



City of
Melville

MINUTES

ORDINARY COUNCIL MEETING

6:30pm Tuesday, 12 December 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 K Mair

_____ 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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The nature of the Council's decision making role in the matter:

| | |
|-----------------------|---|
| Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| 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> |
| Legislative | <i>Includes adopting local laws, town planning schemes & policies.</i> |
| Review | <i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i> |
| 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> |

Contents

| | | |
|--------------|---|-----------|
| 1 | Official Opening | 6 |
| 2 | Attendance and Apologies | 6 |
| 3 | Declarations by Members | 8 |
| 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 | 8 |
| 3.2 | Declarations by Members who have received and not read the Elected Members Bulletin | 8 |
| 4 | Announcements by the Presiding Member (Without Discussion) | 8 |
| | Approved Deputations | 8 |
| | Approved Written Submissions | 8 |
| 5 | Disclosure of Interest | 8 |
| 5.1 | Financial or Proximity Interests | 8 |
| 5.2 | Disclosure of Interest that may cause a Conflict | 8 |
| 6 | Public Question Time | 8 |
| 6.1 | Questions Received with Notice | 9 |
| 6.1.1 | Mr I Piscedda, Booragoon | 9 |
| 6.1.2 | Mr A O’Neil on behalf of Citizens for Building Reform | 10 |
| 6.1.3 | A Representative on behalf of City of Melville Residents and Ratepayers Association | 11 |
| 6.1.4 | Mr M McLerie, Bicton | 12 |
| 6.2 | Questions Received at the Meeting | 15 |
| | Nil | |
| 6.3 | Questions Taken on Notice at Previous Meeting | 15 |
| | Nil | |
| 7 | Awards and Presentations | 15 |
| 8 | Applications for New Leave of Absence | 16 |
| 8.1 | Leave of Absence - December 2023 | 16 |
| 9 | Confirmation of Minutes | 16 |
| 9.1 | Ordinary Meeting Of The Council – 21 November 2023 | 16 |
| 9.2 | Meeting Of The Financial Management, Audit, Risk and Compliance Committee – 4 December 2023 | 16 |
| 9.3 | Notes Of Agenda Briefing Forum – 5 December 2023 | 17 |
| 10 | New Business of an Urgent Nature | 17 |
| 11 | Identification of Matters for which Meeting may be Closed | 17 |
| 12 | Petitions | 18 |
| 12.1 | Petition - Review of the City's Path Policy & Compliance with the Commonwealth Disability Discrimination Act (1992) | 18 |

| | | |
|-----------|--|-----------|
| 12.2 | Petition - Wheatley Drive Traffic Treatment Options | 19 |
| 12.3 | Petition - Bull Creek - Leeming Men’s Shed | 20 |
| 13 | Adoption of Recommendations En Bloc | 21 |
| 14 | Reports | 21 |
| 14.1 | Reports from Committees | 21 |
| | Nil | |
| 14.2 | Reports of the Chief Executive Officer | 22 |
| | Management Services | 22 |
| | Nil | |
| | Corporate Services | 23 |
| C23/93 | Proposed City of Melville Parking Local Law 2023 | 23 |
| C23/94 | Investment Statements for October 2023 | 28 |
| C23/95 | Schedule of Accounts Paid for October 2023 | 35 |
| C23/96 | Statements of Financial Activity October 2023 | 40 |
| C23/97 | Council Meeting Schedule 2024..... | 47 |
| | Community Development..... | 51 |
| CD23/7 | Better Together Melville Access and Inclusion Plan 2023 - 2028 and Social Justice (Access and Inclusion) Policy | 51 |
| CD23/10 | Stakeholder Engagement External Audit Report | 57 |
| CD23/11 | Improving Community Safety and Security Notice of Motion 15.2 | 62 |
| | Environment and Infrastructure..... | 65 |
| E23/27 | Tender - Foreshore Revetment of Melville Beach Road and Heathcote West | 65 |
| | Urban Planning | 66 |
| UP23/28 | Neighbour Dispute Mediation Policy..... | 66 |
| UP23/29 | Modifications to Local Planning Policy 1.1 Planning Process and Decision Making..... | 76 |
| 15 | Motions with Previous Notice | 83 |
| 15.1 | Notice of Motion - Rates Levy Review | 83 |
| 15.2 | Notice of Motion - Trim and Prune Trees..... | 85 |
| 16 | Motions without Previous Notice (approval by absolute majority) | 86 |
| 17 | Matters for which Meeting was Closed to the Public | 86 |
| 17.1 | Motion to Go Behind Closed Doors | 86 |
| E23/27 | Tender - Foreshore Revetment of Melville Beach Road and Heathcote West | 87 |
| 17.2 | Motion to Come Out From Behind Closed Doors..... | 92 |
| 18 | Decision Made While Meeting was Closed to the Public | 92 |
| 19 | Closure | 92 |

