ways to improve public spaces in the City of Melville. The strategy outlines guiding principles to inform future projects and actions

Risk Statement	Level of Risk	Risk Mitigation Strategy
The Council forgoes potential income stream or capital return from the land asset	Medium level of risk	<ul style="list-style-type: none"> • Internal stakeholders and decision makers need to understand and accept the benefits of developing the site and alignment with the City's overarching strategies. • Further business case detail for development scenarios to be established.
The potential loss of tree canopy through development of the site	Medium level of risk	<ul style="list-style-type: none"> • Tree retention to be prioritised under lease arrangements. • Tree replacement opportunities to be identified in park or sump upgrades.
Request for proposals submissions received do not meet the expectations of the Council or the City's Policy and Strategic Objectives.	Low level of risk	<ul style="list-style-type: none"> • The process provide for flexibility within the RFP process to ensure alignment with Council policy and strategic objectives.
Community and stakeholder opposition to development of the site	Medium level of risk	<ul style="list-style-type: none"> • This is an external risk • Acknowledge and understand that there will be different opinions on how the site should be developed. • Implement a communications plan with key stakeholders and community groups • Ensure correct process is followed

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)**POLICY IMPLICATIONS****Land and Property Retention, Disposal and Acquisition**

CP-005 Land and Property Retention, Disposal and Acquisition, relates to the acquisition and disposal of land and property owned by the City.

An objective of the policy is –

“To ensure that decisions made in relation to the use of City of Melville land and property assets ensure maximum return to the City by either realising a commercial level of financial return or by fulfilling a community benefit aligned to the visions of the City of Melville”.

Improving Public Spaces Policy

Council Policy-103 Improving Public Spaces Policy provides a clear strategic direction and informs decision-making on the best ways to improve public spaces in the City of Melville.

The policy details the following in regards to the purchase of property for public spaces:

“The main issue for the City to address is not an overall lack of public spaces, but rather how to best improve existing spaces. There are a range of opportunities to enhance existing spaces by adding new amenities, providing shade and greenery, improving accessibility and connections, providing more things to do and making spaces more environmentally sustainable.”

The policy details the circumstance in which utilising freehold land for public open space is appropriate under principle 2:

2. *Prioritise improvements to the quality, useability, amenity, comfort, sustainability, variety, safety and accessibility of public spaces over the purchase of expensive freehold land for additional parklands. The City will only purchase freehold land for additional parkland if:*
 - a. *The identified needs of the local community are unable to be met by improving the quality, useability, amenity, sustainability, variety, safety and accessibility of public spaces;*
 - b. *A cost effective opportunity arises; or*
 - c. *Existing local public spaces are demonstrably suffering from over-utilisation.*

Principle 11 suggests that the existing drainage sump is an opportunity to increase the provision of public space:

11. *Upgrade drainage sumps to incorporate water sensitive urban design and allow public access where possible.*

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

All options outlined.

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)**CONCLUSION**

The site analysis for the former Attadale Kindergarten has identified several options for redevelopment. Each of these options has been discussed with the lead petitioners, representing the community. Whilst their preferred option is to see the site as a whole park, there is a level of understanding with regards to the financial imperatives.

A ground lease agreement for a child care centre or similar use is the City's preferred option which mostly closely aligns with the City's strategies. A development of this nature could achieve a return on investment to the City, deliver a community benefit through the expansion of the park and improvements to the current site and activate the local centre through increased visitation.

OFFICER RECOMMENDATION (8116)**APPROVAL**

That the Council;

1. Approves Option 1 in this Report, being to expand the existing park by allocating approx. 750sqm of (Lot 1), 2 Lawlor Road Attadale, for Public Open Space and commences the process by way of Requests For Proposal (RFP), to seek submissions to ground lease the balance of Lot 1 approx. 1,500sqm for the purpose of a child care centre or similar use and instructs the Chief Executive Officer to advertise for Requests For Proposal (RFP) and report back to the Council on any submissions received and the selection of a preferred proponent from the RFP process;
2. Notes that the Chief Executive Officer will present to the Council any proposed disposition of part of Lot 1 in accordance with the relevant provisions of the *Local Government Act 1995* arising from the RFP process;
3. Instructs the Chief Executive Officer to investigate remediation of the sump at 2 Lawlor Road and report back to the Council on associated costs for consideration; and
4. Directs the Chief Executive Officer to continue the collaborate working partnership with the Lead Petitioner and other interested stakeholders to ensure activation of the Moreing, Lawlor and Davis Road's precinct incorporating "Place-Making" principles.

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)

Reject and Replace

During the discussion and the debate on the proposed reject and replace motion it was suggested that the words in point 1 “re-zoned from Residential to Public Open Space and” be deleted from point 1 so as not to limit the City’s options for future use of the site. The mover and the seconded consented to the change.

COUNCIL RESOLUTION

At 9:24pm Cr Wieland moved, seconded Cr Barton –

That the Council;

1. Approves Option 3 in this Report, being that 2 Lawlor Road (2217.6m²; Lot 1, Diagram 43154) be developed as parkland by Melville City Council. This Public Open Space parkland area also includes the approx. 650m² of water sump area.
2. Instructs the Chief Executive Officer to investigate remediation of the sump at 2 Lawlor Road and report back to the Council on associated costs for consideration; and
3. Directs the Chief Executive Officer to continue the collaborative working partnership with the Lead Petitioner and other interested stakeholders to ensure activation of the Moreing, Lawlor and Davis Road’s precinct incorporating “Place-Making” principles.

At 9:43pm the Mayor submitted the motion, which was declared

CARRIED (12/1)

Vote Result Summary	
Yes	12
No	1

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 Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Barling	No

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)Reasons for Reject and Replace as provided by Cr Wieland:

1. There is clear fundamental evidence that the residents wish to preserve and enhance this area for public open space (PoS) and parkland use. The petition of 573 signatures, combined with the consistent feedback from residents, indicates their strong support for this land to be retained as PoS.
2. This unique corner lot is already observed upon and used by the residents as PoS in its current state, various correspondence over the years since the demolition of the original kindergarten have shown strong support for the entire area to be retained and enhanced for community use, with particular interest in the parkland having the playground equipment increased in size and variety.
3. The City of Melville has continuous growth by way of infill development throughout this area via Planning Scheme changes. Within developed areas experiencing population expansion PoS is an obvious requirement for community amenity, health and wellbeing. Earth mapping indicates this particular area has a large number of original land lots that have been subdivided and this is the only park within this particular location which if approved will help provide PoS balance for this section.
4. The community understands the rationale for option 1 to enable income balance for the city, but this particular park request needs to be aligned with previous PoS purchases and recreation provision such as Bicton Park \$2.2m, Mt Pleasant Water Board site \$3m, Kadidjiny Park \$9.5m, recent Melville Recreation Centre car park and centre refurbishment \$2m, with these costs representing just a few examples of the City of Melville's positive community amenity improvements.
5. The Lead Petitioners have shown strong community involvement with positive outcomes demonstrated through the successful Attadale Primary School playground project and wish to provide partnership with the city to enhance this parkland for the community now and into the future.

At 9:46pm the Mayor brought forward item CD19/8119 – Potters and Arts Storage Facility at Atwell House for the convenience of the public gallery.

CD19/8119 - POTTERS AND ART STORAGE FACILITY AT ATWELL HOUSE (AMREC)

Ward	: All
Category	: Operational
Subject Index	: Arts
Customer Index	: Melville Community Arts Association
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 Request	: \$40,000
Responsible Officer	: Leeann Reid Manager Cultural 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>

CD19/8119 - POTTERS AND ART STORAGE FACILITY AT ATWELL HOUSE (AMREC)**KEY ISSUES / SUMMARY**

- Substandard Arts and Storage Facility at Atwell House – currently used as a Pottery facility and general storage for Melville Community Arts Association.
- The current facility is restrained in size thus restricting size of the community group and opportunity for expansion of users.
- A future facility was originally part of a Redevelopment Feasibility Study for the Atwell House Site.
- Proposed City of Melville projects in the area created additional expectations on the groups for an alternative location for their facilities.
- The location of the current facility is on the boundary of proposed land for potential recreational development and the Tompkins Park Master Planning project.
- The Draft Cultural Plan has identified the need to continue to support an arts space in the City that facilitates all forms of community art.
- City Officers have worked with Melville Community Arts Association and South of the River Potters to develop viable options for the creation of a business case for future facility needs.
- In principle support is sought for the development and funding of concepts to progress the future arts space.

BACKGROUND

The Melville Community Arts Association (MCAA) has a membership of 700 plus members and has successfully operated active art programs at Atwell House since 1978; they have proven financial and social sustainability. The MCAA is home of South of the River Potters, Atwell House Spinners, Alfred Cove Art Society and the Pastel Society of WA. Approximately 500 plus people use the facility each week, seven days per week from early morning to late evening.

The South of the River Potters Club (SORPC) is a community group of 45 to 55 members affiliated with the Melville Community Arts Association. The group is hoping to increase the size of their membership with improved facilities at the Atwell House site. The SORPC is the only community potters club in the City of Melville.

In 2016 SORPC approached the City wishing to improve their substandard Potter's facilities. The facilities are a series of sheds located in the grounds of Atwell House leased to the Melville Community Arts Association (MCAA) under a management lease agreement. The SORPC currently uses the shed facilities as well as occasional space within the Atwell House building and exhibit in the gallery and shop. At that time owing to future City projects in the area (the previously proposed living stream and proposed adjacent land redevelopment) and the sheds being located on the boundary line, it was deemed the current location was not suitable for the expansion of the group's facilities.

CD19/8119 - POTTERS AND ART STORAGE FACILITY AT ATWELL HOUSE (AMREC)

In 2014, the Potter's facilities had been included in a wider City commissioned report on the redevelopment feasibility of the Atwell House site. The Redevelopment Feasibility Report includes the two main buildings, the Potter's Sheds and MCAA storage as well as landscaping of the surrounding area to the foreshore. The report recommended the restoration of the heritage listed building on site and the demolition of the second (non-heritage) building and development of a new building on site to accommodate the needs of the association. This included the potters, printmakers and improved gallery and office space. The vision for the new facility was to enhance the ability of the Arts Association to continue to deliver high quality community based arts courses in a unique environment. This report had not been progressed to date with significant financial implications and competing project priorities across the City.

DETAIL

The City began to work with the MCAA and SORPC in 2016-17 to investigate the possibility of an alternative plot of land on the Atwell House site to build a compliant facility/shed to house the potter's requirements to improve the club's current situation. This included the Potters shed, kilns, and two storage sheds (one used by MCAA). Working across a number of internal City departments and the Department of Biodiversity, Conservation and Attractions, a suitable plot of land on the Atwell House site was identified (but not formally approved) to build a facility/shed if supported. This was seen by Officers at the time as a smaller project than what had been outlined in the 2014 Redevelopment Feasibility Report.

Consultation with the MCAA and SORPC has initially been within the scope that if any funding was approved by the City then the new facility would be similar in scale to their current facilities. Further investigation has revealed that the scale of a new facility would need to be increased to meet compliance for planning and building permit approvals and appreciating the groups' current and future needs. The scale of the facility would need further investigation in a concept design phase. It was also discussed with the group to look for external funding from other bodies such as Lotterywest, which the City understands has occurred.

Early options also considered seeking other alternative facilities in the City both owned by the City and commercial spaces although the preferred option was to have the facility remain connected to MCAA and build a new facility/shed within the grounds of Atwell House site to ensure the continued sustainability and benefits of the Arts Association.

The option to remain on the Atwell House site was preferred because:

- it resolves the storage issue of MCAA.
- it encourages the important connection between a community arts group – the SORPC – and the MCAA to stay strong.
- It allows the SORPC to consider the possibility of expanding their facilities to make the group more socially and financially sustainable.

The next stage to progress the preferred option is to develop costed concepts and options for a potters and arts storage facility on the grounds of Atwell House.

CD19/8119 - POTTERS AND ART STORAGE FACILITY AT ATWELL HOUSE (AMREC)

The costings from the concept design and options phase will provide an estimated capital and operating cost of a new facility/shed as well as consider the existing 2014 Atwell House site redevelopment Feasibility Report. This process would lead to a full business case for consideration in the 2020/2021 budget.

Recent changes to the direction for the use of the adjacent site at Tompkins Park will also be considered in the next stage of concept and options for the arts facility. The proposed Tompkins Park Master Planning will overlap with the Atwell House project and be part of the larger planning process where appropriate.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The level of communication in accordance with the Stakeholder Engagement Policy CP-002 for this item was to collaborate with the Arts community including MCAA and SORPC because it was determined by the City that all issues and concerns should be addressed. Meetings have sought to include at least, a committee appointed representative from both MCAA and SORPC and the liaison officer between the two committees.

External People included during the identification of best options for this project included: Potters Club Representatives, SORPC President, MCAA Coordinator, Acting MCAA Coordinator, State Member for Bateman, Rivers and Estuaries Branch, Principal Asset Strategy Adviser - Water Corporation, Underground Project Manager - Western Power and Federal Member for Tangney

Broader community consultation as part of the City's Cultural Plan had over 1000 responses which supported the need for community arts in the City. The Draft Cultural Plan recommends the continued support and advocacy for Melville Community Arts Association and their important role in the City.

Excerpt from Draft Cultural Plan: 'Atwell House is a designated heritage listed building with some non-heritage protected extensions. It is currently occupied by the Melville Community Arts Association. A concept plan for extending and renovating the space was developed recognising the MCAA role as a thriving community arts organisation that welcomes a number of different visual arts practices including groups like the South of the River Potters Association. This concept as a long term plan will require funding opportunities and ongoing advocacy. In the five year duration of this strategy increased city support will be required to expand the already thriving hub through new partnerships and greater facility preservation and maintenance. These initiatives will support the community arts organization viability and this important heritage buildings lifespan.'

CD19/8119 - POTTERS AND ART STORAGE FACILITY AT ATWELL HOUSE (AMREC)**STATUTORY AND LEGAL IMPLICATIONS**

No legal advice has been sought in relation to this item.

FINANCIAL IMPLICATIONS

There is no funding currently allocated in the 2019-2020 budget for this item. The business case was put forward in the capital budget planning process and the Executive determined it should be considered by Elected Members for further development and in-principle support. Officers are seeking approval for \$40,000 for concept design of options for a potters and arts storage facility to be in the grounds of Atwell House and managed by MCAA.

The costings from the concept design and options phase will provide an estimated capital and operating cost of a new facility/shed as well as look at the existing 2014 Atwell House site Redevelopment Feasibility Report. This process would lead to a full business case for consideration in the 2020/2021 budget. Early estimates for a facility were in the range of \$150,000 to \$320,000 based on Rawlinsons Construction Cost Guide. Different fabrication options during the concept and options phase will impact costings.

It is recommended that the funds requested be taken from the Community Facilities Reserve.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS*Heritage Significance Impact*

Atwell House is on the City's Municipal Inventory at a Category A: Worthy of the highest level of protection: recommended for entry into the State Register of Heritage Places which gives legal protection; development requires consultation with the City of Melville. A new Potters' Facility setback, building fabric, colour and proposed architectural style would need to be considered and have minimal impact on the heritage significance of Atwell House. Situated adjacent to the house, there is very little impact on streetscape and no extant fabric of Atwell House will be removed to include this facility.

Environmental Impact

Atwell House is on a block of land very close to the Swan River and part of its land is in a flood zone. The area identified for the Potters facility would not be in the higher risk flood zone. The response from the Rivers and Estuaries Branch included advice to consider Acid Sulphate Soils and Storm water drainage for environmental impact.

Cultural Impact

The City of Melville's Draft Cultural Plan recognizes how culture and the arts have the potential to bridge diverse groups with different views, engage imagination to explore new ways of thinking and encourage life long learning, and create experiences that can be shared by all people in the City's community. This evidence supports the cultural impact of MCAA and how improved arts facilities would benefit the wider community.

CD19/8119 - POTTERS AND ART STORAGE FACILITY AT ATWELL HOUSE (AMREC)

Risks

Risk Statement	Level of Risk	Risk Mitigation Strategy
If this project does not go ahead there is a risk of community outrage given the expectations by the community groups being raised by surrounding projects.	Moderate consequences which are likely, resulting in a High level of risk	Continue with good communication with the major stakeholders the Melville Community Arts Association and South of the Rivers Potters Club so they have a clear understanding of the project and likely outcomes.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of the South of the Rivers Potters Club not growing or even declining if the project does not go ahead affecting the wider association.	Moderate consequences which are almost certain, resulting in a High level of risk	Promotion of pottery in private avenues but this cannot replace community based potters facility.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of Development not be approved by State Government agencies due to its proximity to the foreshore.	High consequences which are unlikely, resulting in a Moderate level of risk	Early involvement with State Government Departments.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Options considered for the solution to the SORPC and storage needs of MCAA needing replacing include:

1. Not building a new facility/shed. The SORPC may potentially fold and in turn cause community upset. This would also mean there is no community Potters club in the City of Melville. (NOT RECOMMENDED)
2. Costing a light industrial building for leasing for SORPC and building another shed for MCAA for their storage. After quantifying the requirements of the SORPC one of the options considered was renting private light industrial space for their needs. The minimum costs per annum of a light industrial unit suitable for their purposes were \$25,000 - 30,000 plus outgoings.

CD19/8119 - POTTERS AND ART STORAGE FACILITY AT ATWELL HOUSE (AMREC)

The costs are prohibitive but another significant problem was parking. Most of the units had at most four allocated car bays during the working week preventing easy gatherings of larger groups. Added to this moving the SORPC away from the MCAA would create a break in a long term arts based relationship. This option would also have still required the City to build extra storage space for the MCAA. (NOT RECOMMENDED)

3. An alternative art centres with Ceramic studio facilities – Heathcote Cultural Precinct. The SORPC took part in the Registration of Interest for studio space in 2017 at Heathcote Cultural Precinct. The areas they had targeted for their operation were not considered suitable for the Cultural Precinct as it entailed the only commercial kitchen space on the site. An alternative offer was made of a ceramics studio. However, after consideration the option was discarded as the area was considered too small by SORPC for their membership and did not allow the growth they required to encourage new members. This option would also have still required the City to build extra storage space for the MCAA. (NOT RECOMMENDED).

CONCLUSION

Further investigation into concepts and options for the Potters Club and art storage facilities on the Atwell House site will help inform decision making and provide direction for the arts organisations. The development of the concepts will form part of a business case for the Atwell House site and tie into the future vision for Atwell House and the wider Tompkins Park master planning.

The City's draft Cultural Plan supports this direction with the identified need for arts spaces in the City that facilitate all forms of community art. The benefit of a strong group like MCAA having improved facilities for sub groups strengthens the cultural sustainability of the Association and ultimately improves community wellbeing.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8819)
ABSOLUTE MAJORITY APPROVAL**

At 9:46pm Cr Robins moved, seconded Cr Mair–

That the Council

1. Provides in principle support for the building of a Potters facility for community arts in the City.
2. By Absolute Majority approves an initial budget of \$40,000 for concept and options development of a potters and arts storage facility in the grounds of Atwell House be funded by the Community Facilities Reserve.

At 9:46pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

At 9:47pm the Mayor brought forward Item CD19/8115 – Investigation for a Suitable Location for a Men’s Shed for the convenience of the public gallery.

**CD19/8115 - INVESTIGATION FOR A SUITABLE LOCATION FOR A MENS SHED (REC)
(ATTACHMENT)**

Ward : All
 Category : Strategic
 Subject Index : Property Management – Leases Licences Agreements Contracts
 Customer Index : Men’s Shed of WA
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : CD18/8106 Investigation for a suitable location for Men’s Shed May 2018 Ordinary Meeting of Council
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Leanne Hartill
 Manager Neighbourhood Development

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 (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>

**CD19/8115 - INVESTIGATION FOR A SUITABLE LOCATION FOR A MENS SHED (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The primary purpose associated with Men's Sheds is to enhance Men's health and well being and are now new priorities of both Commonwealth and State Governments.
- 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 City has worked with a Group consisting of representatives from the Bicton Men's Shed and the Men's Shed Association of Western Australia (Men's Shed WA) 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, the Bob Gordon Reserve surrounding area remains the most suitable location to further assess.
- Bob Gordon Reserve is located at 10 Benningfield Road, Bull Creek.
- Consideration of the Premier Playspace planning has been taken into account to accommodate a Men's Shed in this location
- Men's Shed WA support the proposed location in the area adjacent to the Bull Creek Tennis Club within the Bob Gordon Reserve (eastern portion)
- Support from Council is sought to enable Men's Shed WA to seek funding opportunities and engage the community for a Men's Shed to be located 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

**CD19/8115 - INVESTIGATION FOR A SUITABLE LOCATION FOR A MENS SHED (REC)
(ATTACHMENT)****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.

Officers presented to an Elected Members Information Session on the 30 October 2018 and brought forward a report to the December 2018 Ordinary Council meeting, the outcome of which was the resolution below:

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.***

DETAIL

City staff have met with Men's Shed WA representatives on site at Bob Gordon Reserve. The location opposite to the Bull Creek Tennis Courts is supported by the Men's Shed representatives as the most suitable and is shown here [8115 Bob Gordon Men's Shed option](#)

The proposed size of the Shed is 25m X 18m. This site offers existing parking opportunities, access to public transport, and is of the required size. Men's Shed WA view this site as what would be the key location for a Men's Shed in the City of Melville. It is anticipated that membership would see regular usage of the site of an estimated 100 members and associated groups. The site is well separated from residential properties, with the nearest being across the road on Parry Avenue (an estimated 80 metres away).

**CD19/8115 - INVESTIGATION FOR A SUITABLE LOCATION FOR A MENS SHED (REC)
(ATTACHMENT)**

The Bull Creek Tennis Club has previously approached the City of Melville to install two additional tennis courts at the same location as the proposed Men Shed site (2013). At the time this request was not supported as it is considered that there is an oversupply of Tennis Courts within the City of Melville.

Additionally the research indicates an underutilisation of the current courts at City of Melville Tennis Clubs with the exception of Blue Gum Park Tennis Club. The oversupply and underutilisation remains today and future construction of additional tennis courts would not be supported.

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.

The City has produced a Draft Concept Plan (attached) and requested community feedback in July 2017, with revision of the initial plan based on feedback.

[8115 Premier Playspace Revised Concept Plan](#)

The proposed location of the Men's Shed in relation to elements of the Playspace is shown here: [8115 Bob Gordon Men's Shed Footprint](#).

The proposed location of the Men's Shed will not impact the proposed playground site. A proposed Men's Shed could provide an additional opportunity to activate this key site.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Broad stakeholder engagement has not been undertaken, pending the outcome of this Council item. Stakeholder engagement would occur led by the Men's Shed group, in collaboration with the City to provide opportunities and information to surrounding residents.

Stakeholders currently utilising the Bob Gordon Reserve have been informed of the proposed location for the Men's Shed. These include the Bull Creek Scouts Association, the Bull Creek Tennis Club and BMX Association.

II. OTHER AGENCIES / CONSULTANTS

Not Applicable

**CD19/8115 - INVESTIGATION FOR A SUITABLE LOCATION FOR A MENS SHED (REC)
(ATTACHMENT)**

STATUTORY AND LEGAL IMPLICATIONS

A lease document would be prepared should the Council approve the recommendation. The City would not be required to meet the requirements of Section 3.58 of the *Local Government Act 1995* as the disposition of the land would be exempt as it would be leased to a community/recreation group

(2) A disposition of land is an exempt disposition if —

(b) the land is disposed of to a body, whether incorporated or not —

(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

(ii) the members of which are not entitled or permitted to receive any pecuniary

Bob Gordon Reserve (reserve 32509) is a C Class Reserve that is vested in the City for the purposes of “Public Recreation”. The City has the power to enter into a lease with the consent of the Minister for a period of up to 21 Years

FINANCIAL IMPLICATIONS

Should the use of the site be supported, Men’s Shed WA has indicated that they will pursue possible funding options. Support for any shortfall in funding requirements, may need to be considered in light of external funding obtained. As a consequence funding implications for the City at this time remain unknown.

In the longer term, the proposal would be for Men’s Shed WA to be provided with a peppercorn ground lease and assume full responsibility for ongoing maintenance of the building.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
The Council does not support further investigations of proposed location on Bob Gordon Reserve as a potential Men’s Shed location	Unlikely/Major Consequence – Medium Risk	<ul style="list-style-type: none"> Investigation only at this stage provides for the gathering of more information for Council to make a decision regarding possible future funding. Communication strategy for community and other stakeholders can provide details behind reasons for the Council decision
Community/stakeholders oppose location of a Men’s Shed at Bob Gordon Reserve	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

**CD19/8115 - INVESTIGATION FOR A SUITABLE LOCATION FOR A MENS SHED (REC)
(ATTACHMENT)****POLICY IMPLICATIONS**

Relevant Council Policies in support:

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.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

Another option is undertaking no further investigations of City owned or controlled sites within the City for a Men's Shed.. 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 much needed community service providing a safe and busy environment that contributes to men's well-being and also provides varied activities for all community members to be involved.

Men's Shed WA are keen to establish a City of Melville Men's Shed and believe the proposed site at Bob Gordon Reserve (eastern portion opposite the Bull Creek Tennis Clubrooms) to be most suitable for the key site for the City of Melville. They are willing and committed to undertake their own investigations regarding external funding options.

Men's Shed WA is seeking a peppercorn ground lease of the proposed area to progress the project.

