



City of  
**Melville**

# MINUTES

## ORDINARY MEETING OF THE COUNCIL

**6.30pm Tuesday, 21 March 2023**

Held in the Council Chambers, Melville Civic Centre  
10 Almondbury Road Booragoon

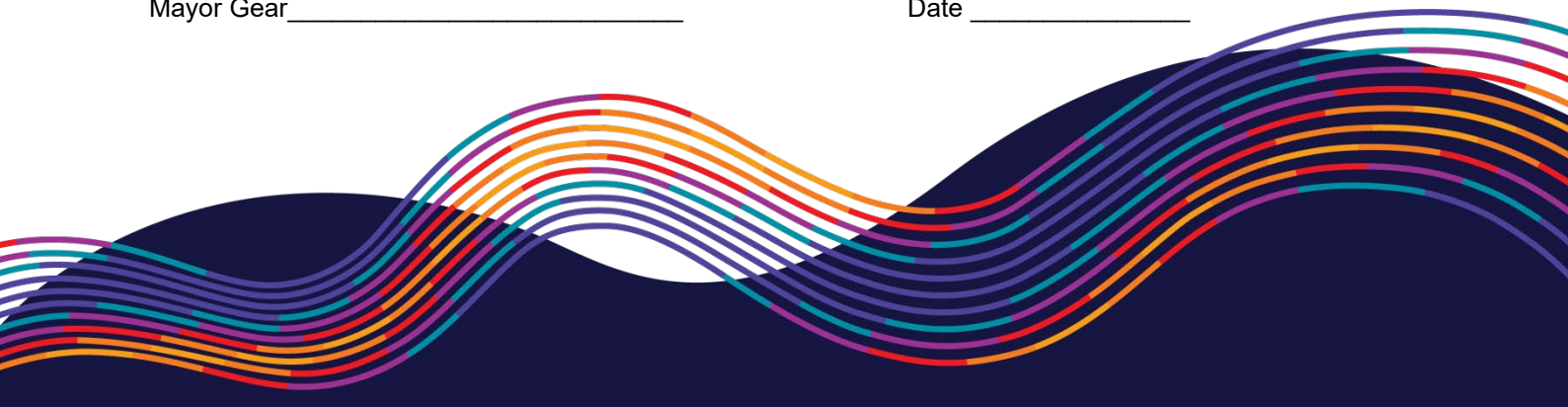
The City of Melville acknowledges the Bibbulmun people as the Traditional Owners and custodians of the lands on which the City stands today and pays its respect to the Whadjuk people, and Elders both past, present and emerging.

### **Minutes to be confirmed at the next Ordinary Council Meeting**

These minutes are hereby confirmed as true and accurate

Mayor Gear \_\_\_\_\_

Date \_\_\_\_\_



## Our Vision

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

## Our Mission

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

## Our Values

### Excellence

Striving for the best possible outcomes

### Participation

Involving, collaborating and partnering

### Integrity

Acting with honesty, openness and with good intent

### Caring

Demonstrating empathy, kindness and genuine concern



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## **Audio Recording/ Access to Recording**

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Nil.

### REPORTS

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### MOTIONS

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#### With Previous Notice

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### MATTERS FOR WHICH THE MEETING WAS CLOSED

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Nil.

## 1 OFFICIAL OPENING

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

## 2 ATTENDANCE AND APOLOGIES

### In Attendance

Mayor Hon. George Gear

#### Councillors

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

#### Ward

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

#### **Officers**

Mr M McCarthy	A/Chief Executive Officer
Ms K Brosztl	A/Director Environment and Infrastructure
Mr G Ponton	A/Director Urban Planning
Ms G Bowman	Director Community Development
Ms C Newman	Head of Governance
Ms R Davis	Governance Officer

At the commencement of the meeting:

Public Gallery	5
Electronic	6
Press	0

### **Apologies**

Mr M Tieleman	Chief Executive Officer
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### **On Approved Leave of Absence**

Nil.

### **3 DECLARATIONS BY MEMBERS**

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

Nil.

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

Cr Spanbroek advised that she had not read all of the Elected Members Bulletin.

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

At 6:32pm the Mayor addressed the meeting.

*On 2 March 2023, the City of Melville received a letter from the Department of Local Government, Sport and Cultural Industries regarding governance concerns at the City.*

*Prior to the letter being issued, a meeting initiated by the Department, was held on 31 January 2023 at the City of Melville Civic Centre, with the CEO and key Governance staff in attendance.*

*The City acknowledges the letter from the Department and confirms it will respond to the Departments request; that the City and its Council consider and determine an action plan and provide a response by 28 April 2023.*

*As a Council we are committed to working with the Department in a collaborative manner and will respond to and act openly in dealing with the governance concerns raised.*

*The Council and administration always strive for excellence, and we are focused on delivering services that benefit our residents, ratepayers and local businesses. Our successes can be demonstrated through the many outcomes achieved this year and last, as highlighted in our Community Annual Report.*

*As the Departments concerns relate to various matters, we are currently working to better understand their concerns and have requested the Department provide a briefing to support this process.*

*To ensure the community have access to the latest updates and information a dedicated page will be available on the City's website at [www.melvillecity.com.au/DLGSC](http://www.melvillecity.com.au/DLGSC)*

At 6:34pm, with the permission of the Mayor, Cr Wheatland made a voluntary public apology to Cr Sandford with respect to an interaction at the Agenda Briefing Forum held 14 March 2023.

### **Approved Deputations**

- **Mr M Mclerie, Bicton**  
Item M23/596414 Beach Street Boundary Foundation & Retaining by an Independent Registered Building Surveyor

### **Approved Written Submissions**

- **Mr M Mclerie, Bicton**  
Written Submission – Item 12.1 Request for Resolution of Building Complaints

## **5 DISCLOSURES OF INTEREST**

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

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

Nil.

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

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

- Cr K Wheatland – Item EI23/4023 Review and Endorsement for the Establishment Agreement of the Resource Recovery Group – Impartiality Interest.
- Cr M Woodall – Item UP23/4027 Proposed Child Care Centre Premises – No 1 (Lot No.5) Islip Court, Bateman & No's 2a & b (Lot 4) Broadhurst Crescent – Impartiality Interest.
- Cr T Fitzgerald - EI23/4019 Underground Power Program – Memorandum of Understanding Bicton South / Palmyra Project – Proximity Interest.

## 6 PUBLIC QUESTION TIME

At 6:39pm the Mayor opened Public Question Time.

### 6.1 Questions Received with Notice

#### **6.1.1 Mr M FitzGibbon, Melville**

Mr FitzGibbon was not in attendance to ask the question received with notice. A summary of the question and response is below.

##### Question

*EI23/4019. Bicton South/Palmyra Underground Power MOU refers. When planning the location of lighting poles for the subject locality, will the City, where practicable, advise Western Power to locate the lighting poles in the vegetated "kerb zone" abutting the kerb, to provide optimal safety, accessibility, and equity, particularly for people with mobility impairment, and the elderly, and to facilitate placing future footpaths away from the kerb as recommended by Austroads, Main Roads WA, and WAPC, and also consider placing lighting poles on the opposite side of the street to future footpaths to ensure required safe clearance of 300mm minimum between the edge of the footpath and lighting poles. Hazard free, accessible, equitable infrastructure provision by Local Governments is a Guiding Principle of the Local Government Review Report 2020?*

##### Response

When installing streetlights in verge space abutting the kerb, in the interest of safety, street lights should be located a minimum of 700 mm from the kerb, and preferably 1000mm. This provides a zone of safety for drivers.

During the recently completed Kardinya South underground power project the City requested Western Power, where practicable, to locate streetlights 2400mm from the back of the kerb. This allows the City the option to build a path adjacent to the kerb or further into the verge on the other side of the street light. Using the 2400mm alignment ensures the path can be constructed with the appropriate clearance. The City will also specify that the face of the street light must be located a minimum of 300mm away from any existing path.

When Installing streetlights on the opposite side of the street to future paths, the preferred location of a footpath is often not known until the design stage. The City requests Western Power to locate streetlights to accommodate verge trees and other infrastructure to achieve the appropriate lighting standards independent of which side of the road they are located.

#### **6.1.2 Dr Stevens (Citizens for Building Reform WA)**

##### Question 1

*What is the full extent of costs (law fees, and staff time) that the City has incurred in relation to its handling of Dr Stevens' complaint over the loss of part of his property, including obviously costs associated with briefing McLeods. If costs are not being consolidated under a cost account, then amounts paid together with an estimate for staff costs will have to do?*

##### Response

The City does not record the costs of time spent on each individual customer request or building compliance related matter. The City has paid \$779.35, to McLeod's, to-date.

6.2.1 *Dr Stevens (Citizens for Building Reform WA), continued*

Question 2

*What information did the City provide to McLeods which caused them to believe that Dr Stevens had an unauthorized (retaining?) wall on his property?*

Response

An application for this information could be made under the Freedom of Act however, information provided by the City to its lawyers for the purpose of obtaining legal advice maybe protected by legal professional privilege. The City is working with the two respective neighbours in relation to their boundary, retaining wall issues.

**6.1.3 Mr S Kepert (City of Melville Residents and Ratepayers Association)**

Question 1

*When you will provide access to the records sought in our 10 December 2022 FOI application, as it relates to the City of Melville's records.?*

Response

The City's FOI Coordinator is in communication with the applicant's representative who is aware of the process required to evaluate the application and the issuing of a notice of decision in relation to this application. To respond to this application the City has been required to consult with relevant third parties. The associations representative can make further enquires with the City's FOI Coordinator regarding the date for finalisation of the application.

The following Questions with Notice were submitted by the City of Melville Residents and Ratepayers Association but were not posed at the Meeting. A summary of the questions and the responses is below.

Question 2

*Has there been any other meetings or communication between the City and DLGSC in relation to any concerns pre and post the September 2022 meeting, if so between when and with whom?*

Response

Representatives of the Department met with City officers on 11 January 2023. A meeting initiated by the Department was also held on Tuesday, 31 January 2023 at the City of Melville Civic Centre, with the CEO and key Governance staff in attendance.

6.1.3 *City of Melville Residents and Ratepayers Association, continued.*

Question 3

*Has the City received any communication from the DLGSC expressing concerns in a similar nature to the DLGSC letter to the City of Swan, if so and when?*

Response

On 2 March 2023, the City received a letter from the Department of Local Government, Sport and Cultural Industries (DLGSC) regarding Governance Concerns at the City of Melville

Question 4

*Will you provide us copies of any communications between the DLGSC and the City in relation to the September 2022 meeting and any latter engagements that related to any concerns raised by the DLGSC. We would expect you, as the a/CEO will honour your commitment to transparency and provide us copy of such letters without the need for us to submit another FOI application?*

Response

The documents that relate to the September 2022 meeting are subject to a current FOI decision and will be provided to the Association under that application. Any documents sought that relate to any meetings post the Associations 10 December 2022 FOI application can be applied for via the FOI process.

**6.1.4 Mr Keally representing West Australians Against Corruption in Local Government**

Mr G Keally representing the West Australians Against Corruption in Local Government was not in attendance and a summary of the questions and responses is provided below:

Question 1

*Attached is a notice of concern concerning the City of Swan; has Melville administration/ council received a similar letter?*

Response

On 2 March 2023, the City received a letter from the Department of Local Government, Sport and Cultural Industries (DLGSC) regarding Governance Concerns at the City of Melville

Question 2

*If yes, then what date was it received; and when will the letter be made available to residents and ratepayers for their input?*

Response

To ensure the community have access to information regarding this matter, a webpage will be made available on the City's website at [www.melvillecity.com.au/DLGSC](http://www.melvillecity.com.au/DLGSC) from Wednesday, 22 March 2023. The City and Council are currently working together to better understand the Department's concerns and have requested the Department provide a briefing to support this process.

## **6.2. Questions Received Without Notice**

Ms DeBoni of Winthrop was not in attendance and a summary of the question and response is provided below:

### **6.2.1 Ms M DeBoni, Winthrop**

#### Question

When can we expect the offensive sewerage smell from apparently broken pipe in Piney Lakes to be rectified?

#### Response

This is Water Corporation works who have advised that the repair timeframe is as follows:

- Mobilise to site at the end of May
- Repairs to begin end of May/start of June
- Completion anticipated for early August

The Water Corporation have set up a dedicated webpage, link below, for the project (which is being update to reflect the above timeframes) and will be sending out an update to nearby residents shortly.

<https://www.watercorporation.com.au/Outages-and-works/Ongoing-Works/Piney-Lakes-Reserve-upgrades>

Residents are encouraged to report odours to the 24 hour Faults Emergencies and Security line 13 13 75.

### **6.2.2 City of Melville Residents and Ratepayers Association (Inc)**

A representative from the City of Melville Residents and Ratepayers Association (inc) was not in attendance and a summary of the question and response is provided below:

#### Question 1

Has there been any other meetings or communication between the City and DLGSC in relation to any Concerns pre and/or post the September 2022 meeting, if so when, with whom and what about.

#### Response

Representatives of the Department met with City officers on 11 January 2023. A meeting initiated by the Department was also held on Tuesday, 31 January 2023 at the City of Melville Civic Centre, with the CEO and key Governance staff in attendance.

#### Question 2

*Has the City received any communications from the DLGSC expressing Concerns akin to the Fraser Letter, if so exactly when?*

#### Response

On 2 March 2023, the City received a letter from the Department of Local Government, Sport and Cultural Industries (DLGSC) regarding Governance Concerns at the City of Melville

6.2.2 *City of Melville Residents and Ratepayers Association, continued.*

Question 3

*Will the CEO, or will Council direct the CEO, immediately publish any communications between the DLGSC and the City in relation to the September 2022 meeting, and any other such letters related to any Concerns raised by the DLGSC received within the last year?*

Response

The documents that relate to the September 2022 meeting are subject to a current FOI decision and will be provided to the Association under that application. It would be for the Council to direct the CEO to publish any communications as requested by the Association.

Question 4

*In the event the CEO or Council has declared, or intends to declare confidential any records of communications between the City and DLGSC in relation to Concerns akin the Fraser Letter in order to hide them from public scrutiny; then please explain, with reference to any statutory laws, rules and policies including s 5.23 and s 5.94 of the Local Government Act, the City's reasons for its decision to declare the records confidential as opposed to being fully open and transparent with the public?*

Response

To ensure the community have access to information regarding this matter, a webpage will be made available on the City's website at [www.melvillecity.com.au/DLGSC](http://www.melvillecity.com.au/DLGSC), from Wednesday, 22 March 2023.

The City and Council are currently working together to better understand the Department's concerns and have requested the Department provide a briefing to support this process.

Question 5

*When will the CEO provide access to the records sought in our Application, which is now over 90 days old?*

Response

The City's FOI Coordinator is in communication with the applicant's representative which is aware of the process required to evaluate the application and the issuing of a notice of decision in relation to this application. To respond to this application the City has been required to consult with relevant third parties. The associations representative can make further enquires with the City's FOI Coordinator regarding the date for finalisation of the application.

### **6.3 Questions Received at the Meeting**

#### **6.3.1 Dr Peterson, Bateman**

Further to my deputation last month and responses to previous questions from me to the City:

##### Question 1

*Why was the City's response, to a question I submitted last year, that the calls from an officer after hours and during work hours happened in 2010, when the warning letter was sent in March 2014 and the Police investigated calls up to the end of 2017?*

##### Response

This question was taken on notice and a response will be provide in the Agenda for 18 April 2023 Ordinary Meeting of Council.

##### Question 2

*Further to an email from the City dated 5 June 2020 in relation to an illegal and unsafe lattice structure that was encroaching over my property boundary, the email stated "the structure is located wholly within the property boundary." This information is incorrect and can the City advise why this incorrect information was provided?*

##### Response

This question was taken on notice and a response will be provide in the Agenda for 18 April 2023 Ordinary Meeting of Council.

At 6:45pm the Mayor Closed Public Question Time

### **6.3 Questions Taken on Notice at Previous Meeting**

Nil.

### **7 AWARDS AND PRESENTATIONS**

Nil.

### **8 APPLICATIONS FOR NEW LEAVES OF ABSENCE**

#### **COUNCIL RESOLUTION**

At 6:45pm Cr Wheatland moved, seconded Cr Edinger –

**That applications of new leaves of absence submitted by Cr Barber on 21 March 2023 be received.**

At 6:45pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

## 9 CONFIRMATION OF MINUTES

### 9.1 Minutes of Governance Committee – 20 February 2023

#### **COUNCIL RESOLUTION**

At 6:46pm Cr Fitzgerald moved, seconded Cr Spanbroek –

**That the Minutes of the Governance Committee Meeting held on Monday, 20 February 2023 be noted.**

At 6:46pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

### 9.2 Minutes of FMARCC Committee – 13 March 2023

#### **COUNCIL RESOLUTION**

At 6:46pm Cr Pazolli moved, seconded Cr Macphail –

**That the Minutes of the Financial Management, Audit, Risk and Compliance Committee Meeting held on Monday, 13 March 2023 be noted.**

At 6:46pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

### 9.3 Notes of Agenda Briefing Forum – 14 March 2023

[ABF Notes – 14 March 2023](#)

#### **COUNCIL RESOLUTION**

At 6:46pm Cr Wheatland moved, seconded Cr Edinger–

**That the Notes of the Agenda Briefing Forum held on Tuesday, 14 March 2023 be confirmed as a true and accurate record.**

At 6:47pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

### 9.4 Ordinary Meeting Of The Council – 21 February 2023

[OMC Minutes - 21 February 2023](#)

#### **COUNCIL RESOLUTION**

At 6:47pm Cr Sandford moved, seconded Cr Spanbroek –

**That the Minutes of the Ordinary Meeting of Council held on Tuesday, 21 February 2023 be confirmed as a true and accurate record.**

At 6:48pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

## 10 NEW BUSINESS OF AN URGENT NATURE

Nil.

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

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

- EI23/4024 – RFQ222342 Supply of Two (2) Bulk Verge Rear Loading Waste Trucks

## 12 PETITIONS

### 12.1 Request for Resolution of Building Complaints

A written submission was received in relation to the matter – [Mr McLerie Written Submission](#).

A petition signed by 24 residents of the City of Melville was submitted by Dr Jeffrey Stevens on 20 February 2023 and reads as follows:

*“We, the undersigned, all being electors of the City of Melville, respectfully ask Council to take all necessary steps, using Council’s powers and duties conferred upon it by the Building or other relevant Acts of Parliament and independent of the CEO and the Administration, to investigate and RESOLVE to my satisfaction the complaints I have made since September 2021 in relation my rear neighbours’ unauthorised building works, inclusive of the retaining structures encroaching on my land without my consent.”*

### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

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

**That the petition bearing 20 signatures of residents be acknowledged, and a report be prepared and brought back to the 18 April 2023 Ordinary Meeting of Council.**

At 6:50pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

At 6:51pm the Mayor advised the meeting that an officer advice note had been distributed on Item 12.2 Petition – Request for Special Meeting of Electors. [Officer Advice Note](#)

### **12.2 Petition – Request for Special Meeting of Electors**

A petition signed by 135 residents of the City of Melville and one non-resident was submitted by Mr Thomas Lapsley on 8 February 2023 and reads as follows:

*“We, the undersigned, all being electors of the City of Melville, respectfully the Council arrange a special meeting of Electors to all residents to raise concerns and further discuss the development DAP-2022-16 at 391 Canning Hwy, 36-38A Waddell Rd and 167 Stock Rd in Palmyra with the Council.”*

### **OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

At 6:53pm Cr Fitzgerald moved, seconded Cr Wheatland –

**That the Council acknowledge the petition bearing 136 signatures, and at this time take no further action.**

At 6:56pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

## **13 ADOPTION OF RECOMMENDATIONS EN BLOC**

### **COUNCIL RESOLUTION**

At 6:56pm Cr Ross moved, seconded Cr Barber –

**That the recommendations for:**

- **M23/5000 – Common Seal Register**
- **C23/6000 – Investment Statements for January 2023**
- **C23/6001 – Schedule of Accounts Paid for January 2023**

**be carried En Bloc.**

At 6:59pm the Mayor declared the motion

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

## **14 REPORTS**

### **14.1 Reports from Committees**

Nil.

## 14.2 REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 6:58pm the Mayor brought forward Item M23/5964 – Review of 14 Beach Street Boundary Foundation and Retaining by an Independent Registered Building Surveyor for the convenience of those giving a deputation.

At 6:59pm Mr McLerie gave a deputation which concluded at 7:12pm [Deputation Presentation](#). At 7:20pm Mr McLerie returned to the public gallery.

At 7:20pm the Mayor advised an Officer Advice Note was circulated to Elected Members on this matter. The Acting CEO made comment. [Officer Advice Note](#).