1 OFFICIAL OPENING

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

2 ATTENDANCE AND APOLOGIES

In Attendance

K Mair

Mayor

Councillors

Cr T Fitzgerald

Cr G Barber

Cr J Edinger

Cr N Robins

Cr J Spanbroek

Cr K Wheatland

Cr M Woodall

Cr D Lim

Cr S Hong

Cr T Lee

Ward

Palmyra - Melville - Willagee Ward

Bicton - Attadale - Alfred Cove Ward

Bicton - Attadale - Alfred Cove Ward

Bateman - Kardinya - Murdoch Ward

Bull Creek - Leeming Ward

Palmyra - Melville - Willagee Ward

Bull Creek - Leeming Ward (*electronic attendance*)

Applecross - Mount Pleasant Ward

Bateman - Kardinya - Murdoch Ward

Central Ward

Officers

Ms G Bowman

Chief Executive Officer

Mr P Varelis

Director Planning

Ms D Whyte

Acting Director Corporate Services

Ms L Reid

Acting Director Community Development

Mr P Molony

Acting Director Environment & Infrastructure

Ms C Newman

Head of Governance

Mr S Curulli

Senior Governance Officer

Ms M Smith Poulton

Governance Officer

Ms N Wu

Business Support (Administration) Officer

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

Nil.

4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Approved Deputations

Nil.

Approved Written Submissions

Nil.

5 DISCLOSURE 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)

Nil.

6 PUBLIC QUESTION TIME

At 6:34pm the Presiding Member opened Public Question Time.

6.1 Questions Received with Notice

6.1.1 Mr I Pisedda, Booragoon

Mr Pisedda was not in attendance and the Mayor ruled that the questions and responses would be included in the minutes and not read out, in accordance with clause 6.7(7)(d) of the City of Melville *Local Government (Meeting Procedures) Local Law 2022*.

Question

The City's website outlines the Dieback Phosphite Treatment Program 2021 with proposed treatment and site dates (<https://www.melvillecity.com.au/waste-and-environment/environmental-conservation-and-management/dieback>). What sites were actually treated with phosphite and on what date in 2021, 2022 and 2023?

Response

Dieback treatment reserves and dates as follows:

The following reserves were treated between October and December 2021:

- Blue Gum Lake
- Ern Stapleton
- Wal Hughes
- Ron Carrol
- Bull Creek
- Phillip Jane
- Robert Crawford- mapped only
- Reg Seal- mapped only

The following reserves were treated between March and May 2023:

- Bill Brown Park
- Douglas Freeman Park
- George Welby Park
- Harry Stickland Park
- Ken Hurst Park
- Len Shearer Reserve
- PJ Hanley Park
- Point Walter Reserve
- William Hall Park

The following reserves were treated between October and November 2023:

- Wireless Hill
- Peter Ellis
- Attadale Quarantine Area (Attadale Bushland Reserve)
- Robert Weir
- Peter Bosci
- Quenda Wetland
- Harold Field
- Dudley Hartree
- Carawatha Park
- Hatfield Park
- Al Richardson
- Douglas Freeman
- Beasley Park

6.1.2 Mr A O'Neil on behalf of Citizens for Building Reform

Mr O'Neil was not in attendance and the Mayor ruled that the questions and responses would be included in the minutes and not read out, in accordance with clause 6.7(7)(d) of the City of Melville *Local Government (Meeting Procedures) Local Law 2022*.