**CD19/8115 - INVESTIGATION FOR A SUITABLE LOCATION FOR A MENS SHED (REC)
(ATTACHMENT)**

Prior to discussion on the recommendation the Mayor advised that officers had provided amendment to include point 3 to the Officer recommendation as recent discussions with the Bull Creek Tennis Club have recognised their interest with involvement with the identification of the site for the proposed Men's Shed to ensure any possible expansion requirements of the Club are taken into consideration.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8115) APPROVAL

At 9:47pm Cr Robartson moved, seconded Cr Woodall –

That the Council:

1. Resolves to approve “Mens Shed WA” to use the portion of Bob Gordon Reserve 32509 between the Bull Creek Tennis Clubrooms and Parry Avenue, being Crown Lot 4741 LR-3125/600 situated at 10A Benningfield Road, Bull Creek for the purpose of constructing and operating a Mens Shed as indicated [8115 Bob Gordon Men's Shed option](#)
2. Directs the Chief Executive Officer to prepare and enter into a peppercorn ground lease agreement with Men's Shed WA conditional upon:-
 - A. the Minister for Lands consent to approve the ground lease agreement
 - B. a lease term not exceeding 21 years as stipulated by the Management Order issued by the Minister for Lands
 - C. the lease area to be surveyed and included as an Annexure to the lease agreement
 - D. the Men's Shed approved building plans to be included as an Annexure to the lease agreement
 - E. the Men's Shed to be solely responsible for funding the cost and managing the construction of the Shed including the connection to services.
3. Directs the Chief Executive Officer to include involvement of the Bull Creek Tennis Club in the site identification of the proposed Men's Shed to ensure that any possible future expansion requirements of the Club are considered.

At 9:48pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 9:48pm the Mayor brought forward Item P19/3810 – Adoption of Local Planning Policy – Canning Bridge Activity Centre – Bonus Building Height Provisions for the convenience of the public gallery.

Disclosures of Interest

Member	Mayor Aubrey
Type of Interest	Proximity Interest
Nature of Interest	Owns a unit in Kintail Road, which is in the CBACP area
Request	Leave
Decision	Leave

Member	Cr Mair
Type of Interest	Interest under the code
Nature of Interest	Family member owns a property in the CBACP area
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

Member	Cr Barton
Type of Interest	Interest under the code
Nature of Interest	Family member owns a property in the CBACP area
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

At 9:49pm having declared an interest, the Mayor left the meeting.

At 9:49pm Deputy Mayor assumed the Chair.

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY - CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

Ward	: Applecross- Mt Pleasant
Category	: Policy
Application Number	: Not Applicable
Property	: Not Applicable
Proposal	: Report on Preparation of a Local Planning Policy
Applicant	: Not Applicable
Owner	: Not Applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P18/3779 – Review of Canning Bridge Activity Centre Plan – Update, Ordinary Meeting of Council 17 April 2018; M18/5640 – Special Meeting of Electors 20 August 2018, Motions Carried, Ordinary Meeting of Council 18 September 2018; P18/3793 CBACP –Council request for Preparation of Planning Policy 20 November 2018. P19/3805 Local Planning Policy Canning Bridge Activity Centre – Bonus Building Height Provisions 19 March 2019 P19/3810 Adoption of Local Planning Policy - Canning Bridge Activity Centre – Bonus Building Height Provisions – 18 June 2019 (item deferred)
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

AUTHORITY / DISCRETION

DEFINITION

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<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 its meeting on 19 March 2019 (Report P19/3805) the Council adopted draft Local Planning Policy 1.18 - Canning Bridge Activity Centre Plan - Bonus Building Height Provisions (LPP 1.18) for the purposes of public advertising.
- Public advertising and invitation to comment took place between 1 April 2019 and 7 May 2019, and a total of 194 submissions were received.
- It is noted the draft Local Planning Policy (LPP) was prepared in response to Council resolutions in order to provide additional clarity in relation to the application of the building height provisions of the Canning Bridge Activity Centre Plan (CBACP).
- The LPP is required to maintain consistency with the CBACP. Changes to the building height control framework contained within the CBACP would require an amendment to the CBACP. Review of the CBACP is scheduled to commence in 2019.
- The bulk of the submissions provided comment in relation to general concerns regarding impact of building heights in the Canning Bridge Precinct. Response to these concerns is beyond the capability of a LPP and would be addressed in the review of the CBACP that the Council has resolved to undertake.
- Many submissions, in particular, sought reduction to the “threshold heights” identified in the LPP. Reduction in the threshold heights and/or introduction of more stringent requirements to exceed threshold heights would be likely to introduce inconsistency with the CBACP and is therefore beyond the capability of the LPP. A LPP which was inconsistent with the CBACP would not be valid.
- Minor modifications are proposed to the LPP in response to the advertising period in relation to staging of developments and delivery of benefits, references to lot size requirements for developments above the threshold height and treatment of road widening areas on roads other than Canning Highway. As outlined above, other matters raised during the public advertising process are beyond the scope of the LPP and would be taken into account in the upcoming review of the CBACP.
- Approval of the modified LPP is recommended.
- At the Council meeting on 18 June 2019, Council resolved to defer this item to the August 2019 meeting. In accordance with the deferral, the item is re-presented. The officer recommendation is unchanged.

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)**ADDENDUM TO ITEM P19/3810**

At the Ordinary Meeting of Council on 18 June 2019 Council resolved as follows:

That the Item P19/ 3810 – Adoption of Local Planning Policy – Canning Bridge Activity Centre- Bonus Height Provisions be deferred to the August 2019 Ordinary Meeting of Council.

The deferral resolution on this item did not include reasons for deferral or direction for additional information to be provided.

Discussion at the meeting on 18 June 2018 noted that the submission period on the draft LPP had attracted a large number of comments opposing the LPP. Many submissions felt that the LPP was not restrictive enough and should include specific controls on items such as building height. In response to these submissions, the June 2019 report reiterated that the LPP is limited in what it can control as it needs to remain consistent with the Canning Bridge Activity Centre Plan (CBACP). In contrast, many other submissions expressed a view that the LPP was in fact too restrictive and that the controls would unduly constrain development. These submissions are indicative that additional clarity and guidance contained within the LPP would in fact have the effect of restricting development to that envisaged by the CBACP.

In view of the deferral, the following key points from the June 2019 report are highlighted:

- A LPP may not introduce specific restrictions such as height caps at the CBACP.
- A LPP is required to be consistent with higher order legislation including the CBACP and Local Planning Scheme 6.
- Introduction of additional restrictions on development, such as height controls, would require approval of an amendment to the CBACP
- The draft LPP seeks to ensure the intent of the CBACP is applied through additional clarity and guidance
- The receipt of submissions suggesting that the LPP is too restrictive is an indication that clarification and guidance in the LPP would translate to additional control on development.
- The Council is proposing to conduct a review of the CBACP which is the preferred approach to respond to issues such as exploring additional control on building height.
- The LPP would provide additional clarity, guidance and control of development approvals during the review period for the CBACP.

In accordance with the June 2019 deferral of this matter, report P3810 is re-presented to Council. It is noted that the officer recommendation in the resubmitted report remains unchanged from that previously reported.

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)**BACKGROUND**

Report P18/3793 CBACP – Council Request for Preparation of a Planning Policy (20 November 2018) outlines the opportunities and constraints associated with the use of a Local Planning Policy to guide the exercise of discretion relating to awarding of bonus height in the Canning Bridge precinct. In summary, a local planning policy is required to be consistent with the provisions of the CBACP. A local planning policy may elaborate on or provide additional clarification with respect to controls within the CBACP. Additional controls such as the introduction of height limits would be beyond the scope of a local planning policy. Additional controls, like height limits, would require preparation and consideration of an amendment to the CBACP itself. A review of the CBACP to examine matters including building heights is scheduled in 2019.

Report P18/3793 established that a LPP may seek to provide additional clarity on the intent of the CBACP with respect to built form and the relationship between the merit of community benefits/bonus items provided and the awarding of additional building height. On this basis a draft LPP was prepared. The Council at its meeting on 19 March 2019 considered the draft LPP and resolved to proceed with the Policy to enable advertising for public comment.

Summary of Draft LPP:

The draft LPP presents provisions to guide the exercise of discretion with respect to the awarding of bonus height in the CBACP. It is noted that some of the initiatives propose the introduction of parameters in relation to the circumstances and amount of additional height which may be awarded. Whether or not these initiatives constrain or contradict the intention of the CBACP (and therefore whether or not they are allowable in a LPP) has been informed through legal advice. The key components of the draft LPP are outlined below:

Performance Criteria and Required Documentation:

Bonus Height may be awarded under the CBACP where an applicant has met all “Desired Outcomes” and suitably responded to Elements 21 and 22. The draft LPP proposes to introduce “performance criteria” to elaborate and expand upon what is expected by each of the sub elements of Element 21 and 22. A “statement of intent” is also introduced for each sub element to further clarify what is expected by the CBACP. The performance criteria and statement of intent for each of the sub elements, work together to provide additional ability to measure the merit of bonus items being proposed by an applicant. Importantly the performance criteria and required documentation focus on the need for the applicant to demonstrate that a particular bonus item is needed and that it will provide a genuine benefit to the community. Details will also be required in relation to ongoing management and maintenance of the proposed bonus item. With this understanding of how well a bonus item responds to the expectations of the CBACP, a more informed decision can be reached regarding the awarding of bonus height.

The performance criteria approach is supported through the identification of “required documentation” to be submitted by an applicant in order to receive an assessment for bonus height. The LPP identifies specific documentation and justifications required to be demonstrated by an applicant to qualify for consideration of bonus height. The approach places the onus on the applicant to demonstrate that the requirements to achieve bonus height have been met, and also adds further rigour to the assessment process.

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)*Identification of Limit to Bonus Height “Threshold Height”:*

The LPP proposes introducing a guideline to a limit on bonus height in the M10 and M15 zones. While the CBACP does not set an upper limit on the bonus height that may be approved, the CBACP establishes a desired scale and built form for the centre through its content. The desired scale and built form is defined via a hierarchy of building heights identified across the H4, H8, M10 and M15 Zones. Desired Outcome 3, also seeks to ensure the interface between these Zones is appropriately managed. While each proposal for bonus height will be considered on its merits, generally any proposal for a height which is more than 50% greater than the DO3 requirement in the M10 zone and 66⅔% greater than the DO3 requirement in the M15 Zone is considered potentially to be inconsistent with the building height hierarchy and desired built form envisaged by the CABAP. In this regard the, the maximum bonus heights contemplated by the Policy are:

- M10 Zone 15 storeys/48 metres; and
- M15 Zone 25 storeys/80 metres

As noted above, the CBACP does not set an upper limit on bonus height that may be approved in M10 and M15 and accordingly a Local Planning Policy is not able to introduce an absolute height limit. However, where a proposal seeks consideration of building heights greater than the maximum bonus heights contemplated by this Policy it will be expected that the proposal will demonstrate a substantially greater response to key provisions of the CBACP including Elements 21 and 22 as well as an exceeding of the CBACP stated Desired Outcomes. The location and characteristics of the site will also be a factor in determining the compatibility of the proposed height with the intended scale and built form for the Centre.

Accordingly, the draft Policy identifies additional pre-requisites to be responded to where an application seeks consideration of bonus height above the identified limits. These additional requirements (for a development to exceed 15 storeys in M10 and 25 storeys in M15) identified in the draft Policy include the following:

6 Star Green Star:

The proposed development seeking height bonuses above identified limits is required to meet or exceed a 6 Star Green Star design rating under the Green Building Council of Australia. This requirement is more stringent than the 5 Star rating currently required under Element 21 of the CBACP. The 6 star rating is the highest star rating in the Green Building Council rating system and corresponds to “World Leadership” in terms of the performance of a building with respect to sustainability, environmental impact and innovation. In comparison 4 stars represents “best practice” and 5 stars represents “Australian Excellence”. Achievement of a 6 star Green Star Design rating is considered an appropriate response where an applicant seeks additional bonus height beyond the maximum bonus height envisaged by the Policy. The additional Green Star rating will demonstrate the expected standards in terms of sustainability and mitigation of environmental impacts associated with a request for building height above the identified limits to bonus height.

Response to Element 22 Sub Elements:

The CBACP requires applications seeking bonus height to respond to four sub elements listed under Element 22 (Community Benefits). The draft Policy proposes that where building height is proposed greater than the identified limits to bonus height (that is, above 15 storeys in M10 and above 25 storeys in M15) the proposed development would need to respond to and achieve the requirements of at least six of the sub elements listed under Element 22. The requirement is intended to secure a greater response in terms of number and diversity of community benefits achieved. As with all Element 21 and 22 items the merits of the bonus items would be subject to assessment under the performance criteria proposed to be included in the draft Policy.

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)*Exceeding of Desired Outcomes:*

The CBACP includes a number of core provisions or standards known as Desired Outcomes. Many of these Desired Outcomes identify a basic minimum standard to be achieved. Other Desired Outcomes relate to requirements that can be achieved or exceeded. As a further tool to measure the merit of a particular proposal, the draft Policy requires an applicant seeking building height above the identified limits to bonus height (that is, above 15 storeys in M10 and above 25 storeys in M15) to demonstrate that the requirements of relevant Desired Outcomes have not just been achieved, but have been exceeded. The draft Policy identifies performance criteria to assist the assessment of the extent to which the applicable Desired Outcomes has been exceeded.

Compatibility with Height Hierarchy

The CBACP, in particular Desired Outcome 3, identifies a desired scale and built form for the Centre. The principles include the establishment of a building height hierarchy and a need to appropriately manage the interface between various Zones in that hierarchy. Under the draft LPP buildings proposing height above the identified height thresholds will be required to demonstrate compatibility with the established building height hierarchy. In particular taller buildings will need to demonstrate that they are on sites which achieve a substantial separation distance from any boundary with a lower height Zone.

Minimum Lot Sizes

Larger development sites generally have greater opportunity to accommodate taller buildings and to incorporate design measures to mitigate potential impacts on amenity. Accordingly, the draft LPP seeks larger minimum site areas where a proposal involves height above the identified threshold:

- M10 Zone - 3000m² (2000m² under standard bonus provisions)*
- M15 Zone - 4500m² (2600m² under standard bonus provisions)*

A copy of Local Planning Policy LPP1.18 Canning Bridge Activity Centre Plan - Bonus Building Height Provisions, included recommended modifications (shown in track changes) is attached.

[3810 LPP1.18 Canning Bridge Activity Centre Plan - Bonus Building Height Provisions](#)

DETAIL

Public advertising of draft LPP 1.18 commenced on 1 April 2019 with a closing date for submission of 7 May 2019. Advertising of the invitation to comment included;

- A mailout to all owners and occupiers in the CBACP precinct.
- Notices in the Melville Times
- Website and social media content.

A total of 194 submissions were received. Copies of the submissions (redacted) have been provided as an attachment to this item. A summary of the key content of submissions is provided below. Approximately 70 percent of submissions raise concerns that the height controls in the Canning Bridge precinct are not sufficiently restrictive. It is noted that the bulk of these issues relate to building height controls contained within the CBACP which are not able to be modified by the LPP. Of these submissions approximately five percent provide comment specifically on matters which are able to be responded to by the Policy. Approximately 25 percent of submissions express concerns that the LPP policy provisions are too restrictive in relation to building height. Approximately five percent of submissions support the proposed LPP.

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

3810 Submissions Received Redacted

As outlined in the “Background” section above, the draft LPP includes provisions to provide additional clarity and to guide the exercise of discretion with respect to the awarding of bonus height in the CBACP. The LPP achieves this through key mechanisms in particular:

- Performance Assessment: - clarification of the intent of the CBACP and the identification of performance criteria to assess the merit of proposed bonus items and guiding of proportional translation to the awarding of bonus height.
- Identification of Threshold Heights: - identification of maximum limits to bonus height envisaged under the CBACP and further identification of substantially more stringent measures should an applicant seek to exceed these threshold heights.

Summary of Key Issues Raised in Submissions:

<i>Summary of Submission Content - Submissions Seeking Additional Restriction on Building Height</i>	
Item	Comment
Building Heights Should be Capped At 10 and 15 storeys in M10 and M15 respectively (as this was what was understood to be the intent of the CBACP)	The CBACP provides for the awarding of bonus height and it is not open to a LPP to restrict this opportunity. Height controls along these lines would require an amendment to the CBACP. It is noted that a wider review of the CBACP is scheduled to commence in 2019 and will focus on desirable built form and awarding of bonus height.
Threshold Heights of 15 storeys and 25 storeys in M10 and M15 respectively are too generous should be reduced to a lesser amount such as 20% above the base heights	The threshold heights have been identified to reflect maximum heights envisaged under the bonus provision of the CBACP. As the CBACP does not have absolute height limits the LPP is also required to maintain the opportunity for taller buildings to be accommodated in exceptional circumstances and where additional requirements are demonstrated. A more restrictive/lower threshold height would present a conflict with what is already allowed and envisaged by the CABCP. A LPP is not able to override the planning framework contained within a higher order instrument such as the CBACP. Legal advice supports the interpretation that introduction of a more restrictive threshold height in the LPP would jeopardise the validity of the LPP in the decision making process. Introduction of more stringent height controls would require an amendment to the CBACP itself. A wider review of the CBACP is scheduled in 2019 and will focus on desirable built form and awarding of bonus height.

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

Summary of Submission Content - Submissions Seeking Additional Restriction on Building Height

Item	Comment
<p>LPP does not address the issue of calculating the merit/value of bonus items provided and how this can be accurately/consistently translated into additional building height.</p>	<p>The LPP responds to the issue of proportionality between bonus items provided and the amount of bonus building height in two ways. Firstly the threshold height approach establishes that development seeking height above the identified threshold will be required to demonstrate a substantially greater response in terms of design and community benefit. Secondly, the LPP introduces <i>performance criteria</i> and <i>required documentation</i> which will assist in assessing the value/merit of bonus items (as well as promoting a higher standard of response to bonus items), which in turn will guide the proportionality relationship between the extent of any bonus height awarded. Key challenges are present in the assessment of bonus height in the CBACP given that bonus height is awarded based on “storeys”. Under this arrangement it is difficult to establish an “exchange rate” that can interpret the “value” of bonus items provided and how that may be translated into the awarding of bonus building height. Introducing measures to clarify this “exchange rate” are beyond the scope of a LPP and would require amendment to the CBACP. The review of the CBACP will explore options which consider metrics such as floor space, lot size and potentially land value in examining enhancements to the process for awarding bonuses.</p>
<p>The Threshold Height concept will effectively introduce a new base height for development that will be viewed by developers as the new norm.</p>	<p>The LPP identifies the threshold heights as the maximum height envisaged by the CBACP. Any development above the M10 and M15 base heights would continue to be required to meet the CBACP requirements of Elements 21 and 22. The introduction of performance criteria and required documents though the LPP also increases the assessment rigour for development seeking bonus height. Whilst developers may view the threshold heights as an aspirational target when working towards achieving bonus height, the LPP ensures that threshold heights would not function as a new base height.</p>

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

Summary of Submission Content - Submissions Seeking Additional Restriction on Building Height

Item	Comment
<p>LPP does not address issues of infrastructure capacity and impacts on traffic and parking</p>	<p>Introduction of Performance Criteria in the LPP provide additional focus on the need for an applicant to demonstrate that additional floorspace will not have adverse impact in relation to traffic generation and infrastructure capacity (LPP responses under Elements 21.4.3 and 21.4.4 refer). It is noted that many submissions raised general concerns about infrastructure capacity, particularly concerns regarding traffic congestion. Understanding of traffic and infrastructure impacts and capacity under the development scenarios envisaged by the CBACP was central to the preparation of the Plan. The LPP provides additional clarity in relation to the need for an applicant to demonstrate that traffic and infrastructure impacts are appropriately addressed where additional building height is proposed. Further response on infrastructure, traffic and parking would be beyond the scope of the LPP. The review of the CBACP will further explore these matters, revisiting the relationship between potential built form outcomes and associated impacts on infrastructure, traffic and parking. A review will also revisit options to fund provision of required infrastructure.</p>
<p>All development up to base heights should be required to meet the design excellence and community benefit standards, not just developments seeking bonus height.</p>	<p>Through the Desired Outcomes the CBACP requires a high standard of design for all development within the precinct. The CBACP however is clear that additional requirements (as outlined under Elements 21 and 22) are only applicable where bonus height is sought. The LPP is required to retain consistency with the CBCAP. It would not be open for the LPP to require the types of design measures identified in Elements 21 and 22 to apply to all development.</p>

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

Summary of Submission Content - Submissions Seeking Additional Restriction on Building Height

Item	Comment
<p>Inclusion of Road Widening land in site area and community benefit considerations</p>	<p>Submissions received included comment that road widening land should not be included in site area calculations. The CBACP specifically provides for this in relation to Canning Highway so it is not open for the LPP to vary that interpretation. Further comment has been received in relation to whether road widening on land adjacent to roads other than Canning Highway should be considered in terms of site area and/or community benefits. The draft LPP seeks to clarify that it would be open to a decision maker to allow road widening provisions of the CBACP to apply to road widening on roads other than Canning Highway. The draft wording in the LPP is however too specific and presents an inconsistency with the wording in the CBACP. A modification to the LPP is recommended to clarify that consideration of inclusion of road widening in site area and/or community benefit provisions is open to the decision maker through the general exercise of discretion on a due regard document (the CBACP). Greater clarity will be included in the review of the CBACP.</p>
<p>Elements 21 and 22 of the CBACP are not stringent enough and should be made more demanding via the Policy</p>	<p>The LPP is required to maintain consistency with the content of the CBACP. The LPP provides additional clarity as to what is expected in terms of compliance with the bonus height provisions and establishes a threshold height over which significantly more onerous pre-requisites apply. It is not open for the LPP to vary content of the CBACP such as Elements 21 and 22. These matters would be examined as part of the proposed review of the CBACP.</p>
<p>What is the justification for the threshold heights of 15 storeys in M10 and 25 storeys in M15?</p>	<p>The CBACP establishes a height hierarchy through its various zones – H4, H8, M10 and M15. Within M10 and M15 the CBACP has no overall height limit. Having regard to this hierarchy and the identification of the base heights in M10 and M15, together with the content of the Desired Outcome DO3 in the CBACP, it is established that a height up to 15 storeys (additional 50%) in the M10 zone would maintain consistency with the intent of the CBACP. The M15 zone holds additional capacity for building height. Having regard to the established height hierarchy, intended outcomes of the CBACP and current development approvals, a threshold height of 25 storeys (additional 66.67%) is identified in the LPP.</p>

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

Summary of Submission Content - Submissions Seeking Additional Restriction on Building Height

Item	Comment
Criteria relating to assessment of exemplary design are too subjective	Assessment of whether or not a proposal achieves exemplary design does include an element of subjectivity. The CBACP together with the LPP however secure a range of objective measures to ensure consistent evaluation. Assessment of exemplary design is informed through the evaluation by an independent Design Advisory Group which comprises appropriate qualified design professionals. The LPP proposes additional rigour to the assessment process requiring the Design Advisory Group to adhere to the Design Principles as outlined in the Design Review Guide associated with State Planning Policy 7 – Design of the Built Environment.
The LPP doesn't go far enough. A wider review of the CBACP is required.	The Council has resolved to review the CBACP focusing on built form, height controls and stakeholder engagement. The review is scheduled to commence in 2019.

Summary of Submission Content - Submissions Seeking Less Restriction on Building Height

Item	Comment
Achievement of Green Star 6 rating is too onerous particular for residential development and will effectively cap development at the threshold heights.	It is recognised that 6 Star Green Star is particularly difficult standard to achieve. There are currently no 6 Star rated residential apartment buildings in Western Australia and very few nationally. Notwithstanding these challenges it is considered reasonable for the LPP to seek such a high standard of development in exchange for development above the identified threshold height. Opportunity to review the full suite of bonus height pre-requisites would present during the wider review of the CBACP.

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

Summary of Submission Content - Submissions Seeking Less Restriction on Building Height

Item	Comment
<p>Threshold height concept will stifle innovation, result in shorter wider buildings and constrain optimal development in the CBACP</p>	<p>Initial feedback from some developers in response to the challenges to exceed identified threshold building heights is that they will scale back their building height aspirations to the threshold height, and seek to maintain building yield/feasibility through built form that is potentially on a wider footprint. The threshold heights have been identified as the maximum order of building height envisaged by the CBACP. Accordingly, achievement of development proposals seeking to approaching or reach the threshold height is seen to be in keeping with the CBACP. Buildings seeking height bonuses up the threshold height would also be subject to the exemplary design standards required by Element 21 and exemplary design and innovation would continue to be incentivised through the assessment proposal. Issues of building bulk, setbacks, solar access and view corridors etc will also still be regulated through the assessment .of exemplary design.</p> <p>The review of the CBACP will further explore these matters, and will have the ability to consider other bonus height and built form assessment models that are currently beyond the scope of the LPP.</p>

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

Summary of Submission Content - Submissions Seeking Less Restriction on Building Height

Item	Comment
<p>Reference to Threshold Heights in metres provides insufficient floor to ceiling height to accommodate good design.</p>	<p>As a reference point heights in metres were identified alongside the height in storeys for each of the threshold heights. The heights referred to (average floor to ceiling height of 3.2 metres) reflects the average floor to ceiling heights in Element 3 of the CBACP. Submission received indicate that the reference to heights in metres associated with the M10 threshold of 15 storeys and the M15 threshold of 25 storeys may present some conflict with good design particularly in relation to providing for higher ceilings on ground floors, accommodating swimming pools in the building configuration and providing for additional building plant in ceiling spaces - often needed for sustainability infrastructure. Notwithstanding these concerns it is recommended that the identified heights in metres (relating to 15 and 25 storeys) maintain consistency with the floor to ceiling heights reflected in the CBACP. In these circumstances a modification to the LPP is not considered warranted. Given the 'due regard' nature of the CBACP (and the LPP) it would remain open for an applicant to demonstrate to a decision maker that a proposed building that met the identified threshold height in storeys, but exceeded the identified height in metres should be approved.</p>
<p>Required documentation identified to be submitted with development applications is excessive/onerous.</p>	<p>The LPP introduces detailed performance criteria to measure whether or not a development meets required outcomes. The LPP also identifies required documentation to ensure that an applicant has submitted an appropriate level of justification to demonstrate that the identified outcomes have been met. For some performance criteria this document includes the need to submit specialist data or expert opinion (such as demonstration of satisfactory wind impacts on proposed public spaces). Submission of the level of information identified in the required documentation is considered reasonable for development of this scale and significance, particularly as the provisions apply where applicants are seeking bonus height above the 10 or 15 storey base heights.</p>

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

Summary of Submission Content - Submissions Seeking Less Restriction on Building Height

Item	Comment
Minimum lot sizes for development above threshold are too onerous and will result in bulkier buildings with larger floor plates	The LPP seeks minimum lot sizes of 3,000m ² in M10 and 4,500m ² in M15 as part of the package of pre-requisites for development above the threshold heights. The intent is to ensure that taller buildings are located on larger lots that have better ability to mitigate amenity impacts and accommodate design initiatives. Concerns regarding bulkier buildings are considered to be offset by the design opportunities and in any event would be regulated through the exemplary design assessment. It is noted that a modification is required to wording of the minimum height requirements to identify them as a desired, rather than mandatory standard.
Need to response to 6 sub elements of Element 22 for development above threshold heights is too onerous.	The threshold heights have been identified as the maximum order of building height envisaged by the CBACP. Development in excess of the identified threshold would need to be exceptional in terms of design quality and level of community benefit provided. The proposal to require achievement of six community benefit items under Element 22 (as opposed to four under the threshold height) is considered a reasonable pre-requisite in keeping with the magnitude of bonus height being sought.