### M23/5964 – REVIEW OF 14 BEACH STREET BOUNDARY FOUNDATION AND RETAINING BY AN INDEPENDENT REGISTERED BUILDING SURVEYOR (REC) (ATTACHMENT)

Ward	:	All
Category	:	Executive
Subject Index	:	Property Index 14 Beach Street, Bicton
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item 15.3 Review of 14 Beach Street Boundary Foundation and Retaining by an Independent Registered Building Surveyor - Ordinary Meeting of Council held 16 August 2022. Item M22/5937 Review of 14 Beach Street Boundary Foundation and Retaining by an Independent Registered Building Surveyor – Ordinary meeting of Council held 15 November 2022.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Patrick Hughes Manager Building and Environmental Health Services

#### AUTHORITY / DISCRETION

##### DEFINITION

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

**M23/5964 – REVIEW OF 14 BEACH STREET BOUNDARY FOUNDATION AND RETAINING BY AN INDEPENDENT REGISTERED BUILDING SURVEYOR (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- At the 16 August 2022 Ordinary Council Meeting, a Motion with Notice was supported that an independent registered building surveyor be appointed to undertake an inspection of the boundary structure footings and associated retaining structures located at 14 Beach Street, Bicton and provide a report back to the 18 October 2022 Ordinary Meeting of Council.
- This Item was discussed at the Elected Member Engagement Session held 4 October 2022 where it was advised that a report would be presented to the November 2022 Council Meeting.
- A report was then presented to the 15 November 2022 Meeting that provided an update on the progress of actions taken in implementing the August 2022 Council resolution.
- An Independent Registered Building Surveyor (TESG) was appointed, and an inspection of the site was undertaken on 9 December 2022.
- The Final Independent Registered Building Surveyor Report was received on 13 March 2023, and as required by the August 2022 Council resolution, the report is presented to the Council.
- This report recommends that the Council notes the TESG report and consider the Officer recommendation in relation to this matter.

**BACKGROUND**

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

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

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

The reasons provided in support of the motion were:

- Since 2017 there have been questions and opinions provided relating to the boundary of 14 Beach Street.
- The Objective is to:
  - inspect the entirety (eastern and western sides) of the footings and retaining on which the boundary structure rests;
  - identify any issues or non-conformances relating to the footings and retaining when compared to Building Approval Certificate (BA14) BA-2017-466;
  - identify any additional issues that become apparent during the inspection.

**M23/5964 – REVIEW OF 14 BEACH STREET BOUNDARY FOUNDATION AND RETAINING BY AN INDEPENDENT REGISTERED BUILDING SURVEYOR (REC) (ATTACHMENT)**

- The City will:
  - gain an understanding of the current condition of the entirety of the foundation and retaining along the boundary of 14 Beach Street, Bicton
  - an independent entity will either confirm the foundation and retaining as-built and current condition aligns with the drawings supplied with BA-2017-466 or advise otherwise.
  - be informed as to a path forward should rectification of the foundation, retaining and any other issues be required.
  
- Potential Risks:
  - Continued lack of clarity in relation to the “as built” status of the foundation and retaining. No resolution to lack of retaining issue.

The Officer Advice Note provided to the August 2022 meeting was:

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

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

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

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

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

**DETAIL**

TESG Building Surveyors were appointed to undertake the inspection, which was undertaken on Friday, 9 December 2022.

A draft copy of the report was received on 15 February 2023, with a final report being received 10 March 2023. Minor changes to correction of dates and numbering were made with the latest corrected version of the report being received Monday, 13 March 2023.

**M23/5964 – REVIEW OF 14 BEACH STREET BOUNDARY FOUNDATION AND RETAINING BY AN INDEPENDENT REGISTERED BUILDING SURVEYOR (REC) (ATTACHMENT)**

Elected Members have been advised of the progress of this matter in the Elected Member Bulletins of 3, 17 and 24 February and 3 March 2023. A copy of the 15 February 2023 draft report was published to the Elected Member Portal on 17 February 2023.

The [TESG 14 Beach Street, Bicton Building Code Compliance Report](#) is provided as an attachment to this report.

The following observations are made in relation to the report:

1. The report has confirmed that the screen wall, the subject of this ongoing dispute, appears to be constructed in accordance with Building Approval Certificate BA-2017-466. That is significant, as consistent allegations have been made that the screen wall was not constructed in accordance with that Certificate.
2. The report also noted that, in the independent Building Surveyor's view, although the remains of the limestone retaining wall is not in compliance with the approved structural details for BA-2002-2166, issued in 2002, the limestone retaining wall is not displaying any signs of imminent danger of collapse. As a result, the independent Building Surveyor's view is that the retaining wall is not in a dangerous state and therefore there is no basis, pursuant to the *Building Act 2011*, for the City to pursue any building compliance enforcement action against the owner (14 Beach Street) of the retaining wall to direct them to carry out any repair work.
3. The inspector is also of the view that the City cannot issue the owner of the screen wall (14 Beach Street) a Building Order requiring the outward facing side of the screen wall to be finished in a particular way, pursuant to s.88, *Building Act 2011*. The City has been made aware that the owner of 12 Beach Street will not permit the owner of 14 Beach Street, or her contractors, to enter his property to finish the screen wall, the works cannot be undertaken.
4. Legal advice indicates that in relation to the circumstances above, if the City were to issue a building order (which appears doubtful), it would be invalid and unenforceable.

In view of the report findings, the City is not required to take any further action in this matter, unless the City receives a report by a Structural Engineer that confirms what remains of the retaining wall or any other part of the structure is in a dangerous state. Subsequently, without the consent of the owner of 14 Beach Street, this would require the owner of 12 Beach Street to allow a Structural Engineer onto their property to carry out a visual inspection only of the boundary structures and what remains of the limestone retaining wall.

Invasive sample testing of the structures on 14 Beach Street cannot be undertaken without the property owner's consent. The owner of 14 Beach Street has previously declined consent to access their property for any further inspections and it is for this reason that undertaking a visual inspection to confirm structural adequacy from 12 Beach Street, is not presented as an alternative recommendation.

Previous legal advice obtained in relation to this matter, that is still relevant, has been provided to Elected Members in the 17 March 2023 Elected Members Bulletin. The advice provides the opinion on how the Council may proceed with this matter, which is reflected in the City Officer recommendation.

**M23/5964 – REVIEW OF 14 BEACH STREET BOUNDARY FOUNDATION AND RETAINING BY AN INDEPENDENT REGISTERED BUILDING SURVEYOR (REC) (ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

The TESG report makes reference to the following sections of the Building Act 2011:

*Section 88*     *Finishes of walls close to boundaries.*  
*Section 110*   *Building Orders*  
*Section 112*   *Content of Building Order*

**FINANCIAL IMPLICATIONS**

The cost to undertake the inspection and provide the report was \$6,490. Additional expenditure may be incurred should the Council request the independent Building Surveyor to attend a briefing session, to present and discuss his report.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The report addresses the risk and concerns regarding the structural adequacy of the limestone retaining wall located adjacent to the side allotment boundary with 12 Beach Street, Bicton.

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The August 2022 Council resolution requires that the independent building surveyor's report and any other relevant reports be presented to the Council.

The options now available for the owners of 12 and 14 Beach Street in relation to this matter are:

- The owner of 14 Beach Street may wish to appoint a Structural Engineer to undertake an inspection of the structures and footings of the boundary structures, adjacent to 12 Beach Street, as recommended by the independent Building Surveyor.
- As the City does not have cause at this time to undertake any further action in relation to this matter, in accordance with Recommendation 10 of the Weir Report and legal advice, refer the owners of 12 and 14 Beach Street to processes under the Dividing Fences Act or other legal processes to reach agreement and/or to resolve this matter.
- The owner of 12 Beach Street may wish to appoint a Structural Engineer to undertake a visual inspection only of the 14 Beach Street boundary structures, therefore is considered of limited value.

The options in the above dot points are not enforceable pursuant to the *Building Act 2011*, however, the City will continue to support attempts to achieve the report recommendations.

**M23/5964 – REVIEW OF 14 BEACH STREET BOUNDARY FOUNDATION AND RETAINING BY AN INDEPENDENT REGISTERED BUILDING SURVEYOR (REC) (ATTACHMENT)**

**CONCLUSION**

The TESG Report on the boundary structure footings and associated retaining located at 14 Beach Street, Bicton is presented to the Council as required by the August 2022 resolution. The report provides observations made in relation to the report recommends and advises of options that are now available for the Council to consider.

**OFFICER RECOMMENDATION (5937)**

**NOTING**

That the Council:

- 1 Notes the [TESG 14 Beach Street, Bicton Building Code Compliance Report](#) dated 10 March 2023; and
- 2 In accordance with Recommendation 10 of the Weir Report and legal advice received, that the owners of 12 and 14 Beach Street, Bicton now be advised to avail themselves to processes under the Dividing Fences Act or other Legal Processes to reach agreement on the way that the screen fence is finished and resolve any retaining wall and fence matters.

**Alternative Motion**

At 7:25pm Cr Edinger moved, seconded –

That the Council directs the CEO to:

- (a) appoint an independent structural engineer to undertake an inspection of the boundary structure footings and associated retaining located at 14 Beach Street, Bicton, and
- (b) provide a report back to the July 2023 ordinary meeting of Council which includes a copy of the independent structural engineer's and any other relevant reports.

**Reasons as provided by Cr Edinger**

In the Executive Summary the TESG report conclusion is that:

1. The only structural certification provided by Terpkos civil & structural consulting that relates to the mass limestone retaining wall and screen wall is in the letter dated 14 December 2015.
2. There is no structural certification that specifically addresses the structural adequacy of the limestone retaining wall located adjacent to the side allotment boundary with 12 Beach Street.

The building surveyor goes on to make the recommendation that “the limestone retaining wall located adjacent to the side allotment boundary with 12 Beach Street should be inspected by a structural engineer to determine the structural adequacy of the retaining wall to determine: (a) compliance with the approved structural drawings, in particular compliance with Notes 5, 7 and 10; and (b) whether the limestone retaining wall and screen wall can reasonably be believed to be dangerous.”

**M23/5964 – REVIEW OF 14 BEACH STREET BOUNDARY FOUNDATION AND RETAINING BY AN INDEPENDENT REGISTERED BUILDING SURVEYOR (REC) (ATTACHMENT)**

At 7:25pm Cr Edinger amended the Alternative Motion with Notice before a seconder was sought.

**Alternative Motion**

At 7:25pm Cr Edinger moved, seconded –

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

- provide all structural engineering reports; and
- provide Building and Energy’s presentation, to the Council, of June 2020 to TESG for review of Independent Building Surveyors Report to determine if additional information can be incorporated and the matter be presentation to an Elected Members Engagement Session in May 2023 to with a report to the Ordinary Meeting of Council 20 June 2023.

*At 7:25pm Cr Robins left the meeting.*

**Procedural Motion**

**COUNCIL RESOLUTION**

At 7:30pm Cr Mair moved, seconded Cr Fitzgerald –

**That the Item be deferred to the 18 April 2023 Meeting of Council and the matter be included in an Elected Member Engagement Session for further discussion.**

At 7:31pm the Mayor declared the motion

**CARRIED (7/5)**

For	7	Cr Ross, Cr Macphail, Cr Wheatland, Cr Mair, Cr Pazolli, Cr Fitzgerald, Mayor Gear
Against	5	Cr Barber, Cr Edinger, Cr Spanbroek, Cr Sandford, Cr Woodall

**Management Services**

**M23/5000 – COMMON SEAL REGISTER (REC)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report details the documents to which the City of Melville Common Seal has been applied for the period from 18 August 2022 up to and including 28 February 2023 for the Council's noting.

**M23/5000 – 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**

<b>Register Reference</b>	<b>Parties</b>	<b>Description</b>	<b>ECM Reference</b>
CS2202	City of Melville, J S Ould, D M Bechelli and P D Bechelli	Restrictive Covenant - 169 Kitchener Road Alfred Cove - McLeods Barristers & Solicitors (DA-2021-614)	6885812
CS2203	City of Melville and Changfeng Pty Ltd	Grant of Easement - Changfeng Pty Ltd and City of Melville - McLeods Barristers and Solicitors	7236994
CS2204	City of Melville, Atkinson Investment WA Pty Ltd, and Love Investment WA Pty Ltd	Notification under Section 70A, Lot 1 on Diagram 26845	7279972
CS2205	City of Melville and Monmouth Pty Ltd	Transfer of Land - Lot 42 & 88 on Plan 8418, Transfer of Land - Lot 57 on Plan 7375.  Final transfer of land documents from ASIC to transfer drainage parcels to City, for public purpose, at nil consideration	7287204 & 287205
CS2206	City of Melville and Landgate	Notification 70A for Lot 102 No. 25 Hetherington Drive, Bull Creek - DA-2022-774	7400993

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

## **M23/5000 – COMMON SEAL REGISTER (REC)**

### **STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

### **FINANCIAL IMPLICATIONS**

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

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

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

### **POLICY IMPLICATIONS**

There are no policy implications in relation to this report.

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

There are no alternative options presented as part of this report.

### **CONCLUSION**

This is a standard report for the Elected Members' that details the documents to which the City of Melville Common Seal has been applied for the period from 18 August 2022 up to and including 28 February 2023 for the Council's noting.

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

**NOTING**

**That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 18 August 2022 up to and including 28 February 2023 for the Council's noting.**

At 6:59pm the Mayor declared the motion

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**Corporate Services**

**C23/5956 – LOCAL GOVERNMENT ELECTIONS 2023 (AMREC)**

Ward : All  
 Category : Operational  
 Subject Index : Elections  
 Customer Index : Western Australian Electoral Commission  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Item M21/5800 City of Melville Local Government Elections 2021 – Ordinary Meeting of Council held 16 February 2021  
 Works Programme : Not Applicable  
 Funding : Budget consideration 2023-2024  
 Responsible Officer : Corrine Newman  
 Head of Governance

**AUTHORITY / DISCRETION**

**DEFINITION**

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

## C23/5956 – LOCAL GOVERNMENT ELECTIONS 2023 (AMREC)

### KEY ISSUES / SUMMARY

- Local Government Elections are required to be held in accordance with the requirements of the *Local Government Act 1995*.
- Local Government Elections are scheduled to be held on 21 October 2023, and for the City of Melville this will include a Mayoral Election.
- The Act requires that, prior to formally requesting the Electoral Commissioner to conduct the City of Melville election, the Council must approve by absolute majority:
  - the Electoral Commissioner being responsible for the elections; and
  - the election being conducted as a postal election
- Local Government Elections are the subject of Local Government Reform and proposed changes affecting the City are outlined in this report.
- This report recommends that the Western Australian Electoral Commission conduct the City of Melville 2023 Local Government Election and that the election be held as a postal election.

### BACKGROUND

The last Local Government Election was held on 16 October 2021 by postal voting conducted by the Western Australian Electoral Commission (WAEC).

The City of Melville has successfully undertaken 12 postal voting elections (1997 – 2021) using the services of the WAEC and has found postal voting elections to deliver a greater voter response. The voter response in 2021 was 31.7% of enrolled persons and was 38.1% in 2019, which was the last Mayoral election.

Prior to requesting the Electoral Commissioner to conduct the City of Melville elections in October 2023, there is a requirement under the Local Government Act to appoint the Electoral Commissioner and confirm the elections are to be conducted by the postal voting method.

### DETAIL

The 2023 Local Government Election will be held following the first tranche of local government reforms. Those specific reforms that will affect the City of Melville include:

- the introduction of optional preferential voting, which will bring local government election back in line with State and Federal elections and will enable electors to express preferences
- new rules around the Owner and Occupier Roll to prevent the use of 'sham leases' to gain eligibility
- the setting of state-wide caretaker periods for Ordinary Elections
- the opportunity to fill unexpected vacancies from the election process using the results of the election where there were multiple candidates seeking to fill the substantive vacancy – this obviates the need for a by-election.

These reforms are currently being considered as part of the *Local Government Amendment Bill 2023* and are expected to be in place before the 2023 Local Government Elections.

## **C23/5956 – LOCAL GOVERNMENT ELECTIONS 2023 (AMREC)**

### **STAKEHOLDER ENGAGEMENT**

#### **I. COMMUNITY**

Consultation with the community is not required.

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

The City of Melville has received a written estimate for \$402,000 including GST from the Western Australian Electoral Commission for them to conduct the 2023 Ordinary Election as a postal ballot.

### **STATUTORY AND LEGAL IMPLICATIONS**

In accordance with section 4.20(4) of the *Local Government Act 1995* the Electoral Commissioner must agree to be responsible for the conduct of a postal election. A request for the Electoral Commission to conduct the election must be by absolute majority decision.

In accordance with the *Local Government Act 1995* section 4.20(2)(3) and (4), the last day for agreement for the Electoral Commissioner to conduct a postal election is eighty days prior to the elections (4 August 2023).

### **FINANCIAL IMPLICATIONS**

The Western Australian Electoral Commission (WAEC) has quoted \$402,000 including GST to conduct the City of Melville 2023 Local Government Election. This is an estimate based on the following assumptions:

- 75,100 electors.
- Response rate of approximately 40%.
- 7 vacancies (1 Mayoral position and 6 councillor positions).
- Count to be conducted at the City of Melville offices.
- Appointment of a local Returning Officer.
- Regular Australia Post delivery service to apply for the lodgement of election packages.

An additional amount of \$16,150 will be included should the City decide to use Australia Post's Priority Service for the lodgement of election packages.

Costs not incorporated in this estimate include:

- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission incurred as part of an invalidity complaint lodged with the Court of Disputed Returns.
- The cost of any casual staff to assist the Returning Officer on election day or night.
- Any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

## **C23/5956 – LOCAL GOVERNMENT ELECTIONS 2023 (AMREC)**

The WAEC is required by the *Local Government Act 1995* to conduct the Local Government Elections on a full cost recovery bases, therefore, the final cost may vary. The WAEC charge all materials at cost and a margin on staff time.

The quoted cost for 2023 is a substantial increase on the cost of the 2021 Local Government Election (quoted cost of \$305,000 with a final cost of \$276,577) and the last Mayoral election in 2019, (quoted cost of \$280,000 and a final cost of \$269,442).

The Commission has cited inflation in recent years affecting the salaries of Returning Officers and other staff, printing and packaging costs and increased postage costs announced by Australia Post. Additional costs from the Commission have been included arising from improved processing procedures and additional resources to supplement the Commission's education, complaints management, investigation, and legal efforts.

There will also be additional costs incurred directly by the City of Melville which include salary costs, non-statutory advertising, and any potential legal expenses. These additional costs will be provided for in the 2023-2024 Budget.

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

The risk of an election being conducted by the WAEC and having significant issues is assessed to be low. The risk of an election conducted by the Chief Executive Officer as Returning Officer is increased due to the two-year cycle of elections that do not allow in-house skill levels to be maintained to the same levels as those of Electoral Commission.

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk</b>	<b>Risk Treatment</b>
That a postal election conducted by WAEC being deemed invalid.	Minor consequences, which are unlikely, resulting in a Low level of risk.	Close liaison with WAEC to ensure all facilities and staffing provided by the City meet the WAEC requirements.

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

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

There is an alternative option for the Chief Executive Officer to conduct the election as the Returning Officer. The election would be an in-person election (i.e., requiring votes to be cast in person at a polling place). This may result in a lower cost, but experience has indicated this method results in lower voter participation.

**C23/5956 – LOCAL GOVERNMENT ELECTIONS 2023 (AMREC)**

*At 7:32pm Cr Edinger left the meeting.  
At 7:33pm Cr Spanbroek left the meeting.*

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5956)**

**ABSOLUTE MAJORITY**

At 7:32pm Cr Fitzgerald moved, seconded Cr Wheatland –

**That the Council by absolute majority decision:**

- 1. in accordance with Section 4.20(4) of the *Local Government Act 1995*, declares that the Western Australian Electoral Commissioner be responsible for the conduct of the 2023 Ordinary Elections together with any other elections or polls which may be required; and**
- 2. in accordance with Section 4.61(2) of the *Local Government Act 1995*, declares that the method of conducting the election will be as a postal election.**

At 7:33pm the Mayor declared the motion

**CARRIED BY ABSOLUTE MAJORITY (10/0)**

**C23/6000 – INVESTMENT STATEMENTS FOR JANUARY 2023 (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>
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<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	<b>Information</b>	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

<p>This report presents the investment statements for the period ending 31 January 2023 for the Council's information and noting.</p>
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**C23/6000 – INVESTMENT STATEMENTS FOR JANUARY 2023 (REC)**

**BACKGROUND**

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

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

**DETAIL**

The following statement details the investments held by the City as at 31 January 2023.

<b>CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 JANUARY 2023</b>		
<b>SUMMARY BY FUND</b>		
Municipal		\$59,351,277
Reserve		\$143,238,104
Trust		\$-
Citizen Relief		\$224,848
<b>TOTAL</b>		<b>\$202,814,229</b>
<b>SUMMARY BY INVESTMENT TYPE</b>		
11AM		\$17,090,927
31Days at Call		\$-
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$167,123,302
<b>TOTAL</b>		<b>\$202,814,229</b>
<b>SUMMARY BY CREDIT RATING</b>		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$115,600,272
A Category (A+ to A-)	A+	\$42,713,957
	A	
	A-	
BBB+ Category	BBB+	\$44,500,000
<b>TOTAL</b>		<b>\$202,814,229</b>

**C23/6000 – INVESTMENT STATEMENTS FOR JANUARY 2023 (REC)**

Exposure to an individual institution is limited according to Council policy and in January 2023 the investments were within the acceptable limits.