Mr O'Neil provided an extract of the City's minutes of the Ordinary Meeting of Council from 12 December 2022, with the officer recommendation and council resolution, in relation to Item C22/5940- Petition Site Survey 18A and 18B Tweeddale Road Applecross.

The council resolution stipulates a requirement for an independent site survey commissioned by the City to be a part of the assessment process for any subsequent building permit for building works at 18A and/or 18B Tweeddale Road Applecross.

Question 1

Why has this resolution not been complied with?

Response

The City was unable to gain access to the property. Notwithstanding, levels will be assessed as part of compliance checks as the development progresses to phases where levels can be assessed. Elected Members were kept informed of the City's approach in responding to the Council resolution.

The Council has been kept informed in relation to this matter.

Question 2

As the City of Melville building services did not enforce the Building Act requirements for signed BA20 consent forms before issuing building permit(s) for 18 Tweeddale Road, does the City appreciate the liability it faces in the event that there is any subsequent damage to adjoining properties?

Response

Liability for any damage caused to adjacent properties during works rests with the nominated Builder or building contractors under the nominated Builder's supervision. Pursuant to *Section 29, Building Act 2011*, the nominated Builder must ensure compliance with all building works stated within the issued Building Permit.

Where damage is caused due to building works, a complaint can be made to Building & Energy by any person who is adversely affected by the carrying out of regulated building works under the *Building Services (Complaint Resolution and Administration) Act 2011*.

Question 3

Why has the City of Melville building services issued a building permit for 18 Tweeddale Road ahead of approving a construction management plan? In contradiction to the findings/recommendations of the Weir report.

Response

The planning approval for the development at 18 Tweeddale Road, Applecross requires the lodgement of a Construction Management Plan 30 days prior to the commencement of works. The issue of the building permit is not subject to the approval of a Construction Management Plan.

6.1.3 A Representative on behalf of City of Melville Residents and Ratepayers Association

A representative was not in attendance and the Mayor ruled that the questions and responses would be included in the minutes and not read out, in accordance with clause 6.7(7)(d) of the City of Melville *Local Government (Meeting Procedures) Local Law 2022*.

With respect to our public questions to Council and responses provided by the City's Administration as recorded in the draft November OMC minutes for Council confirmation at the 12/12/2023 OMC:

Question 1

Will Council accept the incomplete, inaccurate or misleading responses the Administration provided to our questions and allow them to be placed onto the public record in perpetuity unchecked?

Question 2

What is the process, procedures and steps Council, or the Mayor/Presiding Member, has in place to deal with and remedy complaints from the public about incomplete, inaccurate or misleading statements in Council's public records, such as minutes and the City's responses to public questions?

Question 3

If Council has such a policy or procedures, please accept this as a complaint and tell us what the next steps are to resolve this complaint.

Response to questions 1, 2 and 3

The City of Melville Residents and Ratepayers Association Inc asked six questions at the 21 November 2023 Ordinary Meeting of Council, all of which were provided with a response at the meeting and in the minutes. Concerns with the responses provided were not raised at the meeting and these questions to not specify which part of those responses the Residents association found unsatisfactory.

The Ratepayers Association is invited to submit their specific concerns with the responses provided, in writing to the Mayor, so the concerns can be considered.

The City does not have a complaint process especially for the public question time process, however it welcomes all feedback or complaints through its complaint process. Information on how to lodge a complaint can be found on the City's website – [Lodge a Complaint](#).

6.1.4 Mr M McLerie, Bicton

Mr McLerie was not in attendance and the Mayor ruled that the questions and responses would be included in the minutes and not read out, in accordance with clause 6.7(7)(d) of the City of Melville *Local Government (Meeting Procedures) Local Law 2022*.