Summary of Submission Content - Submissions in Support of Policy

Item	Comment
Policy provides additional clarity in relation to approval of bonus height	Noted
Policy supports continued growth and vibrancy in the centre whilst incentivising high quality buildings, good design and an interesting skyline.	Noted
Policy supports additional population and activation into the precinct. Facilitates new businesses, restaurants and allow more people to enjoy the area.	Noted

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)**Proposed Modifications to the LPP**

As a result of the public advertising period and ongoing review of the draft LPP content a series of modifications are proposed:

Staged Developments:

A modification to the LPP is proposed to provide additional clarification that for developments that are proposed to be staged or have potential to be staged, that the extent and merit of exemplary design and community benefit provided at each stage is proportional to the amount of bonus sought in that stage.

Threshold Height Introductory Wording:

The LPP introductory wording to the threshold height concept inadvertently suggests that buildings on the threshold height of 15 storeys in M10 and 25 storeys in M15 would in fact exceed the intended threshold. Wording is recommended to be changed to clarify that it is buildings above 15 and 25 storeys, in M10 and M15 respectively that would be required to meet the additional requirements.

Reference to Building Threshold Height in Metres:

It has been demonstrated that the reference to 15 storeys/48 metres and 25 storeys/80 metres in describing the threshold heights presents difficulties in achieving desirable floor to ceiling heights. The average 3.2 metre per floor figures used as a reference point in regulating the expected height associated with the identified number of storeys have potential to constrain building design. Additional space per floor enables design enhancements such as achieving additional flexibility for ground level land uses, inclusion of swimming pools at amenities levels and accommodation of sustainable building plant options in ceiling spaces. An average figure of 3.5 metres per floor removes this constraint. Accordingly an adjustment to the references to the building heights for 15 and 25 storeys of 53 metres and 88 metres is recommended.

Lot Size Capability:

The LPP identifies the following minimum site areas for development that exceeds the threshold heights:

M10 Zone - 3000m²

M15 Zone - 4500m²

The LPP wording indicates that developments *must* meet these site areas as part of the pre-requisites to enable development above the threshold heights. On review of legal advice it is recognised that in the context of the prevailing CBACP, that it is not open for the LPP to mandate these site area requirements through the use of the word *must*. Instead, noting the role of the LPP as a guide to the exercise of discretion it is recommended that the word “must” be replaced with the word “should” in relation to the achievement of the identified site areas.

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)*Clarity in Relation to Site Area and Road Widening:*

Parts of the LPP relating to Elements 21.2, 21.3 and 22.1.10 seek to provide clarification that it would be open for the decision maker to consider the land required for road widening purposes to be included for site area or community benefit purposes on roads other than Canning Highway subject to the land being ceded free of charge. The wording used in the draft LPP, however, is not consistent with the wording in the CBACP given that it seeks to specifically state that road widenings on roads other than Canning Highway can be considered relative to Elements 21.2, 21.3 and 22.1.10. Upon review of legal advice it is apparent that a modification of the LPP is appropriate to still provide clarity that Elements 21.2, 21.3 and 22.1.10 may apply to road widenings on roads other than Canning Highway. However, this would be achieved by highlighting that it is open to the decision maker to exercise discretion in deciding whether road widening adjacent to land on roads other than Canning Highway is considered as site area and/or is viewed as a community benefit.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* the City of Melville must advertise the proposed policy in the local newspaper for a minimum of 21 days. These requirements were met. Additional communication was undertaken via the City's website and mail-out to landowners, and occupants in the CBACP area.

II. OTHER AGENCIES / CONSULTANTS

City Officers have liaised with Officers at the Department of Planning Land and Heritage and City of South Perth regarding the content of the LPP. Formal input from these stakeholders is not required. Engagement has been to inform these stakeholders of the approach being proposed.

STATUTORY AND LEGAL IMPLICATIONS

The process for adoption of a Local Planning Policy is being progressed in accordance with the Deemed Provisions of *Planning and Development (Local Planning Schemes) Regulations 2015*. These procedural requirements have been followed. Should the LPP be adopted, it shall take effect upon the publishing of an advice notice in a local newspaper.

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

As described throughout this report the proposed LPP is a lesser order planning instrument to the CBACP and is required to be consistent with the Activity Centre Plan. The LPP aims to provide additional clarity on the intent of the CBACP but is not able to constrain or modify the intent of the CBACP. Modification to the intent of the CBACP would require an amendment to the CBACP. A review of the CBACP itself is scheduled to commence in 2019. In this regard the LPP is an interim step to provide additional clarity in relation to the CBACP building height approval processes in a timely manner, given that an amendment to the CBACP is a more lengthy process. Proposed further modification to the LPP is likely to require legal review to establish if consistency with the CBACP is maintained.

FINANCIAL IMPLICATIONS

Not Applicable

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The CBACP aligns with the City’s strategic goals and responds in particular to Priority 3 of the Corporate Plan:

“Urban development creates changes in amenity (positive and negative) which are not well understood”.

Under Priority 3 from the Corporate Business Plan key strategies are:

1. Facilitate higher density development in strategic locations, consistent with the local planning framework and structure plans, design guidelines for interface areas and ensure measured change in established areas and consideration of parking and traffic issues
2. Enhance amenity and vibrancy and enhancing community safety through streetscapes, public art, pedestrian and cycle paths, place making and creating well-designed, attractive public spaces.

The City’s Local Planning Strategy seeks to provide for greater intensity of development within activity centres and along key transport corridors and to leave suburban residential areas relatively unchanged.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Perceived lack of clarity experienced by various stakeholders (Elected Members, community, landowners, developers) as to how provisions of CBACP should be interpreted	Moderate consequences which are possible, resulting in a Medium level of risk	The proposed LPP provides an interim measure to provide additional clarity in relation to the operation of the CBACP. The Council has also resolved to proceed with a review of the CBACP to examine a wider range of matters that are beyond the scope of the LPP.

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

Risk Statement	Level of Risk	Risk Mitigation Strategy
Preparation of Policy and/or amendment to CBACP provisions creates uncertainty and results in a loss of confidence for development industry with consequential reduced interest in development	Moderate consequences which are possible, resulting in a Medium level of risk	The proposed LPP provides an interim measure to provide additional clarity in relation to the operation of the CBACP. The Council has also resolved to proceed with a review of the CBACP to examine a wider range of matters that are beyond the scope of the LPP. The review process is intended to include extensive stakeholder engagement to respond to issues and ensure understanding of proposed measures.

POLICY IMPLICATIONS

This item presents a draft LPP for consideration for adoption by the Council in response to an earlier resolution. There are no implications in relation to other Council policies.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council is requested to consider adopting a proposed LPP. The Council may seek to modify the content of the proposed LPP. Any modified content would need to ensure that the Policy maintains consistency with the CBACP. Modifications such as reducing the “threshold heights” and/or making the pre-requisites to achieve bonus height above the threshold too onerous are likely to be incompatible with the content of the CBACP and would likely render the LPP invalid. Modified content may require further legal input to review this issue of whether the modified LPP retains consistency with the CBACP. Significant modification to the LPP may also require a further public advertising period.

The Council may choose to not proceed with the draft LPP. It is noted that the LPP has been prepared as an interim option to add clarity to the existing CBACP bonus height process ahead of a review of the CBACP itself. The LPP is not able to respond to many of the concerns raised during the advertising period for the LPP. In these circumstances the Council may choose not to progress the LPP but instead seek to respond to issues through the review of the CBACP.

A further alternative is to adopt the proposed LPP, to provide immediate additional control on building height, but with a direction for certain matters in the LPP to be subject to further investigation/consideration. The results of the further investigations would then be re-presented to the Council, potentially with options to consider further modification to the LPP.

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)**CONCLUSION**

LPP 1.18 provides additional clarity on the intended built form outcomes anticipated by the CBACP and the relationship between the merit of community benefits/bonus items and the awarding of additional building height. Preparation of the LPP included exploration of a number of initiatives to provide a high level of guidance to the exercise of discretion in relation to awarding of building height. The LPP content is constrained in that it is required to maintain consistency with the higher order planning instrument being the CBACP. Legal advice has informed the content of the LPP to ensure it is workable having regard to the direction and content of the CBACP.

As emphasised throughout this report LPP 1.18 is an interim response to provide additional clarity and rigour with respect to the assessment and awarding of bonus building height. Many of the concerns regarding the building height controls in the Canning Bridge precinct are not able to be responded to in the LPP as they relate to existing provisions in the CBACP. A wider review of the CBACP is scheduled for 2019 and will have the capacity to examine and potentially respond to these concerns.

It is recommended that Local Planning Policy 1.18 Canning Bridge Activity Centre Plan - Bonus Building Height Provisions be approved by the Council with the identified modifications. The LPP would have effect upon publishing of a notice in a local newspaper.

OFFICER RECOMMENDATION (3810)**APPROVAL**

That the Council:

1. Pursuant to Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to proceed with and approve the proposed Local Planning Policy LPP 1.18 Canning Bridge Activity Centre Plan - Bonus Building Height Provisions with the identified modifications relating to:
 - a) Additional controls to ensure proportionality between community benefit/design excellence and bonus building height for each stage of a development
 - b) Clarification of threshold height description to establish that the additional requirements apply for building greater than 15 storeys in M10 and greater than 25 storeys in M15
 - c) Change of the word “must” to “should”, with respect to the achievement of site area requirements for development above the identified threshold heights
 - d) Changes to the provisions relating to road widening on roads other than Canning Highway to clarify that such consideration may occur utilising a general exercise of discretion.
2. Pursuant to Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to publish a newspaper notice of the approval of the Local Planning Policy LPP 1.18 Canning Bridge Activity Centre Plan - Bonus Building Height Provisions.

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

Prior to the Reject and Replace being moved suggested that the word “planning” be included after the word “external” in point 2, this was agreed to.

During discussion and debate on the Reject and Replace motion it was suggested:

- that the words “in exception circumstances” be deleted after the word “unless” in point 2b).
- the word “shall” be deleted and replace with “will not” and the words “in excess of 20%” be deleted in point 2b).

The mover and seconder agreed to the changes.

Reject and Replace Motion

At 9:56pm Cr Pazolli moved, seconded Cr Kepert –

That the Council:

1. Pursuant to Schedule 2, Part 2, Division 2, Clause 4(3)(b)(iii) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to not proceed with the proposed Local Planning Policy (LPP) 1.18: Canning Bridge Activity Centre Plan – Bonus Building Height Provisions, for the following reasons:
 - a) The proposed Local Planning Policy lacks structure and clarity;
 - b) The proposed LPP does not adequately or appropriately address the correlation between community benefit and bonus height for new developments in the M10 and M15 zones of the Canning Bridge Activity Centre Plan; and
 - c) The proposed LPP will not provide sufficient guidance for the exercise of discretion when assessing and determining development applications seeking bonus height.
2. Requests the CEO to engage a suitably qualified external planning consultant experienced in public policy formulation by no later than 30 September 2019, to prepare a new Draft LPP that is to address the shortcomings in 1. above and incorporate the following;
 - a) That the Draft Local Planning Policy is an interim policy pending the full review of the Canning Bridge Activity Centre Plan; and
 - b) Council will not support development applications seeking bonus heights in the M10 and M15 zones, unless Council is satisfied that any bonus heights will yield significant, measurable and lasting benefit to the community.

At 10:49pm the Presiding Member submitted the motion, which was declared

LOST (6/7)

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

Vote Result Summary	
Yes	6
No	6

Vote Result Detailed	
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 Robins	No
Cr Wieland	No
Cr Barling	No

NOTE: Due to an equality of votes at the Council Meeting, the Deputy Mayor as 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)

At 10:26pm Mr Tieleman left the meeting and returned at 10:28pm.

At 10:45pm Mr A Ferris left the meeting and returned at 10:46pm.

During the discussion and debate on the Reject and Replace motion, minor amendments were suggested, which were consented to by the mover and seconder.

Reject and Replace

At 10:52pm Cr Robins moved, seconded Cr Mair–

That the Council resolves not to proceed with *Draft Local Planning Policy LPP1.18 Canning Bridge Activity Centre Plan – Bonus Building Heights Provisions* and instead opts to immediately initiate a review of the Canning Bridge Structure Plan.

Procedural Motion

COUNCIL RESOLUTION

At 11:02pm Cr Pazolli moved, seconded Cr Wheatland -

That the motion be put.

At 11:02pm the Presiding Member submitted the motion, which was declared
CARRIED UNANIMOUSLY (12/0)

P19/3810 – ADOPTION OF LOCAL PLANNING POLICY CANNING BRIDGE ACTIVITY CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)

Reject and Replace

COUNCIL RESOLUTION

At 10:52pm Cr Robins moved, seconded Cr Mair–

That the Council resolves not to proceed with Draft Local Planning Policy LPP1.18 Canning Bridge Activity Centre Plan – Bonus Building Heights Provisions and instead opts to immediately initiate a review of the Canning Bridge Structure Plan.

At 11:03pm 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 Phelan	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Cr Macphail	No
Cr Robartson	No
Cr Wieland	No
Cr Barling	No

**T19/3813 - SOUTHERN METROPOLITAN REGIONAL COUNCIL - WITHDRAWAL
ARRANGEMENTS FOR A PROJECT PARTICIPANT (CITY OF COCKBURN) (REC)
(CONFIDENTIAL ATTACHMENT)**

Ward : All
 Category : Operational
 Subject Index : Southern Metropolitan Regional Council
 Customer Index : City of Cockburn
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : N/A
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Alan Ferris
 Director Corporate 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>

**T19/3813 - SOUTHERN METROPOLITAN REGIONAL COUNCIL - WITHDRAWAL
ARRANGEMENTS FOR A PROJECT PARTICIPANT (CITY OF COCKBURN) (REC)
(CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- The City of Cockburn has given notice to the Southern Metropolitan Regional Council (SMRC) of its intention to withdraw from the "Office Project", which relates to the SMRC's office headquarters located in Aldous Place, Booragoon.
- The City of Cockburn has already withdrawn from the SMRC Regional Resource Recovery Centre (RRRC) Project and has given notice to withdraw from the SMRC as a member Council.
- In accordance with the Establishment Agreement and Project Agreements of the SMRC, an Amended Business Plan has been prepared following the withdrawal of the City of Cockburn from the Office Project, effective from 30 June 2019.
- Consent from the remaining Project Participants is required to enable the City of Cockburn to retire from the loan agreement with the Western Australian Treasury Corporation (WATC) associated with the Office Project.
- The WATC loan is based on an interest only repayment plan, equating to \$58,500 per annum.
- Following the withdrawal of the City of Cockburn from the Office Project, the City of Melville's equity (share) in the Office Project will increase from 34.80% to 55.82%.

BACKGROUND

The City of Melville is a participant in the SMRC which is a statutory local government authority for providing environmentally sustainable waste management solutions for the communities of East Fremantle, Fremantle, Kwinana and Melville.

The City of Cockburn gave notice of its intention to withdraw from the SMRC on 10 May 2018, resulting in an effective withdrawal date of 30 June 2019.

As a result of the notice of withdrawal of a Project Participant, in accordance with clause 2.6 of the Office Project Participants' Agreement, the SMRC prepared an Amended Business Plan for that project.

In addition to the above, in accordance with Clause 2.7, the SMRC has determined the amount equal to the value of all assets of the Office Project less the amount of all borrowings and other liabilities with respect to the Office Project.

The proportional entitlement of the withdrawing Project Participant is then to be applied to this amount. Following quantification of the proportional entitlement, SMRC is to distribute to, or collect from, the withdrawing project participant the relevant amount.

DETAIL

The SMRC has now completed the final calculations and has reported that the City of Cockburn's liability based on proportional entitlement or liability for the Office Project is as follows:

T19/3813 - SOUTHERN METROPOLITAN REGIONAL COUNCIL - WITHDRAWAL ARRANGEMENTS FOR A PROJECT PARTICIPANT (CITY OF COCKBURN) (REC) (CONFIDENTIAL ATTACHMENT)

2019 Market Valuation		1,600,000.
Office Reserve		250,000.
Less winding up costs		-110,000.
Less Loan		-1,800,000.
Balance		-60,000.
Participants' Share		
Based on past contributions		
Cockburn	35.42%	-21,252.
East Fremantle	2.84%	-1,704.
Fremantle	10.98%	-6,588.
Kwinana	11.81%	-7,086.
Melville	38.95%	-23,370.
Total Income	100.00%	-60,000.

The details are contained in the Amended Business Plan which was distributed to Elected Members on Friday 2 August 2019 under confidential cover.

In accordance with Clause 2.7, the SMRC has determined the amount as a deficit of \$60,000. The proportional liability of the withdrawing project participant is \$21,252 and the SMRC is to collect from the withdrawing Project Participant the relevant amount.

The Office Project has a loan with the WATC and the loan agreement requires continuing participants to give consent to allow withdrawing participants to retire from their obligations to pay the debt.

As there is no longer an obligation for the City of Cockburn to pay any further loan repayments under the Project Agreement, it is recommended that the City of Melville resolve to consent and instruct the SMRC to issue a new share percentage to the WATC as part of the withdrawal process.

The SMRC is to notify the WATC of the percentages by furnishing a new Exhibit 'B' certificate with the following revised percentage shares.

Southern Metropolitan Regional Council hereby certifies that as at the date hereof, the Share of the Facility (expressed as a percent) owed by each Participant is as follows:-

Name of Participant	Old Share	New Share
City of Cockburn	37.70%	37.70%
City of Fremantle	10.50%	16.70%
City of Melville	34.80%	55.82%
Town of East Fremantle	2.70%	4.25%
City of Kwinana	14.30%	23.23%
TOTAL₍₁₎	100.00%	100.00%

**T19/3813 - SOUTHERN METROPOLITAN REGIONAL COUNCIL - WITHDRAWAL
ARRANGEMENTS FOR A PROJECT PARTICIPANT (CITY OF COCKBURN) (REC)
(CONFIDENTIAL ATTACHMENT)**

The proportional share in the asset investment will also increase by these new percentages.

Following the withdrawal of the City of Cockburn from the Office Project, the City of Melville's equity (share) in the Office Project, will increase from 34.80% to 55.82%.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

There is no requirement to undertake community consultation related to this decision as it is consistent with the requirements and process set out in the Office Project Participants Agreement endorsed by the SMRC and with support from the Participant Councils.

II. OTHER AGENCIES / CONSULTANTS

The remaining Participants, being the Cities of Fremantle and Kwinana and Town of East Fremantle, have been requested to seek a Council resolution related to the retiring the City of Cockburn's obligation to the Office Project Loan lending facility between the WATC, Participants and SMRC.

STATUTORY AND LEGAL IMPLICATIONS

The retirement of the City of Cockburn from the loan facility obligation is consistent with the requirements and process set out in the Office Project Participants Agreement endorsed by the SMRC and Participant Councils.

FINANCIAL IMPLICATIONS

The City of Melville's share of the Office Project Loan will increase from 34.80% to 55.82%, noting that this equity share has assets and liabilities that would essentially balance out in the event that the property was no longer required and sold.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of increased liability in the event that the property value declines further over time.	Minor financial and economic consequences which are possible, resulting in a Medium level of risk	Undertake annual valuations and retain Office reserve funds to maintain building and/or use to offset difference between loan liability and realisable property value.

**T19/3813 - SOUTHERN METROPOLITAN REGIONAL COUNCIL - WITHDRAWAL
ARRANGEMENTS FOR A PROJECT PARTICIPANT (CITY OF COCKBURN) (REC)
(CONFIDENTIAL ATTACHMENT)****POLICY IMPLICATIONS**

This report and recommendation supports Council Policy CP-036 Waste Minimisation in that it helps meet and exceed the goal in the City's membership of, and investment in the SMRC and its waste composting and material recovery programs as identified in the policy statement.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Should the Council not support the recommendations of this report, the process in the Office Project Participants Agreement would not be able to be implemented and thereby the SMRC would forego receiving the \$21,252 in liability owed by the City of Cockburn and a mediation process would be required to facilitate the City of Cockburn's retirement from their share of the Office Project Loan Facility.

CONCLUSION

The City of Cockburn has given notice to the Southern Metropolitan Regional Council (SMRC) of its intention to withdraw from the "Office Project", which relates to the SMRC's office headquarters located in Aldous Place, Booragoon.

In accordance with the Establishment Agreement and Project Agreements of the SMRC, an Amended Business Plan has been prepared following the withdrawal of the City of Cockburn from the Office Project, effective from 30 June 2019.

Following the withdrawal of the City of Cockburn from the Office Project, the City of Melville's equity (share) in the Office Project will increase from 34.80% to 55.82%.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3813) APPROVAL

At 11:08pm Cr Robartson moved, seconded Cr Wheatland –

That the Council:

- 1. Consents that the City of Cockburn be retired from its obligations under the \$2 million secured lending facility (known as the Office Project Loan) between the Western Australian Treasury Corporation, the Participants and the Southern Metropolitan Regional Council from 30 June 2019.**
- 2. Resolves that the Southern Metropolitan Regional Council be requested to submit a revised Exhibit B Certificate to the Western Australian Treasury Corporation as required under the terms and conditions of the loan agreements specified in (1) above indicating the new percentages of the debt being apportioned to the remaining participants following the withdrawal of the City of Cockburn effective 30 June 2019.**

At 11:08pm the Presiding Member submitted the motion, which was declared
CARRIED UNANIMOUSLY (12/0)

At 11:07pm Cr Robins left the meeting and returned at 11:08pm.
At 11:08pm Mr L Hitchcock left the meeting and returned at 11:10pm
At 11:08pm Ms Arbel left the meeting and did not return.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

COUNCIL RESOLUTION

At 11:09pm Cr Robartson moved, seconded Cr Wheatland–

That the meeting be closed to the public to permit discussion on confidential matters:

- T19/3815 – Southern Metropolitan Regional Council (SMRC) Major Trading Undertaking and Major Land Transaction Business Plan – RRRC Divestment and Fogo Processing Opportunity**

covered under section 5.23 (2) (c) of the *Local Government Act 1995*.

At 11:10pm the Presiding Member submitted the motion, which was declared
CARRIED UNANIMOUSLY (12/0)

CONFIDENTIAL ITEM - T19/3815 – SOUTHERN METROPOLITAN REGIONAL COUNCIL (SMRC) MAJOR TRADING UNDERTAKING AND MAJOR LAND TRANSACTION BUSINESS PLAN - RRRC DIVESTMENT AND FOGO PROCESSING OPPORTUNITY

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3815) APPROVAL

At 11:10pm Cr Robartson moved, seconded Cr Mair –

That the Officer Recommendation as contained within the Confidential Report associated with this item was resolved by the Council.

At 11:14pm the Presiding Member submitted the motion, which was declared
CARRIED (12/0)

COUNCIL RESOLUTION

At 11:14pm Cr Wheatland moved, seconded Cr Robins -

That the meeting come out from behind closed doors and the public be invited back into the meeting.

At 11:14pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

COUNCIL RESOLUTION

At 11:15pm Cr Woodall moved, seconded Cr Wheatland –

That the meeting be adjourned to 6:30pm on Tuesday 27 August 2019.

At 11:15pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

MEETING ADJOURNMENT

At 11.15pm the Presiding Member declared the Meeting adjourned until 6.30pm on Tuesday 27 August 2019.

MEETING RECOMMENCEMENT

The Mayor advised that the Meeting that was adjourned at 11:15pm on Tuesday 20 August 2019 is recommenced at 6.30pm on Tuesday 27 August 2019 and welcomed everyone back to the meeting.

At the recommencement of the meeting the following Elected Members and officers were in attendance:

His Worship the Mayor R Aubrey

COUNCILLORS

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

WARD

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

IN ATTENDANCE

Mr M Tieleman
Ms C Young
Mr S Cope
Mr J Bird
Mr A Ferris
Mr L Hitchcock

Ms J Arbel (*until 9:39pm*)
Mr B Taylor
Ms C Newman
Ms T Wright

Chief Executive Officer
Director Community Development
Director Urban Planning
A/Director Technical Services
Director Corporate Services
Executive Manager Governance and Legal
Services
Strategic Communications Advisor
Manager Governance and Property
Governance Coordinator
Governance Officer

At the recommencement of the meeting there was one member of the public and one representative from the Press in the Public Gallery.