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 3,200,000	1.58%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 25,000,000	12.33%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 19,500,000	9.61%	15.00%	✓
CBA	AA-	AA Category	\$ 27,500,000	13.56%	30.00%	✓
Macquarie	A+	A Category	\$ 3,013,957	1.49%	25.00%	✓
NAB	AA-	AA Category	\$ 52,758,712	26.01%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 39,700,000	19.57%	25.00%	✓
Westpac	AA-	AA Category	\$ 32,141,560	15.85%	30.00%	✓
<b>TOTAL</b>			<b>\$ 202,814,229</b>	<b>100%</b>		

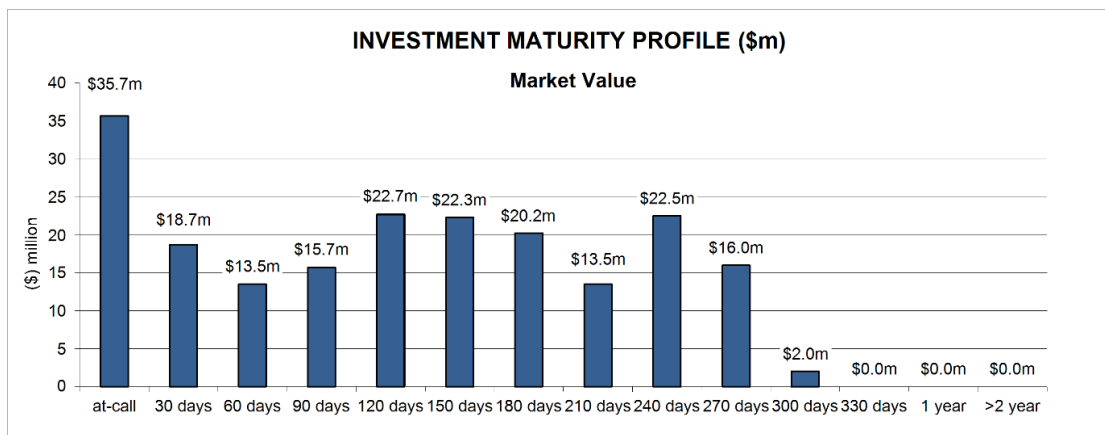
\*Standard & Poor's ratings. Source: Policy No. CP-009: Investment of Funds

The City's investments were invested within the limits allowed within each category rating for January 2023.

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 115,600,272	57%	80%	✓
A Category (A+ to A-)	\$ 42,713,957	21%	50%	✓
BBB+ Category	\$ 44,500,000	22%	25%	✓
<b>TOTAL</b>	<b>\$ 202,814,229</b>	<b>100%</b>		

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

The below graph summarises the maturity profile of the City's investments at market value as at 31 January 2023. The immediacy of the demand for funds depends on the particular Fund or Reserve Account(s) of the City. The maturity profile provided in the table above meets the liquidity requirements of the Council policy.



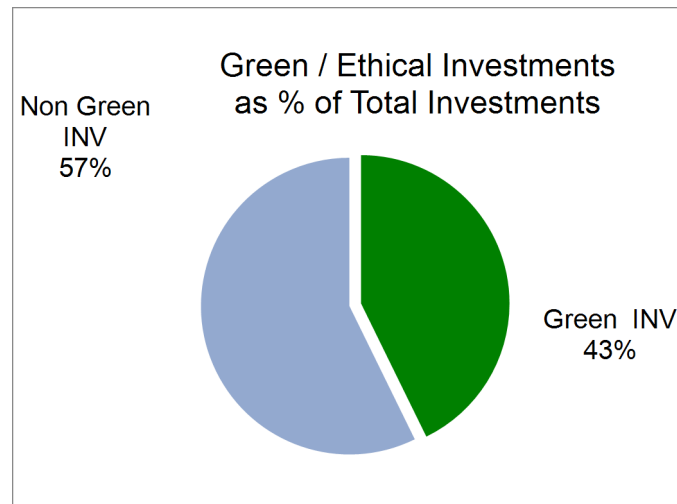
**C23/6000 – INVESTMENT STATEMENTS FOR JANUARY 2023 (REC)**

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

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

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

The total investment in green/ethical investments as at 31 January 2023 was \$86,700,000 or 43% of total investment holdings being in non-fossil fuels institutions, compared to \$86,700,000 (43%) in December 2022. The total investments holding for January and December were \$202,814,229 and \$203,906,591 respectively.



**Green / Ethical Investment with financial institutions**

Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 19,500,000
CBA	AA-	AA Category	27,500,000
Suncorp	A+	A Category	\$ 39,700,000
<b>TOTAL</b>			<b>\$ 86,700,000</b>

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

## C23/6000 – INVESTMENT STATEMENTS FOR JANUARY 2023 (REC)

### 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).

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

### FINANCIAL IMPLICATIONS

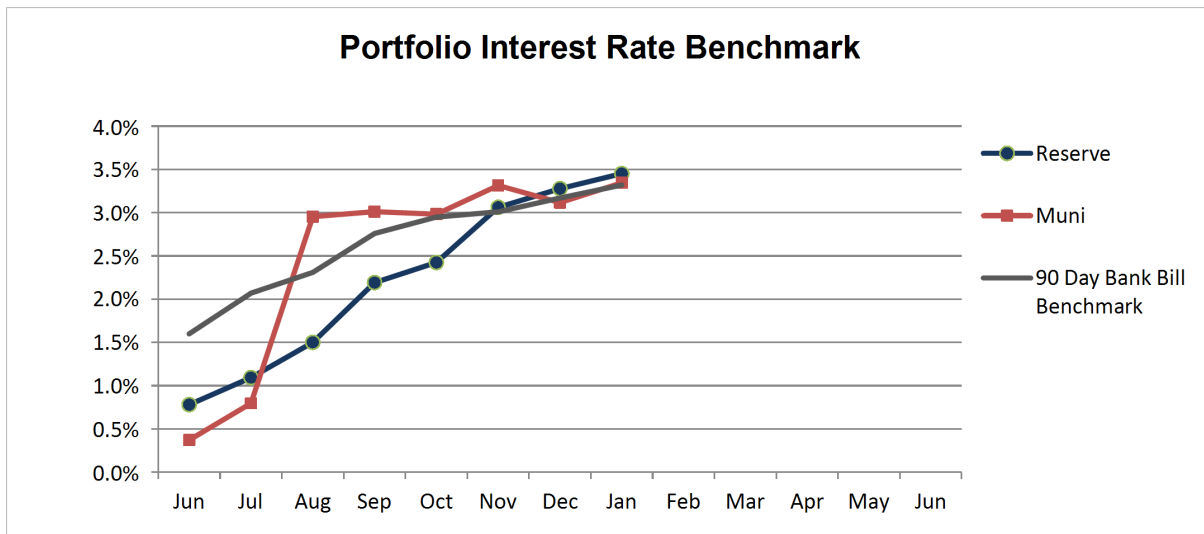
For the period ending 31 January 2023:

- Investment earnings on Municipal and Trust Funds were \$1,102,990 against a year to date budget of \$131,250 representing a positive variance of \$971,740.
- The weighted average interest rate for Municipal and Trust Fund investments as at 31 January 2023 was 3.35% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 3.32%.
- Investment earnings on Reserve accounts were \$2,155,415 against a year to date budget of \$968,333 representing a positive variance of \$1,187,082.
- The weighted average interest rate for Reserve account investments as at 31 January 2023 was 3.45% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 3.32%.

A combination of interest rates being raised significantly, and lower than expected expenditure from operating and reserve accounts has contributed to a positive variance in investment earnings. The current official cash rate as determined by the Reserve Bank of Australia (RBA) is 3.1%, compared to 0.85% in June 2022 when the budget was approved.

Note: The budget variances for investment earnings were addressed during the Mid-Year Budget Review and the amendments will be reflected in the February financial statements.

**C23/6000 – INVESTMENT STATEMENTS FOR JANUARY 2023 (REC)**



**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

**Strategic**

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

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

**Risk**

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

**Environmental**

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

**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*.

**C23/6000 – INVESTMENT STATEMENTS FOR JANUARY 2023 (REC)**

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as this report only presents information for noting.

**CONCLUSION**

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 3.35% to 3.45% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 3.32%.

43% 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 is compared to 43% in December 2022.

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

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

**NOTING**

**That the Council notes the Investment Report for the period ending 31 January 2023.**

At 6:59pm the Mayor declared the motion

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**C23/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 2023 (REC) (ATTACHMENT)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report presents the details of payments made under delegated authority to suppliers for the period of January 2023 and recommends that the Schedule of Accounts Paid be noted.

**C23/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 2023 (REC) (ATTACHMENT)**

**BACKGROUND**

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

A total of \$8,059,173 direct creditor payments were paid during the month, of which, 23% of payments were paid to suppliers located within the City of Melville and 31% to suppliers within the South-West Group, compared to 18% and 24% of total of \$8,687,287 direct creditor payments made over December 2022 respectively.

The largest payment of \$872,687 made during the month was for FOGO, gate fees and overheads payment to the Resource Recovery Group (RRG). Approximately 95% of supplier invoices are paid within 30 days of receipt of the invoices. The below table details the Summary of Payments Made for the period.

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

**DETAIL**

The Schedule of Accounts Paid for January including Payment Register numbers, Cheques: 833-835, Electronic Funds Transfers batches: 812-816, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 3 March 2023.

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

<b>SCHEDULE OF PAYMENTS MADE JANUARY 2023</b>		
<i>Payments made under Delegated Authority DA-035</i>		
<b>MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS</b>		
<b>Cheques</b>	Chq Payment Register No. 833,834 and 835	\$4,074.56
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	(\$483.13)
<b>Electronic Funds Transfers</b>	EFT Payment Register No. 813,814 and 816	\$7,802,916.62
	EFT Payment on Restricted Funds Register No. 812 and 815 and 127	\$85,117.50
	Less Cancelled EFTs	-
	<b>\$7,891,625.55</b>	
<b>Direct Debits</b>	Bank Fees	\$28,049.74
	Ampol Fuel	\$107,238.02
<b>Direct Payments</b>		\$32,259.88
	<b>Total Direct Creditor Payments</b>	<b>\$8,059,173.19</b>
<b>Payroll</b>	Total Pay 14 and 15	\$4,146,486.20
	<b>Total Payroll</b>	<b>\$4,146,486.20</b>
<b>Cards</b>	Westpac Corporate Cards	\$9,957.13
	Westpac Purchase Cards	\$55,213.69
	American Express	\$2,903.13
	<b>Total Card Payments</b>	<b>\$68,073.95</b>
<b>Total Direct Creditor Payments from Municipal Account</b>		<b>\$12,273,733.34</b>

**C23/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 2023 (REC) (ATTACHMENT)**

*Schedule of Payments Made continued.*

<b>INTERFUND &amp; INVESTMENT TRANSACTIONS</b>		
<b><i>Interfund Transfers</i></b>		
Loan		\$0.00
Citizen Relief Trust		\$0.00
Citizen Relief Operating		\$0.00
Municipal		(\$4,992,362.11)
Reserve		\$4,992,362.11
Trust		\$0.00
<b>Total Interfund Transfers</b>		<b>\$0.00</b>
<b><i>New Municipal Investments</i></b>		
Westpac Bank	4/01/2023	\$1,500,000.00
Westpac Bank	4/01/2023	\$1,500,000.00
Suncorp	5/01/2023	\$2,500,000.00
Westpac Bank	9/01/2023	\$2,000,000.00
NAB Bank	9/01/2023	\$2,000,000.00
Westpac Bank	23/12/2022	\$3,000,000.00
NAB Bank	10/01/2023	\$1,000,000.00
Westpac Bank	11/01/2023	\$2,200,000.00
Westpac Bank	13/01/2023	\$1,200,000.00
Westpac Bank	20/01/2023	\$1,300,000.00
Westpac Bank	25/01/2023	\$500,000.00
<b>Total New Investments</b>		<b>\$18,700,000.00</b>
<b>Grand Total</b>		<b>\$30,973,733.34</b>

Details of the payments are shown in attachment [6001 Payment Details January 2023](#).

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

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**C23/6001 – SCHEDULE OF ACCOUNTS PAID FOR JANUARY 2023 (REC) (ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as this report presents information for noting only.

**CONCLUSION**

The Schedule of Payments for the month totals \$30,973,733.34.

The report and the attached Schedule of Accounts Paid for January 2023 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 January 2023 as approved by the Acting Director Corporate Services in accordance with delegated authority DA-035 and detailed in attachment [6001 Payment Details January 2023](#).**

At 6:59pm the Mayor declared the motion

**CARRIED UNANIMOUSLY EN BLOC (13/0)**

**C23/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2023 (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"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**KEY ISSUES / SUMMARY**

<p>This report presents:</p> <ul style="list-style-type: none"> <li>• The Statements of Financial Activity by Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 31 January 2023 and recommends that they be noted by the Council.</li> <li>• The variances for the month of 31 January 2023 and recommends that they be noted by the Council.</li> <li>• The Budget amendment required for the month of 31 January 2023 and recommends it be adopted by Absolute Majority decision of the Council.</li> </ul>
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**C23/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2023 (AMREC)  
(ATTACHMENTS)**

**BACKGROUND**

The Statements of Financial Activity for the period ending 31 January 2023 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

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

- The City's total investments holding for January were \$202.8m of which the Municipal cash balance at the end of the month was \$59.5m and \$143.2m was held in reserve accounts, which are restricted to the defined purpose for which the reserve account was established.
- The investment in green/ethical term deposits as at 31 January was \$86.7m or 43% of total investment holdings, compared to \$86.7m (43%) in December 2022.
- The 2022-2023 Rates generated to 31 January totalled \$96.15m, \$0.212m higher than budgeted due to interim adjustments in respect to both Commercial and Residential improved properties.
- Total debtor collections for January 2023 equalled \$8.8m. The Rates collection target was 81.9% and the actual collection is tracking slightly higher at 82.5%, compared to 82.7% for the same period in 2021-2022. The total outstanding debtors (including all rates and sundry debtors) is \$23.2m as of 31 January 2023.

**DETAIL**

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

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

**Variances**

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

[6002B Statement Nature Type January 2023](#): Rate Setting Statement by Nature or Type  
[6002H Statement of Variances January 2023](#): Statement of Variances in Excess of \$100,000

**C23/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2023 (AMREC)  
(ATTACHMENTS)**

**Revenue**

Rates raised as at 31 January were \$96,154,039, compared to a year to date budget of \$95,941,921. The positive variance of \$212,118 is due to interim adjustments in respect to both Commercial and Residential improved properties.

**Rates Collection**

<b>SUMMARY OF RATE DEBTOR MOVEMENT</b>					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	5,453,565	5,453,565	0%	6,491,862	-16%
Debtors Raised	120,021,213	119,917,070	0%	118,367,636	1%
Payments Received	(103,255,795)	(95,071,925)	9%	(102,110,858)	1%
Closing Balance	22,218,983	30,298,709	-27%	22,748,641	-2%

Total rate debtor collections for the month equalled \$8,183,869.

**Sundry Debtor Movement**

<b>SUMMARY OF SUNDRY DEBTOR MOVEMENT</b>					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	642,878	642,878	0%	882,151	-27%
Invoices Raised	4,800,433	3,910,220	23%	3,896,580	23%
Receipts	(4,461,500)	(3,799,314)	17%	(3,804,397)	17%
Prepayments	10,835	6,286	72%	(28,989)	-137%
Closing Balance	992,647	760,070	31%	945,345	5%

Sundry debtor balances increased by \$232,577 over the course of January from \$760,070 to \$992,647 of which total 90-day sundry debtors over \$1,000 for the month is \$224,828, representing 23% of total sundry debtors.

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

Not applicable for January 2023.

**C23/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2023 (AMREC)  
(ATTACHMENTS)**

**Budget Amendments**

The Mid-Year Budget Review was undertaken in January and adopted by Council in February. Due to the majority of amendments being addressed during this process, there is only a single budget amendment for January 2023 as outlined in attachment [6002J Budget Amendments January 2023](#). This amendment is seeking approval to fund refurbishment works at 31 Moreau Mews, a commercially leased premise.

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

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

**Sundry Debtors**

There were no sundry debts written off for the month of January.

**Rate Debtors**

There were no rate debts written off for the month of January.

The following attachments form part of the attachments to the Agenda for the month of January 2023.

DESCRIPTION	LINK
Statement of Financial Activity By Nature or Type	<a href="#">6002A Statement Nature Type January 2023</a>
Rate Setting Statement by Program	<a href="#">6002B Rate Setting Program January 2023</a>
Rate Setting Statement by Nature or Type	<a href="#">6002B Rate Setting Nature Type January 2023</a>
Representation of Net Working Capital	<a href="#">6002E Net Working Capital January 2023</a>
Reconciliation of Net Working Capital	<a href="#">6002F Reconciliation Net Working Capital January 2023</a>
Notes on Rate Setting Statement reporting on variances of 10% or \$100,000 whichever is greater	<a href="#">6002H Notes Rate Setting Statement January 2023</a>
Details of Budget Amendments requested	<a href="#">6002J Budget Amendments January 2023</a>
Summary of Rates Debtors	<a href="#">6002L Summary Rate Debtors January 2023</a>
Graph Showing Rates Collections	<a href="#">6002M Rates Collections Graph January 2023</a>
Summary of General Debtors aged 90 Days Old or Greater	<a href="#">6002N General Debtors Aged 90 Days January 2023</a>

**C23/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2023 (AMREC)  
(ATTACHMENTS)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

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

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

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

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

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

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

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

**C23/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2023 (AMREC)  
(ATTACHMENTS)**

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

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

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

## **FINANCIAL IMPLICATIONS**

### **Variances**

Variances are detailed and explained in the attachment – Notes on Statement of Variances in excess of \$100,000 by Nature or Type. [6002H Notes Rate Setting Statement January 2023](#)

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

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

## **POLICY IMPLICATIONS**

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

## **ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There are no alternative options presented as part of this report.

## **CONCLUSION**

The attached financial reports reflect a positive financial position of the City of Melville as at 31 January 2023.

**C23/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JANUARY 2023 (AMREC)  
(ATTACHMENTS)**

At 7:33pm Cr Robins returned to the meeting.

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

At 7:33pm Cr Fitzgerald moved, seconded Cr Pazolli –

**That the Council:**

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 January 2023 as detailed in the following attachments:**

DESCRIPTION	LINK
Statement of Financial Activity By Nature or Type	<a href="#"><u>6002A Statement Nature Type January 2023</u></a>
Rate Setting Statement by Program	<a href="#"><u>6002B Rate Setting Program January 2023</u></a>
Rate Setting Statement by Nature or Type	<a href="#"><u>6002B Rate Setting Nature Type January 2023</u></a>
Representation of Net Working Capital	<a href="#"><u>6002E Net Working Capital January 2023</u></a>
Reconciliation of Net Working Capital	<a href="#"><u>6002F Reconciliation Net Working Capital January 2023</u></a>
Notes on Rate Setting Statement reporting on variances of 10% or \$100,000 whichever is greater	<a href="#"><u>6002H Notes Rate Setting Statement January 2023</u></a>
Details of Budget Amendments requested	<a href="#"><u>6002J Budget Amendments January 2023</u></a>
Summary of Rates Debtors	<a href="#"><u>6002L Summary Rate Debtors January 2023</u></a>
Graph Showing Rates Collections	<a href="#"><u>6002M Rates Collections Graph January 2023</u></a>
Summary of General Debtors aged 90 Days Old or Greater	<a href="#"><u>6002N General Debtors Aged 90 Days January 2023</u></a>

- 2. By Absolute Majority Decision adopts the budget amendment, as detailed in the attached Budget Amendment Report for January 2023 [6002J Budget Amendments January 2023](#).**

At 7:33pm the Mayor declared the motion

**CARRIED BY ABSOLUTE MAJORITY (11/0)**

**Community Development**

**CD23/8157 – STAKEHOLDER AND COMMUNITY ENGAGEMENT REPORT (REC)  
(ATTACHMENT)**

Ward : All  
 Category : Strategic  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 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 type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	<b>Information</b>	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

A clear strategy and consistent approach to community and other stakeholder engagement is key to delivering projects cross the City. Our stakeholder engagement approach is regularly reviewed and improved to ensure the most appropriate level of involvement of community and other stakeholders to help inform the decision making of Council.

**CD23/8157 – STAKEHOLDER AND COMMUNITY ENGAGEMENT REPORT (REC)  
(ATTACHMENT)**

**BACKGROUND**

We have utilised international best practice to inform our stakeholder engagement approach for more than 15 years at Melville.