At the 20 September 2022 Ordinary Meeting of Council, Council accepted a Petition calling for the City to vastly improve its FOI function performance, which led to a 14 February 2023 ABF deputation on the City officer's report C22/5943, and Council's resolutions at the 21 February meeting.

Question 1

Is it true the Information Commissioner and her officers have identified communication shortfalls in the City's FOI practices and performance on multiple occasions, including this year, with the City's failure to communicate with the Information Commissioner officers being one example of such shortfalls?

Response

The City was recently provided the opportunity to provide comment to the Office of the Information Commissioner in relation to comments made in a preliminary decision of the Commissioner concerning the FOI processes of the City, particularly throughout 2022.

The City acknowledged the administrative short falls during that time and advised changes have been implemented and improvements made.

In the letter closing the external review the Commissioner acknowledged the commentary provided by the City and the improvements made within it's processing of FOI applications.

Question 2

When did the CEO invite the Information Commissioner's representative to meet with Council to ensure all Elected Members are fully informed on the principles of open government, the FOI Act intent and objectives and the City's obligations therein, and the Information Commissioners perspective on the City's performance and other issues since 2015, and when did this session occur? If Council's meeting with the Information Commissioners representatives has not occurred, why not and when will this happen?

Response

A presentation from the Office of the Information Commissioner to Elected Members and relevant officers, has been scheduled for February 2024.

Question 3

What is the status and progress of each of the items included in the City's C22/5943 report and 10 recommendations, if the items have not been fully implemented – what is the target date for completion?

Response

Of the 10 recommendations, seven have been completed and three are outstanding.

The outstanding items relating to technology and training will be completed by the end of 2024.

The implementation to open by design principles is linked to the implementation of a new information management system and legislative reform relating to the Freedom of Information Act 1992 and will be implemented accordingly.

Question 4

What did FMARC specifically agree as to the contents for future FOI reports, and at which FMARC meeting was this agreed at?

Response

Changes to statistical analysis information was requested by the FMARC Committee meeting held 8th December 2022 and referred to the February 2023 OMC. Additional information and a modified structure were presented to the subsequent FMARC Committee meeting held 13th March 2023.

Question 5

When did FMARC review its first FOI report?

Response

The FMARC Committee has received a regular report since March 2019. Prior to this date statistics and summary information was provided to the committee as part of the Governance and Compliance Activities Report.

Question 6

What specific measurable and quantifiable metrics are Council, FMARC or the Governance Committees and the CEO using to track and monitor the City's FOI function, practice and performance improvements?

Response

The City records the relevant data required for the completion of the statistical return requested by the Office of the Information Commissioner at the end of each financial year. This is in line with section 111 of the *Freedom of Information Act 1992* and is included in the annual report of the Office of the Information Commissioner.

The FMARC Committee is provided with information on a quarterly basis relating to applications received, workload and timeliness as shown in the tables from the December 2023 meeting.

Data relating to the types of FOI requests are provided below.

| Particulars | Current Period |
|---|----------------|
| New FOI Requests received | 15 |
| Average Processing Time (days) – FOI <i>*FOI applications finalised in this period</i> | 40 |
| Average Processing Time (days) – Internal Review <i>*FOI applications finalised in this period</i> | 12 |
| Applications for Internal Review | 6 |
| Applications for External Review | 2 |
| Applications Withdrawn | 1 |
| Interagency Consultation | 1 |
| Application Fees Paid (prescribed in Act) | \$420 |
| Additional Costs Recovered (as allowed in Act) | \$0.00 |

| Statistic | Result | Comments |
|--|--------|---------------------------------------|
| Total FOI Decisions completed | 13 | |
| Personal Information Amendment Decisions | 0 | |
| Total Internal Review Decisions | 6 | |
| Inter-Agency Consultation Completed | 1 | |
| FOI Average Processing Days | 40 | |
| FOI Median Processing Days | 43 | |
| FOI Maximum Days | 47 | Applicant advised of delay in advance |
| FOI Standard Deviation | 6.148 | |
| Review Average Days | 12 | |
| Review Median Days | 9.5 | |

| City Function | FOI Received * | Comment |
|------------------------------|----------------|--|
| Community Development | 3 | Rangers / Community Safety Service |
| Corporate Services | 0 | |
| Management Services | 5 | Elected Member emails / consultant reports / City Officer correspondence |
| Environment & Infrastructure | 0 | |
| Urban Planning Services | 9 | Planning approvals / development approvals / plans |