APOLOGIES AND APPROVED LEAVE OF ABSENCE

Apologies

Cr K Mair Central

Approved Leave Of Absence

Nil.

P19/3809 - REVIEW OF LOCAL PLANNING POLICY 1.2 ARCHITECTURAL AND URBAN DESIGN ADVISORY PANEL AND COUNCIL POLICY 68 STREET NUMBERING (REC) (ATTACHMENT)

Ward	: All
Category	: Operational
Application Number	: None
Property	: None
Proposal	: Review Of Local Planning Policy 1.2 Architectural And Urban Design Advisory Panel And Council Policy 68 Street Numbering
Applicant	: N/A
Owner	: N/A
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P16/3718 Review of Planning Policies
Responsible Officer	: Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

**P19/3809 - REVIEW OF LOCAL PLANNING POLICY 1.2 ARCHITECTURAL AND URBAN DESIGN ADVISORY PANEL AND COUNCIL POLICY 68 STREET NUMBERING (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Design WA is a State Government initiative to ensure good design is at the centre of all development in Western Australia. As a part of Stage 1 of this project a number of documents have been produced including the Design Review Guide, which provides guidance on the operation of design review panels.
- Local Planning Policy 1.2 Architectural and Urban Design Advisory Panel (LPP1.2) is proposed to be renamed to Local Planning Policy 1.2 'Design Review Panel'. It is also proposed to amend the document so that it refers to the Design Review Guides and to provide specific guidance for the operation for the City of Melville Design Review Panel where required.
- The Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations) outline the process for amending local planning policies. The proposed changes are considered to be minor in nature and therefore are not required to be advertised.
- Council Policy CP-068 Street Numbering was first adopted in 2011 and exists to ensure a consistent approach to street numbering in the City Of Melville. Minor modifications are proposed to improve the administration of this policy particularly with regard to corner lots, apartment development and the decision making process.
- At the March 2019 Ordinary Council Meeting, a motion was passed which directed the CEO to investigate changes to CP-068 Street Numbering in order to clarify the City's approach in relation to numbering of corner lots, including a diagrammatical explanation. The policy has been updated to respond to this request.
- The proposed changes are considered to be minor in nature and therefore it is recommended that these are adopted by Council without modification.

It is recommended that the minor changes to the policies are adopted by Council and an advertisement placed in the local newspaper and on the City's website to inform customers of these changes.

BACKGROUND

The policies, referred to in this report have been operational for a number of years and have been the subject of regular review to ensure they meet the City's requirements.

At the March 2019 Ordinary Council Meeting (Item 16.2), Council resolved that:

The Council directs the CEO to investigate an amendment to Street Numbering Policy CP – 068 regarding allocation of street numbers for new properties that arise from the subdivision of corner lots. The amendment is to include diagrammatical explanations of new street numbering allocations that arise from the subdivision of corner lots. Amendments to the policy are to be presented in a report to Council for final approval.

**P19/3809 - REVIEW OF LOCAL PLANNING POLICY 1.2 ARCHITECTURAL AND URBAN DESIGN ADVISORY PANEL AND COUNCIL POLICY 68 STREET NUMBERING (REC)
(ATTACHMENT)****DETAIL**Local Planning Policy 1.2 Architectural and Urban Design Advisory Panel (LPP1.2)

Design WA is a State Government initiative to ensure good design is at the centre of all development in Western Australia. As a part of Stage 1 of this project a number of documents have been produced including the Design Review Guide, which provides guidance on the operation of design review panels.

The following changes to LPP 1.2 are proposed:

- Rename to Local Planning Policy 1.2 Design Review Panel. Design Review Panel is the name used across the Design WA suite of documents; this name change will improve clarity and consistency.
- Modify the policy background to make reference to history of design review in the City of Melville and to acknowledge Design WA.
- Update the policy objectives to refer to the Design Review Guide produced by the state government and to clarify that the role of this policy is to augment the state government position to make provision for the City Of Melville's specific requirements.
- Removal of clauses which are covered by the Design Review Guide.
- Simplifying the policy, in particular the types of development which will be presented to the Design Review Panel.

These changes are administrative in nature and do not impact on the operation of the LPP. It is therefore recommended that these changes are approved by Council without advertising as is permitted by the Planning and Development (Local Planning Scheme) Regulations 2015.

3809 LPP1.2 Design Review PanelCouncil Policy CP-068 Street Numbering

Under the provisions of the Local Government Act, the City has the power to assign street numbers to properties within its boundaries. The Local Law relating to Street Numbering provides further detail in relation to matters such as the assignment of street numbers to properties, the display of street numbers, offences and penalties. Clause 2 of the Local Law relating to Street Numbering states that the local government shall assign a street number which allows of unambiguous and easy identification of a lot. It also provides the Local Government with the power to renumber an existing lot when required.

Council Policy CP-068 Street Numbering (CP-068) augments the provisions of the relevant Australian Standard in order to provide extra clarity for the community and for decision makers. Street numbers are generally assigned by the City at the subdivision clearance stage of development, however for grouped and multiple dwellings provisional street numbering may be granted at the built strata or development approval stage.

**P19/3809 - REVIEW OF LOCAL PLANNING POLICY 1.2 ARCHITECTURAL AND URBAN
DESIGN ADVISORY PANEL AND COUNCIL POLICY 68 STREET NUMBERING (REC)
(ATTACHMENT)**

The following changes to CP-068 are proposed:

- Provide further clarity regarding the default position for the numbering of corner lots the application of suffixes to corner lots and with regard to street numbering for apartment development in Clause 2.2.
- The provision of a diagram to explain the default numbering for corner lot subdivision.
- Modify Clause 4.3 to reflect to clearly indicate the process outlined in Local Planning Policy 1.1 Planning Process and Decision Making applies.

These changes will result in greater clarity for staff and customers. The changes are considered to be administrative in nature and therefore are recommended to be approved without consultation.

[3809 CP-068 Street Numbering](#)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

Local planning policies augment the provisions of Local Planning Scheme No.6 and provide a sound basis for planning decisions. Provided a policy is soundly based, they are given strong regard when a decision is under review in the State Administrative Tribunal. Council Policy CP-68 Street Numbering augments AS/NZS Standard 4819:2003: Geographic information – Rural and urban addressing to provide extra clarity for customers and decision makers. The proposed minor modifications to Local Planning Policy 1.2 and CP68 will improve the operations of the City.

P19/3809 - REVIEW OF LOCAL PLANNING POLICY 1.2 ARCHITECTURAL AND URBAN DESIGN ADVISORY PANEL AND COUNCIL POLICY 68 STREET NUMBERING (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Local Planning Policy 1.2 and Council Policy 68 are proposed to be updated as detailed above.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council could resolve to require the modifications to the existing policies to be advertised to the community.

This is not recommended as it is considered the changes are minor in nature and will not impact on the objectives or operations of the City.

CONCLUSION

The report recommends minor modifications to Local Planning Policy 1.2 Architectural and Urban Design Panel and Council Policy 68 Street Numbering CP to improve the administration of these policies and the overall customer experience.

OFFICER RECOMMENDATION (3809)

APPROVAL

That the Council resolves:

- 1) To amend Local Planning Policy 1.2 Architectural and Urban Design Panel as detailed in 3809 CP-068 Street Numbering Policy.
- 2) To amend Council Policy CP-068 Street Numbering as detailed in 3809 CP-068 Street Numbering Policy.
- 3) To endorse the minor modifications of Local Planning Policy 1.2 Architectural and Urban Design Panel and Council Policy 68 Street Numbering without advertising as permitted by Clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- 4) To endorse the publication of a notice in the local newspaper to give effect to these amendments.

P19/3809 - REVIEW OF LOCAL PLANNING POLICY 1.2 ARCHITECTURAL AND URBAN DESIGN ADVISORY PANEL AND COUNCIL POLICY 68 STREET NUMBERING (REC) (ATTACHMENT)

Procedural Motion

COUNCIL RESOLUTION

At 6:33pm Cr Kepert moved, seconded Cr Pazolli –

That this item be adjourned for consideration at the Ordinary Meeting of Council to be held 17 September 2019.

At 6:36pm 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 Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Robins	No

**P19/3810 – ADOPTION OF LOCAL PLANNING POLICY - CANNING BRIDGE ACTIVITY
CENTRE – BONUS BUILDING HEIGHT PROVISIONS (REC) (ATTACHMENT)**

Item brought forward
See page 53

At 6:37pm the Mayor brought forward Item CD19/8118 – Fenced Dog Exercise Area for the convenience of the Public Gallery.

CD19/8118 – FENCED DOG EXERCISE AREA (REC)

Ward	:	All
Category	:	Strategic
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	:	Proposed Notice of Motion – Consideration of a Fenced Dog area 17 July 2018 Ordinary Meeting of Council
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Kristina Hunter Coordinator Rangers and Emergency Management

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>

CD19/8118 – FENCED DOG EXERCISE AREA (REC)**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council on the 17 July 2018 Council endorsed the preparation of a report on the provisions of a fenced or partially fenced dog exercise area within the City of Melville.
- At the Elected Members Information Session (EMIS) on the 4 December 2018 Elected Members were presented with information in relation to which parks / reserves may be suitable.
- From the 173 parks / reserves within the City, the most suitable location was Attadale Reserve, Burke Drive, Attadale.
- Community consultation occurred from Monday 1 July to Monday 15 July using a survey distributed through targeted email (local residents and registered dog owners) opportunity for comments on Melville Talks, and signage on site.
- Of the 392 survey responses received, 56% **did not** support the dog fence concept and 44% **did** support a fencing option.
- From the 44% whom supported a fencing option:
 - 65% supported Method 1
 - 33% supported Method 2
 - 2% indicated they want a fence though did not like either option
- Approximately 600 comments were received on the Melville Talks discussion page most indicating that no change is favoured.
- Officers recommendation is to support the majority of the responding community and **not proceed** with the installation of either fencing option.

CD19/8118 – FENCED DOG EXERCISE AREA (REC)**BACKGROUND**

At the Ordinary Meeting of Council on the 17 July 2018 Council endorsed the preparation of a report on the provisions of a fenced or partially fenced dog exercise area within the City of Melville. The Council requested a report to be prepared on the provision of a fenced or partially fenced dog exercise area in the City of Melville. The report was to be presented to Council initially at an EMIS and then through the formal agenda process. The report was to include, but should not be limited to:

1. Possible options for a location for a fenced dog area. Locations to be considered are to include John Connell Reserve, Piney lakes Reserve and Burke Drive (Attadale Reserve)
2. An indicative cost of the project, as well as a proposal for how the project will be funded and whether it would be through existing budget provisions or through grants.
3. A plan for consultation with the Melville residents and ratepayers.

At the Elected Members Information Session on the 4 December 2018, Council was presented with the following information.

All reserves within the City of Melville had been considered for the suitability of installing either a fully or partially fenced area. The following points were considered:

1. Activities within the reserves.
2. Proximity to schools and / or residential areas.
3. Availability of bins for dog excreta.
4. Parking facilities.
5. Classification of the reserve in relation to whether dogs are permitted, restricted or prohibited.
6. Facilities / events held at the reserve, e.g.: BBQs and playgrounds.
7. Size of the reserve.

There are currently 173 parks and reserves within the City of Melville. Dogs are permitted off-lead in 138 of these.

From the 173 parks and reserves the following was established:

1. 30 of the reserves have BBQ / picnic facilities
2. 124 of the reserves have children's playgrounds
3. 44 reserves regularly hold sporting events
4. 35 reserves are dog prohibited and / or restricted

From the suggested locations, **Piney Lakes** was assessed and could possibly be suitable for a fenced area in the future. However, it would not be the City's recommended location due to the area having insufficient parking and the affect on other park users such as picnickers, walkers and cyclists.

John Connell Reserve was also assessed and once again could possibly be suitable for a fenced area in the future, however was not a recommended location due to the reserve being used for regular sporting events such as football and cricket. This reserve also is already fenced on three sides of the reserve and would have insufficient parking for increased users of the reserve.

CD19/8118 – FENCED DOG EXERCISE AREA (REC)

The most appropriate reserve found to install either a fully or partially fenced area was Attadale Reserve, Burke Drive, Attadale. This conclusion was reached for the following reasons:

1. The area is currently being used as a dog exercise area by the community.
2. The size of the area has the ability to handle increased usage.
3. Dog excreta bins already exist on site.
4. Adequate parking available.
5. There are no BBQ or playground facilities on site.
6. No sporting events are held at this location.
7. The area currently has 1 dog drinking bowl available.
8. The area has previously been requested to have a fence installed by some community members.



The suggested fencing used would be a “half-height” fence. It would be 900mm high and be constructed of black powder-coated chain-link fence. The fenced area would also consist of regular pedestrian access gates as well as a vehicle access gate.

CD19/8118 – FENCED DOG EXERCISE AREA (REC)

This fencing was chosen in keeping with surrounding fencing options such as at Troy Park.

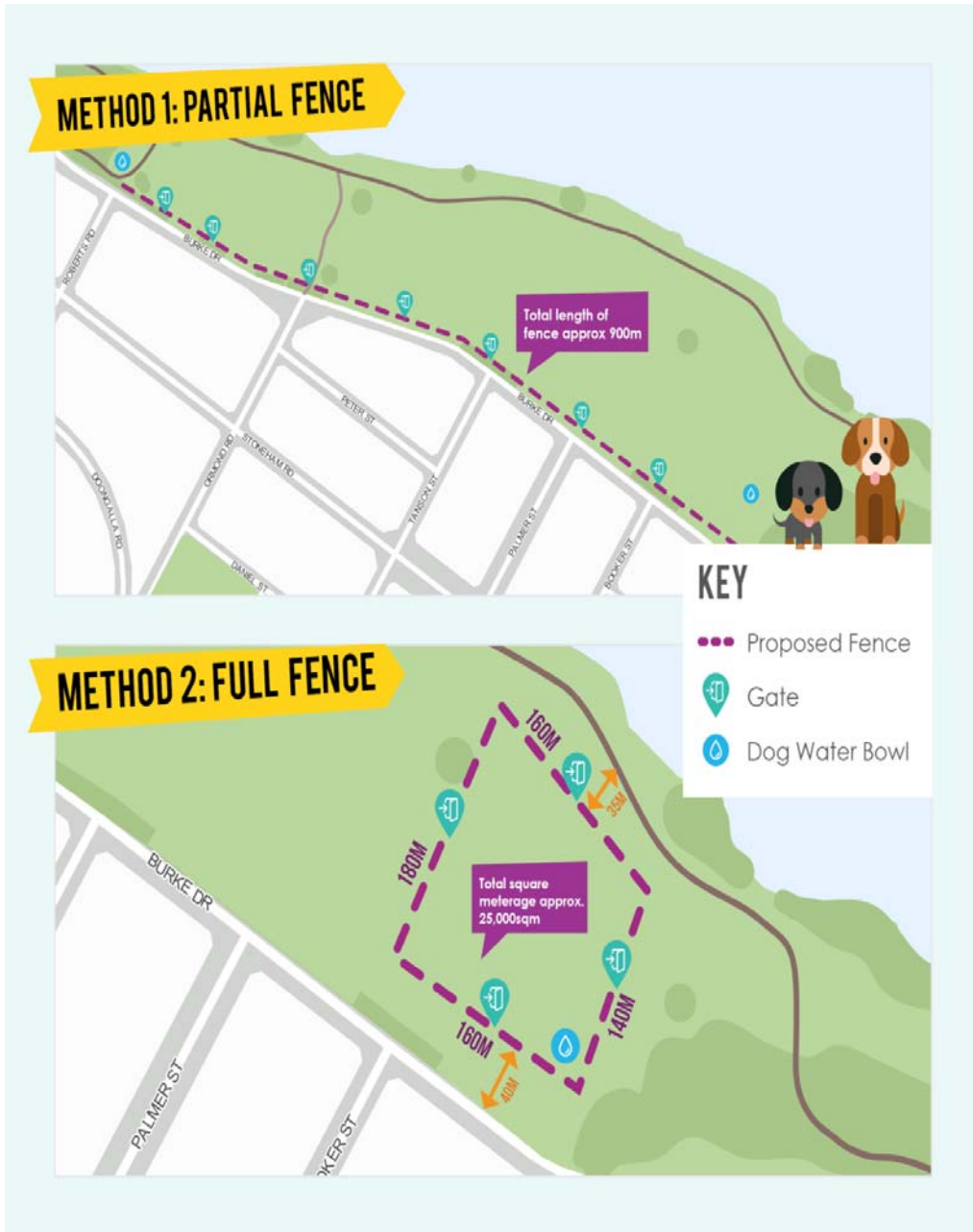


The cost of installing this type of fencing was estimated at \$120 per metre.

“Method 1” of partially fencing the area would include the above mentioned fencing being installed along the boundary of Attadale Reserve along Burke Drive. This would be approximately 900 metres in length and was estimated costing \$108,000

“Method 2” of fully fencing the area would consist of an enclosure being installed at one end of the Reserve. This enclosure would be located within Attadale reserve opposite the Booker Street intersection. The fully fenced option would be approximately 25,000 square metres in area. This option would be placed to allow access both in front (Burke Drive road side – fence located 40 metres from road side) and behind (river side – fence located 35 metres from existing footpath). The total estimated cost was \$76,800.

CD19/8118 – FENCED DOG EXERCISE AREA (REC)



CD19/8118 – FENCED DOG EXERCISE AREA (REC)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Community consultation occurred from Monday 1 July to Monday 15 July 2019 regarding 'do you support fencing an existing dog exercise area at Attadale Reserve becoming fenced?' This was done through direct e-mail sent to a random sample of Attadale residents/ratepayers and registered dog owners along with signs at the site informing people and also on Melville Talks.

In the survey the community were asked if you support the fenced dog area (yes or no), then goes onto ask which method do you support (number 1, 2 or none of the above). Both the survey and the discussion forum are used to form the final report that will be considered by Council.

In the survey the community were asked;

1. Do you support a fenced dog exercise area? Yes or No
2. If yes, which option would you support? Method 1 or Method 2 (the above map was included).

392 surveys were submitted, 56% did not support the dog fence concept and 44% did support a fencing option. From the 44% whom supported a fencing option:

- 65% supported Method 1
- 33% supported Method 2
- 2% indicated they want a fence though did not like either option

Due to the responses received from the local community, this Report recommends **not installing** either option of fencing.

The majority of the community surveyed did not support the erection of either fencing option.

The City received approximately 600 comments via the discussion page on MelvilleTalks. The majority of these comments also provided feedback about not wanting any change to the area for various reasons like;

- People like being able to use the whole area to exercise themselves and their dogs – maintaining the status quo is important.
- People who supported Method 1 did so out of concern for safety of dogs/road users and think the idea is good, but for many it was more about maintaining the status quo and access to the whole park.
- Other reasons for supporting Method 1 related to their dislike of Method 2 which it was felt would be deleterious to the area and potentially bad, psychologically, for dogs.
- People who supported Method 2 cited safety of their dogs, in particular young dogs, as a reason for the facility.

CD19/8118 – FENCED DOG EXERCISE AREA (REC)

II. OTHER AGENCIES / CONSULTANTS

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

Although the majority (56%) of surveys received from a random sample of Attadale residents/ratepayers and registered dog owners indicated they did not support the installation of any fencing, if the Council decided to proceed with method 1 the estimated cost would be approximately \$108,000. Method 2 is estimated to cost \$76,800. Additional expense for the installation of another dog drinking bowl is estimated at \$2,000.

The above figures are estimates only and we would need to go out to quotation with further details to receive more accurate costs. Should this project be approved funding would need to be included as a new capital project request.

No grants are available for this type of project.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
If a fence is installed there would be risk of increased ongoing maintenance and repair expenses due to proposed installation of fenced area within the Reserve.	Minor consequences which are almost certain, resulting in a High level of risk	Review use of materials and design plans such that more durable and lower maintenance materials are used. Abandon fencing options and leave reserve as is.

POLICY IMPLICATIONS

There is no Council Policy that relates to this item.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The majority (56%) of surveys received from a random sample of Attadale residents/ratepayers and registered dog owners indicated they did not support the installation of any fencing.

As mentioned above in the financial implications, if the Council decided to proceed with method 1 the estimated cost would be approximately \$108,000. Method 2 is estimated to cost \$76,800.

CD19/8118 – FENCED DOG EXERCISE AREA (REC)

CONCLUSION

Attadale reserve is a designated dog exercise area already well utilised by the community. Even within designated areas dogs still need to be under effective control meaning the dog will come back when called. The survey shows the majority of people don't want any change and are satisfied with the current arrangement. Based on this information it is recommended to make no changes to Attadale Reserve.

OFFICER RECOMMENDATION (8118)

REFUSAL

At 6:37pm Cr Wieland moved, seconded Cr Woodall –

That the Council notes the community feedback and does not proceed with the implementation of either a partially or fully fenced area within Attadale Reserve, Burke Drive, Attadale.

Amendment

COUNCIL RESOLUTION

At 6:37pm Cr Robins moved, seconded Cr Wheatland –

That the words after “That the council” be listed as point 1 and a point 2 and 3 be added as follows:

- 2. Directs the Chief Executive Officer to carry out further, broader community consultation to ascertain whether there is in-principle support from the community for one or more fully enclosed dog exercise areas within the City of Melville.**
- 3. Directs the Chief Executive Officer to report back to the council the findings of part 2 above, along with a plan for identifying a suitable site for installing a fenced dog exercise area should the community be supportive of installing one.**

At 6:53pm 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 Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Cr Barton	No
Cr Kepert	No
Cr Pazolli	No
Mayor	No

CD19/8118 – FENCED DOG EXERCISE AREA (REC)**Reasons for the Amendment provided by Cr Robins**

It is disappointing that the only location identified as suitable for a fenced dog exercise area was Attadale foreshore. It is understandable that the idea of a fenced dog exercise area in this location did not obtain support.

Due to the fact that the 'no fence' option attracted only just over 50% of the vote, I am of the view that generally, residents may be supportive of a fenced dog exercise area, but they just don't want a fence installed at a beautiful riverside location.

To once again bring to your attention my reasoning for my motion of notice last year, several City of Melville residents have contacted me asking about the possibility of the City of Melville providing a fenced dog exercise area as there are none provided in the local area.

Dog parks provide a secure environment for dog socialisation, exercise and training that can be a puppy's first experience off lead in a large but controlled environment whilst also providing owners with opportunities for social interaction. Dog exercise areas can assist in creating a sense of community among those who use the facilities.

It is acknowledged that other local governments provide fenced dog exercise areas which are very popular. Many of the users of these parks come from areas beyond the immediate vicinity. Whilst there are many advantages associated with the provision of a dog park, it is acknowledged that the provision of such a facility can also have some negative implications.

I think more work can be done in exploring options beyond the Attadale foreshore. One of the factors taken into consideration when considering sites was existing bins on site. This should not be a barrier as extra bins can always be installed. Another issue raised was adequate parking spaces. I do agree that there needs to be parking available, but there are locations where parking bays may be occupied at particular periods (such as during significant sporting events) but are generally available at most other times.

I believe options such as Piney lakes and John Connell Reserve could be explored further, as they are large sites which could accommodate a small dog exercise area.

The motion says 'one or more' fenced areas to give officers the flexibility to consider providing separate small and large dog exercise areas.

The following points, some of which the council may also wish to consider, were sent to me in an email from a resident today:

1. Melville has no public fenced dog activity/exercise area.
2. With increasing residential density, dogs have less area to freely exercise.
3. Such fenced area would have to be off a main road to avoid residential traffic issues.
4. The area needs to be relatively central to the city as a whole.
5. Dogs socialise best off the leash and many fail to socialise when on a leash due to the psychology of a dogs mind (owner protection).
6. Many dogs which we are encouraged to purchase are from refuges and have behavioural issues which heightens the above statement.
7. May dogs were bred for hunting other purposes which although very intelligent are not street smart and not return readily therefore problematic off the leash.
8. Of course you are also dealing with the personality of the dog of which we cannot all be expert trainers.
9. With many people single, dog exercising also provides human socialisation.
10. Such areas need grass, dirt, trees, sheltered seating and more natural setting than a sterile bowling green type field (think of what dogs like).

CD19/8118 – FENCED DOG EXERCISE AREA (REC)

Amendment

COUNCIL RESOLUTION

At 6:55pm Cr Pazolli moved, seconded Cr Kepert –

That the following be included at the conclusion of point 2 in the amendment motion.

“... , that community consultation shall include cost estimates of each option considered.”

At 7:12pm the Mayor submitted the motion, which was declared

CARRIED (7/6)

Vote Result Summary	
Yes	6
No	6

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

NOTE: Due to an equality of votes at the Council Meeting, the Mayor as 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)

Reasons for the amendment as provided by Cr Pazolli

1. Costs provided as part of the community consultation will provide the community with relevant information to consider as part of their deliberation.
2. Costs estimates were provided as part of the two Burke Drive concepts and these could be used as examples.

CD19/8118 – FENCED DOG EXERCISE AREA (REC)

Substantive Motion as Amended

COUNCIL RESOLUTION

At 6:37pm Cr Wieland moved, seconded Cr Woodall –

That the Council

1. notes the community feedback and does not proceed with the implementation of either a partially or fully fenced area within Attadale Reserve, Burke Drive, Attadale.
2. Directs the Chief Executive Officer to carry out further, broader community consultation to ascertain whether there is in-principle support from the community for one or more fully enclosed dog exercise areas within the City of Melville, that community consultation shall include costs estimates of each option considered.
3. Directs the Chief Executive Officer to report back to the council the findings of part 2 above, along with a plan for identifying a suitable site for installing a fenced dog exercise area should the community be supportive of installing one.