The International Association for Public Participation (IAP2) Spectrum is designed to assist in the selection of the level of participation that defines the public’s role in any community engagement program

The Spectrum shows that differing levels of participation are legitimate depending on the goals, time frames, resources, and levels of concern in the decision to be made. However, the Spectrum also sets out the promise being made to the public at each participation level.

**IAP2 Spectrum of Public Participation**



IAP2’s Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public’s role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

INCREASING IMPACT ON THE DECISION 					
	<b>INFORM</b>	<b>CONSULT</b>	<b>INVOLVE</b>	<b>COLLABORATE</b>	<b>EMPOWER</b>
<b>PUBLIC PARTICIPATION GOAL</b>	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
<b>PROMISE TO THE PUBLIC</b>	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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The City follows the IAP2 Core Values which define the expectations and aspirations of the public participation process.

**CD23/8157 – STAKEHOLDER AND COMMUNITY ENGAGEMENT REPORT (REC)  
(ATTACHMENT)**

**Seven IAP2 Core Values Public Participation**

Public participation:

- is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
- includes the promise that the public's contribution will influence the decision.
- promotes sustainable decisions by recognising and communicating the needs and interests of all participants, including decision makers.
- seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- seeks input from participants in designing how they participate.
- provides participants with the information they need to participate in a meaningful way.
- communicates to participants how their input affected the decision.

**DETAIL**

Currently we collect data in relation to projects that have an engagement component and utilise the online portal Melville Talks as well as in person meetings and written correspondence to seek input from all relevant stakeholders and the community.

Engagement is paused in December each year acknowledging that many people are on holidays and unavailable to engage with the City on projects and activities.

The following provides a summary of the 99 engagement projects – both current and closed, from July 2022 to February 2023 on the Melville Talks website. Additional community and stakeholder input to various projects may also be obtained via written submissions or in person through facilitated workshops/meetings.


From July 2022 to February 2023 some of the projects with engagement opportunities on Melville Talks included:

- Canning Bridge Activity Centre Plan Review
- Tennis Strategy
- Better Together Melville – to create the City's first Access and Inclusion Plan
- Safer Melville Plan
- Ogilvie Streetscape Upgrade
- Cultural Infrastructure Strategy – *endorsed by Council*
- Goolugatup Heathcote Lowerlands
- John Connell Reserve Master Plan
- Kearns Crescent Street Upgrade
- Public Open Space Renewal – 200 parks to plan for needs of our growing population
- Dyoondalup Point Walter Multi-Use Courts
- Yagan Mia Wireless Hill Vision and Activation Plan
- Riseley Centre Place Identity
- Proposed Activity Centre Plan for Kardinya District Centre
- Mixed Use Development – Cnr Canning Highway and Stock Road Palmyra
- Review of Local Planning Policies

**CD23/8157 – STAKEHOLDER AND COMMUNITY ENGAGEMENT REPORT (REC) (ATTACHMENT)**

Full details of current and closed engagement projects can be found on the City of Melville website: <https://www.melvillecity.com.au/our-city/connect-with-us/melville-talks/engagements>

The following is the stakeholder engagement data collected from the Melville Talks website for the period July 2022 to 28 February 2023.


City of Melville

# STAKEHOLDER ENGAGEMENT

## YEARLY REPORT 2022/23 TO DATE

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

### Melville Talks webpage and projects


62,682

page visits

43

open/active projects

Page view by month



Top projects on Melville Talks to date

- Kearns Canning Bridge Activity Centre Plan Review
- Crescent Streetscape Upgrade
- Playground Renewal Program
- Proposed Activity Centre Plan for Kardinya District Centre
- Ogilvie Streetscape Upgrade
- DAP-2022-16
- Developing our 2023-2033 Safer Melville Plan

### eNews

Issue monthly promoting new and upcoming projects and project updates.

5,576

eNews subscribers

14.8%

Increase from previous FY

55.4%

up 8.5% from previous FY of people open our eNews

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### Engaged Participants

We use multiple engagement methods to work with our community

2,296

total engaged participants

78

in person participants

2,218

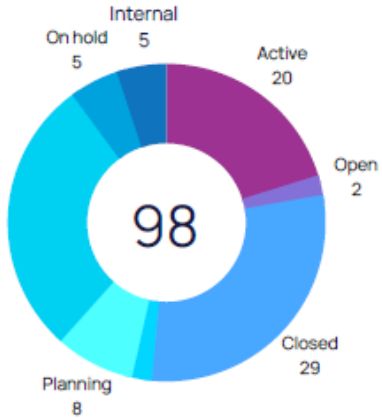
online participants

### Engagement Projects

The number of engagement projects for FY22/23 that Stakeholder Engagement has completed work for. This includes planning and advisory services, service requests and updates.

98

projects



---

### Direct Communication

Emails issued direct to the community promotion projects

16,243

direct emails sent

9,992

random sample emails sent

### Information Sharing

Via documents and interactive images available on the City's website and videos hosted on YouTube

229

interactive images

366

watched Youtube

7,507

documents downloaded

**CD23/8157 – STAKEHOLDER AND COMMUNITY ENGAGEMENT REPORT (REC)  
(ATTACHMENT)**

Monthly data is also collated – for example:

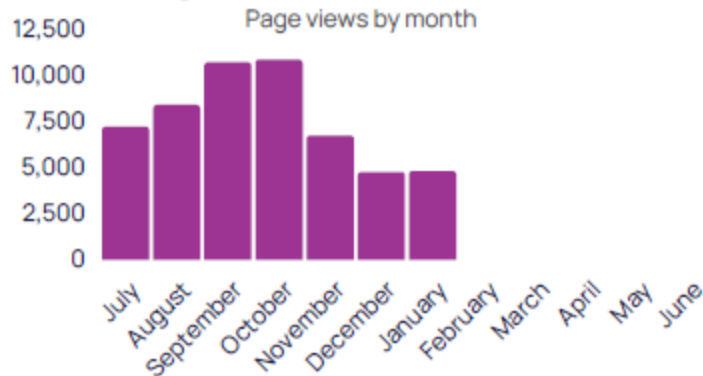
**January 2023**

## Melville Talks webpage

**4,788**  
monthly page views

**1**  
engagements launched

**2**  
open projects for contribution



### Top 5 visited project pages

1. Project Robin Hood 6
2. Proposed Activity Centre Plan for Kardinya District Centre
3. Council made a determination
4. DAP-2022-14 Santa Maria Cultural Centre, Nos. 2-44  
Stoneham Road, Attadale
5. Review of Dog Exercise Areas

Current engagement projects, open for community input, are reported weekly in the Elected Members Bulletin.

## STAKEHOLDER ENGAGEMENT

### I. COMMUNITY

The IAP2 Spectrum of Public Participation outlines the public participation goal and promise to the public that guides our engagement strategy for different projects.

### II. OTHER AGENCIES / CONSULTANTS

The City works with several engagement consultants depending on the nature of the project who may provide additional expertise around special subject matters such as planning related engagement projects.

Identification of all stakeholders affected by a project is part of the engagement planning process.

**CD23/8157 – STAKEHOLDER AND COMMUNITY ENGAGEMENT REPORT (REC)  
(ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

The Department of Local Government, Sport and Cultural Industries Integrated Planning and Reporting Framework:

- recognises that planning for a local government is holistic in nature and driven by the community
- builds organisational and resource capability to meet community need
- optimises success by understanding the integration and interdependencies between the components
- emphasises performance monitoring so that local governments can adapt and respond to changes in community needs and the business environment.

A successful integrated planning and reporting process will deliver a:

- Strategic Community Plan that clearly links the community's aspirations with the council's vision and long-term strategy
- Corporate Business Plan that integrates resourcing plans and specific council plans with the strategic community plan
- clearly stated vision for the future viability of the local area.

**FINANCIAL IMPLICATIONS**

There are no financial implications presented as part of this report.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

All Local Governments are currently required to produce a Plan for the Future under s5.56 (1) of the *Local Government Act 1995*.

The [Local Government \(Administration\) Regulations 1996](#) provides a brief outline of the minimum requirements, which includes the development of a strategic community plan and a corporate business plan. With the strategic community plan for a district setting out the vision, aspirations and objectives of the community in the district.

**Local Government Reform**

The State Government has announced the final package of reforms to the *Local Government Act 1995*, following a review of public submissions.

The proposed reforms are based on six themes:

1. Earlier intervention, effective regulation, and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. **Stronger local democracy and community engagement**
5. Clear roles and responsibilities
6. Improved financial management and reporting.

**CD23/8157 – STAKEHOLDER AND COMMUNITY ENGAGEMENT REPORT (REC)  
(ATTACHMENT)**

The State Government has identified that local governments will be required to establish a Community Engagement Charter which sets out how it will engage with ratepayers and the community about the local government's proposed policies, initiatives, and projects. A model charter will be published to assist local governments who wish to adopt a standard charter.

**An excerpt from the [8157 – Local Government Review Panel – Final Report](#):**  
Recommendations for a new Local Government Act for Western Australia is provided below.

*Community Engagement and Governance*

*33. The Panel recommends that the following community engagement principles should be included in the new Act:*

- a. Councils actively engage with their local communities.*
- b. Councils are responsive to the needs, interests, and aspirations of individuals and groups within its community.*
- c. Community engagement processes have clearly defined objectives and scope.*
- d. Participants in community engagement have access to objective, relevant and timely information to inform their participation.*
- e. Participants in community engagement are representative of the persons and groups affected by the matter that is the subject of the community engagement.*
- f. Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement; and*
- g. Participants in community engagement are informed of the ways in which the community engagement process will influence council decision-making.*

*The Panel considers the community key to the effective functioning of the local government, with the local government being there for and to respond to the community. It is therefore vital that all segments of the community are heard and can participate in decision-making.*

*34. The Panel recommends a Community Engagement Charter be required as a mechanism for guiding and enhancing community participation in local decision-making, and that a model charter be prepared to set parameters and provide guidance on mechanisms to be used.*

*The Panel agreed that all local governments should be required to have a Community Engagement Charter, with individual local governments responsible for ensuring they are fit for purpose. The department should provide suitable guidance material and templates for those local governments that wish to utilise these.*

*The Panel proposed that triggers for consultation be included, such as borrowing, change of purpose in land use, and major changes to strategy.*

*The Panel considered that the Charter should be accessible, flexible, and include the deliberative community engagement requirements for IPR. The Charter should also include a reporting mechanism in the annual report.*

*The Panel believed that elected members have an important role to play in community engagement in listening to the community and that this should be outlined in the Charter. Training should be available to elected members in this area.*

Factsheets on all proposed local government reforms are located on the DLGSC website:  
<https://www.dlgsc.wa.gov.au/department/publications/publication/full-reform-proposals>

**CD23/8157 – STAKEHOLDER AND COMMUNITY ENGAGEMENT REPORT (REC)  
(ATTACHMENT)**

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk*</b>	<b>Risk Treatment</b>
Legislative changes may impact review timetable of current Stakeholder Engagement Policy and Strategic Community Plan	Minor consequences which are likely, resulting in a <b>Medium</b> level of risk	Stakeholder and community engagement approach is continuously reviewed and improved, and learnings are captured for inclusion in updated documentation to align with legislative requirements as required

\* As derived from using the Risk Matrix

**POLICY IMPLICATIONS**

CP-002 Stakeholder Engagement Policy – requires review – awaiting outcome of changes to State legislation around stakeholder engagement reporting.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There are no alternative options presented as part of this report.

**CONCLUSION**

Our stakeholder engagement approach is regularly reviewed and improved to ensure the most appropriate level of involvement of community and other stakeholders to help inform the decision making of Council and operational activities. The proposed legislative changes and requirements related to stakeholder and community engagement such as a Community Engagement Charter will continue to be monitored and brought to Council for consideration as required.

*At 7:34 pm Cr Wheatland left the meeting.*

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8157)**

**APPROVAL**

At 7:34pm Cr Fitzgerald moved, seconded Cr Pazolli–

**That the Council notes the Stakeholder and Community Engagement report.**

At 7:34pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (10/0)**

**Environment and Infrastructure**

Disclosure of Interest

Member Cr Fitzgerald  
 Type of Interest Impartiality Interest Under the Code of Conduct  
 Nature of Interest I live on Zenobia Street which is captured in the proposal.  
 Request Leave  
 Decision Leave

At 7:34pm Cr Fitzgerald having declared an interest in this matter, left the meeting.

**EI23/4019 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING  
 BICTON SOUTH / PALMYRA PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

Ward : Bicton - Attadale – Alfred Cove  
 Palmyra – Melville - Willagee  
 Category : Operational  
 Subject Index : Underground Power  
 Customer Index : Western Power  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a  
 declarable interest in this matter.  
 Previous Items : Item T16/3681 – State Underground Power Program Round  
 6 – Ordinary Meeting of Council held 16 February 2016  
 Works Program : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Kimberly Brosztl  
 Manager Engineering

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/>	Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/>	Quasi-Judicial	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.
<input type="checkbox"/>	Information	For the Council/Committee to note.

**EI23/4019 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING  
BICTON SOUTH / PALMYRA PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- The City has long been a participant in the State Government Underground Power Programs (SUPP) and ultimately would like to see the entire City of Melville achieve underground power.
- Benefits that the City has achieved through underground power projects include:
  - Increased the City's urban tree canopy
  - Improved street appearance
  - Reduced street tree pruning costs
  - Improved public safety, reliability, and security of power
  - Increased property value for property owners
  - Improved opportunities for emerging technologies
- Approximately two-thirds of the City of Melville now has underground power, either through the SUPP or through sub-division development.
- Western Power has invited the City of Melville to participate in its Targeted Underground Power Program (TUPP) Bicton South / Palmyra Project which includes the areas within the suburbs of Bicton, Palmyra, and Melville.
- Project areas identified under TUPP contain electrical infrastructure that is nearing the end of its useful life, and this represents the most cost-effective scenario for transforming existing overhead electrical infrastructure to underground power i.e. Western Power contributes a higher contribution compared to the old SUPP program.
- The initial estimate of the City's contribution for the Bicton South / Palmyra Project area is around \$4,000 to \$6,000 per property, which is paid by the property owner. The estimated costs are indicative only, with more accurate costings following Western Power's detailed design and a breakdown of the number of commercial properties within the project area. It is expected that the estimates will reduce when the detailed design is progressed. Properties that already have an underground connection to a green dome would get the lower charge as it would only include the capital costs, not the connection costs.
- The alternative to undergrounding power is that Western Power would replace power poles and streetlights in this area 'like for like' and this infrastructure would be likely to remain for 40-50 years, compromising some of the City's strategies.
- Participation in this TUPP initiative requires the City of Melville's CEO to sign a Memorandum of Understanding (MoU) with Western Power outlining the shared commitment and partnership to this underground power program. This MoU agreement is not legally binding.
- Western Power can then produce a detailed design with more accurate costings and finalise the underground project area. The City would then survey residents to identify their level of support.
- If a survey to affected residents resulted in more than 50% of respondents showing support for undergrounding power, as per previous underground power projects, the City would proceed with Western Power's offer to underground power in the Bicton South / Palmyra Project area.

**EI23/4019 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING  
BICTON SOUTH / PALMYRA PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

**BACKGROUND**

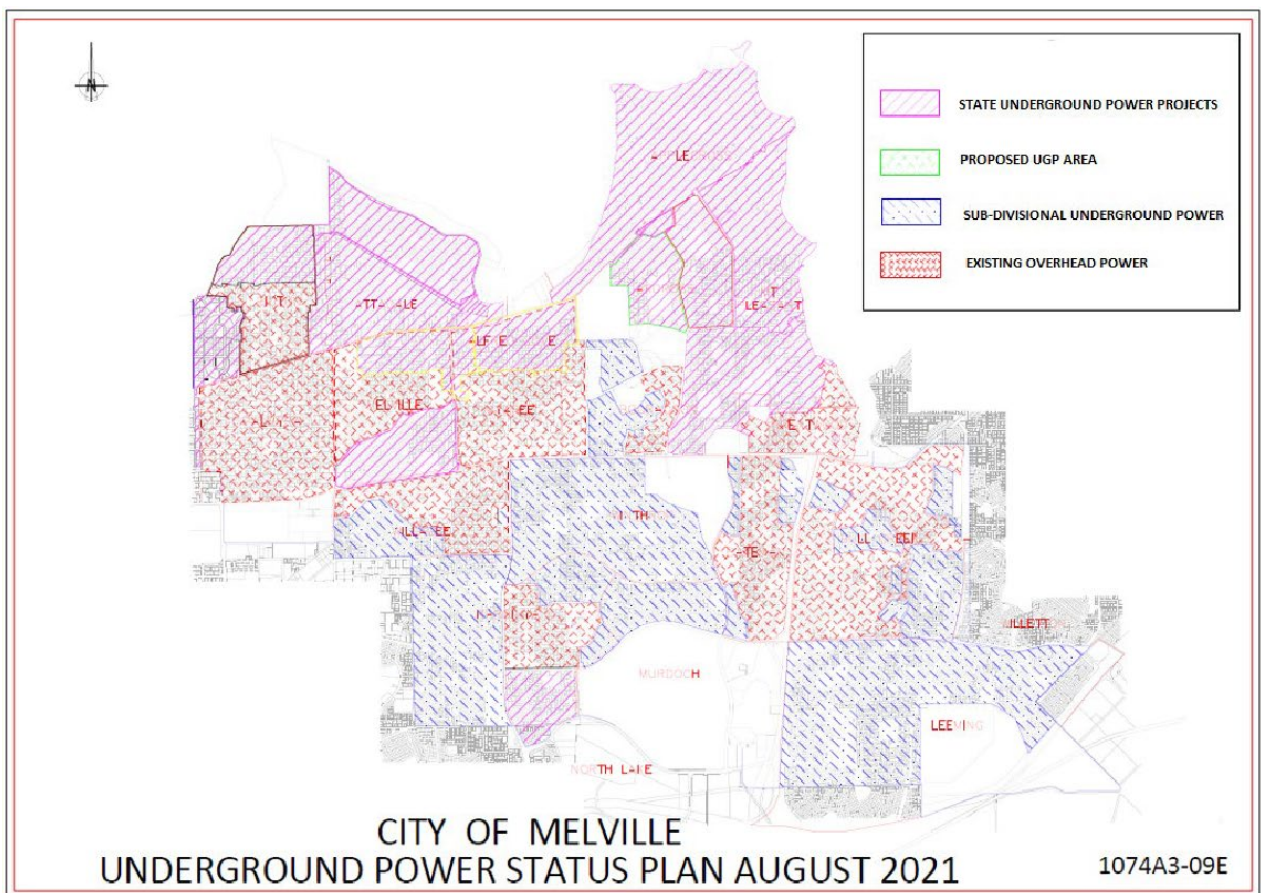
The undergrounding of power within metropolitan Perth dates back to 1996 following a severe weather event that severely disrupted power supply throughout Perth.

At that time, the State Government, through Western Power, developed a pilot program to underground power at selected locations throughout Perth. The suburb of Applecross (north of Canning Highway) was selected to be included in the pilot program. Due to the success of this pilot project, the State Underground Power Program (SUPP) was established. The City of Melville has been successful in having projects included in all six rounds of the SUPP, except for round three.

The most recent round was SUPP Round Six, in which the City of Melville had three projects, Kardinya South, Alfred Cove East and Melville North.

The funding arrangements for the SUPP were that the State Government contributed 25%, Western Power 25% and the City's contribution was the remaining 50%. The City's contribution has always been recovered in full, from property owners within the various project areas.

Approximately two-thirds of the City of Melville now has underground power, either through the SUPP or through sub-division development. A plan showing the current status of underground power in the City of Melville is shown below.



**EI23/4019 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING  
BICTON SOUTH / PALMYRA PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

Benefits that the City has achieved through underground power projects include:

- Increasing the City's urban tree canopy
- Improved street appearance
- Reduced street tree pruning costs
- Improved public safety, reliability, and security of power
- Increased property value for property owners
- Improved opportunities for emerging technologies

Western Power has now replaced the State Underground Power Program (SUPP) with the Targeted Underground Power Program (TUPP) model. Projects in the TUPP model are selected by Western Power due to the large amount of infrastructure that has reached the end of its useful life and is ready for replacement and the associated network risk.