* Please note applications can cover more than one City function and this has been reflected in the above table.

Question 7

What were the City's outcomes against those specific metrics each financial year since 2017, and year to date?

Response

Information that the City provides on its FOI activities is published in the City's Annual Report each year and the reporting required under the Freedom of Information Act is publicly available via the Office of the Information Commissioner's website.

6.2 Questions Received at the Meeting

Nil

6.3 Questions Taken on Notice at Previous Meeting

Nil

At 6:35pm the Presiding Member closed Public Question Time.

7 AWARDS AND PRESENTATIONS

At 6:35pm, the Presiding Member on behalf of the Council extended her congratulations to the teams involved in the Directions from Young People Strategy 2022-2025 development project. The team was awarded the Commissioner for Children and Young People Award for Best Practice in Children's Consultation at the IPAA WA Achievement Awards on Thursday, 7 December 2023.

At 6:36pm, the Presiding Member invited Ms G Bowman, Chief Executive Officer to receive the award.

8 APPLICATIONS FOR NEW LEAVE OF ABSENCE

8.1 Leave of Absence - December 2023

COUNCIL RESOLUTION

At 6:38pm Cr K Wheatland moved, seconded Cr S Hong

That the Council approve the leave of absence requests received from:

- **Cr S Green on Monday, 27 November 2023; and**
- **Cr C Ross on Tuesday, 5 December 2023.**

At 6:38pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY (11/0)

9 CONFIRMATION OF MINUTES

9.1 Ordinary Meeting Of The Council – 21 November 2023

COUNCIL RESOLUTION

At 6:39pm Cr D Lim moved, seconded Cr J Spanbroek

That the minutes of Ordinary Council Meeting held on 21 November 2023 be confirmed as a true and accurate record.

At 6:39pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY (11/0)

9.2 Meeting Of The Financial Management, Audit, Risk and Compliance Committee – 4 December 2023

COUNCIL RESOLUTION

At 6:39pm Cr N Robins moved, seconded Cr T Lee

That the minutes of Financial Management, Audit, Risk and Compliance Committee Meeting held on 4 December 2023 be confirmed as a true and accurate record.

At 6:39pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY (11/0)

9.3 Notes Of Agenda Briefing Forum – 5 December 2023

COUNCIL RESOLUTION

At 6:40pm Cr N Robins moved, seconded Cr T Lee

That the Notes of the Agenda Briefing Forum held on 5 December 2023 be confirmed as a true and accurate record.

At 6:40pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY (11/0)

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 Section 5.23(c) of the *Local Government Act 1995* to be discussed behind closed doors.

- E23/27 Tender – Foreshore Revetment of Melville Beach Road and Heathcote West (Confidential Attachment)

12 PETITIONS

12.1 **Petition - Review of the City's Path Policy & Compliance with the Commonwealth Disability Discrimination Act (1992)**

A petition signed by 25 residents of the City of Melville was submitted by Mr G Bolton of Alfred Cove on Monday, 20 November 2023. The petition reads as follows:

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

Unaware of any consultation regarding the recent changes to the city's footpath policy, we did not have a chance to discuss the up to 16% slope from the street to properties planned. Now aware that the council accepts it did not properly consider disability access in this policy, and is refusing to do so now, we respectfully support the reinstatement of the driveways for 54B & 56B Lamond St to be returned to the slope that they were prior to recent changes. Further we request the council complies with the Commonwealth Disability Discrimination Act (1992) by changing the policy and allow for all residents who require the same disability pedestrian access to their properties not to be denied (which in fact should be all properties because we do not wish the risk of harm to the vulnerable, or for the council to be liable for any incidents regarding falls at the front of these homes). We do not agree with the councils official position that these private properties should have disable parking installed like commercial premises, even if this was possible, and we do not agree that an over 300m to the council supplied access points would not cause hardship to a disabled person/so"

COUNCIL RESOLUTION

At 6:41pm Cr J Spanbroek moved, seconded Cr K Wheatland

That the Council acknowledge the petition bearing 25 signatures of residents and that a report be prepared for consideration by Council by the February 2024 Ordinary Meeting of Council.

At 6:41pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY (11/0)

12.2 Petition - Wheatley Drive Traffic Treatment Options

A petition signed by 213 residents of the City of Melville was submitted by Mr R Thomson of Bull Creek on Monday, 4 December 2023. The petition reads as follows:

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

Can you please urgently engage an experienced, creative road design engineer – consultant who can create a series of roundabouts and chicanes (not blister islands), including at least one demarcated, raised platform between house numbers 46/48 and 45/47?

Note: This is to counteract 85% of motorists using Wheatley Drive who do not adhere to the demarcated 50km/hr speed limit, prevent any further accidents, and safeguard our children and residents. Copies of my emails to the City of Melville dated 24/10/2023, 06/10/2023 and 07/08/2023 are attached.”

COUNCIL RESOLUTION

At 6:42pm Cr J Spanbroek moved, seconded Cr M Woodall

That the Council acknowledge the petition bearing 213 signatures of residents and that a report be prepared for consideration by Council at the February 2024 Ordinary Meeting of Council.

At 6:42pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY (11/0)

12.3 Petition - Bull Creek - Leeming Men's Shed

A petition signed by 13 residents of the City of Melville and 4 non-residents was submitted by Rev Bruce Hyde of Attadale on Tuesday, 12 December 2023. The petition reads as follows:

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

Consider the building of a Men's Shed in Bull Creek – Leeming a priority for the residents of this area."

COUNCIL RESOLUTION

At 6:45pm Cr J Spanbroek moved, seconded Cr M Woodall

That the Council acknowledge the petition bearing 13 signatures of residents and 4 non-residents and that a report be prepared for consideration by Council by the June 2024 Ordinary Meeting of Council.

At 6:45pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY (11/0)

UNCONFIRMED

13 ADOPTION OF RECOMMENDATIONS EN BLOC**COUNCIL RESOLUTION**

At 6:46pm Cr T Fitzgerald moved, seconded Cr T Lee

That the recommendations for:

- **C23/94 - Investment Statements for October 2023**
- **C23/95 - Schedule of Accounts Paid for October 2023**
- **C23/97 - Council Meeting Schedule 2024**
- **CD23/10 - Stakeholder Engagement External Audit Report**
- **CD23/11 - Improving Community Safety and Security Notice of Motion 15.2**

At 6:46pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY EN BLOC (11/0)

14 REPORTS**14.1 Reports from Committees**

Nil

UNCONFIRMED

14.2 Reports of the Chief Executive Officer

Management Services

Nil

UNCONFIRMED

Corporate Services

C23/93 Proposed City of Melville Parking Local Law 2023

| | |
|--|---|
| File Number: | |
| Responsible Officer: | Head of Governance |
| Voting Requirements: | Absolute Majority |
| Officer Disclosure of Interest: | No officer involved in the preparation of this report has a declarable interest in this matter. |
| Attachments: | <ol style="list-style-type: none"> 1. Attachment 1- City of Melville Proposed Parking Law 2023 2. Attachment 2- DLGSC Minor Suggestions 3. Attachment 3- City of Melville Public Submissions |

COUNCIL’S ROLE

Legislative: Includes adopting local laws, town planning schemes & policies.