At 7:16pm 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 Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Cr Barton	No
Cr Kepert	No
Cr Pazolli	No
Mayor	No

Disclosures of Interest

Member	Mayor Aubrey
Type of Interest	Interest Under the Code
Nature of Interest	Owens a unit in Kintail Road
Request	Leave
Decision	Leave
Member	Cr Mair
Type of Interest	Interest Under the Code
Nature of Interest	Relative owns a property in this area
Request	Stay, discuss and vote
Decision	Stay, discuss and vote
Member	Cr Barton
Type of Interest	Interest Under the Code
Nature of Interest	Family member owns a property in this area
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

At 7:18pm the Mayor having declared an interest left the meeting

At 7:18pm the Deputy Mayor assumed the Chair.

**P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN –PROJECT
SCOPE (REC) (ATTACHMENT)**

Ward	: Applecross- Mt Pleasant
Category	: Policy
Application Number	: Not Applicable
Property	: Not Applicable
Proposal	: Report on Preparation of a Local Planning Policy
Applicant	: Not Applicable
Owner	: Not Applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P18/3779 – Review of Canning Bridge Activity Centre Plan – Update, Ordinary Meeting of Council 17 April 2018; M18/5640 – Special Meeting of Electors 20 August 2018, Motions Carried, Ordinary Meeting of Council 18 September 2018; P18/3793 CBACP –Council request for Preparation of Planning Policy 20 November 2018. P19/3805 Local Planning Policy Canning Bridge Activity centre – Bonus Building Height Provisions 19 March 2019; P19/3810 – Adoption Of Local Planning Policy Canning Bridge Activity Centre – Bonus Building Height Provision - June 2019
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

**P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN –PROJECT
SCOPE (REC) (ATTACHMENT)**

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- Council has requested a review of the Canning Bridge Activity Centre Plan (CBACP) with a primary focus of examining building heights and the process in which bonus building height is awarded. Related resolutions and feedback from Elected Members has resulted in a list of items identified to be considered as part of a review.
- As part of the response to these items Council resolved to prepare a Local Planning Policy to provide additional guidance in relation to the application of the bonus height provisions in the CBACP. The LPP has been prepared and is awaiting further Council consideration. As reported, the LPP has limited ability to restrict building height and additional actions in this area would require an amendment to the CBACP.
- It is noted that a response to all of the areas identified for investigation would require a comprehensive review of the CBACP. A comprehensive review may be appropriate however would involve substantial resources and a lengthy timeframe. The final decision on such a review would be made by the Western Australian Planning Commission (WAPC) and may or may not concur with the findings of the review.
- In these circumstances it is noted that there are different approaches that a review could follow and that the decision as to which approach to follow would be informed by the outcomes the Council was seeking from the review process.
- To assist the decision making process three different options to approach the review process have been identified with the advantages, disadvantages, outcomes and applicability of each approach outlined. In summary, the options are essentially a targeted approach looking at direct introduction of height limits, an approach focusing just on the mechanisms for awarding bonuses (maintaining the built form vision of the CBACP) and a comprehensive review which would cover all items.

**P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN –PROJECT
SCOPE (REC) (ATTACHMENT)**

- Ordinarily a planning response to the issues identified for review in the CBACP would trigger the comprehensive review option. However it is apparent that the key drivers for a review appear to be related to one or both of the following:
 - a desire to investigate potential to restrict height and/or cap the amount of bonus height
 - a desire to improve the mechanisms used to assess bonus items (community benefits) and how these translate into bonus height.
- Related to the above drivers is the issue of uncertainty as to whether the decision maker (WAPC) is likely to entertain restrictions on building height.
- In these circumstances it is considered that there is merit in firstly establishing some parameters in relation to what may or may not be achievable in terms of height restriction. Once these parameters are known the City will be better placed to respond to the wider items identified for investigation.
- Accordingly a staged approach to the review is recommended. Commencement of Stage 1 would specifically explore the achievability of height caps (in M10). Once a decision is reached on stage 1, this would inform the extent of additional work that could then be undertaken on enhancing the operation of the CBACP.

BACKGROUND

The CBACP was approved by Council in March 2015 and endorsed by the Western Australian Planning Commission in April 2016. The CBACP has a statutory lifespan of 10 years and accordingly would be due for review by 2025. Aspects of the CBACP have however already been subject to review. Two separate reviews focusing on the H4 zone concluded in 2016 and 2019 respectively. The Council, through a series of resolutions in 2018 and 2019, has also sought review of various aspects of the CBACP in relation to:

- height controls and height limits
- mechanisms for assessing community benefit and proportional translation into bonus height
- retention of trees
- community consultation in relation to multi-storey buildings
- consideration of metrics such as plot ratio, maximum site coverage and dwelling density
- specific examination of building heights for properties west of Forbes Road, between Kishorn and Kintail Roads
- investigation of developer contribution schemes

Elected Member questions and commentary on the CBACP has also identified other areas for potential investigation including:

- need for review of infrastructure capacity and its relation to development intensity, including traffic and parking
- appropriateness of visitor parking standards
- treatment of land required for road widening
- process for the Design Review Panel and the internal cross functional consideration of community benefits.

A Council resolution in September 2018 (M18/5640) also sought exploration of the use of a Local Planning Policy (LPP) to achieve additional clarity in relation to the application of the building height provisions of the CBACP. A report to Council in November 2018 (P18/3793) established that a LPP was not able to introduce specific height restrictions in the precinct given that a LPP is required to remain consistent with the CBACP. A LPP is seen as potentially providing additional clarification of the CBACP provisions relating to building

P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – PROJECT SCOPE (REC) (ATTACHMENT)

height as an interim measure pending preparation and approval of an amendment to the CBACP.

A draft LPP was subsequently prepared and endorsed by Council for advertising in March 2019 (P19/3805). The draft LPP provided additional clarity of the intent of the CBACP in relation to bonus height and identified performance criteria to enhance application requirements and assessment of proposals for additional height. The draft LPP also introduced more stringent pre-requisites for circumstances where applicant sought building heights above the maximums envisaged by the CBACP. The draft LPP was presented to Council on 18 June 2019 (P19/3810) for consideration of adoption. The item was subsequently deferred to the August 2019 Council meeting.

Whilst the draft LPP provides additional clarity and restriction in relation to building height in the CBACP, it is not able to fully respond to the range of areas that Elected Members have identified for investigation. In response to these areas of investigation, a number of options for review of the CBACP and project scopes associated with each option have been prepared for consideration.

In considering different options for a review of the CBACP the following points are noted:

- The decision maker in relation to any modifications to the CBACP is the WAPC. The WAPC is likely to have particular regard to the regional objectives for a strategic centre such as Canning Bridge and the WAPC position on proposals for modifications to the plan which may restrict development potential is not known.
- The CBACP is a relatively young activity centre plan and any major changes to the Plan would need to be supported by demonstration of changes to the circumstances that led to the recent adoption of the Plan.
- Some members of the community have expressed the view that the development taking place under the CBACP is different to that which was expected. This alone may not be sufficient grounds to support WAPC approval of changes that introduce additional restriction.

DETAIL

To assist Elected Members in considering different options for a review of the CBACP, three different project scope typologies have been identified:

- Option A: Targeted Scope – Restriction on Extent of Bonuses
- Option B: Review/Clarification of Existing CBACP Building Height and Bonus Provisions – But Maintaining Existing Building Height/Built Form Vision
- Option C: Comprehensive Review of Building Height and Bonus Provisions (Define Desired Built Form and then Establish Controls to Deliver) – current Project Plan

The options prepared are indicative only and are intended to inform decision making. The preferred CBACP review approach may be different to the options identified or may be a combination of the examples. Once a preferred project approach is established it will be expanded into a formal project plan.

The content and advantages/disadvantages of these different approaches is summarised in the tables below. The options were the subject of a presentation to an Elected Member Information Session (EMIS) held 23 July 2019.

**P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – PROJECT
SCOPE (REC) (ATTACHMENT)**

Option A: Targeted Scope – Restriction on Extent of Bonuses

Scope	Advantages	Disadvantages
<p>Introducing a restriction to the Bonus Provisions of the CBACP eg “Bonus Heights awarded shall be limited to 5 additional storeys in the M10 zone” Would include statutory advertising period for stakeholder input.</p>	<ul style="list-style-type: none"> • Requires minimal resources • Quick turnaround (estimated less than 12 months) • Simple response to concerns regarding excessive bonuses • Similar to M10 cap of 15 storeys currently applicable in South Perth portion of CBACP. • Includes statutory advertising period for stakeholder input. • May resolve height related concerns and reduce the scope of any additional work • Provides option to stage further scope items once parameters are known 	<ul style="list-style-type: none"> • Not known if approach will be supported by decision maker - WAPC • Potential that development of the centre is not maximised • Likely opposition from some stakeholders • WAPC may require further supporting research • Requires separate review of scope items identified by Council heights on Forbes Roads, Developer Contributions, enhanced measurement of bonus items and translation to bonus height (although these could form future project stages)

P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN –PROJECT SCOPE (REC) (ATTACHMENT)

Option B: Review/Clarification of Existing CBACP Building Height and Bonus Provisions – But Maintaining Existing Building Height/Built Form Vision

Scope (summarised)	Advantages	Disadvantages
<p>Phase 1: Background:</p> <ul style="list-style-type: none"> • Stakeholder engagement to further understand/refine issues relating to bonus height mechanisms (Note: modification to existing height principles would be out of scope) • Review Forbes Road, west. (Council March 2015) <p>Phase 2: Review/Clarify Existing Building Height and Bonus Provisions</p> <ul style="list-style-type: none"> • Consider alternative built form height controls (plot ratio, building envelopes etc) • Consider alternative bonus height approaches (further exploration of “threshold height concept”, community needs, options to measure merit of bonus items) • Review precinct funding options – value capture, developer contributions, special area rates • Prepare controls to achieve built form vision, including further stakeholder engagement 	<ul style="list-style-type: none"> • Reduced scope requires reduced time and resources (estimated 1.5 years) • Provides a degree of stakeholder engagement to better understand issues. • Shorter timeframe and additional certainty, given overall height and built form vision is not reviewed • Opportunity to separate the Forbes Road height review component for timeliness 	<ul style="list-style-type: none"> • Reduced scope would not provide for review of existing height and built form vision • Outcomes may not be supported by decision maker - WAPC • Actual outcome is not known • Complexity in formulating substantial modifications to CBACP which would only refer to Melville portion of precinct (not South Perth).

P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN –PROJECT SCOPE (REC) (ATTACHMENT)

Option C: Comprehensive Review of Building Height and Bonus Provisions (Define Desired Built Form and then Establish Controls to Deliver)

Scope (summarised)	Advantages	Disadvantages
<p>Phase 1: Define Desired/Optimal Built Form:</p> <ul style="list-style-type: none"> • Stakeholder engagement to explore issues/expectations • Review infrastructure capacity/demand (including traffic modelling) • Review Forbes Road, West. (Council March 2015) • Arrive at understanding and vision for desired built form <p>Phase 2: Establish Controls to Achieve Desired Built Form</p> <ul style="list-style-type: none"> • Consider alternative built form controls (plot ratio, site cover, building envelopes etc) • Consider alternative bonus height approaches (capped, non-capped, community needs, options to measure merit of bonus items) • Review precinct funding options – value capture, developer contributions, special area rates • Prepare development controls to achieve built form vision, including further stakeholder engagement 	<ul style="list-style-type: none"> • Ensures expectations of a wide range of stakeholders are understood and responded to. • Comprehensive approach ensures resistance to challenge 	<ul style="list-style-type: none"> • Actual outcome is not known (may or may not result in restriction on height) • Longer time frame than other options (estimated 3 years) • High demand on resources and costs, substantial costs associated with individual studies such as traffic modelling alone (may require Budget amendment) • Recommendations at end of process may not be supported by decision maker - WAPC • Complexity in formulating substantial modifications to CBACP which would only refer to Melville portion of precinct (not South Perth).

**P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – DIRECTION ON
PROJECT SCOPE (REC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

An engagement plan will form part of the project plan for the review of the CBACP. As a minimum Option A would include statutory advertising comprising a 28 day comment period on any proposed amendment. Options B and C would also include additional engagement phases to inform the review process.

II. OTHER AGENCIES / CONSULTANTS

The review of the CBACP will include ongoing liaison with representatives from the City of South Perth and the Department of Planning Land and Heritage. Amendments to Activity Centre Plans also require referral to infrastructure agencies such as Department of Transport, Water Corporation and Western Power.

STATUTORY AND LEGAL IMPLICATIONS

The process for amendment to an Activity Centre Plan is provided for in Schedule 2, Part 6, clause 45 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Regulations establish the circumstances in which the WAPC will consider a proposed amendment, the required content of the amendment and the requirements for public advertising.

FINANCIAL IMPLICATIONS

It is intended that the bulk of the supporting investigations for an amendment will be outsourced. Completion of scope of works under Options B and C involve commissioning of specialists across a range of disciplines and costs could be substantial. The cost of work is likely to exceed \$150,000 and accordingly may be required to be put to public tender. Sufficient funds are currently not budgeted to proceed with a project plan in keeping with the approaches under Options B and C. Re-allocation of Strategic Urban Planning project funds, mid year budget consideration and/or budget amendment will be required to fund this work.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The CBACP aligns with the City's strategic goals and responds in particular to Priority 3 of the Corporate Plan:

"Urban development creates changes in amenity (positive and negative) which are not well understood".

Under Priority 3 from the Corporate Business Plan key strategies are:

3. Facilitate higher density development in strategic locations, consistent with the local planning framework and structure plans, design guidelines for interface areas and ensure measured change in established areas and consideration of parking and traffic issues
4. Enhance amenity and vibrancy and enhancing community safety through streetscapes, public art, pedestrian and cycle paths, place making and creating well-designed, attractive public spaces.

P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – PROJECT SCOPE (REC) (ATTACHMENT)

The City's Local Planning Strategy seeks to provide for greater intensity of development within activity centres and along key transport corridors and to leave suburban residential areas relatively unchanged.

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Perceived lack of clarity experienced by various stakeholders (Elected Members, community, landowners, developers) as to how provisions of CBACP should be interpreted	Moderate consequences which are possible, resulting in a Medium level of risk	The review of the CBACP is intended to respond to these matters.
Preparation of amendment to CBACP provisions creates uncertainty and results in a loss of confidence for development industry with consequential reduced interest in development	Moderate consequences which are possible, resulting in a Medium level of risk	The review of the CBACP is intended to respond to these matters. A specific key outcome of the review is to provide certainty with respect to built form and clarity of the processes relating to awarding of additional height.
Stakeholder expectations regarding desired built form for the centre differ to those related to the regional objectives for the centre.	Moderate consequences which are possible, resulting in a Medium level of risk	The different options aim at responding to this risk in different ways. Option A seeks to establish the implications of the regional objectives in a timely manner. Option B seeks to respond to expectations by enhancing the processes relating to the awarding of bonus height. Option C seeks to move toward alignment and understanding between local and regional objectives relating to built form.

POLICY IMPLICATIONS

The outcomes of the review of the CBACP will establish the urban planning direction for the precinct. Council is also considering draft LPP 1.18 Canning Bridge Activity Centre Plan - Bonus Building Height Provisions. LPP 1.18 if adopted would continue to operate during the review of the CBACP. Dependent upon the direction of the review, future modification of the LPP is likely to be required.

**P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN PROJECT
SCOPE (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

This report focuses on the different options and approaches that a review of CBACP may take. Details of these alternative options and their implications are presented throughout the report.

In the event that the Council chooses not to proceed with a review of the CBACP then the existing provision will continue to apply. LPP 1.18 Canning Bridge Activity Centre Plan - Bonus Building Height Provisions if adopted would support the operation of the CBACP.

CONCLUSION

Three alternative approaches have been presented to assist Council in providing direction on a review of the CBACP. The three options describe different approaches aimed at responding to different issues and achieving different outcomes. Applicability (in general terms) of the different options and how suited they may be to the achievement of different outcomes is summarised below:

Option A - Target Approach:

Enables the City to clearly state its expectations regarding restriction of building height and to seek a timely response from the decision maker (WAPC) as to whether these expectations are achievable. This approach would suit a scenario where the Council wished to explore the possibility of imposing height controls such as limits to the amount of bonus height which may be awarded in a short timeframe. This approach also provides opportunity to separately work through other items for review identified by Council, once an understanding is reached on whether or not suggested height controls are achievable.

It is recommended that this approach be initiated by way of an amendment to the CBACP providing for the introduction of a five storey limit to any bonus awarded in the M10 zone. A five storey bonus height limit already forms part of the CBACP for quarters in the South Perth section of the Plan. Preparation of draft LPP 1.18 has also identified 15 storeys in the M10 zone as the magnitude of maximum building height envisaged by the CBACP in this zone. Whilst 15 storeys is currently not identified as the limit of height for M10 zones in the Melville portions of the plan, the CBACP does describe a desired scale and built form. The desired scale and built form is defined via a hierarchy of building heights identified across the H4, H8, M10 and M15 Zones. Desired Outcome Three also seeks to ensure the interface between these Zones is appropriately managed. This content has informed the identification of "building height thresholds" in draft LPP 1.18, such as the 15 storey threshold for the M10 zone. Under draft LPP 1.18 building heights above 15 storeys in the M10 zone are identified as potentially being inconsistent with the building height hierarchy provided for in the CBACP. An amendment to the CBACP provides opportunity to translate these building height thresholds into actual height limits. Commencement of an amendment to achieve this outcome is recommended.

**P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN – PROJECT
SCOPE (REC) (ATTACHMENT)***Option B - Review/Clarification of Existing CBACP Building Height and Bonus Provisions –
But Maintaining Existing Building Height/Built Form Vision:*

Enables the City to add additional clarity to the process and assessment related to the awarding of additional building height in exchange for design measures and community benefits (bonus items). The process may indirectly restrict height by investigating measures that make it more difficult for an applicant to achieve the pre-requisites to be considered for bonus height. In theory however, building height would not be capped and taller buildings may still be possible if an applicant is able to satisfy the more rigorous requirements.

This approach would suit a scenario where the Council is comfortable with the building heights envisaged under the current CBACP. This approach is not suitable if the Council wished to revisit the current CBACP objectives and intent in relation to building height.

Option C - Comprehensive Review of Building Height and Bonus Provisions (Define Desired Built Form and then Establish Controls to Deliver):

Enables a comprehensive review of the principles relating to the built form intended by the CBACP and creation of a corresponding set of controls to achieve the revised vision. This approach would suit a scenario where the Council wished to explore all of the items identified to date, including the possibility of imposing height controls and enhancing the process for determining when tall buildings may be approved, within a comprehensive process supported by stakeholder engagement and technical investigations. The approach would be lengthy and outcomes of the review, in particular the final decision by the WAPC, are not known. These factors would need to be taken into account if this approach was selected.

The need to respond to concerns raised in relation to building heights and the process in which bonus height is awarded is noted. Each of the options presented above provides for a degree of response to these concerns. Ordinarily an urban planning response to these issues would trigger the comprehensive review option (Option C). It is apparent that the key drivers for a review appear to revolve around one or both of the following:

- a desire to investigate potential to restrict height and/or cap the amount of bonus height
- a desire to improve the mechanisms used to assess bonus items (community benefits) and how these translate into bonus height.

Improvement to the mechanisms to assess bonus height (Option B) is likely to receive wide support from stakeholders. There is however uncertainty as to whether or not the decision maker (WAPC) is likely to entertain a proposal that seek restrictions on building height. If the Council's priority for the review process is to investigate and implement additional restriction on building height, then this uncertainty needs to be understood if embarking on the comprehensive review approach. Building a case for height restrictions under the comprehensive approach remains a viable option but the time to achieve a decision and uncertainty on the content of that decision are key factors. An alternative is to attempt to gain additional clarity early in the process on the question of whether or not restrictions on height are likely to be approved. Once a position on height restriction is known, the City will be better placed to effectively allocate resources and respond to the wider items identified for investigation.

Accordingly commencement of a staged approach to the review is recommended. Stage 1 would specifically explore the achievability of height caps (in M10) – Option A. Once a decision is reached on stage 1, this would inform the extent of additional work that could then be undertaken on enhancing the operation of the CBACP. That is, a staged roll out of Option B scope items and potentially Option C items dependent on the established position on the achievement of height restrictions.

**P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN –PROJECT
SCOPE (REC) (ATTACHMENT)****OFFICER RECOMMENDATION (3817)****APPROVAL**

At 7:18pm Cr Robins moved, seconded Cr Wieland –

That the Council:

1. in accordance with Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015, the Council resolves to accept and initiate the following amendment to the Canning Bridge Activity Centre Plan for the purposes of advertising:

Modification to paragraph one of the pre-requisites to the Bonus Provision associated with Elements 21 and 22 of the Canning Bridge Activity Centre Plan by adding an additional sentence, "In the M10 quarters of Kintail and Ogilvie (those quarters within the City of Melville), the maximum bonus height is 5 additional storeys."

2. directs the Chief Executive Officer to progress the following actions in relation to the Canning Bridge Activity Centre Plan:
 - a. a review, including scope items as outlined in Option B "Review/Clarification of Existing CBACP Building Height and Bonus Provisions" (3817 Scope Summary Option B) be progressed having regard to the outcomes of stage one.
 - b. a review of the remaining scope items under Option C "Comprehensive Review of Building Height and Bonus Provisions" (3817 Scope Summary Option C) particularly in relation to re-defining optimal built form and preparation of related planning controls, not be commenced until there is sufficient certainty that such measures are achievable.
 - c. investigations to support completion of scope items under Options B and C being outsourced.
 - d. to fund the completion of scope items under Options B and C (if applicable) through the reallocation of Strategic Urban Planning project funds and/or Council approval of budget amendments.
3. notes that a further report will be presented to Council at the conclusion of the advertising period to enable consideration of submissions and recommendations to the Western Australian Planning Commission.

P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN –PROJECT SCOPE (REC) (ATTACHMENT)

Amendment

At 7:21pm Cr Pazolli moved, seconded Cr Barton –

That point 1 of the Officer Recommendation be amended by:

- including after the words “In the M10”; the words “ and 15” and
- amending the bonus height from “5” to “3” additional storeys.

At 7:37pm Cr Robins left the meeting and returned at 7:39pm.

At 7:41pm Cr Woodall foreshadowed an amendment.

At 7:42pm during the discussion and the debate, the mover and the seconder agreed to the removal of the amendment associated with the amending the bonus heights from “5” to “3”.

Amendment

At 7:21pm Cr Pazolli moved, seconded Cr Barton –

That point 1 of the Officer Recommendation be amended by:

- including after the words “In the M10”; the words “ and 15”

At 7:44pm during the discussion and the debate, the mover and the seconder requested to revert to the original amendment including the amendment of the bonus heights from “5” to “3”.

Amendment

At 7:21pm Cr Pazolli moved, seconded Cr Barton –

That point 1 of the Officer Recommendation be amended by:

- including after the words “In the M10”; the words “ and 15” and
- amending the bonus height from “5” to “3” additional storeys.

At 7:59pm the Presiding Member submitted the motion, which was declared

LOST (5/6)

Vote Result Summary	
Yes	5
No	6

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

P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN –PROJECT SCOPE (REC) (ATTACHMENT)

Foreshadowed Amendment

COUNCIL RESOLUTION

At 8:00pm Cr Woodall moved, seconded Cr Macphail –

That point 1 of the Officer Recommendation be amended by:

- **including after the words “In the M10”; the words “ and 15”**

Reasons for the amendment as provided by Cr Woodall

1. Consideration be given to the Western Australian Planning Commission desire and that the five additional storeys in line with what is being applied in South Perth
2. This is an interim measure and will alleviate concerns while the full review is undertaken.

At 8:04pm the Presiding Member submitted the motion, which was declared

CARRIED (9/2)

Vote Result Summary	
Yes	9
No	2

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

P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN –PROJECT SCOPE (REC) (ATTACHMENT)**Substantive Motion as amended****COUNCIL RESOLUTION (3817)****APPROVAL**

At 7:18pm Cr Robins moved, seconded Cr Wieland–

That the Council:

1. in accordance with Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015, the Council resolves to accept and initiate the following amendment to the Canning Bridge Activity Centre Plan for the purposes of advertising:

Modification to paragraph one of the pre-requisites to the Bonus Provision associated with Elements 21 and 22 of the Canning Bridge Activity Centre Plan by adding an additional sentence, “In the M10 and M15 quarters of Kintail and Ogilvie (those quarters within the City of Melville), the maximum bonus height is 5 additional storeys.”

2. directs the Chief Executive Officer to progress the following actions in relation to the Canning Bridge Activity Centre Plan:
 - a. a review, including scope items as outlined in Option B “Review/Clarification of Existing CBACP Building Height and Bonus Provisions” ([3817 Scope Summary Option B](#)) be progressed having regard to the outcomes of stage one.
 - b. a review of the remaining scope items under Option C “Comprehensive Review of Building Height and Bonus Provisions” ([3817 Scope Summary Option C](#)) particularly in relation to re-defining optimal built form and preparation of related planning controls, not be commenced until there is sufficient certainty that such measures are achievable.
 - c. investigations to support completion of scope items under Options B and C being outsourced.
 - d. to fund the completion of scope items under Options B and C (if applicable) through the reallocation of Strategic Urban Planning project funds and/or Council approval of budget amendments.
3. notes that a further report will be presented to Council at the conclusion of the advertising period to enable consideration of submissions and recommendations to the Western Australian Planning Commission.

At 8:08pm the Presiding Member submitted the motion, which was declared

CARRIED (7/4)

**P19/3817 – REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN –PROJECT
SCOPE (REC) (ATTACHMENT)**

Vote Result Summary	
Yes	7
No	4

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

At 8:10pm the Mayor returned to the meeting.