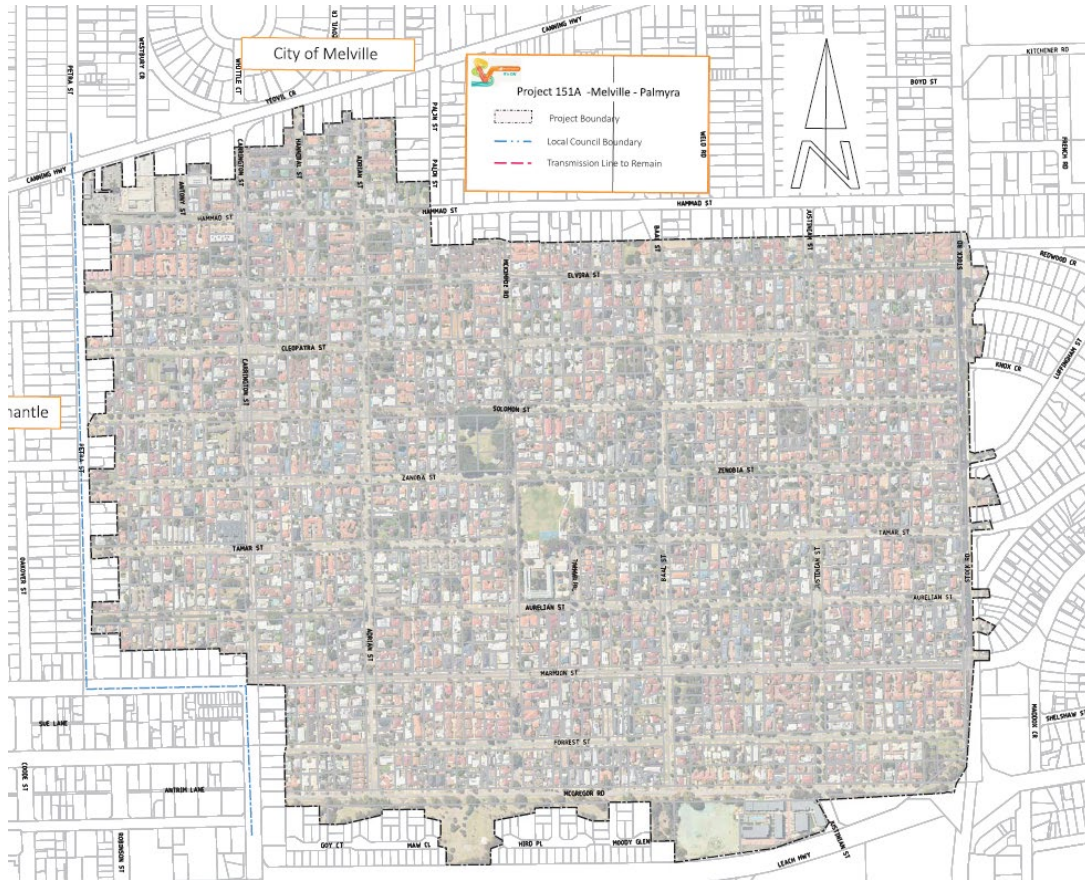
Given the change in the underground power program and Western Power's methodology for prioritising underground power projects, it was considered appropriate that a report be prepared for Council consideration, even though the CEO has Delegated Authority to enter into the MoU.

**DETAIL**

Western Power has invited the City of Melville to participate in the Targeted Underground Power Program (TUPP) for Bicton South / Palmyra. For each project, there is a requirement for the Local Government to enter into an MoU. The MoU is non-binding and is aimed at demonstrating a commitment to the undergrounding of the selected area. The proposed TUPP has been broken into three project areas which covers sections of the suburbs of Bicton/Palmyra/Melville, as shown in the following maps.



**EI23/4019 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING  
BICTON SOUTH / PALMYRA PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**



**Bicton South / Palmyra (three proposed TUPP project boundaries)**

**EI23/4019 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING  
BICTON SOUTH / PALMYRA PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

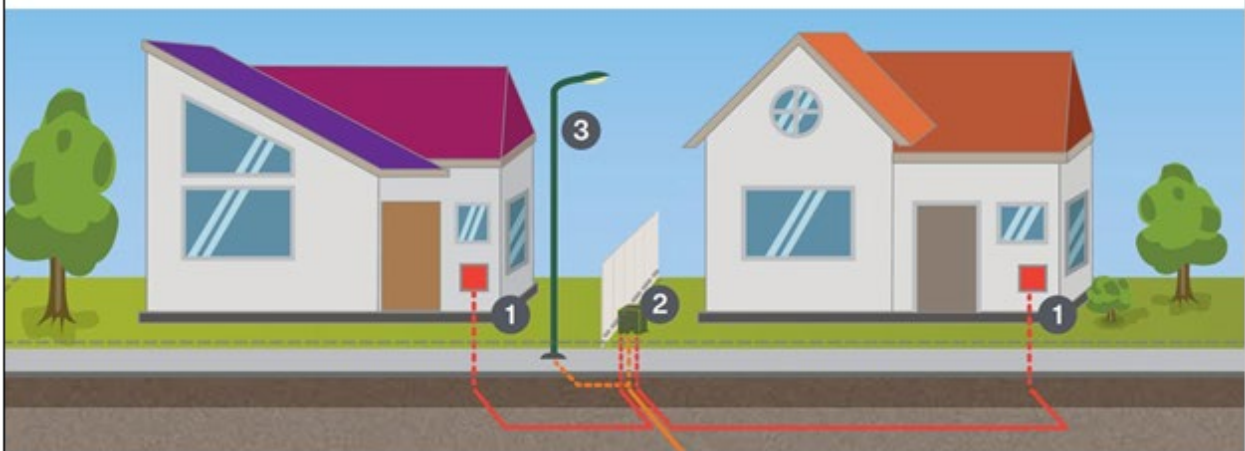
The City has previously considered a number of funding models to expedite the undergrounding of power. TUPP is considered to be the 'least-cost' option offered to the City to underground overhead distribution power lines because Western Power discounts the cost of the ageing infrastructure.

The Bicton South / Palmyra area (refer to maps above) has been identified as part of Western Power's TUPP as a potential area for underground power due to its ageing overhead infrastructure, which is due for replacement, and recognises the benefits undergrounding power provides for the community.

Under the TUPP, Western Power would contribute the avoided capital costs (replacing the existing network's overhead assets). The Local Government (residents) would be charged for connection costs and any gap in capital costs.

### Funding model

- Local Government Authorities to fund the Operating Expenditure portion of the works (1 – residential consumer mains) and a portion of Capital Expenditure
- Western Power to fund Capital Expenditure portion that equates to the Net Benefit Western Power will incur by not having to replace, augment and maintain the overhead network
- Customer infrastructure (1), Western Power infrastructure (2,3,4)



Under the TUPP Western Power will contribute a higher proportion of the project cost when compared to the old SUPP.

The initial cost estimate for the City's contribution to the Bicton South / Palmyra Project area is around \$4,000 to \$6,000 per property. Costs to commercial property owners in the TUPP area would be higher and similar to those charged for commercial properties in the recent Kardinya South Underground Power Project. The estimated costs are indicative only, with more accurate costings to be determined following Western Power's detailed design and a breakdown of the number of commercial properties within the project area. It is expected that the estimates will reduce when the detailed design is progressed. Properties that already have an underground connection to a green dome would get the lower charge as it would only include the capital costs, not the connection costs.

**EI23/4019 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING  
BICTON SOUTH / PALMYRA PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

The State Government will also contribute towards capital costs should an area meet their median house price criteria. The areas nominated may be eligible for the contribution, but this has not been finalised.

Western Power has moved to the TUPP model for the following reasons:

- Selection of the project areas are identified by large volumes of overhead assets that are reaching the end of their life.
- Current undergrounding programs underway result in improving cost competitiveness. When there is a guaranteed and consistent program of works, tendering rates tend to be more competitive.
- It is more efficient for Western Power to replace overhead assets with underground assets in the identified areas.
- Given the condition of the network, renewal and maintenance work will be carried out in the area, either overhead or underground. Therefore, this is the opportunity to upgrade to underground power while the contractors are there.
- If underground is not progressed under this model, Retrospective Underground Power (RUP) would still be available in the future, but the Western Power contribution will be much lower due to the newer overhead assets and therefore adding costs that would need to be passed onto property owners.

Participation in TUPP requires the City to sign a Memorandum of Understanding (MoU) with Western Power, outlining the shared commitment and partnership to the underground power program. The confidential attachment to this report (**Memorandum of Understanding Bicton South Palmyra Project**) was distributed to Elected Members on Friday, 3 March 2023 under confidential cover.

It is relevant to note that the purpose of the MoU as stated in clause 2 (b) of the confidential attachment that:

*“This MOU is not a legal agreement and is not intended to create legally binding obligations or liabilities on either party; however, all parties commit to using their best endeavors to achieve its purpose.”*

Following the signing of the MoU, community engagement and detailed design for construction would take place over approximately 12 months. Projects are expected to be completed within two years of construction commencing.

## **STAKEHOLDER ENGAGEMENT**

### **I. COMMUNITY**

The undergrounding of power through Western Power’s Underground Power Programs has proven popular with residents in the City of Melville, which is reflected in the number of projects that have been completed across the City.

No external engagement has been carried out for this proposed project to date. The first step in this new process is to sign a MoU with Western Power to acknowledge our interest in investigating this proposal. This MoU is not legally binding and allows Western Power to produce a detailed design with more accurate costings, with the knowledge that the Local Government is committed to the project, subject to community support.

**EI23/4019 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING  
BICTON SOUTH / PALMYRA PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

Following the detailed design, the level of communication in accordance with the City's Stakeholder Engagement Policy CP-002 is to "consult" the community.

As per previous underground power projects, the City would only proceed with this project if there is support from more than 50% of affected property owner respondents.

**II. OTHER AGENCIES / CONSULTANTS**

Western Power, in conjunction with the City, will also engage with the community during all stages of the project.

**STATUTORY AND LEGAL IMPLICATIONS**

This MoU is not a legal agreement and is not intended to create legally binding obligations or liabilities on either party; however, all parties commit to using their best endeavors to achieve its purpose.

If there is more than 50% support for the TUPP by property owners who respond to the survey, then the City would enter into a legally binding Co-Funding Agreement for the duration of the project's construction with Western Power.

**FINANCIAL IMPLICATIONS**

There are no ongoing costs for the City resulting from the undergrounding of the power lines, as these costs are shared between Western Power, the State Government and property owners.

The charges levied to the City by way of cash calls have, in the past, been fully recovered from property owners through a charge included in the rates. Early estimates suggest this underground power project would cost \$4,000 to \$6,000 per property owner. If necessary, the property owner could enter into a payment plan over five years to reimburse their underground power costs.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The project aligns with the City's aspirations:

- *Growth and Prosperity*: improving visual amenity and property values, enhancing opportunities for emerging technologies and network reliability.
- *Clean and Green*: supporting our Urban Forest Strategy and replacing existing street lighting with energy efficient LED lighting.
- *Healthy Lifestyles*: the improved street lighting supports people walking and exercising in the evening.
- *Safe and Secure*: improving security through improved lighting as well as replacing non-frangible power poles with frangible streetlights.

**EI23/4019 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING BICTON SOUTH / PALMYRA PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

Risk Statement & Consequence	Level of Risk	Risk Treatment
<p>There is a risk that the City signs the MoU and then less than 50% of respondents support underground power.</p> <p>This would prevent the project from proceeding. The City would be left with above ground infrastructure for 40-50 years. This will negatively affect various CoM strategies including our urban forest strategy, with some reduction in our reputation to deliver future underground projects.</p>	<p><b>Medium</b> Risk based on a possible likelihood and minor consequences.</p>	<p>Reinforce the benefits of underground power to residents, offer and explain payment options, and work with Western Power regarding possible State Government funding contributions.</p>

The work involves the undergrounding of infrastructure belonging to a State Government utility provider being Western Power. It would be considered that any risk arising from the work would rest with Western Power and the State Government.

**POLICY IMPLICATIONS**

The City has no direct policy relating to the Underground Power; however, it has been a partner in a number of successful projects since its inception in mid-1990.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The City of Melville could choose not to sign the MOU and miss the opportunity to partner with Western Power in providing underground power in the Bicton South / Palmyra Project area.

Western Power has advised that the overhead network assets in the proposed project areas are coming to the end of their service life for replacement and renewal. Therefore, Western Power would replace the poles and wires like for like with an expected serviceable life of 40-50 years. At least two generations will lose the opportunity for underground power in the area. If the City later decided to pursue underground power, the costs would be considerably higher due to the expected lifespan and residual value of the relatively new infrastructure.

This would mean that residents and the City would not be able to enjoy the advantages of underground power previously mentioned, including more consistent power supply, improved tree canopy along the verges and enhanced streetscape amenity.

**CONCLUSION**

The City has long been a participant in State Government Underground Power Programs and ultimately would support the entire City of Melville to have underground power.

Due to the many benefits of underground power and the opportunity to participate in this TUPP with a greater proportional contribution from Western Power, it is recommended that the City sign the MoU with Western Power.

**EI23/4019 – UNDERGROUND POWER PROGRAM – MEMORANDUM OF UNDERSTANDING  
BICTON SOUTH / PALMYRA PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

Western Power can then work on a detailed design with more accurate costings and better define the underground project area. The City would then survey residents to identify their level of support.

If a survey of affected residents achieved more than 50% support from respondents for undergrounding power, as per previous underground power projects within the City, then the City would proceed with Western Power's offer to underground power in the Bicton South / Palmyra Project area.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (4019)**

**APPROVAL**

At 7:34pm Cr Barber moved, seconded Cr Robins –

**That the Council:**

- 1. Notes the invitation from Western Power for the City of Melville to participate in this Targeted Underground Power Program (TUPP) for the Bicton South / Palmyra Project Area.**
- 2. Authorises the CEO to sign the Confidential Memorandum of Understanding for the Targeted Underground Power Program (TUPP) to enable Western Power to commence a detailed design, better define costs to residents and consolidate the final project boundary.**
- 3. Authorises the City to proceed with Western Power's offer to underground power in the Bicton South / Palmyra Project Area providing there is at least 50% support from survey respondents.**

At 7:34pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (10/0)**

*At 7:34pm Cr Fitzgerald returned to the meeting.*

*At 7:34pm Cr Edinger returned to the meeting.*

*At 7:35pm Cr Spanbroek returned to the meeting.*

**EI23/4023 – REVIEW AND ENDORSEMENT FOR THE ESTABLISHMENT AGREEMENT OF THE RESOURCE RECOVERY GROUP (REC) (ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Resource Recovery Group  
 Customer Index : City of Melville  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Item T21/3947 – Southern Metropolitan Regional Council – Rebranding and Name Change, Ordinary Meeting of Council held 21 September 2021  
 Item T21/3948 – Southern Metropolitan Regional Council – Withdrawal Arrangements for a Project Participant (City of Kwinana), Ordinary Meeting of Council held 21 September 2021  
 Works Program : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Paul Molony  
 Manager Resource Recovery and Waste

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**EI23/4023 – REVIEW AND ENDORSEMENT FOR THE ESTABLISHMENT AGREEMENT OF THE RESOURCE RECOVERY GROUP (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- The rebranded Resource Recovery Group (was Southern Metropolitan Regional Council, now RRG as of 16 February 2022) has prepared an amended draft Establishment Agreement.
- The amended draft Establishment Agreement has been forwarded to each of the Participant Councils (East Fremantle and Fremantle), for review and endorsement.
- If endorsed, it will be forwarded to the Minister for approval.

**BACKGROUND**

The City of Melville has been a member of the Resource Recovery Group (RRG) since 1999 and has entered into formal agreements (Establishment, Project Participant, SMRC Office) that commit the City to providing funding to the RRG and waste materials to the Resource Recovery Group – Canning Vale Centre site in Canning Vale.

The City's partnership with the RRG has enabled the City to achieve superior and environmentally sustainable waste management outcomes with the highest rates of waste diversion from landfill in the Perth metropolitan area.

The City is taking a leading role in aligning with the State Government's Waste Strategy 2030 with the introduction of the 3-bin Food Organics Garden Organics (FOGO) system and high levels of resource recovery compared to other Local Governments in the metropolitan area.

The Establishment Agreement, RRRC Project Agreement and Office Project Agreement formalised arrangements between the RRG and the member Councils, some of which are also participants in agreed projects. The agreements commit the City of Melville to annual payments to the RRG to cover operational overheads, loan facilities and project costs in return for providing waste management and associated services.

**DETAIL**

The summary of key changes made to the draft Establishment Agreement can be located within the attachment to this report – [Summary of Proposed Amendments](#).

A copy of the track changed Establishment Agreement and the 1999 original copy of the Project Participants Agreement is attached to this report – [Final Establishment Agreement](#) & [Project Participants Agreement](#).

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

There are no stakeholder engagement requirements to be considered as part of this report.

**EI23/4023 – REVIEW AND ENDORSEMENT FOR THE ESTABLISHMENT AGREEMENT OF THE RESOURCE RECOVERY GROUP (REC) (ATTACHMENT)**

**II. OTHER AGENCIES / CONSULTANTS**

There are no stakeholder engagement requirements to be considered as part of this report with other agencies or consultants.

**STATUTORY AND LEGAL IMPLICATIONS**

The RRG is a regional Local Government as defined under the *Local Government Act 1995* and undertakes statutory and governance requirements similar to a Local Government.

**FINANCIAL IMPLICATIONS**

There are no financial implications presented as part of this report.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risk or environmental implications presented as part of this report.

**POLICY IMPLICATIONS**

There are no policy implications presented as part of this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There are no alternative options presented as part of this report.

**CONCLUSION**

Due to changes in the waste streams and processing methodologies from the original 2-bin Bedminster Processing system to the 3-bin Food Organics Garden Organics (FOGO) system, and the reduction in Participating Member Councils and rebranding of the SMRC to the RRG, a review and endorsement of the amended Establishment Agreement is required.

*At 7:35pm Cr Wheatland returned to the meeting.*

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (4023)**

**APPROVAL**

At 7:35pm Cr Robins moved, seconded Cr Ross –

**That the Council reviews and endorses the Resource Recovery Group Establishment Agreement.**

At 7:35pm the Mayor declared the motion

**CARRIED UNANIMOUSLY(13/0)**

**Urban Planning**

**UP23/4020 – REVIEW OF LOCAL PLANNING POLICY 2.2 OUTDOOR ADVERTISING AND SIGNAGE (REC) (ATTACHMENT)**

Ward : All  
 Category : Policy  
 Application Number : Not Applicable  
 Property : Not Applicable  
 Proposal : Review of Local Planning Policy 2.2 Outdoor Advertising and Signage  
 Applicant : Not Applicable  
 Owner : Not Applicable  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Item P16/3718 – Review of Planning Policies  
 Item P15/3617 - Adoption of Outdoor Advertisements and Signage Policy for Public Consultation  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**UP23/4020 – REVIEW OF LOCAL PLANNING POLICY 2.2 OUTDOOR ADVERTISING AND SIGNAGE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Local Planning Policy 2.2 Outdoor Advertising and Signage (LPP2.2) is the key document for the assessment of advertising and signage across the City.
- Where a sign meets the standards outlined in this policy, it is exempt from the need for development approval from the City.
- LPP2.2 requires a review to make it easier for customers and decision makers to interpret, which will in turn make it easier for customers to do business in the City. This aligns with a number of the City's objectives and strategies.
- The key changes to LPP2.2 relate to:
  1. An updated policy scope to clarify the relationship between this policy and other documents in the planning framework;
  2. Clarifying the relationship between the policy and the City of Melville *Activities in Thoroughfares, Public Places and Trading Local Law 2014*;
  3. Updated provisions relating to temporary signage;
  4. New provisions relating to signage for sporting clubs.
- Preliminary engagement on the review of the signage policy occurred in November 2021. A strong theme of this engagement was the need to give sporting clubs opportunities to display their sponsorship signage.
- The proposed changes to LPP2.2 are not considered to be minor and therefore will require advertising for a minimum of 21 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

**BACKGROUND**

A substantial review of LPP2.2 was undertaken in March 2015. The policy provisions encourage the display of good quality advertising, designed to relate well in terms of scale and visual impact to the use, or activity it serves and supports. The LPP sets out specific criteria for various sign types and limits the number of signs which are permitted to be displayed.

In 2016, a minor review was undertaken. This review involved the renaming of the policy suite and updates to refer to the current planning framework. The City of Melville Strategic Community Plan sets out several community aspirations for the City. One of these aspirations is Growth and Prosperity. This policy review will make it easier for customers and decision makers to interpret, which will in turn make it easier for customers to do business in the City.

**Scheme Provisions**

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

**UP23/4020 – REVIEW OF LOCAL PLANNING POLICY 2.2 OUTDOOR ADVERTISING AND SIGNAGE (REC) (ATTACHMENT)**

**Site Details**

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

**DETAIL**

The intent behind these policy changes is to simplify the requirements to enable clear and unambiguous implementation. On that basis, the policy has been updated to establish the minimum standards for each sign type within each clause and to simplify the structure of the policy where possible. The key changes to LPP 2.2 are described below under each individual header. A copy of the policy with tracked changes has been attached to this report.

1. An updated policy scope to clarify the relationship between this policy and other documents in the planning framework;

The policy scope has been updated to clearly state that this policy seeks to exempt a range of signage from the need for development approval. The scope has been updated to make reference to other documents in the planning framework such as the Metropolitan Region Scheme and Activity Centre Plans.