| |
|---|
| <p>SUMMARY</p> <ul style="list-style-type: none"> • The current City of Melville Parking Local Law was adopted by Council on 20 September 2016. • Since this time, several changes to the Parking Local Law have been suggested by staff, Elected Members and the Department of Local Government Sport and Cultural Industries (DLGSC) to ensure alignment with contemporary parking context and the introduction of ticket-less machines within the City of Melville. • In response to this feedback and subsequent demands, the City instigated a full review of the Parking Local Law, resulting in a new proposed Parking Local Law. • At its Ordinary Meeting of Council on 20 June 2023, the Council adopted the officer’s recommendation to commence a six-week public consultation period on the proposed Parking Local Law, inviting public comment in accordance with section 3.12 of the <i>Local Government Act 1995</i>. • As such, the submission period for public notice and comment was undertaken between 29 June 2023 and 13 August 2023. • Following the consultation period and advice from the DLGSC, the City made a number of minor changes to the proposed Parking Local Law, which is presented for final adoption by the Council in order to make the proposed Parking Local Law. |
|---|

PURPOSE

To consider adopting the proposed *City of Melville Parking Local Law 2023*, in accordance with section 3.12 of the *Local Government Act 1995*.

STRATEGIC ALIGNMENT

| | | |
|--------------------------|---|--|
| Priority | There are no applicable priorities in relation to this report. | |
| Outcome Indicator | 6 | Sustainable and Connected Transport Goal 2 Balancing Transport Priorities |

BACKGROUND

At its Ordinary Meeting of Council on 20 June 2023, the Council resolved to provide public notice of the proposed *City of Melville Parking Local Law 2023* (Item C23/39). In accordance with section 3.12(3)(b) of the *Local Government Act 1995*, a copy of the proposed *City of Melville Parking Local Law 2023* was provided to the Department of Local Government, Sports and Cultural Industries (DLGSC) for review and comment.

The submission period for the public notice was between 29 June 2023 and 13 August 2023.

Minor changes have been made to the draft *Parking Local Law 2023* following consideration of public submissions and advice from the DLGSC.

CONSIDERATION

At its Ordinary Meeting of Council on 20 June 2023, Council adopted the officer’s recommendation to commence a six-week public consultation period on the Proposed Parking Local Law, inviting public comment in accordance with section 3.12 of the *Local Government Act 1995* (the Act).

As such, local public notice of the proposed City of Melville Parking Local Law 2023 was given in accordance with section 3.12(3)(a) of the Act. Public notice and consultation on the proposed Parking Local Law included the following:

- A notice published in the PerthNow Newspaper on 29 June 2023;
- A notice published on the City’s website (Local and Statewide Public Notices page);
- A consultation page displayed on the City’s website (Parking Local Law 2023);
- Inclusion on notice boards at the City of Melville’s Administration building and Libraries;
- A notice published in the City of Melville’s electronic newsletter on 7 July 2023; and
- Promotion on the City of Melville’s Facebook page.

A copy of the City of Melville Parking Local Law 2023 with tracked changes outlining the minor changes, is at Attachment 1. This includes modifications that were made following review of consultation submissions and comments obtained from the DLGSC. After including these amendments, the Parking Local Law is not significantly different to what was advertised, therefore it does not trigger the requirement to recommence the making of the local law under section 3.13 of the Act.

In accordance with section 3.12(3)(b) of the Local Government Act 1995, Administration provided the Minister for Local Government with a copy of the advertised proposed Parking Law. The DLGSC provided minor editing suggestions for the Local Law, and these can be found at

Attachment 2. Administration have incorporated the Department's feedback into the proposed local law.

During the public consultation period, the City received 30 submissions which have been considered in the review. A copy of the submissions log can be found at Attachment 3.

If adopted, the proposed Parking Local Law would be gazetted and provided to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL). Whilst the local law has been prepared with legal consultation and advice from the DLGSC, the JSCDL may still exercise its discretion to disallow part or all of the Parking Local Law 2023.