At 8:10pm Deputy Mayor relinquished the Chair

At 8:10pm the Mayor assumed the Chair

At 8:10pm Cr Macphail left the meeting and returned at 8:13pm

**T19/3811 - SUPPORT FOR RESIDENTS WITH MANAGING DEBRIS FROM CITY TREES
(REC)**

Ward : All
 Category : Operational
 Subject Index : Tree Pruning
 Customer Index : City of Melville Technical Services
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Notice of Motion - May 2019 Ordinary Meeting of Council
 Works Programme : Operating Budget
 Funding : Not Applicable
 Responsible Officer : Jeff Bird
 Manager Natural Areas & Parks

AUTHORITY / DISCRETION

DEFINITION

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

**T19/3811 - SUPPORT FOR RESIDENTS WITH MANAGING DEBRIS FROM CITY TREES
(REC)****KEY ISSUES / SUMMARY**

- At the 21 May 2019 Ordinary Council Meeting, the Council supported a Proposed Notice of Motion to Support for residents with managing debris from City trees.
- The City undertakes a range of activities related to verge management and will continue to provide proactive tree maintenance services on City owned trees.
- The City's Age Friendly Melville Assistance Fund was set up for older residents, living in the City of Melville, to help them maintain their independence in their own home.
- A number of requests through this fund have been used to provide support to residents who are elderly and unable to remove tree debris from their verge or private property.
- The City's Age Friendly Melville Assistance Fund could be expanded with additional funding if required to support older residents with managing debris from City trees.
- Residents who live with a disability can be redirected to the relevant State and Federal agencies that may be able to assist with verge or private property clean up, as these organisations are best placed to manage these requests through established processes.

BACKGROUND

At the Ordinary Meeting of the Council on 21 May 2019 the Council resolved the following:

"That the Council:

1. *Acknowledges the problems that some residents experience with tree litter on their properties created by trees on City of Melville land.*
2. *Directs the Chief Executive Officer to investigate a mechanism by which the City can offer support to residents who are not physically able to remove from their property debris originating from a City of Melville tree. Investigations may include options such as replacement of the tree with a more appropriate species, regular tree maintenance (such as pruning) by City staff, a rebate for professional services engaged or a voucher for maintenance services. Consideration will also need to be given to how requests for support will be managed, and how needs will be assessed. Applications may be assessed on a case-by-case basis, or according to certain criteria.*
3. *Requests the Chief Executive Officer to deliver a proposal for the above to the August Ordinary Meeting of Council."*

**T19/3811 - SUPPORT FOR RESIDENTS WITH MANAGING DEBRIS FROM CITY TREES
(REC)**

The following reasons were presented in the Notice of Motion that was subsequently adopted:

1. Some residents, such as the elderly or those with special needs, are not physically able to remove debris such as leaves, branches, pine needles, nuts and berries from their property which are dropped from City of Melville trees such as street trees and trees on other City land.
2. This motion aims to provide support for the vulnerable in our community. Currently, no support is provided to those who struggle to remove the debris themselves, and often this lack of support results in financial costs for these residents. Some residents may have family or friends that they can call upon to assist, but for those who do not, it is likely they will need to pay someone to carry out the maintenance. Alternatively, they can allow the debris to accumulate, but this may result in a safety hazard or potential damage to property resulting from blocked gutters.
3. Under existing policy, a tree can be removed with agreement of both Ward Councillors and the Mayor. The introduction of support for some residents with managing debris from City trees as proposed aims to remove the need for tree removal in some cases.

This report discusses options and provides proposals in order to assist residents who are unable to maintain the accumulation of debris from trees managed by the City on their verge or private property.

DETAIL

The City has approximately 34,000 street trees and numerous trees in parks which are in close proximity to residential properties. With a large number of trees across the City, there will always be conflict between trees and residential properties in terms of debris finding its way to residential verges or private property.

In addition, the City has developed and adopted the Urban Forest Strategic Plan (UFS) 2017-2036 which provides a high level overview of the City's approach to tree management on City land and is supported by CP-029 Tree Policy. The implementation of the UFS plan will result in increased tree numbers within the City and potentially may further add to tree debris being generated and distributed across the City.

Throughout the year the City receives a large number of requests for trees to be pruned or removed to reduce the accumulation of debris on private property, verges, footpaths and roads. The City is responsible for all pruning, maintenance and removal works on street and park trees. This work is undertaken by City staff or the City's Contractor.

Complaints received to date regarding tree debris on private property include:

- concerns with litter collecting in gutters which can cause over-spill and internal flooding;
- litter build up on paved areas which can become trip or slip hazards, on garden beds and lawns; and
- increasing garden maintenance requirements and frequency, as well as leaves clogging pool filters.

**T19/3811 - SUPPORT FOR RESIDENTS WITH MANAGING DEBRIS FROM CITY TREES
(REC)**

There have been no claims for damage to private property made to the City's insurers in relation to leaf or small tree debris over the last 12 months, although there have been claims submitted in relation to larger branches impacting on fences and vehicles.

Current Support for ResidentsAge Friendly Melville Assistance Fund

The City's Age Friendly Melville Assistance Fund (previously known by as the Senior's Assistance Fund) was established in 2001 for older residents, living in the City of Melville, to help them maintain their independence in their own home. The fund offers a choice of short term or one-off support services to older residents within the City. Recipients of funding assistance are required to make a contribution of 10% of total costs for the support provided. This contribution was aligned to the contribution that recipients of the former Commonwealth Government Home and Community Care Program were required to make for services.

The City's Age Friendly Melville Assistance Fund is managed by Chorus (previously known as Care Options Incorporated) who have a contract with the City until June 2020 to administer and coordinate the program on behalf of the City. Chorus pays directly any contractors engaged for services, no funds are paid to residents.

The stated outcomes of the Age Friendly Melville Assistance Fund program for older residents of the City of Melville include the following:

- That they are supported to remain in their own homes and live independently;
- Supported if they experience financial hardship;
- Provided with an opportunity to increase their quality of life.

Fund applicants should meet the following eligibility criteria:

- Has not received assistance in the current financial year;
- Be over 60 years;
- Be a resident of the City of Melville;
- Only urgent need covered and the full capped amount of \$500 is not an entitlement;
- Have considered other alternatives for funding prior to their application;
- Applicants are prioritised on the level of financial hardship;
- Any services/goods requests must be essential to the wellbeing, rehabilitation and safety of the applicant;
- An applicant contribution of 10% towards the total cost may be required by all successful applicants, depending on their income level as assessed.

In cases where residents are not physically able to remove debris caused by a City tree, the City's Parks Teams do not generally become involved. Residents are advised of the City's Age Friendly Melville Assistance Fund when requesting assistance with general gardening activities.

**T19/3811 - SUPPORT FOR RESIDENTS WITH MANAGING DEBRIS FROM CITY TREES
(REC)**Waste Collection

The City has traditionally supplied a general waste bin which can be used by residents to dispose of tree debris collected from their property. The roll out of the three bin FOGO bin system has commenced across the City with a large 240L green organics bin which will be able to be used by residents and will be picked up by the City on a weekly basis as part of their normal kerbside collections.

The City also provides green waste verge collections three times each year, which enables bagged debris to be collected, however the timing of leaf fall does not always coincide with collection dates.

Debris Clearance - Road Sweeping

The City has a proactive road sweeping programme which includes all roads being swept 4-6 times per year, depending on demand. The City does consider additional services over the autumn/winter period to manage leaves from trees on request.

Pruning of Trees

The pruning of City owned trees is undertaken by the City, as deemed necessary to:

- clear the canopy or branches from interference with overhead services and/or poles;
- remove overhanging branches considered hazardous to traffic, pedestrian, buildings or structures;
- remove low branches considered hazardous to pedestrians or traffic, or impeding statutory signage;
- remove dead, dying, pest infested or diseased branches or abnormal growth;
- define form, structure or framework of the tree, conducting preventative maintenance; and
- be in accordance with AS 4373 Pruning of Amenity Trees, or as specified by the City.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No external engagement has been carried out.

II. OTHER AGENCIES / CONSULTANTS

Discussion has taken place with the Neighbourhood Development Coordinator responsible for overseeing the contract with Chorus to deliver the City's Age Friendly Melville Assistance Fund in order to gain an appreciation and understanding of the work activities and costs associated with gardening type work that would fall under the verge debris area.

Other investigations included a request for information through the Perth Parks Managers network asking if other Local Governments have, or were planning to introduce, a programme for cleaning up of tree debris on verges or private property.

**T19/3811 - SUPPORT FOR RESIDENTS WITH MANAGING DEBRIS FROM CITY TREES
(REC)**

Based on the feedback provided, it is apparent that no other Local Governments in the Perth Metropolitan region who responded advised that a service to remove tree debris from verges and private property was in place, other than the removal large branches which fall periodically and obstruct the verge.

A number of Local Governments will carry out mowing of unkempt verges for visual amenity purposes from time to time, however most local governments including the City of Melville do not offer this service and rely upon residents to keep the verge tidy and maintained.

STATUTORY AND LEGAL IMPLICATIONS

If City officers were required to conduct work on private property, then further investigations would need to take place to ensure compliance with insurance requirements and an assessment of public liability implications.

FINANCIAL IMPLICATIONS

The City's Age – Friendly Melville Assistance Fund provides \$75,000 annually to City of Melville residents who qualify for the program, brokered through Chorus.

Over the past three years, an analysis of costs associated with requests related to debris clean up, mainly gardening and gutter cleaning, equated to the figures below:

- 2015-2016 - 17 requests equating to \$9,982.00
- 2016-2017 - 11 requests equating to \$4,721.00
- 2018-2019 - 18 requests equating to \$8,301

It should be noted however that is difficult to determine exactly how much of this expenditure is directly related to City owned trees causing the mess that led to the requests for assistance.

Requests are received for general garden maintenance, therefore it can be concluded that only a portion of the above requests are likely to have been attributed to debris caused by City trees.

The Age Friendly Melville Assistance Fund also assists with emergency respite; minor home modifications critical to support someone in their own home; minor mobility equipment aids; and minor critical home maintenance.

A contributing factor requiring consideration as part of this request is the ageing population in the City of Melville. According to the 2016 ABS Census information, the City of Melville has an ageing population and a higher proportion of persons of post retirement age than Greater Perth.

	City of Melville	Greater Perth
Residents aged over 65	24.9%	19%
Residents aged 70 – 84	9.8%	7.5%
Residents aged over 85	3.3%	1.8%

**T19/3811 - SUPPORT FOR RESIDENTS WITH MANAGING DEBRIS FROM CITY TREES
(REC)**

Based on the Census information, the take up of this service is anticipated to increase over time consistent with the ageing population data.

The City will monitor this budget in ongoing years and seek further funding if required.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of increased maintenance expenditure due to an ageing population.	Insignificant financial consequences which are Likely, resulting in a Low level of risk.	Ensure adequate funds are budgeted in the Age Friendly Melville Assistance Fund.
Risk of requests increasing from the greater community.	Insignificant financial consequences which are Likely, resulting in a Low level of risk.	Ensure the Age Friendly Melville Assistance Fund qualification criteria is strictly managed.
Risk of poor customer experience utilising the Aged Friendly Assistance Fund.	Minor reputational consequences which is Possible, resulting in a Medium risk	Ensure quality Tender specifications and excellent Contract management.

POLICY IMPLICATIONS

CP-029 Tree Policy and the Urban Forest Strategic Plan (UFS) 2017-2036 need to be considered, if alternative options are supported that would result in the loss of tree canopy.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Options for Consideration

Option 1 - Removal of the tree as a result of residents not being able to collect debris based on their physical limitations.

As per CP-029 Tree Policy, the City at its discretion will consider removal of a tree under a number of circumstances, one of those being:

“The Mayor and the Ward Councillors, with agreement from the Director Technical Services, agree that the tree is inappropriate.”

This aspect of the Tree Policy has rarely been utilised and in no case has a tree been removed due to excessive leaf litter. The UFS Plan is a strategy with a number of key outcomes including maintaining the City’s canopy cover. Any decisions that result in the removal of trees due to debris would undermine the UFS and add further complications to managing an already decreasing tree canopy cover across the City.

**T19/3811 - SUPPORT FOR RESIDENTS WITH MANAGING DEBRIS FROM CITY TREES
(REC)**

Option 2 – City staff undertake verge and private land maintenance to manage tree debris.

This option involves the City taking a much more active role in verge maintenance as well as entering private property to carry out maintenance work. Currently the City will only conduct maintenance of verges adjacent to City property.

The City does maintain trees on all verges, including those adjacent to private property, however this maintenance work relates mainly to pruning and other forms of tree care and does not include the cleaning up leaves or smaller debris associated with these trees.

The City's maintenance teams are not currently resourced to carry out verge or private property maintenance demands and requirements. In addition, there would need to be funding allocated in order for City officers to investigate each request for assistance and determine if the resident meets the eligible criteria for maintenance.

The implementation of this option would require the City to increase employee resources both operationally and administratively. In addition consideration would need to be given to risk insurance and Occupational Safety & Health implications with City staff working on private property.

Option 3 – That the City monitor requests for assistance in managing tree debris (caused by City trees) and propose an increase for consideration, if required, to the City's Age Friendly Melville Assistance Fund at the mid-year budget review.

Given the current demand for assistance in managing tree debris caused specifically by City trees is unclear, the City could actively monitor such requests for an interim period and consider the allocation of additional funds to the City's Age Friendly Melville Assistance Fund at a later date.

The current contractor Chorus is responsible for administering and coordinating the program on behalf of the City until June 2020. An additional allocation of funds would require attention at an operational level in facilitating changes to how the fund operates along with the contractor. If the additional allocation is to be specifically designated for managing tree debris caused by City trees, a clear process will need to be established to support assessment of these applications in conjunction with the City. It would also be communicated to the contractor that where the debris is clearly from City of Melville trees the requirement for a contribution of 10% towards the total cost would not be requested. This would also be tracked to understand any impact on the Fund.

CONCLUSION

The City's Parks teams do not presently become involved with actioning requests that relate to maintenance on verges or private property as a result of debris dropped from City owned trees. When these types of requests are submitted by residents, the City responds to the resident advising of the City's position.

**T19/3811 - SUPPORT FOR RESIDENTS WITH MANAGING DEBRIS FROM CITY TREES
(REC)**

From time to time, residents have been advised to access the Age Friendly Melville Assistance Fund for support, if the City representative believes the resident is likely to meet the qualification criteria. As the financial information indicates, this service has proven to be popular over the years with a number of residents who meet the criteria accessing this service and could be further enhanced with possible additional funding if required, to manage debris caused by City trees.

In addition the City will continue to offer the following services:

- Debris clearance – through road sweeping;
- Waste collection – Additional green waste collection capacity through the FOGO three bin system;
- Proactive tree maintenance service – involving pruning of trees under powerlines, actioning agreed pruning requests and preventative/structural pruning; and
- Community education on the importance of trees and the benefits they provide to residents and streetscape amenity

In summary, it is recommended that the City continue with its proactive tree maintenance programmes as well as continue to encourage the City's elderly residents to seek assistance with maintenance of tree debris on verges and private property through the City's Age Friendly Melville Assistance Fund. Officers recommend Option 3 as outlined above. Requests for removal of tree debris will be monitored to understand impact on the Fund and any required increases would be considered at the mid year budget review.

In addition, when the Fund is accessed it is recommended the contractor be advised to not require a contribution to the total cost where a City owned tree is clearly shown to be causing the debris.

For residents that don't meet the City's Age Friendly Melville Assistance Fund criteria and are having difficulty maintaining their leaf debris due to a disability, the City's contractor Chorus is able to assist the resident in accessing other State and/or Federal assistance schemes available for this type of support. Funding support for these residents may be provided by agencies, such as RUAH Community Services, People Who Care, Homeswest, Chorus and others (e.g. Lions or Rotary).

It is recommended that City refers those who live with a disability to these agencies when they contact the City in regards to managing debris from City trees as they have established processes for assessment purposes and networks of support organisations that may be able to assist.

**T19/3811 - SUPPORT FOR RESIDENTS WITH MANAGING DEBRIS FROM CITY TREES
(REC)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3811) APPROVAL****That the Council:**

- 1. Endorses the provision for elderly residents to access the City of Melville Age Friendly Assistance Fund for removal of tree debris on private land caused by City trees and that it be recommended to Chorus that no financial contribution is requested from the resident.**
- 2. Supports monitoring of the City of Melville Age Friendly Melville Assistance Fund to ascertain the impact on the Fund, and if required, a funding increase would be proposed for consideration at the mid year budget Review.**

At 8:49pm the Mayor submitted the motion, which was declared

CARRIED ENBLOC (12/0)

**T19/3813 - SOUTHERN METROPOLITAN REGIONAL COUNCIL - WITHDRAWAL
ARRANGEMENTS FOR A PROJECT PARTICIPANT (CITY OF COCKBURN) (REC)
(CONFIDENTIAL ATTACHMENT)**

Item brought forward
See page 75

**CD19/8115 - INVESTIGATION FOR A SUITABLE LOCATION FOR A MENS SHED (REC)
(ATTACHMENT)**

Item brought forward
See page 46

CD19/8116 FORMER KINDERGARTEN SITE - 2 LAWLOR ROAD ATTADALE (REC)

Item brought forward
See page 19

CD19/8117- CULTURAL AWARENESS POLICY (REC) (ATTACHMENT)

Ward	: All
Category	: Policy
Subject Index	: Aboriginal – Reconciliation
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	: Proposed Notice of Motion Ordinary Meeting of the Council on 21 May 2019
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Kayleigh Ellis Coordinator Community 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 (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>

CD19/8117- CULTURAL AWARENESS POLICY (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- At the May 2019 Ordinary Council meeting a Proposed Notice of Motion and Substantive Motion as Amended was submitted to request a draft Cultural Awareness Policy be brought to the Elected Members Information Session for discussion before being presented to the August 2019 Ordinary Meeting of Council
- A briefing was provided to Elected Members at an Elected Members Information Session on the 30 July 2019.
- The Council has endorsed the Reconciliation Action Plan at the June 20 2017 Council Meeting. The Cultural Awareness Policy builds on these principles

BACKGROUND

At the Ordinary Meeting of Council on 21 May 2019 the Council resolved the following;

That the Council acknowledges-

That in June 2017 the City of Melville was the first local government in Western Australia to endorse a Stretch Reconciliation Action Plan (RAP) and remains one of only one of two Local Governments in Western Australia to have one. A 'Stretch' RAP represents the third stage in a series of four as outlined in the reconciliation program by Reconciliation Australia, the City's Stretch RAP builds on Relationships, Respect and Opportunities.

That the Council requests the Chief Executive Officer, guided by the City of Melville Stretch RAP 2017- 2021 and other related City Strategies and Policies, to draft a new Council Policy on Cultural Awareness which includes or considers the following:

1) That investigations be conducted to draft an Acknowledgement of Country that is unique to the Whadjuk history and Cultural uniqueness of the Bibbulmun people that exists within the City of Melville district.

2) That the draft Cultural Awareness Policy is brought to an Elected Members Information Session for discussion before being presented to the August 2019 Ordinary Meeting of Council.

CD19/8117- CULTURAL AWARENESS POLICY (REC) (ATTACHMENT)

This report aims to provide further background and detail to these considerations in order that an appropriate and meaningful Cultural Awareness Policy is introduced to support activities across the Council.

DETAIL

According to the 2016 Census, 1% of the total population Melville residents identify as Aboriginal or Torres Strait Islander, as compared to the greater Perth area of 1.6%. The City employs 1 FTE equivalent Community Development Officer – Aboriginal Engagement, which is currently shared between two members of staff working across the City. These Staff promote and build relationships within the local Aboriginal community to ensure their aspirations are reflected in the current Directions from Aboriginal Community Supporting Document 2016-2019 which in turn informs the development and implementation of our Reconciliation Action Plan (RAP).

Working in partnership with local Aboriginal and Torres Strait Islander people and being open to mutual learning alongside one another demonstrates respect and is essential to developing relationships that are both meaningful and fruitful for the broader community. Reconciliation with Aboriginal and Torres Strait Islander people is essential in promoting inclusion for all; addressing race relations, equality and equity, unity, institutional integrity and historical acceptance (the five dimensions of Reconciliation) alongside our First Nations People supports a community where all have opportunity to experience belonging.

The Cultural Awareness Policy identifies the City of Melville's commitment to the process of reconciliation with Aboriginal and Torres Strait Islander people and reaffirms the goals and objectives of the Council endorsed Reconciliation Action Plan.

Current examples of partnership with Aboriginal and Torres Strait Islander people

The City of Melville's RAP Continuous Improvement Team (RAP CIT) actively monitors RAP development and implementation. The group includes Aboriginal and Torres Strait Islander people and meets four times per year. The RAP CIT promotes opportunity for mutual learning and seeks to secure the voice of Aboriginal and Torres Strait Islander people as consistently welcomed and reflected in the activity of the Council in delivering on our commitment to reconciliation. The RAP CIT affirmed in their June 2019 meeting that the reference to the "Bibbulmun" and "Whadjuk" people in the cities existing Acknowledgment of Country is inclusive and preferable to referencing "Noongars" which specifically refers to men only. It is a measure of success of the RAP in demonstrating respect for Aboriginal and Torres Strait Islander culture that an Acknowledgement of Country is delivered at all public events and at the commencement of important internal meetings.

Each year the City joins in celebrating both National Reconciliation Week and National Aborigines and Islanders Day Observance Committee (NAIDOC) Week; events are hosted with Elected Members and Staff, along with events welcoming in the broader community. Participating in these celebrations is important in increasing awareness of the status and treatment of Aboriginal and Torres Strait Islander Australians, of our shared histories, cultures and achievements and of how each of us can contribute to achieving reconciliation in Australia. These events also provide opportunity for the City to formally recognise the value of cultural practice.

CD19/8117- CULTURAL AWARENESS POLICY (REC) (ATTACHMENT)

Our current RAP identifies that a minimum of three Aboriginal location names should be included on dual signage per year. RAP CIT members are proactive in working to identify and acknowledge “Sites of Cultural Significance” and to facilitate the introduction of signage reflecting significance. Early in July, a letter was received by our CEO from the Minister for Lands and Minister for Local Government encouraging the City to become an active and celebratory participant in embracing Aboriginal language names by bringing forward proposals for place naming. A whole of council response to this would prove significant in demonstrating respect for Aboriginal and Torres Strait Islander culture.

Cultural Awareness Training is facilitated through the Community Development Officer – Aboriginal Engagement and is made available to both staff and community members across the City of Melville. Importantly, training is delivered by First Nations People.

Reconciliation with Aboriginal and Torres Strait Islander people is essential in promoting inclusion for all; addressing race relations, equality and equity, unity, institutional integrity and historical acceptance (the five dimensions of Reconciliation) alongside our First Nations People supports a community where all have opportunity to experience belonging.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No specific external engagement has been carried out regarding the Cultural Awareness Policy, however consultation undertaken with reference to the City’s Stretch RAP 2017-2021 is also relevant here.

Stakeholder engagement with the following did contribute to the RAP:

- RAP 2013-2016 Continuous Improvement Team, including staff and local community members. Members had responsibility for past actions and were invited to comment on successes and challenges of the *2013-2016 RAP*. From this feedback, actions were maintained and added as new items.
- Djidi Djidi Aboriginal Women’s Group was invited to attend Continuous Improvement Team meetings. Their input was ongoing for the duration of the *2013- 2016 RAP* and was used to develop *CoM Stretch RAP 2017-2021*.
- Walyalup Reconciliation Group representatives were invited to RAP CIT meetings. In addition City of Melville staff regularly attends Walyalup Reconciliation Group meetings to give updates and seek input on RAP actions.
- RAP 2017-2021 Continuous Improvement Team including staff and local community members was created to comment on the development of the City’s Stretch RAP 2017- 2021. This group continues in the RAP Continuous Improvement Team.

CD19/8117- CULTURAL AWARENESS POLICY (REC) (ATTACHMENT)

II. OTHER AGENCIES / CONSULTANTS

Discussion has taken place with staff working in the area of Aboriginal Engagement across alternate Local Government Areas around Australia. A number of Councils reference matters relating to Cultural Awareness in their Social Sustainability Plan/Strategic Plans or similar, whilst others have policies relating to matters concerning protocols for Aboriginal and Torres Strait Islander communication, consultation and consent. A number of Local Governments also have established RAP's and work with groups similar to the RAP CIT in monitoring its implementation and development.

Although not directly consulted with regards to the development of this Policy, the City regularly consults with representatives from the South West Area Land and Sea Council (SWALSC) around Aboriginal Engagement across the Council area more generally. SWALSC have reviewed the City's Directorate Procedure "Welcome to Country and Acknowledgement of Country", Operational Policy "Welcome to Country and Acknowledgement of Traditional Owners" and Supporting Document "Welcome to Country and Acknowledgement of Country Elders" as part of this consultation.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory and legal implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
The Cultural Awareness Policy is not endorsed by Council	Likelihood – Possible Consequence Moderate Medium	Ensure key stakeholders are appropriately advised regarding the outcome Continue development and implementation of RAP Goals and Objectives

POLICY IMPLICATIONS

There are no alternate Policy Implications associated with this report

CD19/8117- CULTURAL AWARENESS POLICY (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

1 – Continue to utilise the RAP only as the City's commitment to reconciliation

The City of Melville RAP is well supported within the City. Essential to the successful measure of RAP goals and objectives is support from all levels of the organisation and broader community. As genuine inclusion is not possible without a focus on reconciliation with First Nations People, Elected Members have an opportunity to demonstrate leadership in this area by supporting the introduction of the Cultural Awareness Policy including meaningful action in accordance with the goals and objectives of the RAP.