2. Clarifying the relationship between the policy and the City of Melville *Activities in Thoroughfares, Public Places and Trading Local Law 2014*;

The policy provisions have been updated to clearly state that it applies to all land within the City of Melville district including reserves, thoroughfares and private land. The current policy provisions state that signage within thoroughfares is administered under the local law however the local law is not the appropriate tool to assess the amenity impacts of signage and therefore it is preferable that they are considered under this local planning policy instead.

3. Updated provisions relating to temporary signage;

The current policy provisions relating to temporary signage are confusing and therefore changes are proposed to make this section easier to interpret. The proposed changes exempt temporary signage from the need for approval subject to meeting certain criteria. All temporary signage under this clause is proposed to be permitted for 30 days as opposed to the existing 14 days permissible under the current policy provisions.

4. New provisions relating to signage for sporting clubs.

Preliminary engagement on the review of the signage policy occurred in November 2021. A strong theme of this engagement was the need to give sporting clubs opportunities to display sponsor signage.

**[4020 – LPP2.2 Outdoor Advertising and Signage](#)**

**UP23/4020 – REVIEW OF LOCAL PLANNING POLICY 2.2 OUTDOOR ADVERTISING AND SIGNAGE (REC) (ATTACHMENT)**

Most sporting clubs in the City of Melville are located on public open space reserves. The objectives of this zone are to set aside areas for public open space and to provide for a range of active and passive recreation including buildings, courts and other incidental structures. The Scheme objectives are silent in relation to signage on reserves. Under the provisions of the Regulations, there are no exemptions for development on a reserve meaning that a development application should be lodged with the City for consideration prior to new signage being erected on site. In considering an application for signage, officer must take into account a wide range of factors including the aims of the scheme.

The aims of the Scheme are varied in nature however in summary they seek to:

- protect and conserve natural environmental values;
- to enhance existing open space;
- enhance and maintain a business friendly environment;
- to promote healthy and active lifestyles and a sense of community.

In considering an application the City must also have regard to a range of relevant matters outlined in Clause 67 (2) of the Regulations including the compatibility of the development with its settings and the impact of the development on the community as a whole.

In developing policy provisions which relate to signage on reserves it is important to keep the above matters in mind. The City's open space reserves provide key locations for people to be able to enjoy the outdoors while undertaking active and passive recreation. These spaces are used by a range of people with various interests and needs. While sporting clubs rely on funding from sponsors they often do not have the exclusive use rights of public open space. Therefore their needs should not be elevated over the desire of others to use these spaces without their enjoyment being impacted by the visual clutter caused by multiple sponsorship signs. The inclusion of sponsorship on these spaces can be seen by some as the encroachment of private commerce on public space. The policy provisions therefore set a deliberately conservative benchmark, allowing clubs to display some sponsorship signage without creating a negative visual impact.

The proposed policy provisions are broken into three parts. Temporary signage during events, temporary signage relating to club registration days and permanent signs to accommodate club sponsors.

The temporary event signage gives clubs the flexibility to promote their sponsors during events such as game days, training or other functions in the best way that suits them. The provisions are relaxed on the basis that the signs will be removed the day off the event and will not have a negative impact on other users of the reserve.

The club registration signage is designed to enable sporting clubs to clearly market the registration period for a period of thirty days. The registration signage is limited to the club itself to prevent visual clutter in the vicinity of the club.

The sponsorship signs as noted above are conservative in nature aimed at providing sporting clubs with clarity on the amount of signage they can display without approval while ensuring that the amenity impact on the reserve is minimised.

**UP23/4020 – REVIEW OF LOCAL PLANNING POLICY 2.2 OUTDOOR ADVERTISING AND SIGNAGE (REC) (ATTACHMENT)**

**Local Planning Scheme and Local Policy Requirements**

The proposed changes to LPP2.2 are consistent with the various aims and objectives of LPS 6.

**R-Code Requirements**

Not Applicable.

**STAKEHOLDER ENGAGEMENT**

Under the provisions of the Regulations, amendments to planning policy must be advertised unless the City is of the opinion that the changes are minor. It is considered that the proposed additional exemptions result in a requirement to advertise the amended policy for 21 days including newspaper and online consultation.

Advertising Required:	To be carried out following the Council resolution.
Neighbour's Comment Supplied:	Not Applicable
Reason:	Not Applicable
Support/Object:	Not Applicable

**I. COMMUNITY**

Refer to the above stakeholder engagement section. Advertising will be carried out for 21 days including newspaper and online consultation. In addition to this, key stakeholders will be notified of the public consultation process.

**II. OTHER AGENCIES / CONSULTANTS**

There are no other agency or consultant stakeholder implications identified as part of this report.

**STATUTORY AND LEGAL IMPLICATIONS**

No statutory or legal implication have been identified as a part of this review.

**FINANCIAL IMPLICATIONS**

There are no financial implications have been identified in relation to this policy change.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**UP23/4020 – REVIEW OF LOCAL PLANNING POLICY 2.2 OUTDOOR ADVERTISING AND SIGNAGE (REC) (ATTACHMENT)**

**POLICY IMPLICATIONS**

The local planning policy the subject of this report has been reviewed to ensure it remains consistent with the current planning framework and will continue to provide a sound basis for the assessment and determination of planning applications. In its amended form, the policy is intended to allow for additional convenience and flexibility to customers and ratepayers through clarifying the City's expectations in relation to signage.

**COMMENT**

Refer to detail section of the report above.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Council may choose not to amend the policy, however this is not recommended as the changes to the policy are intended to increase convenience for customers and ratepayers.

**CONCLUSION**

A number of changes are proposed to LPP2.2 to improve its operation. These include an updated policy scope and new provisions relating to sporting clubs.

It is recommended that the Council resolve to adopt the amended policy with consultation in accordance with Clause 4 of the Regulations. A report on submissions will be submitted to Council for consideration in due course.

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

At 7:36pm the Mayor advised the meeting that an Officer Amendment had been circulate prior to the meeting, A/Director Urban Planning Mr Ponton spoke on the matter.

**OFFICER RECOMMENDATION (4020)**

**APPROVAL**

At 7:36pm Cr Fitzgerald moved, seconded Cr Wheatland –

**That the Council:**

- 1. Pursuant to Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to adopt the amended Local Planning Policy 2.2 Outdoor Advertising and Signage for the purposes of public consultation for a period of not less than 21 calendar days; and**
- 2. Where no submissions in objection are received in response to the consultation undertaken, that the final adoption of [Local Planning Policy 2.2 Outdoor Advertising and Signage](#) shall be authorised by the Chief Executive Officer.**

**UP23/4020 – REVIEW OF LOCAL PLANNING POLICY 2.2 OUTDOOR ADVERTISING AND SIGNAGE (REC) (ATTACHMENT)**

At 7:40pm, during discussion and debate, the mover and seconder consented to the inclusion of the following:

Insertion of a new point 1, reading as follows: *Directs the Chief Executive Officer to amend the draft Local Planning Policy 2.2 Outdoor Advertising and Signage by adding a clause dedicated to schools and colleges (educational establishments) to ensure schools not captured by the Metropolitan Region Scheme are provided with guidance regarding permitted signage.*

Renumbering the following points to 2 and 3 accordingly.

Including the following words in new point 2 after the words “Outdoor Advertising and Signage”:

“(to which will be added administratively a clause regarding educational establishments)”

**Substantive Motion**

**COUNCIL RESOLUTION**

At 7:36pm Cr Fitzgerald moved, seconded Cr Wheatland –

**That the Council:**

- 1. Directs the Chief Executive Officer to amend the draft Local Planning Policy 2.2 Outdoor Advertising and Signage by adding a clause dedicated to schools and colleges (educational establishments) to ensure schools not captured by the Metropolitan Region Scheme are provided with guidance regarding permitted signage.**
- 2. Pursuant to Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to adopt the amended Local Planning Policy 2.2 Outdoor Advertising and Signage (to which will be added administratively a clause regarding educational establishments) for the purposes of public consultation for a period of not less than 21 calendar days; and**
- 3. Where no submissions in objection are received in response to the consultation undertaken, that the final adoption of [Local Planning Policy 2.2 Outdoor Advertising and Signage](#) shall be authorised by the Chief Executive Officer.**

At 7:41pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

Note – the amendment proposed by the officers in the Advice Note will be dealt with administratively as part of the advertising process.

**UP23/4021 – 13 THE ESPLANADE / 64 KISHORN ROAD, MOUNT PLEASANT FUTURE  
OPTIONS REPORT (REC)**

Ward	: Applecross – Mount Pleasant
Category	: Strategic
Application Number	: Not Applicable
Property	: 13 The Esplanade/64 Kishorn Road, Mt Pleasant
Proposal	: Response to Council Resolution
Applicant	: Not Applicable
Owner	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item P20/3867 – Submissions Report – Ground Lease Redevelopment Proposal 13 The Esplanade and 64 Kishorn Road, Mt Pleasant – Ordinary Meeting of Council held on 29 September 2020 Item M22/5890 – Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant – Ordinary Meeting of Council held 15 February 2022. Item M22/5895 – Motions Carried at the General Meeting of Electors Held 2 February 2022 – Ordinary Meeting of Council held 15 March 2022 Item 16.1 Motion with Notice Mount Pleasant Senior Citizens Site Being Public Open Green Space – Ordinary Meeting of Council held 15 March 2022 Item 18.1 Confidential Item M22/5890 Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant – Alternate Motion - Ordinary Meeting of Council held on 19 April 2022 Item 12.1 - Petition – Rezone 13 The Esplanade/ 67 Kishorn Road, Mount Pleasant to Public Open Space – Ordinary Meeting of Council held 21 June 2022 Item UP22/3933 – 13 The Esplanade /64 Kishorn Road, Mount Pleasant Future Options Report – Ordinary Meeting of Council held 19 July 2022. (Deferred) Item UP22/3993 – 13 The Esplanade /64 Kishorn Road, Mount Pleasant Future Options Report – Ordinary Meeting of Council held 18 October 2022.
Responsible Officer	: Jeremy Rae Strategic Property Executive Gavin Ponton Acting Director Urban Planning

**UP23/4021 – 13 THE ESPLANADE / 64 KISHORN ROAD, MOUNT PLEASANT FUTURE OPTIONS REPORT (REC)**

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of the Council held on 15 March 2022 Council resolved to direct the CEO to prepare a report on 13 The Esplanade/64 Kishorn Road, Mount Pleasant.
- The resolution requested a number of options be considered with a report back to the July 2022 Ordinary Meeting of Council.
- At the July Council Meeting the item was deferred until the 18 October 2022 OMC.
- The report considered future options for the site including retaining the former Canning Bridge Senior Citizens site to community use, particularly as public open green space (POS) with tree planting; sale of the site; identification of appropriate locations for POS in the Canning Bridge area; possible future uses for the site including commercial uses; and on how and when public consultation for uses or selling of the site is appropriate.
- The investigation of future options for the site were summarised in the report and further investigation, detailed analysis and comprehensive community consultation were recommended for the site once the Canning Bridge Activity Centre Plan (CBACP) review is finalised.
- At the October 2022 meeting the Council resolved to note the key principles in the Options Report and to direct the Chief Executive Officer to continue investigations into open space options and opportunities at Canning Bridge, and to report back in March 2023.
- Further POS opportunities and investigations have been undertaken and are proposed to be presented to Council via an Elected Member Engagement Session in March 2023.
- As noted in the October 2022 Council resolution, final decisions on POS at Canning Bridge should only be made following completion and adoption of the review of the CBACP.
- This item responds to the need to report back to Council in March 2023. The report notes the scheduled EMES presentation on open space opportunities for March 2023 and notes the timetable for consideration of the review of the CBACP.

**UP23/4021 – 13 THE ESPLANADE / 64 KISHORN ROAD, MOUNT PLEASANT FUTURE  
OPTIONS REPORT (REC)**

**BACKGROUND**

The Council has considered several items relating to the land at 13 The Esplanade/64 Kishorn Road, Mount Pleasant. In considering a multi signature letter (petitioners) in relation to the future use of this site at the Ordinary Meeting of Council held 18 October 2022, Council resolved:

**That the Council:**

- 1. Notes the Officer's Report has responded to the instructions stemming from Council Resolution Item 16.1 Motion with Notice – Mount Pleasant Senior Citizens Site Being Public Open Space - at the Ordinary Meeting of Council held 15 March 2022;**
- 2. Notes and carefully considers the options analysis for the site detailed in the Report, including the future long term financial implications for the City and its ratepayers in relation to each option for the site; and**
- 3. Notes that the Officer's advice is that Council should only consider implementing a change of use for the site to Public Open Space (POS) or Community use, after the CBACP Review has been completed and the recommendations from that Review have been adopted by the Council.**
- 4. Notes that in accordance with point 3 above, a response to the petitions received regarding the future of the former Mount Pleasant Senior Citizens site be held over to the March 2023 Ordinary Meeting of Council.**
- 5. Acknowledges its commitment to provide additional public open space in the CBACP following the conclusion of the CBACP review process.**
- 6. That identified sites are subject to environmental assessment.**
- 7. Directs the Chief Executive Officer to continue investigations into appropriate locations for public open space in the CBACP, with the findings of such investigations to be presented to Elected Members before the end of March 2023.**

This report responds to parts 3, 4 and 7 of the above motion.

The multi signature letter that the City received related to the future use of this property stated and requested that:

*The Canning Bridge precinct is devoid of green space and with its proximity to high traffic volume (Freeway and Canning Hwy), causes an increase in air pollution. The population in this area is rapidly increasing and there will be a greater need for people to have somewhere to socialise nearby. The closest park is on the corner of Clive/Ogilvie Streets (800 metres away) and Deep Water point (1.4 kms.) The Petitioners therefore request that 13 The Esplanade/64 Kishon Rd Mount Pleasant be turned into green space incorporating tree planting.*

**UP23/4021 – 13 THE ESPLANADE / 64 KISHORN ROAD, MOUNT PLEASANT FUTURE  
OPTIONS REPORT (REC)**

**DETAILS**

Point three of the October motion was that the Council should only consider implementing a change of use for the site to Public Open Space (POS) or Community use, after the CBACP review has been completed and the recommendations from that Review have been adopted by the Council.

The review of the CBACP has progressed and it is expected that the final draft and suggested modifications to the document will be presented to Council in April 2023. Results of further investigations into open space options (Point 7 of the October 2022 resolution) will be the subject of an Elected Members Engagement Session in March 2023. A report on the further investigations is also intended to be presented to the Council meeting in April 2023. These further investigations will inform the Council's final recommendation on the wider CBACP review.

Point four of the resolution, that a response to the petitions received regarding the future of the former Mount Pleasant Senior Citizens site be held over to the March 2023 Ordinary Meeting of Council, is dependent on point three.

As noted above, the results of the further open space investigations will be presented at an EMES in March 2023. Wider considerations regarding open space will also form part of Council's recommendations on the review of CBACP, scheduled for April 2023. Given this timing, it will not be possible to provide a definitive response to petitioners in March 2023.

This item responds to the need to report back to Council in March 2023 and notes the process in late March 2023 and April 2023 which will enable a more complete response to the Council's October 2022 resolution.

**STAKEHOLDER ENGAGEMENT**

There are no stakeholder engagement implications presented as part of this report. It is noted that the Council owned sites in Canning Bridge are not currently designated as open space. However, a proposal to identify the sites as open space under the CBACP and/or Local Planning Scheme 6 would require an engagement phase prior to a decision being made.

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Consultation with other agencies would be required should processes to modify the zoning of the land under LPS6 or the designation of the land under the CBACP be proposed.

**STATUTORY AND LEGAL IMPLICATIONS**

There are no statutory and legal implications presented as part of this report.

**UP23/4021 – 13 THE ESPLANADE / 64 KISHORN ROAD, MOUNT PLEASANT FUTURE  
OPTIONS REPORT (REC)**

**FINANCIAL IMPLICATIONS**

Earlier reports highlight the potential significant revenue generation from Council owned land in the CBACP. This revenue is recognised in the City’s long term financial planning. Conversion of sites to open space would impact revenue generation and introduce construction and ongoing maintenance costs.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The subject property is a strategic land asset of the City. Previous reports on this matter outlined financial implications of different options regarding future use of the lands. Further work being undertaken for March and April 2023 will elaborate on these implications and alternative funding mechanism to achieve POS needs whilst maintaining revenue opportunities.

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk</b>	<b>Risk Treatment</b>
Quarantining of revenue potential of strategic land assets reduces City’s revenue raising capacity, placing additional reliance on ratepayer funding resulting in higher-than-normal increases in annual rates. The City’s ratepayers will incur the cost burden into the future.	Major consequences which are possible, resulting in a <b>High</b> level of risk	Decision makers understand the financial implications and acknowledge alternative POS provision models which achieve desired levels of open space whilst preserving the City’s revenue generation opportunities and the implications for annual rates to increased year by year.

**POLICY IMPLICATIONS**

There are no policy implications with this proposal.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

This report is for noting and highlighting the results of additional investigations to be presented in March/April 2023. Alternative options and their implications will be discussed further in subsequent reporting.

**COMMENT/CONCLUSION:**

This item responds to the need to report back to Council in March 2023 and notes the process in late March 2023 and April 2023 which will enable a more complete response to the Council’s October 2022 resolution.

Key themes of this additional work will relate to:

- The acknowledgement that additional open space is required in the CBACP precinct
- The financial impact of converting the City’s commercial landholdings to POS.
- The mechanisms that are available to achieve similar, or better, open space outcomes using, for example, developer contributions, whilst preserving the significant ongoing revenue streams and reducing ongoing impacts on ratepayers.

**UP23/4021 – 13 THE ESPLANADE / 64 KISHORN ROAD, MOUNT PLEASANT FUTURE OPTIONS REPORT (REC)**

**OFFICER RECOMMENDATION (4021)**

**NOTING**

At 7:43pm Cr Robins moved, seconded Cr Ross –

**That the Council:**

- 1. Notes the progress report regarding the multi signature letter and petition in regards to the Mount Pleasant Senior Citizens Site at 13 The Esplanade/64 Kishorn Road, Mount Pleasant; and**
- 2. Notes that further information on open space options and opportunities at the Canning Bridge Precinct are proposed to be presented to an Elected Member Engagement Session and Council meeting in March and April 2023, respectively. These items are intended to inform decision making on the wider review of the Canning Bridge Activity Centre Plan, which in turn will enable a response to the multi-signature letter and petition referred to in (1) above.**

At 7:45pm during discussion and debate, the mover and seconder consented to the inclusion/deletion of the words *“to be brought back to the 18 April 2023 Ordinary Meeting of Council”* after *“Mount Pleasant”* to read *“Notes the progress report regarding the multi signature letter and petition in regards to the Mount Pleasant Senior Citizens Site at 13 The Esplanade/64 Kishorn Road, Mount Pleasant “to be brought back to the 18 April 2023 Ordinary Meeting of Council” after “Mount Pleasant”*

**Substantive Motion**

**COUNCIL RESOLUTION**

At 7:43pm Cr Robins moved, seconded Cr Ross –

**That the Council:**

- 1. Notes the progress report regarding the multi signature letter and petition in regards to the Mount Pleasant Senior Citizens Site at 13 The Esplanade/64 Kishorn Road, Mount Pleasant to be brought back to the 18 April 2023 Ordinary Meeting of Council; and**
- 2. Notes that further information on open space options and opportunities at the Canning Bridge Precinct are proposed to be presented to an Elected Member Engagement Session and Council meeting in March and April 2023, respectively. These items are intended to inform decision making on the wider review of the Canning Bridge Activity Centre Plan, which in turn will enable a response to the multi-signature letter and petition referred to in (1) above.**

At 7:45pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**Late Items**

**EI23/4024 – RFQ222342 SUPPLY OF TWO (2) BULK VERGE REAR LOADING WASTE TRUCKS (REC) (CONFIDENTIAL ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Tender  
 Customer Index : City of Melville  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter  
 Previous Items : Not Applicable  
 Works Programme : Not Applicable  
 Funding : Fleet Capital Programme and Fleet Services Vehicles, Plant and Equipment Replacement Reserve  
 Responsible Officer : Paul Molony  
 Manager Resource Recovery and Waste

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

To recommend the acceptance of a tender submitted for Supply and Delivery of 2 x Bulk Verge Rear Loading Waste Trucks.

**EI23/4024 – RFQ222342 SUPPLY OF TWO (2) BULK VERGE REAR LOADING WASTE TRUCKS (REC) (CONFIDENTIAL ATTACHMENT)**

**BACKGROUND**

The City of Melville is seeking a suitable company to supply and deliver two (2) Resource Recovery Bulk Verge Waste Trucks 24m<sup>2</sup> Rear Loaders, to replace existing assets: 38608 & 38808. The truck should be an extra heavy duty hard waste (industrial) with multi ribbed body finish.

The supply of the trucks will be an outright purchase with the City taking responsibility for the service and maintenance of the vehicle.

The City is utilising the WALGA contract # NPN 04-13 (Fleet, Trucks, Heavy/Medium Rigid).

The existing 2 waste trucks are not offered for trade.

The Supplier is expected (or required, as stated in this document) to comply with industry and Australian Standards including Department of Transport (DOT) licencing requirements relative to the supply of two Rear Loading Waste trucks fitted with compactor bodies.