CONCLUSION

Supported and guided by the broader Aboriginal and Torres Strait Islander community (facilitated through the Community Development Officer – Aboriginal Engagement), the City currently participates in the process of reconciliation in accordance with our RAP. Whilst Actions included in the RAP assist in developing and implementing culturally appropriate practices that reflect this commitment on an operational level, support for an overarching policy is an opportunity to demonstrate leadership and advocacy to the process of reconciliation and inclusion for all community members.

OFFICER RECOMMENDATION (8117)**APPROVAL**

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

That the Council endorses the Cultural Awareness Policy
[8117 Cultural Awareness Policy](#)

Amendment

At 8:12pm Cr Barling moved, seconded Cr Robins –

That the Council endorses the Cultural Awareness Policy with the following additions to the end of the Policy Statement:

- 1. An Acknowledgement of Country will be given by the Mayor or Presiding Member at every public meeting of Council as well as be written in the foreword of agendas and minutes.**
- 2. Elected Members be provided with the opportunity for ongoing cross cultural awareness training every two years and aligning with the timing of the induction training for newly elected Councillors.**

At 8:21pm the Mayor submitted the motion, which was declared

LOST (4/8)

CD19/8117- CULTURAL AWARENESS POLICY (REC) (ATTACHMENT)

Vote Result Summary	
Yes	4
No	8

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8117)

APPROVAL

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

**That the Council endorses the Cultural Awareness Policy
[8117 Cultural Awareness Policy](#)**

At 8:23pm 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 Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Mayor	Yes
Cr Woodall	No

CD19/8118 – FENCED DOG EXERCISE AREA (REC)

Item brought forward
See page 90

CD19/8119 - POTTERS AND ART STORAGE FACILITY AT ATWELL HOUSE (AMREC)

Item brought forward
See page 39

**M19/5698 – NEW COUNCIL POLICY – DEPUTATIONS TO THE COUNCIL (REC)
(ATTACHMENT)**

Ward	: All
Category	: Policy
Subject Index	: Policy and Policy Development Council Administration – Policy & Policy Development
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	: Motion With Notice – 16.3 Proposed Policy on Deputations at the Agenda Briefing Forum- February 2018 – 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 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>

**M19/5698 – NEW COUNCIL POLICY - DEPUTATIONS TO THE COUNCIL (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council held 20 February 2018, it was resolved that a policy on Deputations at Agenda Briefing Forums be developed.
- A proposed policy has been developed, taking into consideration the requirements of the *City of Melville Meeting Procedures Local Law 2017*.
- This report recommends the adoption of the policy commencing 1 October 2019.

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 1995, Regulations and Department of Local Government, Sport and Cultural Industries Guidelines as well as any other applicable law and City of Melville Policy, draft a new Council Policy on Deputations at the Agenda Briefing Forum, and considers the following:

1. *That the proposed Council Policy on Deputations at the Agenda Briefing Forum incorporate the ‘Guidelines & Protocols for Deputations at the Agenda Briefing Forum’ that are currently published on the City of Melville website;*
2. *The Policy includes the relevant form ‘Request for Deputation at Meetings’ as part of the same document;*
3. *That the City may be guided by the Policies of other WA and Australian Councils that have similar policies on deputations at public meetings;*
4. *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 an Ordinary Meeting of Council.”*

DETAIL

The *Local Government Act 1995* and the associated Regulations do not currently provide any specific guidance or requirements in relation to the presentation of deputations to the Council.

During mid-2018, the City engaged the Western Australian Local Government Association (WALGA) to review the City’s formal meeting structure, with the review giving consideration to the City’s deputation process and requirements. The WALGA review noted that:

“The purpose of a deputation process is to present to Council relevant information on behalf of an individual or group who has an interest in an issue that is before Council. Council is making a decision that will affect that interest and the deputation process affords that individual or group the right to present its case to Council.”

**M19/5698 – NEW COUNCIL POLICY – DEPUTATIONS TO THE COUNCIL (REC)
(ATTACHMENT)**

The review also found that deputations are a useful means for the public to provide information to Elected Members on matters that are before the Council for debate and decision. With no legislative guidance on this matter, it is important that clear, publicly available guidelines are established in regard the deputation process.

The review also found that the Agenda Briefing Forums were the appropriate forum for Elected Members to obtain relevant information on matters on the agenda, to assist them in their decision making processes.

The new policy has been developed to complement the existing Meeting Procedures Local Law in its existing format. It is noted however, that the Council has resolved changes to the Local Law, specifically in relation to deputations and those proposed changes have also been taken into consideration in the development of the policy.

The proposed policy was presented to Elected Members at an Elected Members Information Session. Minor changes were made to the draft proposed policy based on the discussion and questions at that meeting, with the updates shown in red on the attached proposed new policy [5698 Deputations to the Council](#)

The new policy provides guidance and direction on the management of Deputations:

- with a preference for deputations to be provided at Agenda Briefing Forums;
- deputations at Ordinary Meetings require approval of the Council (any more than 2);
- Limit of 10 minutes per deputation; and
- Provides clarity on the term “direct interest”.

The term “direct interest” has been a matter of discussion in recent times. This term is referred to in the Meeting Procedures Local Law in relation to deputations. In order to provide some clarity to the community on this terminology a definition, as implied in the Local Law, has been included in the proposed policy until a complete review of the Meeting Procedures Local Law is undertaken.

The Council recently resolved to include key points of a deputation in the minutes of an Ordinary Meeting of the Council. This has prompted a review of the Request for Deputation form, in conjunction with the development of the proposed policy. The revised Request for Deputation form provides:

- an opportunity for the requester to provide more complete information on their request to present a deputation; and
- guidelines for deputations (in line with the proposed policy) so they may better understand the deputation process.

These changes will assist in streamlining the current process. It is proposed that the new policy be commenced from 1 October 2019 to allow for new Policy and revised Request Form to be implemented and to allow the community become familiar with the new process.

**M19/5698 – NEW COUNCIL POLICY – DEPUTATIONS TO THE COUNCIL (REC)
(ATTACHMENT)**

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No comment has been sought from the community and will be reviewed upon implementation in order to determine practical acceptance and workability by community as well as by Council.

II. OTHER AGENCIES / CONSULTANTS

A desk top review of the policies and practices in other local governments in relation to deputations was undertaken.

STATUTORY AND LEGAL IMPLICATIONS

There are no specific references to deputations in the *Local Government Act 1995* or the associated Regulations.

The *City of Melville Meeting Procedures Local Law 2017 – Clause 7.10* specifically addresses deputations to meetings of the Council and the development of this policy seeks to provide greater clarity for the community and the administration in the management of requests for deputations.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the implementation of the proposed new policy.

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 processes.	Moderate consequences which are possible, resulting in a Medium 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 and community expectations.

POLICY IMPLICATIONS

The proposed new policy - Deputations to the Council has been developed to support the current *City of Melville Meeting Procedures Local Law 2017* and is another step to provide better transparency to the community on the processes that support the Council's meeting and decision making forums.

**M19/5698 – NEW COUNCIL POLICY – DEPUTATIONS TO THE COUNCIL (REC)
(ATTACHMENT)**

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could resolve not to adopt the proposed new Deputations to the Council Policy, and if Council chose to take this course, the current practices 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 this policy supports this aspiration and provides clear guidance to the community on how they can provide input, through deputations, to the Council's decision making processes.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5698) APPROVAL

At 8:24pm Cr Macphail moved, seconded Cr Barton –

**That the Council approves the new Council Policy –
[5698 Deputations to the Council](#) for implementation from 1 October 2019.**

At 8:48pm 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 Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Barton	No
Cr Kepert	No
Cr Pazolli	No

At 8:26pm Cr Wheatland left the meeting and returned at 8:29pm.

At 8:28pm Cr Woodall left the meeting and returned at 8:31pm.

At 8:29pm Mr Bird left the meeting and returned at 8:33pm.

At 8:42pm Cr Pazolli left the meeting and returned at 8:44pm.

M19/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 19 June 2019 up to and including 24 July 2019 for the Council's noting.

M19/5000 – 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
CS2124	City of Melville and Melville Bridge Club	Lease Agreement for 20 years commencing on 1 March 2019 and expiring 28 February 2039	5168518
CS2125	City of Melville and Water Corp	To enable works (Footpath and Planning) and access over Water Corp Land Temby Court, Kardinya	5191013
CS2127	City of Melville and The Strata Company for Cirque	Deed of Agreement for the provision and maintenance of community benefit items	5075936

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

M19/5000 – COMMON SEAL REGISTER (REC)**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for the Elected Members' information.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5000) NOTING

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 19 June 2019 up to and including 24 July 2019.

At 8:49pm the Mayor submitted the motion, which was declared

CARRIED ENBLOC (12/0)

C19/6000 – PRELIMINARY INVESTMENT STATEMENTS FOR JUNE 2019 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the preliminary investment statements for the period ending 30 June 2019 for the Council's information and noting.

Final investment figures for the year end are yet to be finalised as inter fund transfers between accounts still need to be undertaken as part of year end processing.

C19/6000 – PRELIMINARY INVESTMENT STATEMENTS FOR JUNE 2019 (REC)

BACKGROUND

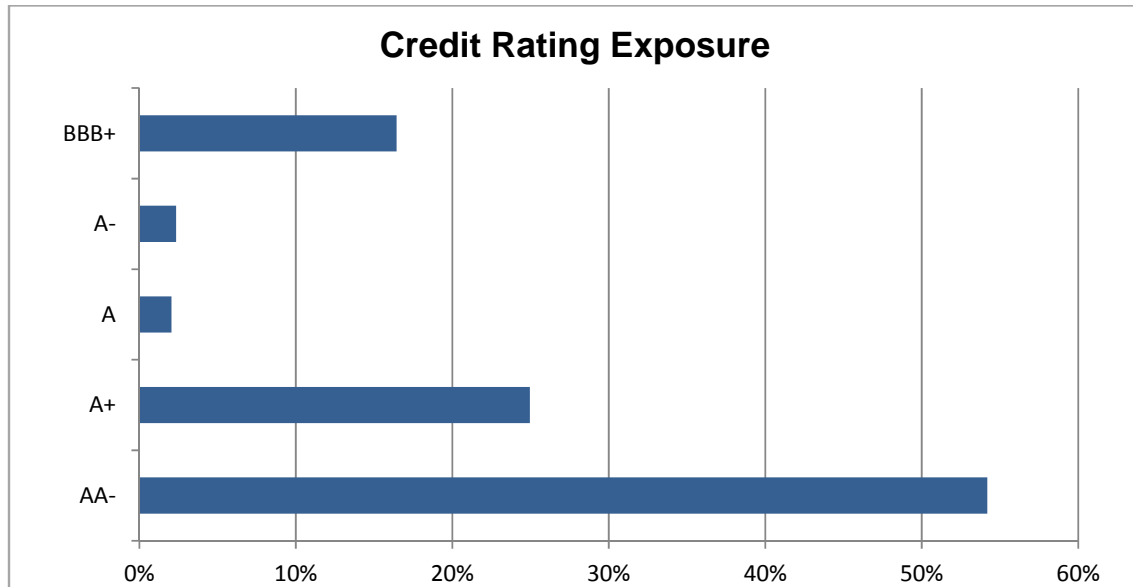
The City has cash holdings as a result of timing differences between the collection of revenue and its expenditure. Whilst these funds are held by the City they are invested in appropriately rated and liquid investments.

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

DETAIL

The following statement details the investments held by the City as at 30 June 2019.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 JUNE 2019	
SUMMARY BY FUND	
	\$
Municipal	\$ 28,019,790
Reserve	\$ 141,272,894
Trust	\$ 923,201
Citizen Relief	\$ 218,371
TOTAL	\$ 170,434,255
SUMMARY BY INVESTMENT TYPE	
	\$
11AM	\$ 2,141,560
31Days at Call	\$ 6,000,000
60Days at Call	\$ 2,000,000
90Days at Call	\$ 14,100,000
Term Deposit	\$ 146,017,524
Units (Local Govt Hse)	\$ 175,171
TOTAL	\$ 170,434,255
SUMMARY BY CREDIT RATING	
	\$
AA-	\$ 92,259,083
A+	\$ 42,500,000
A	\$ 3,500,001
A-	\$ 4,000,000
BBB+	\$ 28,000,000
Units (Local Govt Hse)	\$ 175,171
TOTAL	\$ 170,434,255

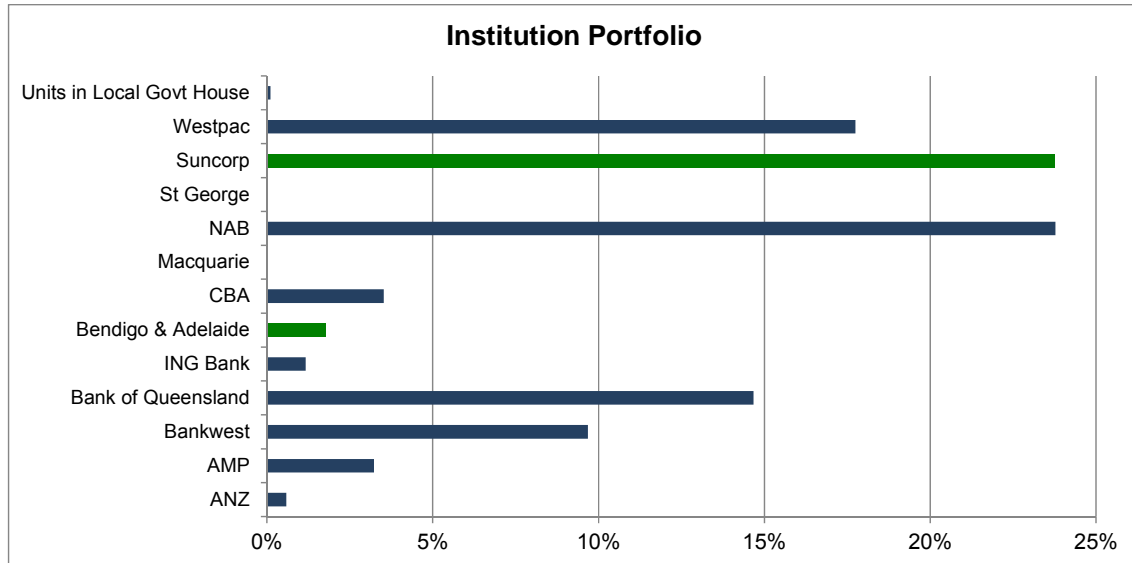
C19/6000 – PRELIMINARY INVESTMENT STATEMENTS FOR JUNE 2019 (REC)


As at: 30 June 2019

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-	\$ 1,000,000	0.59%	0.59%	30%	No	
AMP BANK (TERM)	TERM	A	\$ 5,500,001	3.23%	3.23%	25%	No	
BANKWEST (TERM)	TERM	AA-	\$ 16,500,000	9.68%	9.68%	30%	No	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	\$ 25,000,000	14.67%	14.67%	15%	No	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	BBB+	\$ 3,000,000	1.76%	1.76%	15%	Yes	3,000,000
COMMONWEALTH BANK (TERM)	TERM	AA-	\$ 6,000,000	3.52%	3.52%	30%	No	
ING BANK (TERM)	TERM	A-	\$ 2,000,000	1.17%				
ING BANK (FRITD)	FRITD	A-	\$ -	0.00%	1.17%	25%	No	
MACQUARIE BANK (TERM)	TERM	A	\$ -	0.00%	0.00%	25%	No	
NAB (TERM)	TERM	AA-	\$ 40,517,523	23.77%	23.77%	30%	No	
ST GEORGE BANK (TERM)	TERM	AA-	\$ -	0.00%	0.00%	30%	No	
SUNCORP METWAY LTD (TERM)	TERM	A+	\$ 40,500,000	23.76%	23.76%	25%	Yes	\$ 40,500,000
WESTPAC (MAXI BONUS 1)	11AM	AA-	\$ 0	0.00%				
WESTPAC (MAXI BONUS 2)	11AM	AA-	\$ -	0.00%				
WESTPAC (MAXI DIRECT)	11AM	AA-	\$ 2,141,560	1.26%				
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	\$ 6,000,000	3.52%				
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	\$ 2,000,000	1.17%				
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	\$ 14,100,000	8.27%				
WESTPAC (TERM)	TERM	AA-	\$ 6,000,000	3.52%	17.74%	30%	No	
UNITS IN LOCAL GOV'T HOUSE	NA	NA	\$ 175,171	0.10%	0.10%		N/A	
TOTAL			\$ 170,434,255	100%	100%			\$ 43,500,000
Total Non Fossil Fuel Lending ADI								26%

As at: 30 June 2019

C19/6000 - PRELIMINARY INVESTMENT STATEMENTS FOR JUNE 2019 (REC)



As at: 30 June 2019

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

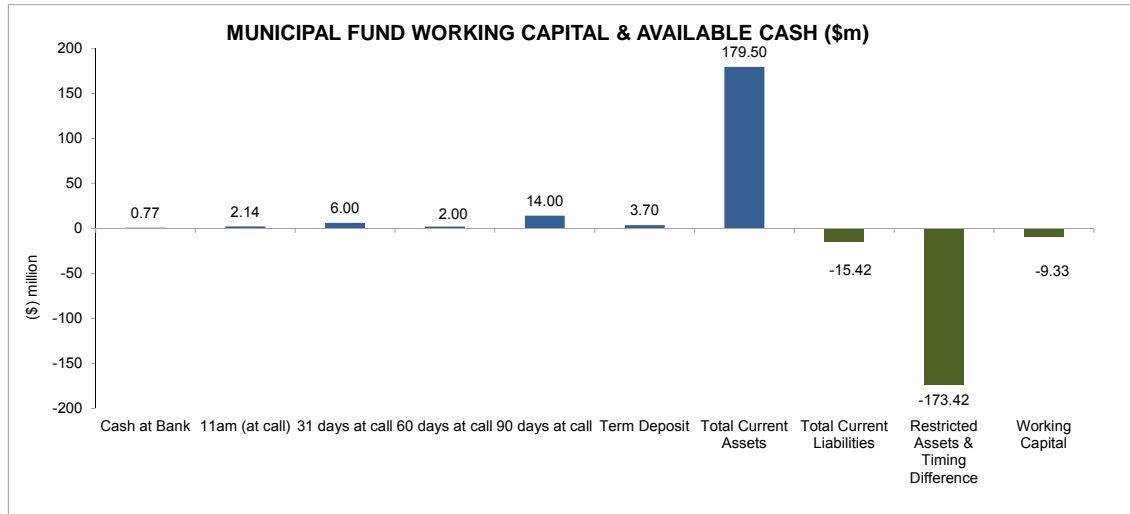
“Green investments” are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 30 June 2019 was \$43,500,000 or 26% of total investment holdings being in non-fossil fuels institutions. This compared to \$43,500,000 (25%) in May 2019. The amount of investment holdings in non-fossil fuels institutions stay the same from May but decrease in the total percentage of the holding. The total investment holding for June was \$170,434,255, which is down from the \$173,934,255 invested in May.

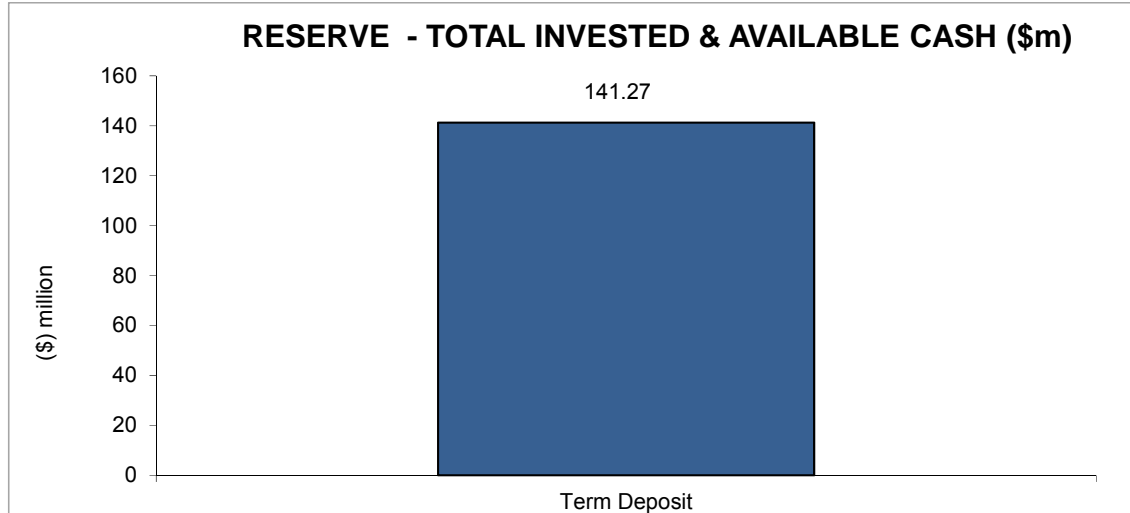
C19/6000 – PRELIMINARY INVESTMENT STATEMENTS FOR JUNE 2019 (REC)

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 30 June 2019.



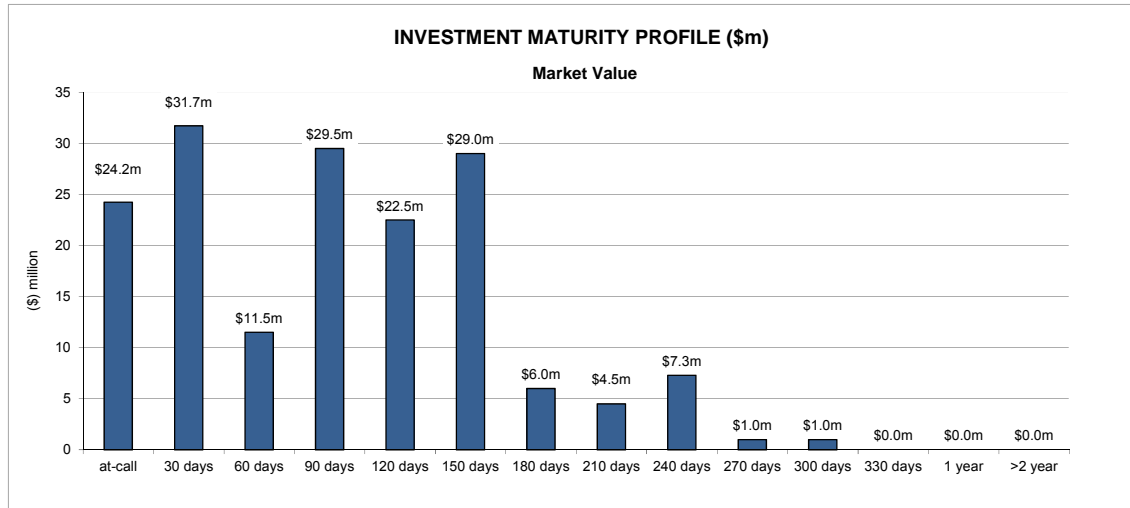
As at: 30 June 2019



As at: 30 June 2019

C19/6000 – PRELIMINARY INVESTMENT STATEMENTS FOR JUNE 2019 (REC)

The graph below summarises the maturity profile of the City’s investments at market value as at 30 June 2019.



As at: 30 June 2019

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.

C19/6000 – PRELIMINARY INVESTMENT STATEMENTS FOR JUNE 2019 (REC)

FINANCIAL IMPLICATIONS

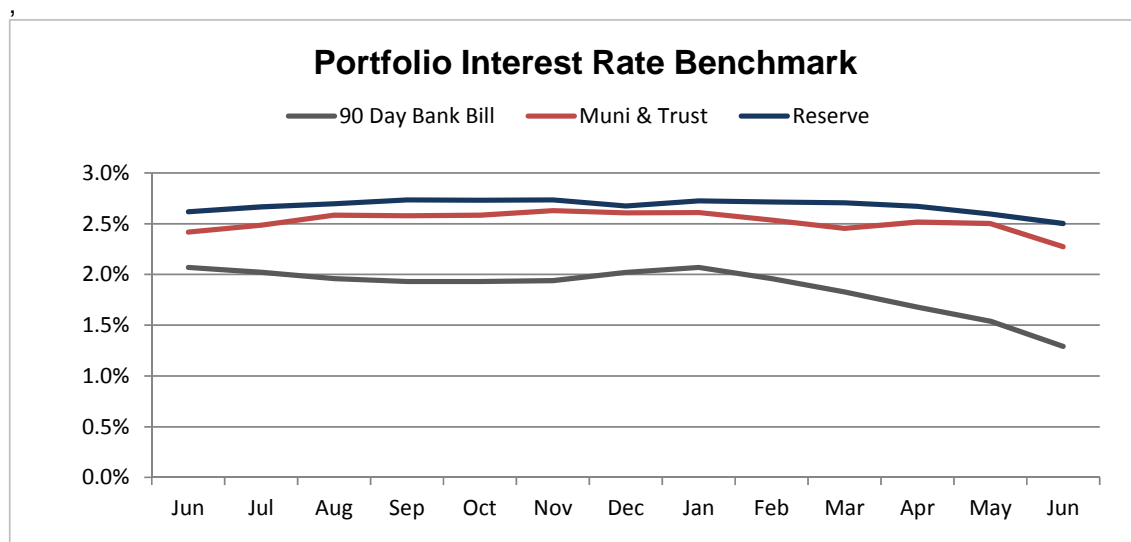
For the period ending 30 June 2019:

- Investment earnings on Municipal and Trust Funds were \$784,302 against a year to date budget of \$906,421 representing a negative variance of \$122,119.

The weighted average interest rate for Municipal and Trust Fund investments was 2.27% for June 2019.

- Investment earnings on Reserve accounts were \$4,097,386 against a year to date budget of \$3,000,000 representing a positive variance of \$1,097,386.

The weighted average interest rate for Reserve account investments was 2.50% for June 2019.



As at: 31 May 2019

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.

C19/6000 - PRELIMINARY INVESTMENT STATEMENTS FOR JUNE 2019 (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 City's 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 2.27% to 2.50% for June, which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 1.29%.

26% 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 25% in May 2019.

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 Preliminary Investment Report for the period ending 30 June 2019.

At 8:49pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2019 (REC) (ATTACHMENT)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the period of June 2019 and recommends that the Schedule of Accounts Paid be noted.

C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2019 (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 June including Payment Registers numbers, Cheques 713 - 717 and Electronic Funds Transfers batches 580 – 585, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 2 August 2019. Payments for the period totalled \$10,705,175.83 for the Municipal Fund and \$57,796.89 for the Trust Fund whilst new investment transactions totalled \$6,500,000.00. Details of the payments are shown in attachment [6001 June 2019](#).

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

Supplier Number	Supplier Name	Description of Supply	Amount
14964	Access Without Barriers	Building maintenance	\$33,194.45
14313	Asphaltech Pty Ltd	Roads resurfacing works	\$209,628.18
14724	Axiis Contracting Pty Ltd	Concrete works	36,014.40
10442	Christou Design Group Pty Ltd	Architectural services for Library and Cultural Centre	\$188,947.53
10056	City of Cockburn	Commercial waste tip fees	\$30,632.85
13935	Contraflow Pty Ltd	Traffic control services	\$37,476.73
12131	Data#3 Limited	Licence, maintenance, and upgrades	\$44,939.53
14051	Department of Fire and Emergency Services	ESL remittance for May	\$190,431.89
11380	EMSO Maintenance	Building maintenance	\$77,228.13
16433	Facilities First Australia	Cleaning services	\$59,325.75
10385	Flexi Staff	Labour hire	\$31,207.69
10501	Hydroquip Pumps & Irrigation	Irrigation and watering systems	\$26,395.60
14228	Mastec Australia Pty Ltd	Bin supply for FOGO	\$725,008.63
16044	Natsync Environmental	Feral bee control program	\$26,700.00
17940	Natural Area Management & Services	Bush regeneration and foreshore maintenance	\$63,320.66
15866	NRP Electrical Services	Building maintenance	\$37,664.00
13563	Pearmans Electrical & Mechanical Services Pty Ltd	Electrical maintenance	\$25,745.24
11590	Playmaster Pty Ltd	Playground equipment maintenance	\$27,225.00
16535	Precise Air Group Pty Ltd	Building maintenance	\$50,359.11

C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2019 (REC) (ATTACHMENT)

Supplier Number	Supplier Name	Description of Supply	Amount
15122	Signature Paving and Earthworks Pty Ltd	Paving works	\$48,754.29
12203	Southern Metropolitan Regional Council	MSW, green waste and MRF gate fees for May, MSW gate fees for June and RRRC loan repayment	\$1,086,722.88
16324	Source Separation Systems Pty Ltd	Kitchen caddies and compostable lines for FOGO	\$457,349.86
16605	Synergy Electricity Generation & Retail Corporation	Electricity charges	\$303,339.46
14270	Tails Consultants	Roads and carparks survey	\$72,880.50
16506	TCD Services Australia	Drainage works	\$61,663.74
15572	Terrestrial Ecosystems	Feral animal control program	\$33,550.00
11020	Total Eden Pty Ltd	Irrigation supplies	\$25,115.36
17037	Tree Care WA Pty Ltd	Tree pruning services	\$246,623.48
99998	Urbsurf Peth Pty Ltd	Refund of Wave Park - lease deposit	\$102,626.71
13325	WA Hino Sales & Service	Purchase of Hino truck with crane and repairs to various assets	\$196,589.26
12334	Water Corporation	Water charges	\$41,725.98
10311	Western Power Electricity	Cash call for Alfred Cove East underground power project and street lighting replacement	\$699,953.00
13080	Woodlands Distributors & Agencies Pty Ltd	Biodegradable dog bags and park furniture	\$60,601.53

Trust payments in excess of \$25,000 for the period are detailed as follows

Supplier Number	Supplier Name	Description of Supply	Amount
10004	Building and Construction Industrial Training Fund	Regulatory fees and government charges	\$25,320.84
99995	Building Commission	Regulatory fees and government charges	\$32,476.05

C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2019 (REC) (ATTACHMENT)

Payroll

Supplier Name	Remittance Number	Remittance Details	Amount
Various Banking Institutions	Direct Bank Transfers 12/06/2019 & 26/06/2019	Payment of salaries and wages to City employees net of tax and deduction for pays 25 and 26.	\$2,223,037.92
Australian Taxation Office	Direct Bank Transfers 12/06/2019 & 26/06/2019	Pay as You-Go taxation and other deductions from employee payroll for pays 25 and 26.	\$691,285.00
Creditors and Advances	Direct Bank Transfers 12/06/2019 & 26/06/2019	Payment of superannuation, union membership, council rates, vehicle deductions, Centrelink, etc. for pays 25 and 26.	\$522,448.03
Total			\$3,436,770.95

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.

C19/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2019 (REC) (ATTACHMENT)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

CONCLUSION

Payments for the period totalled \$10,705,175.83 for the Municipal Fund and \$57,796.89 for the Trust Fund whilst new investment transactions totalled \$6,500,000.00.

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 June 2019 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 June 2019](#).

At 8:49pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

**C19/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2019
(AMREC) (ATTACHMENTS)**

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

AUTHORITY / DISCRETION

DEFINITION

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

**C19/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2019
(AMREC) (ATTACHMENTS)****KEY ISSUES / SUMMARY**

This report presents:

- The Preliminary Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 30 June 2019 and recommends that they be noted by the Council.
- The final figures for 2018-2019 are yet to be finalised. Year end processes are still underway and therefore the final accounts for 2018-2019 may be materially different to what is presented in this report.
- The preliminary variances for the month of June 2019 and recommends that they be noted by the Council.
- The Budget amendments required for the month of June 2019 and recommends that they be adopted by Absolute Majority decision of the Council.

BACKGROUND

The Preliminary Statements of Financial Activity for the period ending 30 June 2019 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.

**C19/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2019
(AMREC) (ATTACHMENTS)**
Variances

(PRELIMINARY) EXTRACT OF RATE SETTING STATEMENT FOR VARIANCE OVER \$50,000 for the Period 1 July 2018 to 30 June 2019							
	June 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	(830,608)	6,504,985	9,312,708	2,807,723	43%	10,568,752	6,504,985
Community Amenities	173,456	4,557,955	4,146,699	(411,257)	-9%	3,338,109	4,557,955
Transport	145,291	1,496,343	1,793,535	297,192	-20%	1,585,458	1,496,343
Economic Services	3,003,700	5,840,248	6,357,904	517,656	9%	2,762,888	5,840,248
Other Property and Services	56,631	862,483	(17,915)	(880,398)	-102%	334,849	862,483
	2,959,472	30,789,769	33,150,875	2,361,107		30,082,837	30,789,769
Expenditure from operating activities							
Governance	(341,536)	(5,953,944)	(4,439,247)	1,514,697	-25%	(5,612,027)	(5,953,944)
General Purpose Funding	3,855,127	(1,059,435)	(801,433)	258,002	-24%	(7,469,373)	(1,059,435)
Law, Order, Public Safety	(341,576)	(4,267,396)	(3,967,672)	299,723	-7%	(4,259,141)	(4,267,396)
Health	(73,512)	(1,157,157)	(1,075,454)	81,703	-7%	(1,162,818)	(1,157,157)
Education & Welfare	(226,307)	(3,024,061)	(2,782,872)	241,188	-8%	(2,819,942)	(3,024,061)
Community Amenities	(3,235,043)	(27,724,812)	(25,851,596)	1,873,216	-7%	(25,607,458)	(27,724,812)
Recreation and Culture	(2,528,243)	(34,733,253)	(33,190,604)	1,542,648	-4%	(31,042,439)	(34,733,253)
Transport	(1,490,571)	(18,042,233)	(17,280,454)	761,779	-4%	(18,503,353)	(18,042,233)
Economic Services	(4,768,602)	(8,818,343)	(7,294,876)	1,523,467	-17%	(2,316,255)	(8,818,343)
Other Property and Services	(777,061)	(11,647,999)	(10,571,495)	1,076,505	-9%	(9,865,826)	(11,648,000)
	(9,932,339)	(116,522,628)	(107,350,904)	9,171,724		(108,727,124)	(116,522,628)
Investing Activities							
Non-operating grants, subsidies and contributions	2,027,157	6,625,638	4,143,782	(2,481,856)		4,963,126	6,625,638
Proceeds from Disposal of Assets	46,030	1,192,592	637,462	(555,130)	-47%	784,650	1,192,592
Purchase of Furniture & Equipment	83,786	(2,960,659)	(1,516,903)	1,443,756	-49%	(1,863,602)	(2,960,659)
Purchase of Plant & Equipment	(181,173)	(3,010,307)	(1,319,726)	1,690,581	-56%	(2,171,707)	(3,010,307)
Purchase of Land & Buildings	(524,410)	(27,495,396)	(5,939,978)	21,555,418	-78%	(11,831,681)	(27,495,396)
Purchase of Infrastructure Assets	(794,974)	(32,075,283)	(16,501,207)	15,574,076	-49%	(23,494,859)	(32,075,283)
	656,416	(57,723,415)	(20,496,570)	37,226,845		(33,614,073)	(57,723,415)

**C19/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2019
(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 June 2019](#) and [6002H June 2019](#).

Revenue

\$87.92 million in Rates was raised in 2018-2019 compared to a budget of \$87.66 million, resulting in a positive variance of \$259,848. This positive variance is due to an increase in the property valuation base.

The Accounting Standards define how prepaid rates must be treated and as a result an entry for \$1.1 million was processed. Therefore the Rate Setting Statement is showing total rate revenue of a reduced amount of \$86.82 million. This compared to the budget of \$87.66 million results in a negative variance of \$840,152. A further year end adjustment for prepaid rates (\$1.03 million) still needs to be posted and will result in an overall positive variance of \$197,796.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for June 2019.

Budget Amendments

Details of Budget Amendments requested for the month of June 2019 are shown in attachment [6002J June 2019](#). There were four budget amendments, greater than \$50,000, processed in June 2019:

- \$50,000 – Reallocation of funds within the City's communication projects account (from printing to marketing expenses) for change in works.
- \$77,515 – Reallocation of funds to the Point Walter staff facilities project to fund mechanical redesign of building to ensure fit for purpose.
- \$340,000 – Creation of budget for grant funding received for Safe Active Street Ardross project.
- \$9,310,876 – Transfer budget to correct accounts for Alfred Cove East and Melville North Underground Power projects.

Rates, Refuse, Fire and Emergency Service Authority and Underground Power payments totalling \$953,692 were collected over the course of the month. Rates collection progress for the month of June is 2.2% below the target of 96.9%. This represents a dollar value of \$2,481,058. As at 30 June 94.7% of the 2018-2019 rates, including prior year arrears had been collected compared with 96.6% collected for the same time last year. Rates collection for 2018-2019 excluding prior year rate arrears is 98.3%.

Total sundry debtor balances decreased by \$200,476 over the course of the month from \$633,349 to \$432,873 in June. The 90+ day's debtor balance decreased by \$113,366 from \$419,622 to \$306,286.

**C19/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2019
(AMREC) (ATTACHMENTS)**

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 June 2019.

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

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – June 2019	6002A Nature Type June 2019
Rate Setting Statement by Program – June 2019	6002B Program June 2019
Rate Setting Statement by Sub-Program – June 2019	6002C Sub Program June 2019
Representation of Net Working Capital – June 2019	6002E June 2019
Reconciliation of Net Working Capital – June 2019	6002F June 2019
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – June 2019	6002H June 2019
Details of Budget Amendments requested – June 2019	6002J June 2019
Summary of Rates Debtors – June 2019	6002L June 2019
Graph Showing Rates Collections – June 2019	6002M June 2019
Summary of General Debtors aged 90 Days Old or Greater – June 2019	6002N June 2019

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:

**C19/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2019
(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.

**C19/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2019
(AMREC) (ATTACHMENTS)****FINANCIAL IMPLICATIONS****Variances**

Preliminary Variances are detailed and explained in attachment [6002H June 2019](#) (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 preliminary financial reports reflect a positive financial position of the City of Melville as at 30 June 2019. The reported figures are subject to review, with the completion of the 2018-2019 financial year still in progress at the time of this report.

**C19/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2019
(AMREC) (ATTACHMENTS)**

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

At 8:49pm Cr Weiland moved, seconded Cr Barling–

That the Council:

- 1. Notes the Preliminary Rate Setting Statement and Statements of Financial Activity for the month ending 30 June 2019 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature and Type – June 2019	6002A Nature Type June 2019
Rate Setting Statement by Program – June 2019	6002B Program June 2019
Rate Setting Statement by Sub-Program – June 2019	6002C Sub Program June 2019
Representation of Net Working Capital – June 2019	6002E June 2019
Reconciliation of Net Working Capital – June 2019	6002F June 2019
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – June 2019	6002H June 2019
Details of Budget Amendments requested – June 2019	6002J June 2019
Summary of Rates Debtors – June 2019	6002L June 2019
Graph Showing Rates Collections – June 2019	6002M June 2019
Summary of General Debtors aged 90 Days Old or Greater – June 2019	6002N June 2019

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for June 2019 [6002J June 2019](#).**

At 8:49pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

15. EN BLOC ITEMS

At 8:49pm Cr Phelan moved, seconded Cr Robins–

That the recommendations for items T19/3811, M19/5000, C19/6000 and C19/6001 be carried En Bloc.

At 8:49pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16.1 Additional Playground Equipment at Wireless Hill****Procedural Motion****COUNCIL RESOLUTION**

At 8:50pm Cr Wheatland moved, seconded Cr Wieland–

That the Motion with Notice – Additional Playground Equipment at Wireless Hill proposed by Cr Mair lay on the table until the 17 September 2019 Ordinary Meeting of Council.

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

CARRIED UNANIMOUSLY (12/0)

That the Council requests the Chief Executive Officer to investigate installing additional playground equipment at Wireless Hill, such as a traditional swing and slide, in this or next financial year.

Reasons for the Motion provided by Cr Mair

1. Residents in Ardross have approached me and requested some additional playground equipment because their families and many other families enjoy visiting Wireless Hill and find the playground equipment deficient.
2. At present there is only a basket swing which has limited use since is not appropriate for all children.
3. This will have no impact on the interpretive area with the basket swing but will provide more entertainment for the children of our community. One basket swing is not enough for all the children that visit the park with their families and friends.

16.2 Minimising Elected Member Travel and Conference Expenses

During the discussion and debate on this item it was requested that each point be voted on separately. It was further requested that point 3 of the recommendation have the words “or verbal report as per item 4 below” included after the words “a written”. The mover and seconder consented to this change.

COUNCIL RESOLUTION

At 8:51pm Cr Woodall moved, seconded Cr Robins –

That the Council directs the Chief Executive Officer to amend Council Policy CP-092 (Elected Members Professional Development) on the following basis:

- 1) No allowances or entitlements will be provided by the City in respect of accompanying person costs. Any additional costs resulting from an Elected Member being accompanied by their partner will not be paid by the City¹;**

At 9:08pm 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 Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Kepert	No

- 2) Amend the Conditions of Approval² so that:**

- a. prior approval must be obtained from the Council if any of the circumstances in paragraph 4.1 apply; and**
- b. an Elected Member seeking to use their allowance under the Policy to attend a conference/seminar/training outside Australia (i.e. overseas) must also obtain prior approval from Council.**

At 9:10pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

¹ Refer paragraph 2.6

² Refer paragraph 4

16.2 Minimising Elected Member Travel and Conference Expenses

- 3) An Elected Member who uses their allowance under this Policy, but who does not complete and submit to the CEO a written or verbal report as per item 4 below relating to the event within 60 days of their return from the conference/training/seminar, will be required to refund to the City the costs of their attendance at the conference/seminar/training.³**

At 9.12pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

- 4) Elected Members who attend a conference/training seminar should have the option (and be encouraged) to provide a brief presentation (no more than 15 minutes) to other Elected Members at an Elected Member Information Session.**

At 9:12pm 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 Pazolli	Yes
Cr Phelan	Yes
Cr Robins	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Cr Robartson	No
Cr Wheatland	No
Mayor	No

At 8:51pm Cr Kepert left the meeting and returned at 8:54pm.

At 8:58pm Mr A Ferris left the meeting and returned at 9:01pm.

At 9:07pm Mr M Tieleman left the meeting and returned at 9:09 pm.

³ Refer paragraph 5

16.2 Minimising Elected Member Travel and Conference Expenses

Reasons for the Motion as provided by Cr Woodall

1. Recently the Council supported a motion to include a register of Elected Member travel (outside the metropolitan area) on the City's website (as part of a 'Governance and Accountability' portal).
2. It is inappropriate for ratepayer funds to be used for accompanying persons costs. There is no benefit to ratepayers in an Elected Member's partner accompanying them on an interstate or overseas conference. If an Elected Member would prefer to travel with their partner, then they should personally bear any additional costs associated with their partner's travel.
3. The current Policy says that approval *should* be obtained from Council in specific circumstances.⁴ Changing the wording to *must* will make it a mandatory requirement for Elected Members to obtain Council approval if those circumstances apply.
4. Adding a new category that requires Elected Members to obtain Council approval if they wish to use their allowance for any overseas conferences will ensure that any proposed overseas travel comes before Council. This will provide additional scrutiny and is likely to result in Elected Members being more selective in which overseas conferences they wish to attend. Elected Members will need to justify why they wish to attend the conference and explain the benefits it will provide to the Council. Elected Members who do not obtain Council approval will be required to pay the costs of travel/attendance personally.
5. The purpose of having an Elected Member attend a conference/seminar/training is to not only increase their own knowledge, but to share their knowledge with other Elected Members. Whilst the current Policy does require an Elected Member to submit a written report on the event they attended, there is no detriment to an Elected Member for their delay or failure to comply. Requiring City financial support to be conditional on the submission of a written report will ensure that Elected Members share their knowledge with Council in a timely and comprehensive manner.
6. Elected Members who attend a conference/seminar/training should have the opportunity to share their knowledge at an Elected Member Information Session. This would provide an additional means of knowledge sharing between Elected Members and may be more effective than the provision of a written report. Allowing a brief question and answer session after the presentation may also be beneficial.

⁴ Refer paragraph 4.1

16.3 Verge Treatment

Procedural Motion

COUNCIL RESOLUTION

At 9:13pm Cr Robins moved, seconded Cr Wheatland–

That the Motion with Notice – Verge Treatment proposed by Cr Mair Lay on the Table until the 17 September 2019 Ordinary Meeting of Council.

At 9:13pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

That the Council requests the CEO to investigate the inclusion of a general condition for verges where there is not a foot path or dual use path, the verge must have access by pedestrians the approximate width of a dual path to ensure their safe passage without having to go onto a road.

Reasons for the Motion provided by Cr Mair

1. Residents have complained about verges that are fully vegetated and do not allow pedestrians safe passage.
2. The Verge Policy does not allow for setbacks for clear pedestrian passage which forces pedestrians to walk on roads including intersections
3. Raising the matter now means it will not be overlooked when the policy is due to be reviewed which will be this year.

At 9.14pm Cr Wieland left the meeting and returned at 9:16pm

Prior to the discussion and the debate on this item, the CEO requested an extension to the deadline proposed in the motion. The mover of the motion consented to the change from October 2019 to December 2019.

16.4 Improving Road Safety for Residents

At 9:15pm Cr Woodall moved, seconded Cr Robartson –

That the Council requests the Chief Executive Officer to:

- 1) Investigate the feasibility of traffic treatments on Farrington Road in Leeming to improve road safety for residents, including, but not limited to, speed bumps, pedestrian crossings and a reduction in the speed limit;**
- 2) Provide a report to Council on the results of the investigation at an Elected Member Information Session to be held no later than December 2019.**

Amendment

At 9:20pm Cr Pazolli moved, seconded Cr Kepert –

Add to point 1 after “investigate” add the words “and undertake community consultation”.

At 9:33pm 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 Pazolli	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Robins	No
Cr Woodall	No
Mayor	No

COUNCIL RESOLUTION

At 9:15pm Cr Woodall moved, seconded Cr Robartson –

That the Council requests the Chief Executive Officer to:

- 1) Investigate the feasibility of traffic treatments on Farrington Road in Leeming to improve road safety for residents, including, but not limited to, speed bumps, pedestrian crossings and a reduction in the speed limit;**
- 2) Provide a report to Council on the results of the investigation at an Elected Member Information Session to be held no later than December 2019.**

At 9:38pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

16.4 Improving Road Safety for Residents

Reasons for the Motion provided by Cr Woodall

1. The final design of the Murdoch Drive Connection (currently under construction) removes a number of key connections with other roads. The effect of this is a concentration of traffic on Murdoch Drive and Farrington Road.
2. A number of local residents have contacted councillors regarding the speed and volume of traffic on Farrington Road, and the difficulties they experience either entering or crossing the road.
3. A community meeting organised by Leeming residents was held on Monday 22 July to discuss their concerns and possible solutions for improving road safety on Farrington Road. A wide range of options were put forward by local residents, and there was near unanimous agreement on the need to address the situation.
4. The measures I would like investigated are relatively inexpensive but have the potential to significantly improve road safety. Placing speed bumps before roundabouts has occurred in other parts of the City and has been effective in improving safety. Pedestrian crossings will improve safety during peak periods, particularly for schoolchildren, the elderly and people with a disability.
5. It is appropriate that City officers consider the various traffic treatments that may be available, and consider which treatments are likely to provide the best 'value for money'. It is also important to consider whether Main Roads will support some or all of the proposed treatments.
6. After considering the report from officers about the various options, Council can make a decision as to how it wishes to proceed.

16.5 Community Forum

Procedural Motion

COUNCIL RESOLUTION

At 9:38pm Cr Robins moved, seconded Cr Macphail–

That the Motion with Notice – Community Forum proposed by Cr Mair Lay on the Table until the 17 September 2019 Ordinary Meeting of Council.

At 9:38pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

That the Council requests the CEO to investigate

1. **holding monthly Community Forums in the Council Chambers to hear questions and deputations by residents and resident groups on any issue.**
2. **recording minutes of those Community Forums for future reference.**

16.5 Community Forum**Reasons for the motion provided by Cr Mair:**

1. There is concern about limitations on deputations such as they must relate to items on the Agenda of Agenda Briefing Sessions and Council Meetings, the number of presentations is limited, and those who can present is also limited.
2. A separate Community Forum should be available monthly to allow residents and resident groups the opportunity to ask questions and present deputations to Council on any issue of concern to them. As with Agenda Briefing Forum and Ordinary Meetings of Council, they should notify their intention to ask questions or give a deputation preferably prior to the meeting.
3. If this is successful, the Council could consider applying the same rules to question time. namely that the questions at Agenda Briefing Forums and the Ordinary Council Meeting should be related to items on the Agenda.
4. We should invite the media to attend these Community Forums just as they do at Agenda Briefing Forums and Ordinary Council Meetings and we should advertise them in the media.
5. We could hold these community forums on the same evenings as an Elected Members Briefing Session. If residents attend, the EMIS meeting will be delayed until all matters are dealt with. However, if no residents wish to attend, the EMIS continues as usual.
6. This solution may reduce conflict at ABF and Council Meetings. It may also shorten the length of the Council Meeting.
7. The positive outcome for Council of Community Forums is that Elected Members and Officers will be more available to the community and it would increase our dialogue with our residents.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

LATE ITEM - P19/3918 DEVELOPMENT ASSESSMENT PANEL APPLICATION – 15 STOREY AGED CARE DEVELOPMENT AT LOTS 1060 & 1061 (20 & 22) KINTAIL ROAD, APPLECROSS (REC) (ATTACHMENT)

Item Brought Forward
See Page 13

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**COUNCIL RESOLUTION**

At 9:39pm Cr Wheatland moved, seconded Cr Barling –

That the meeting be closed to the public to permit discussion on confidential matters:

- **16.6 Garden City Redevelopment and Land Exchange, and**
- **Item M19/5699 – Blue Water (WA) Pty Ltd – Assignment of Lease covered under section 5.23 (2) (c) of the *Local Government Act 1995*.**

At 9:39pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

At 9:39pm Ms J Arbel left the meeting and did not return.

At 9:39pm Cr Phelan left the meeting and returned at 9:42pm

16.6 CONFIDENTIAL ITEM – Motion With Notice Garden City Redevelopment and Land Exchange

That the Council directs the Chief Executive Officer to investigate urgently the implications of any whole or partial sale by AMP Capital of the Garden City Shopping Centre, with particular attention to mechanisms by which the land exchange with the City of Melville can be reversed.

WITHDRAWN

At 9:54pm prior to discussion this matter, Cr Barton as the mover withdrew the motion pending a presentation on further information at Elected Member Information Session.

CONFIDENTIAL ITEM - M19/5699 – BLUE WATER (WA) PTY LTD – ASSIGNMENT OF LEASE**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5699) APPROVAL**

At 9:55pm Cr Barling moved, seconded Cr Robins –

That the Officer Recommendation as contained within the Confidential Report associated with this item be resolved by the Council

At 10:00pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

CONFIDENTIAL ITEM - T19/3815 – SOUTHERN METROPOLITAN REGIONAL COUNCIL (SMRC) MAJOR TRADING UNDERTAKING AND MAJOR LAND TRANSACTION BUSINESS PLAN - RRRRC DIVESTMENT AND FOGO PROCESSING OPPORTUNITY

Item Brought Forward
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COUNCIL RESOLUTION

At 10:00pm Cr Kepert moved, seconded Cr Barling -

That the meeting come out from behind closed doors and the public be invited back into the meeting.

At 10:00pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

No members of the public returned to the meeting.

19. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 10:00pm.