**DETAIL**

Responses were received from the following organisations:

- a) Penske Australia Pty Ltd (Dennis Eagle Trucks) with Bucher compactor
- b) Penske Australia Pty Ltd (Dennis Eagle Trucks) with Superior Pak compactor
- c) Isuzu Australia Pty Ltd with Bucher compactor

All Respondents properly addressed the compliance and disclosure requirements and were processed through to Qualitative Assessment.

The City set the following qualitative criteria and weightings:

<b>Criteria</b>	<b>Scoring Weightings</b>
Technical Specification	35 %
Operational Capacity	35 %
Environmental Sustainability	20 %
Warranty Period	10 %
Total	100%
Percentage to be shortlisted	N/A
Price	Non-weighted

**EI23/4024 – RFQ222342 SUPPLY OF TWO (2) BULK VERGE REAR LOADING WASTE TRUCKS (REC) (CONFIDENTIAL ATTACHMENT)**

The qualitative scores were achieved by joint agreement of the evaluation panel members at the evaluation meeting after each panel member had scored the submission individually.

The recommended Respondent achieved a qualitative score of 96.67% against the following criteria:

i) Technical Specification

The Respondent provided the required information against this criterion. The truck offered met all the necessary technical specification required.

The Respondent trucks have low entry one level walk-through cabs, being the only low entry profile vehicle offered. This makes the entry and exit from the cab safer to step in and out of the cab which is a regular occurrence common for bulk verge waste collection services (100 - 120 plus times a day).

ii) Operational Capacity

The Respondent provided the required information against this criterion.

The Bucher compactor was a significant factor due to its “Hard Body” build specifically for Bulk Verge collections with an internal 6mm skin, also the rear compactor door has reinforced bars and is known for its durability and low maintenance.

iii) Environmental Sustainability

The Respondent provided the required information against this criterion. The truck offered is Euro6 which meets the City commitment to reduce its carbon footprint relative to vehicle emissions.

iv) Warranty Period

The Respondent provided the required information against this criterion. The warranty, service and spare parts support meets the expectations of the City’s Fleet department.

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

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

The Evaluation Report and associated confidential attachments were distributed to Elected Members on Friday, 10 March 2023 under confidential cover.

Individual feedback will be issued to each unsuccessful Respondent.

**EI23/4024 – RFQ222342 SUPPLY OF TWO (2) BULK VERGE REAR LOADING WASTE TRUCKS (REC) (CONFIDENTIAL ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

**FINANCIAL IMPLICATIONS**

This information is detailed in the confidential attachment to this report.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

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

**POLICY IMPLICATIONS**

CP-023 Procurement of Products or Services.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternate options have been identified.

**EI23/4024 – RFQ222342 SUPPLY OF TWO (2) BULK VERGE REAR LOADING WASTE TRUCKS (REC) (CONFIDENTIAL ATTACHMENT)**

**CONCLUSION**

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

**OFFICER RECOMMENDATION (4024)**

**APPROVAL**

At 7:46pm Cr Fitzgerald moved, Seconded Cr Wheatland –

**That the Council:**

- 1. Accept the recommendation as contained in the Confidential Attachment –RFQ222342 Contract and Tender Advisory Unit Minutes; and**
- 2. Upon resolution, the recommendation directs that the successful respondents' names and anticipated contract value be inserted below this point 2, awarded.**

**Dennis Eagle Truck (Dist. By Penske Australia Pty Ltd)  
Bucher Compactor  
ABN 47 073 690 990**

At 7:48pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**C23/5965 – ESTABLISHMENT OF CONDUCT COMMITTEE (AMREC) (ATTACHMENTS)**

Ward : All  
 Category : Policy  
 Subject Index : Legislation  
 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 : M21/5810 New and Amended Regulations -Local Government (Model Code of Conduction Regulations 2021, Local Government (Administration) Amendment Regulations – 16 March 2021 Ordinary Meeting of Council.  
 M21/5836 – Code of Conduct for Elected Members and New Policy CP-118 – Code of Conduct Behaviour Complaints Policy – 3 May 2021 Special Council Meeting.  
 M22/5935 – Proposed New Policy CP-118 Code of Conduct Behaviour Complaints Committee for the Establishment of a Behaviour Complaints Committee – 18 October 2022 Ordinary Meeting of Council  
 C22/5950 – Deferral of Consideration of New Policy CP-118 Code of Conduct Behaviour Complaints Committee – 13 December 2022 Ordinary Meeting of Council.  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Corrine Newman  
 Head of Governance

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**C23/5965 – ESTABLISHMENT OF CONDUCT COMMITTEE (AMREC) (ATTACHMENTS)**

- In May 2021, the Council adopted the Code of Conduct for Elected Members, Committee Members and Candidates as required by an amendment to the *Local Government Act 1995*.
- At the 18 October 2022 Ordinary Meeting of Council, the Council deferred the consideration of the creation of a proposed new policy CP-118 Code of Conduct Behaviour Complaints Committee to the 13 December 2022 Ordinary Meeting of Council.
- At the 13 December 2022 meeting the Council resolved to approve the officer request for a further deferral of this matter so it could be discussed at a workshop in early 2023.
- This matter has been workshopped with Elected Members and comments from Elected Members in those forums have been incorporated into the documents presented as attachments to this report.
- This Report seeks to establish a Conduct Committee in accordance with section 5.8 of the *Local Government Act 1995*, without delegated authority.

**BACKGROUND**

At the Special Meeting of Council held 3 May 2021, the Council adopted the Code of Conduct for Elected Members, Committee Members and Candidates (the Code) as required by amendment to the *Local Government Act 1995*. There is requirement for each local government to formally determine a process to manage complaints made under Division 3 of the Code.

This matter has been considered in a variety of forums.

At the Ordinary Meeting of Council held 18 October 2022, the Council considered the report M22/5935 – Proposed New Policy CP-118 Code of Conduct Behaviour Complaints Committee, for the Establishment of a Behaviour Complaints Committee. The Council resolved to defer this matter as follows:

*“That the item be deferred to an Elected Members Engagement Session and brought back to the 13 December 2022 Ordinary Meeting of Council.”*

In December 2022 Officers sought and the Council approved a further deferral of this matter to early 2023 to enable the matter to be discussed at a workshop before being presented back to Council.

**DETAIL**

The workshop was held with an external facilitator on 20 February 2023 and the information gathered at that workshop, along with additional input from Elected Members was formulated into draft documents that were further considered at an Elected Member Engagement Session held 7 March 2023.

This Report seeks to establish a Conduct Committee, without delegated authority, under section 5.8 of the *Local Government Act 1995*. The Committee is to consider complaints made under Division 3 of the Code of Conduct for Elected Members, Committee Members and Candidates and to make a recommendation to the Council as to whether such a complaint should:

- be dismissed;
- be upheld and a Finding be made, and

**C23/5965 – ESTABLISHMENT OF CONDUCT COMMITTEE (AMREC) (ATTACHMENTS)**

Where a Finding is made, to:

- take no action
- outline a Plan to be implemented.

In all instances, the Committee is to provide reasons for its recommendation.

A [Draft Terms of Reference for the Conduct Committee](#) has been prepared which includes the input of Elected Members gathered at the forums mentioned earlier in this report.

The Draft Terms of Reference for the Committee provides for the membership of the Committee to comprise the Mayor and six Elected Members, ideally with each Ward being represented. The remaining Elected Members take the role of Deputy Member for each ward.

Nominations for the roles of Member and Deputy are as follows:

	Ward	Member	Deputy
<b>Mayor</b>			
<b>Elected Member</b>	Applecross – Mt Pleasant	Cr Ross	Cr Pazolli
<b>Elected Member</b>	Bateman – Kardinya- Murdoch	Cr Robins	Cr Macphail
<b>Elected Member</b>	Bicton- Attadale – Alfred Cove	Cr Edinger	Cr Barber
<b>Elected Member</b>	Bull Creek – Leeming	Cr Woodall	Cr Spanbroek
<b>Elected Member</b>	Central	Cr Mair	Cr Sandford
<b>Elected Member</b>	Palmyra – Melville - Willagee	Cr Wheatland	Cr Fitzgerald

At the Ordinary Meeting of Council held 16 March 2021, the Council adopted the “Complaint About Alleged Breach Form”, as required by Clause 11(2) of the Code to be for the form complaints were to be made on. This form was initially provided by the Department of Local Government when the new legislation was introduced. The Western Australian Local Government subsequently produced a model form, the Behaviour Complaints Form, which has been revised and amended based on Elected Member input. The revised form provides for additional information to be provided as part of the complaint process, including the ability to seek an Alternative Dispute Resolution process.

It is recommended that the Complaint About and Alleged Breach Form be revoked and replaced with the [City of Melville Conduct Complaints Form](#).

## **C23/5965 – ESTABLISHMENT OF CONDUCT COMMITTEE (AMREC) (ATTACHMENTS)**

A [Draft New CP-118 Code of Conduct Policy](#) has also been prepared based on the comments of Elected Members at the recent forums. It is recommended that the draft policy be referred to the Conduct Committee for finalisation and report back to the Council for adoption as soon as practicable.

### **STAKEHOLDER ENGAGEMENT**

#### **I. COMMUNITY**

No engagement with the City's community is required in regard to this matter.

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

No engagement with other agencies or consultants is required for this report.

### **STATUTORY AND LEGAL IMPLICATIONS**

The *Local Government Act* and the *Local Government (Model Code of Conduct) Regulations 2021* set out the requirement for the City to adopt a Code of Conduct and to have processes and documents in place to support the management of Behaviour Complaints.

### **FINANCIAL IMPLICATIONS**

There will be costs associated with resourcing a new Committee, however it is anticipated that these costs can be absorbed in the current approved budget for the 2022-2023 financial year.

### **POLICY IMPLICATIONS**

There are no policy implications associated with this Report.

### **CONCLUSION**

Further to input from Elected Members, it is recommended that the Council consider the establishment of the Conduct Committee by endorsing the Terms of Reference and the City of Melville Conduct Complaint Form presented with this Report. It is also recommended that the first item of business for the new Committee be the consideration of the Draft New CP-118 Code of Conduct Policy and report back to the Council as soon as practicable.

The establishment of the Conduct Committee will ensure that complaints made under Division 3 of the Code of Conduct for Elected Members, Committee Members and Candidates are dealt with in an equitable and timely manner.

**C23/5965 – ESTABLISHMENT OF CONDUCT COMMITTEE (AMREC) (ATTACHMENTS)**

**OFFICER RECOMMENDATION (5965)**

**ABSOLUTE MAJORITY**

At 7:48pm Cr Sandford moved, Seconded Cr Wheatland –

**That the Council:**

1. **by absolute majority decision endorse the establishment of a Conduct Committee for the City of Melville.**
2. **Adopt the [Terms of Reference for the Conduct Committee](#).**
3. **Appoint the following as the Membership to the Conduct Committee.**

	Ward	Member	Deputy
<b>Mayor</b>			
<b>Elected Member</b>	Applecross – Mt Pleasant	Cr Ross	Cr Pazolli
<b>Elected Member</b>	Bateman – Kardinya- Murdoch	Cr Robins	Cr Macphail
<b>Elected Member</b>	Bicton- Attadale – Alfred Cove	Cr Edinger	Cr Barber
<b>Elected Member</b>	Bull Creek – Leeming	Cr Woodall	Cr Spanbroek
<b>Elected Member</b>	Central	Cr Mair	Cr Sandford
<b>Elected Member</b>	Palmyra – Melville - Willagee	Cr Wheatland	Cr Fitzgerald

4. **Revoke the Complaint About Alleged Breach form adopted at the 16 March 2021 Ordinary Meeting of Council and endorsed its replacement with the revised [City of Melville Conduct Complaint Form](#) and this be published on the City of Melville website.**
5. **Refer the [Draft New Policy CP-118 Code of Conduct Policy](#) to the Conduct Committee for finalisation and report back to the 16 May 2023 Ordinary Meeting of Council for consideration.**

**Amendment**

At 7:51pm Cr Ross moved, seconded Cr Mair –

**That the Terms of Reference be amended as follows:**

1. **Deletion of the word “including” and replace with the “at” in the Preamble to read: “, at Council and Committee Meetings”**
2. **The Words “City officer” to be changed to Conduct Complaints Officer” under Administration to read “Conduct Complaints Officer under the Direction of the CEO”**

**C23/5965 – ESTABLISHMENT OF CONDUCT COMMITTEE (AMREC) (ATTACHMENTS)**

*At 8:05pm Cr Robins left the meeting and returned at 8:09pm.*

At 8:11pm, during discussion and debate, the mover and seconder consented to the amendment of the Words “City officer” to be changed to “*Conduct Complaints Officer*” under the Administration section of the Terms of Reference to read “*Conduct Complaints Officer under the Direction of the CEO.*”

**SUBSTANTIVE MOTION AS AMENDED**

At 7:48pm Cr Sandford moved, Seconded Cr Wheatland –

**That the Council:**

- 1. by absolute majority decision endorse the establishment of a Conduct Committee for the City of Melville.**
- 2. Adopt the [Terms of Reference for the Conduct Committee](#).**
- 3. Appoint the following as the Membership to the Conduct Committee.**

	Ward	Member	Deputy
<b>Mayor</b>			
<b>Elected Member</b>	Applecross – Mt Pleasant	Cr Ross	Cr Pazolli
<b>Elected Member</b>	Bateman – Kardinya- Murdoch	Cr Robins	Cr Macphail
<b>Elected Member</b>	Bicton- Attadale – Alfred Cove	Cr Edinger	Cr Barber
<b>Elected Member</b>	Bull Creek – Leeming	Cr Woodall	Cr Spanbroek
<b>Elected Member</b>	Central	Cr Mair	Cr Sandford
<b>Elected Member</b>	Palmyra – Melville - Willagee	Cr Wheatland	Cr Fitzgerald

- 4. Revoke the Complaint About Alleged Breach form adopted at the 16 March 2021 Ordinary Meeting of Council and endorsed its replacement with the revised [City of Melville Conduct Complaint Form](#) and this be published on the City of Melville website.**
- 5. Refer the [Draft New Policy CP-118 Code of Conduct Policy](#) to the Conduct Committee for finalisation and report back to the 16 May 2023 Ordinary Meeting of Council for consideration.**
- 6. Amend the Administration section of the Terms of Reference to read “Complaints Conduct Officer under the Direction of the CEO.” Instead of “City Officer under the Direction of the CEO.”**

**C23/5965 – ESTABLISHMENT OF CONDUCT COMMITTEE (AMREC) (ATTACHMENTS)**

**Amendment**

At 7:51pm Cr Ross moved, seconded Cr Mair –

**Terms of Reference to be amended to:**

**That the Terms of Reference be amended by the deletion of the word “Including” in the Preamble to read: “At Council and Committee Meetings”**

At 8:16pm, the Mayor declared the motion

**LOST (4/9)**

For	4	Cr Ross, Cr Edinger, Cr Spanbroek, Cr Sandford
Against	9	Cr Macphail, Cr Barber, Cr Wheatland, Cr Mair, Cr Woodall, Cr Pazolli, Cr Robins, Cr Fitzgerald, Mayor Gear

**Substantive Motion as Amended**

**COUNCIL RESOLUTION (5965)**

**ABSOLUTE MAJORITY**

At 7:48pm Cr Sandford moved, Seconded Cr Wheatland –

**That the Council:**

- 1. by absolute majority decision endorse the establishment of a Conduct Committee for the City of Melville.**
- 2. Adopt the [Terms of Reference for the Conduct Committee](#).**
- 3. Appoint the following as the Membership to the Conduct Committee.**

	Ward	Member	Deputy
<b>Mayor</b>			
<b>Elected Member</b>	Applecross – Mt Pleasant	Cr Ross	Cr Pazolli
<b>Elected Member</b>	Bateman – Kardinya- Murdoch	Cr Robins	Cr Macphail
<b>Elected Member</b>	Bicton- Attadale – Alfred Cove	Cr Edinger	Cr Barber
<b>Elected Member</b>	Bull Creek – Leeming	Cr Woodall	Cr Spanbroek
<b>Elected Member</b>	Central	Cr Mair	Cr Sandford
<b>Elected Member</b>	Palmyra – Melville - Willagee	Cr Wheatland	Cr Fitzgerald

- 4. Revoke the Complaint About Alleged Breach form adopted at the 16 March 2021 Ordinary Meeting of Council and endorsed its replacement with the revised [City of Melville Conduct Complaint Form](#) and this be published on the City of Melville website.**
- 5. Refer the [Draft New Policy CP-118 Code of Conduct Policy](#) to the Conduct Committee for finalisation and report back to the 16 May 2023 Ordinary Meeting of Council for consideration.**
- 6. Amend the section “Administration” of the Terms of Reference to delete the words “City Officer and replace with the words “Conduct Complaints Officer”**

At 8:17pm the Mayor declared the motion

**CARRIED BY ABSOLUTE MAJORITY (13/0)**

**C23/5966 – COMPLIANCE AUDIT RETURN 2022 (REC) (ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Audits - Compliance  
 Customer Index : Department of Local Government, Sport and Cultural Industries  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Item M22/5901 – Compliance Audit Return 2021 – Ordinary Meeting of Council 15 March 2022  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Mick McCarthy  
 Acting Chief Executive Officer

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

- All Western Australian Local Authorities are required to complete a Compliance Audit Return (the Return) and submit their findings to the Department of Local Government, Sport, and Cultural Industries (the Department) by 31 March each year.
- The City has demonstrated compliance to 91 (97%) of the 94 questions provided by the Department of Local Government Sports and Industries for the 2022 Compliance Audit Return.
- The Financial Management, Audit, Risk and Compliance Committee considered the 2022 Compliance Audit Return at its meeting held 13 March 2023 and recommend the Return to the Council for consideration and adoption.

**C23/5966 – COMPLIANCE AUDIT RETURN 2022 (REC) (ATTACHMENT)**

**BACKGROUND**

A Compliance Audit Return was conducted covering the period 1 January 2022 to 31 December 2022. The completed Compliance Audit Return forms part of the Attachments to the Agenda [5966 – Compliance Audit Return 2022](#).

It is a requirement that the Compliance Audit Return is presented to the Council for adoption. A copy of the Council report and a certified copy of the return are required to be endorsed by the Mayor and Chief Executive Officer and submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2023.

This Compliance Audit Return for 2022 was considered at the Financial Management, Audit, Risk and Compliance Committee meeting held Monday 13 March 2023.

**DETAIL**

There are 94 questions on the 2022 Return. The Compliance Audit Return only assesses compliance against the *Local Government Act 1995* and associated Regulations. The responses of Officers to the audit questions have been audited by the Process Improvement Auditor. The City has taken this audit examination approach for some years. During the audit examination 3 Non-Conformances together with 2 Improvement Actions to the City's current practices were identified and will be actioned in 2023.

The format of the return varies each year with the Department only testing those areas considered to be high risk. The questions for 2022 relate to:

- Local Government Act 1995,
- Local Government (Administration) Regulations 1996,
- Local Government (Function and General) Regulations 1996,
- Local Government (Audit) Regulations 1996,
- Local Government (Elections) Regulations 1997, and
- Local Government (Financial Management) Regulations 1996.

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires each local government's Audit Committee to review the Return and report the results of that review to the Council.

**C23/5966 – COMPLIANCE AUDIT RETURN 2022 (REC) (ATTACHMENT)**

The areas that the Return relates to and the changes to the number of questions are below:

Section Number	Area of legislation	2022 Number of Questions	2021 Number of Questions	Changes from 2021
1	Commercial Enterprises by Local Government	5	5	-
2	Delegation of Power/Duty	13	13	-
3	Disclosure of Interest	21	25	-4
4	Disposal of Property	2	2	-
5	Elections	3	3	-
6	Finance	7	7	-
7	Integrated Planning and Reporting	3	3	-
8	Local Government Employees	5	6	-1
9	Official Conduct	4	3	+1
10	Optional Questions	9	9	-
11	Tenders for Providing Goods and Services	22	22	-

The *Local Government (Audit) Regulations 1996, R14 Compliance audits by local governments (1), (2), (3A) and (3)* defines the role of the Local Government's audit committee in this annual Compliance Audit Return.

The Return has been compiled with continued substantial rigour beyond that experienced in most local governments. Officers have been required to demonstrate compliance and provide detail of their work to ensure the work procedures of the City meet obligations of the Act and Regulations.

There are ongoing efforts to increase officer knowledge of compliance matters and where possible, systems have been amended to assist with compliance requirements.

The Return containing the questions and responses is provided as an attachment. This document is provided by the Department of Local Government, Sports, and Cultural Industries.

The City's Compliance Calendar is used to assist management of all legislative compliance matters. The Calendar is updated monthly which enables a management response should a matter require attention.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

No external consultation has been carried out in relation to this matter.

**II. OTHER AGENCIES / CONSULTANTS**

No external consultation with any other agencies has been carried out.

**C23/5966 – COMPLIANCE AUDIT RETURN 2022 (REC) (ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

As per the requirements of the *Local Government Act 1995*, Section 7.13(1) (i) and the *Local Government (Audit) Regulations 1996* (Regulations 13–15).

**FINANCIAL IMPLICATIONS**

There are no financial implications for the Council associated with this compliance audit.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The compliance audit will not impact on the strategies of the Council. There is no risk or environmental management implications in this report.

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk</b>	<b>Risk Treatment</b>
The Compliance Audit Return is a statutory requirement and if the Return was not submitted, the Department of Local Government might take adverse action on the City.	Minor consequences which are possible, resulting in a <b>Medium</b> level of risk	Complete and submit the Return by the due date.

**POLICY IMPLICATIONS**

There are no specific policy implications, except where it can be determined that a matter may be subject to policy change where it does not currently comply with legislative requirements.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The completion and submission of the Return by the due date is a statutory requirement.

**CONCLUSION**

The City has demonstrated compliance to 91 of the 94 (97%) questions provided by the Department of Local Government Sports and Industries for the 2022 Compliance Audit Return. Responses have been examined by the Process Improvement Auditor who has undertaken a check for correctness on the answers to all the questions, with improvement actions identified on 3 Non-Compliances and 2 Opportunities for Improvement.

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION (5966)**

**APPROVAL**

At 8:16pm Cr Macphail moved, Seconded Cr Pazolli –

**That the Council endorses the Compliance Audit Return for the period 1 January 2022 to 31 December 2022 [5966 Compliance Audit Return 2022](#) and following certification by His worship the Mayor and the Chief Executive Officer, it be forward to the Department of Local Government, Sport and Cultural Industries.**

At 8:16pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**M23/5960 – UPDATE REPORT – PROPERTY DEVELOPER POLICY AND REGISTER (REC)**

Ward : All  
 Category : Policy  
 Subject Index : 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 : Item 15.3 Property Developer Policy and Register – Ordinary Meeting of Council held 18 October 2022.  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Gavin Ponton  
 A/Director Urban Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**M23/5960 – UPDATE REPORT – PROPERTY DEVELOPER POLICY AND REGISTER (REC)**

**KEY ISSUES / SUMMARY**

- At the 18 October 2022 Ordinary Meeting of Council, it was resolved that draft Council policies be prepared that provide guidelines for elected Members and Staff for the management and registration of contacts with Property Developers.
- The October 2022 resolution required that the draft policies be discussed at an Elected Member Engagement Session (EMES) before being considered and adopted at the March 2023 Ordinary Meeting of Council.
- The merits of adopting draft Policies to guide elected member and/or staff contact with developers was discussed by Elected Members at the EMES held 7 March 2023. For discussion purposes, the EMES included reference to examples of draft policies which could apply to the City of Melville.
- This report outlines progress in investigating potential policy responses relating to contact with developers as requested by the October 2022 resolution.
- Investigations have established a need for further consideration of potential policy responses, including referral to a further EMES.
- Accordingly, this report recommends a deferral of the matter until the June 2023 Ordinary Meeting of Council.

**BACKGROUND**

At the 18 October 2022 Ordinary Meeting of Council it was resolved:

***That the Council directs the Chief Executive Officer to prepare draft Council policies for Council's discussion at an EMES / workshop followed by consideration & adoption at or before the March 2023 Ordinary Meeting of Council, that provides policy guidelines for Elected Members and all staff (and Planning Staff in particular) for the management and registration of all Elected Member and staff contacts with Property Developers involved in or likely to be involved in property developments within the City of Melville. The policy shall define EM / staff duties, responsibilities and recording of such contacts.***

The reasons provided in support of the resolution were:

1. Applicants, objectors, and members of the community must have trust in Council Members' ability to make decisions free of influence or the perception of influence, particularly in respect of town planning and development decisions.
2. Contact with developers is a normal and necessary function of the role of a Council Member and duties of planning staff. However, the nature and frequency of that contact can sometimes lead to allegations or perceptions of bias, influence or even corruption being made towards Council Members / staff. Implementing transparent decision-making processes and registration of such contacts can reduce opportunities for such allegations or perceptions to be raised.
3. Refer to Town of Cambridge Council Policy 033 and Council Policy 039 as examples of such policies.

**M23/5960 UPDATE REPORT - PROPERTY DEVELOPER POLICY AND REGISTER (REC)**

**DETAIL**

As referenced, consideration was given to the Town of Cambridge Policies that related to Developer Contact with Staff and Elected Member Relationship with Developers.

Further research indicates that the City of Vincent, at its Council Meeting of 2 June 2015, also adopted a policy to provide guidance on contact between Council Members and Developers operating in the City of Vincent. Under that Policy, Council Members only are required, the same as the Cambridge policy, to record the nature and type of any 'prescribed contact' which they have with a developer and provide a copy of that record to the CEO within 10 days of the contact occurring.

The City of South Perth has a policy to guide Elected Members in disclosing and recording contact with developers and lobbyists.

In addition to the above the Department of Local Government, Sport and Cultural Industries has published operational guidelines on Elected Members' relationships with developers and more recently (December 2022) the City of Joondalup resolved not to prepare a developer contact policy.

At the Elected Members Engagement Session held 7 March 2023, the above documents along with the Town of Cambridge and City of Vincent published registers were presented and discussed.

Discussion noted that a policy and register approach to contact with developers may offer benefit in terms of transparency in decision making. It was recognised however, that existing governance controls and guidelines suitably addressed these issues. A register approach to developer contact also introduces additional complexity around privacy and potential resource implications.

In discussing the draft policies that were presented Elected Members indicated that they would like more time to consider the information presented and would consider referring the matter to a future EMES.

Consideration of the Council Policy CP-052 Quasi-Judicial Role is also required in relation to this matter. This Policy:

- 1 assists Elected Members and employees of the City of Melville (City) to recognise when they are performing quasi-judicial functions.
- 2 explains why special principles apply to the performance of quasi-judicial functions.
- 3 provides guidance as to the conduct appropriate to the performance of quasi-judicial functions, and
- 4 explains some of the consequences to the City and to Elected Members and employees of the failure to act appropriately when performing quasi-judicial functions.

**M23/5960 UPDATE REPORT - PROPERTY DEVELOPER POLICY AND REGISTER (REC)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

No community engagement has been undertaken with regards to this item.

**II. OTHER AGENCIES / CONSULTANTS**

No engagement with other agencies or consultants has been undertaken with regards to this item.

**STATUTORY AND LEGAL IMPLICATIONS**

The Council is not required to prepare specific policies providing guidance on contact with developers and/or the recording of such contact. Existing governance controls such as the Code of Conducts, Quasi-Judicial Policy and record keeping requirements currently address appropriate contact with developers and recording of such contact.

**FINANCIAL IMPLICATIONS**

There are no financial implications with regard to this item at this point in time.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

As this report provides an update on research to date and the presentation made at the EMES, no risk assessment on adopting policies relating to having Contact with Developers registers has been undertaken, at this point in time.

**POLICY IMPLICATIONS**

Council Policy CP-052 Quasi-Judicial Role needs to also be considered in relation to Elected Member contact with developers. This policy is due for review and will be presented to a future meeting of Council.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternative option is proposed at this point in time.

**M23/5960 UPDATE REPORT - PROPERTY DEVELOPER POLICY AND REGISTER (REC)**

**CONCLUSION**

Investigation of the opportunities and issues associated with introduction of a Council policy to guide Elected Member and staff contact with developers has progressed in accordance with the October 2022 resolution of Council. Discussions to date has identified the need for further investigation, including discussion at a further EMES, prior to consideration of adopting any new policies on this matter. Accordingly, it is recommended that Council note the progress to date on investigating options to guide contact with developers and to refer further consideration of the matter to an EMES ahead of the matter being reconsidered at the June 2023 Council Meeting.

**OFFICER RECOMMENDATION (5960)**

**NOTING**

At 8:16pm Cr Mair moved, Seconded Cr Pazolli –

**That the Council:**

- 1. Note the Update Report - Property Developer Policy and Register; and**
- 2. Refer the matter to a future Elected Member Engagement Session to be considered further at the June 2023 Ordinary Meeting of Council.**

*At 8:17pm Cr Wheatland left the meeting and returned at 8:19pm.*

At 8:19pm, during discussion and debate, the mover and seconder consented to the inclusion of the words “*or before*” after the word “*at*” to read “*Refer the matter to a future Elected Member Engagement Session to be considered further at or before the June 2023 Ordinary Meeting of Council.*”

**Substantive Motion**

**COUNCIL RESOLUTION**

At 8:16pm Cr Mair moved, Seconded Cr Pazolli –

**That the Council:**

- 1. Note the Update Report - Property Developer Policy and Register; and**
- 2. Refer the matter to a future Elected Member Engagement Session to be considered further at or before the 20 June 2023 Ordinary Meeting of Council.**

At 8:19pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**M23/5964 – REVIEW OF 14 BEACH STREET BOUNDARY FOUNDATION AND RETAINING BY AN INDEPENDENT REGISTERED BUILDING SURVEYOR (REC) (ATTACHMENT)**

**Item Brought Forward**

See Page 17.

Disclosure of Interest

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

*At 8:19pm having declared an interest in the matter, Cr Woodall left the meeting.*

**UP23/4027 – PROPOSED CHILD CARE CENTRE PREMISES – NO.1 (LOT NO. 5) ISLIP COURT, BATEMAN & NO’S 2A & 2B (LOT 4) BROADHURST CRESCENT, BATEMAN (REC) (ATTACHMENT)**

Ward : Bateman – Kardinya - Murdoch  
 Category : Operational  
 Application Number : DAP-2022-12  
 Property : No.1 (Lot No. 5) Islip Court, Bateman & No’s 2a & 2b (Lot 4) Broadhurst Crescent, Bateman  
 Proposal : Proposed Child Care Centre Premises  
 Applicant : Dynamic Planning and Developments  
 Owner : St Clarence Investments Pty Ltd  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : N/A  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**UP23/4027 – PROPOSED CHILD CARE CENTRE PREMISES – NO.1 (LOT NO. 5) ISLIP COURT, BATEMAN & NO'S 2A & 2B (LOT 4) BROADHURST CRESCENT, BATEMAN (REC) (ATTACHMENT)**

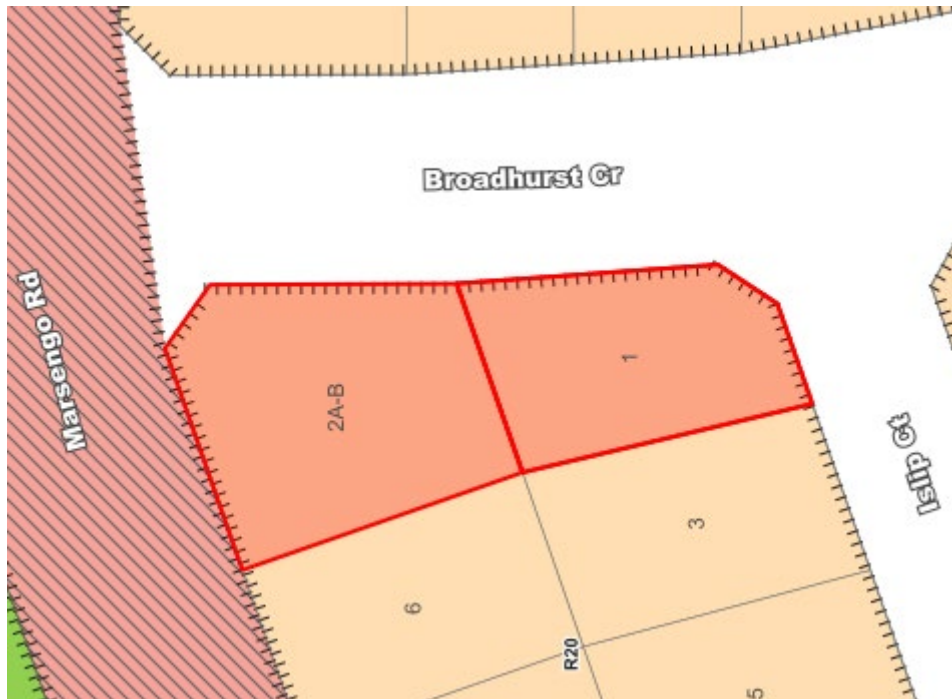
**KEY ISSUES / SUMMARY**

- This RAR is referred to Council for information in accordance with Local Planning Policy 1.1, having been called up by Cr Robins.
- Approval is sought for a child care centre premises at No.1 (Lot No. 5) Islip Court, Bateman & No's 2a & 2b (Lot 4) Broadhurst Crescent, Bateman. The cost of the development is \$2.0 million, and the applicant has opted-in for the application to be determined by the Metro Inner South Joint Development Assessment Panel.
- The application is for the demolition of the existing development on site and the construction of a single storey Child Care Centre Premises located at No.1 (Lot No. 5) Islip Court, Bateman & No's 2a & 2b (Lot 4) Broadhurst Crescent, Bateman.
- The building is proposed to be single storey in height and will comprise of 275m<sup>2</sup> of indoor play area, 591m<sup>2</sup> of outdoor play area and other amenities associated with the delivery of child care such as a reception area, staff rooms and a kitchen.
- The Child Care Centre has been designed to accommodate 82 children and 17 staff members of the following age demographics;
  - 12 places for nursery;
  - 12 places for babies;
  - 30 places for kindy; and
  - 28 places for toddlers
- Landscaping, including the retention of existing verges trees along Marsego Road, removal of 3 verge trees along Broadhurst Crescent and extensive planting of new trees and plants on both verges as well within the site is also proposed as part of the development.
- The operating hours of the centre are between 7:00 am and 7:00 pm Monday to Friday.
- 16 on-site car bays (including one ACROD bay) and 2 bicycle bays have been provided.
- The proposed development has been assessed against the provisions of Local Planning Scheme No.6 (LPS6), Local Planning Policy 1.12 Child Minding Centres and Family Day Cares (LPP1.12), as well as a number of local and state planning policies.
- The Responsible Authority Report (RAR) has been prepared by officers and is required to be submitted to the JDAP under the *Planning and Development (Development Assessment Panel) Regulations 2011* by midday 24 March 2023.
- The proposal was the subject of public consultation in accordance with LPP 1.1: Planning Process and Decision Making.
- During the advertising period 67 individual written submissions were received – 58 objecting to the proposal and 5 comments in support. The three multi signature letters objecting to the proposed development was received and were tabled in the January 2023 Elected Members Bulletin.
- The recommendation of the RAR is that the JDAP conditionally approve the proposed development.
- A copy of the resolution of the Ordinary Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.

**UP23/4027– PROPOSED CHILD CARE CENTRE PREMISES – NO.1 (LOT NO. 5) ISLIP COURT, BATEMAN & NO'S 2A &2B (LOT 4) BROADHURST CRESCENT, BATEMAN (REC) (ATTACHMENT)**



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



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

**UP23/4027– PROPOSED CHILD CARE CENTRE PREMISES – NO.1 (LOT NO. 5) ISLIP COURT, BATEMAN & NO'S 2A &2B (LOT 4) BROADHURST CRESCENT, BATEMAN (REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	Residential
R-Code	:	N/A
Use Type	:	R20
Use Class	:	Child Care Premises

**Site Details**

Lot Area	:	1029m <sup>2</sup> & 726 m <sup>2</sup>
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc)	:	Yes
Site Details	:	Refer to Figure 1 above

**DETAIL**

Development approval is sought from the Metro Inner-South JDAP for a two-storey Child Care Centre Premises.

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

[3987 Draft DAP Responsible Authority Report](#)

[3987 Town Planning Report](#)

[3987 Development Plans](#)

[3987 Development Transport Impact Statement](#)

[3987 Acoustic Assessment](#)

[3987 Development Waste Management Plan](#)

[3987 Development Stopping Sight Distance Assessment](#)

[3987 Safe Intersection Sight Distance Assessment](#)

**UP23/4027– PROPOSED CHILD CARE CENTRE PREMISES – NO.1 (LOT NO. 5) ISLIP COURT, BATEMAN & NO'S 2A &2B (LOT 4) BROADHURST CRESCENT, BATEMAN (REC) (ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

Refer to the RAR attached to this report.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

None applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Policy implications are outlined within the RAR attached to this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The recommendation of this report is for Council to endorse the recommendation in the RAR for the JDAP to 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 to the RAR and forwarded to the JDAP for its consideration.

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

**UP23/4027 – PROPOSED CHILD CARE CENTRE PREMISES – NO.1 (LOT NO. 5) ISLIP COURT, BATEMAN & NO'S 2A &2B (LOT 4) BROADHURST CRESCENT, BATEMAN (REC) (ATTACHMENT)**

*At 8.30pm Ms Davis left the meeting and returned at 8:33pm.*

**OFFICER RECOMMENDATION (4027)**

**APPROVAL**

At 8:29pm Cr Macphail moved, seconded Cr Fitzgerald –

**That the Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to APPROVE the application for the proposed Child Care Centre Premises at No.1 (Lot No. 5) Islip Court, Bateman & No's 2a & 2b (Lot 4) Broadhurst Crescent, Bateman.**

At 8:55pm the Mayor declared the motion

**CARRIED (6/6)**

For	6	Cr Macphail, Cr Barber, Cr Edinger, Cr Wheatland, Cr Pazolli, Mayor Gear
Against	6	Cr Ross, Cr Spanbroek, Cr Mair, Cr Sandford, Cr Robins, Cr Fitzgerald

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

*At 8:56pm Ms Newman left the meeting and returned at 8:56pm.*

*At 8:56pm Cr Woodall returned to the meeting.*

*At 8:56pm Cr Wheatland left the meeting*

*At 8:56pm Cr Pazolli left the meeting and returned at 8:57pm.*

**15 MOTIONS WITH PREVIOUS NOTICE**

**15.1 Parking at Alfred Cove Opal Aged Care**

**Motion**

**COUNCIL RESOLUTION**

At 8:56pm Cr Barber moved, seconded Cr Fitzgerald –

**That the Council directs the CEO to prepare a report on investigating a suitable solution to the parking concerns at and around the Alfred Cove Opal Aged Care facility on the corner of Kitchener Road and Cotterill Street, Myaree.**

At 9:03pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**Reasons for the Motion as provided by Cr Barber**

- Despite requests to the City, and even after preliminary investigation, verge parking as pictured is still occurring.
- Cars are still parking on both verges at this facility. People are still being issued with fines for parking on the verge.
- Elderly relatives visiting loved ones at the facility are forced to park on the verge because there is inadequate visitor parking at the facility.
- There is inadequate street parking near the facility
- Local residents are complaining about the lack of vision caused by cars parked on the verges
- Local residents have no street room in which their visitors can park.

*At 9:00pm Cr Wheatland returned to the meeting.*

## 15.2 Christmas Light Display

### Motion

#### **COUNCIL RESOLUTION**

At 9:03pm Cr Barber moved, seconded Cr Fitzgerald –

**That the Council directs the CEO to prepare a report on the feasibility of the City of Melville creating a Christmas Display of lights (or other) at a key or key areas within the City.**

At 9:03pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

### Reasons for the Motion as provided by Cr Barber

- Christmas light displays and decorations are very popular with the community. Look at the success of the Mandurah Christmas Canal lights, City of Perth Lights Trail and the Wanneroo Botanical Gardens Christmas lights display which has been getting bigger and bigger every year.
- We have an opportunity to showcase the City of Melville and to add it to this list of successful Councils conducting a Christmas event
- We have a further opportunity to create festive spirit and harmony within our community.
- There are opportunities to receive funding either sponsorship or grant funding.
- There is also the opportunity for the City of Melville to provide grant funding via our place-making initiatives for small businesses who wish to be involved in one of our key locations e.g., Canning Bridge, Attadale Shops (Point Walter), Riseley Centre, Kardinya, Ardross St Applecross, Parry Avenue – which ever location is chosen. A great opportunity for us to assist small businesses.
- To improve sustainability and feasibility, the lights or decorations may be able to be used in a different context at other key events orchestrated by the City during the calendar year.
- With the celebration of Christmas proving popular with the community - especially light shows, it would be fantastic if the City of Melville could get in on the festive spirit!
- Feasibility and funding should be considered as should location/s. Funding may be sourced from major sponsor e.g. Rio Tinto Christmas Lights Trail Perth or Lotterywest Lights Trail at Claisebrook.
- We could start small with one key location eg the North Eastern entrance to Melville at Canning Bridge Precinct and utilise the Fir Trees along the Canning River or look at Point Walter, also park ground near the river or even a central location such as Wireless Hill or Piney Lakes.
- Sustainability should also be addressed. Perhaps the "lights" or decorations could be used at other key events during the calendar year.

**16 MOTIONS WITHOUT PREVIOUS NOTICE (approval by absolute majority)**

Nil.

**17 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC**

Nil.

**18 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC**

Nil.

**19 CLOSURE**

There being no further business to discuss, the Mayor closed the meeting at 9:15pm.