Following Gazettal, the City will provide local public notice that the City of Melville *Parking Local Law 2023* has been published in the Government Gazette, in accordance with section 3.12(6) of the Local Government Act 1995. The notice would include the following details:

- The title of the local law;
- The purpose and effect of the local law;
- The day the local law comes into operation; and
- Advise that copies of the local law can be inspected and obtained from the City's office and website.

ENGAGEMENT

In accordance with section 3.12(3)(a) of the *Local Government Act 1995* and the City of Melville's Stakeholder Engagement Policy CP-002, a community consultation period with respect to the proposed Parking Local Law between 29 June 2023 and 13 August 2023. The City received 30 submissions which were taken into consideration.

The City was also required to provide a copy of the proposed Local Law to the Minister, who, through the DLGSC provided suggested minor changes.

All community submissions, along with the changes suggested by the DLGSC have been taken into consideration in the proposed Local Law.

SUSTAINABILITY IMPLICATIONS

To make a local law, the local government must follow the procedure detailed in section 3.12 of the *Local Government Act 1995*, in the sequence in which it is described. These steps, in order, are:

- (a) At a council meeting the person presiding must give notice to the meeting of the purpose and effect of the proposed local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that meeting and that the minutes of the meeting include the purpose and effect of the proposed local law.
- (b) The local government must then give local public notice that the local government proposes to make a local law, with the notice specifying the purpose and effect of the local law, where the local law can be inspected or obtained, and that submissions are invited for a period of six weeks.
- (c) As soon as the local public notice is given, a copy of the proposed local law and of the notice must be given to the Minister administering the *Local Government Act 1995*, and the Minister

administering the Act under which the local law is proposed to be made (if the local law is not one that is made under the *Local Government Act 1995*).

- (d) After submissions have closed, the local government must consider any submissions made, and may, by absolute majority, make the local law as proposed or a local law not significantly different from what was proposed. If the local law is significantly different to what was proposed, the local government must recommence this procedure from the beginning.
- (e) After the local law is made, the local law must be published in *Government Gazette*.
- (f) Once the local law has been published in the *Government Gazette*:
 - a. a copy of the local law must be given to the Minister administering the *Local Government Act 1995*, and the Minister administering the Act under which the local law is proposed to be made (if the local law is not one that is made under the *Local Government Act 1995*); and
 - b. local public notice must be given of the title, purpose, effect and commencement date of the local law, and that a copy is published on the website and may be inspected or obtained from the local government's office.
- (g) Once the local public notice has been given, a copy of the local law, the notice and other required explanatory material must be given to the Joint Standing Committee for Delegated Legislation.

A failure to follow this process, in the sequence in which it is described, will likely result in the Joint Standing Committee for Delegated Legislation recommending that the local law be disallowed.

FINANCIAL IMPLICATIONS

There are nominal costs associated with making the local law, including advertising and Gazettal. These costs have been included in the City's adopted Budget for 2023-2024.

CONSEQUENCE

Whilst it is of low risk for the Council to adopt the proposed *City of Melville Parking Local Law 2023*, there are associated consequences if the Council choose not to adopt the Officer Recommendation. The *Local Government Act 1995* does not expressly prescribe a timeframe in which the procedural requirements for making local laws are to be completed, however such procedures should be undertaken with 'all convenient speed' in line with the *Interpretations Act 1984*.

The DLGSC advise that local law procedures that take more than a year could be subject to questions of legal validity, and if the local law process has had delays of more than one year, then the procedure for making a local law should be restarted. Furthermore, as the City of Melville has introduced ticket-less parking metres, the current Local Law is in-enforceable and therefore the need for the proposed Local law to be adopted.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (C23/93)

At 6:47pm Cr T Fitzgerald moved, seconded Cr K Wheatland

That the Council by absolute majority decision:

1. Gives notice that the purpose of the proposed *City of Melville Parking Local Law 2023* is to provide for the regulation, control and management of parking, vehicles and parking facilities within the local government;
2. Gives notice that the effect of the proposed *City of Melville Parking Local Law 2023* is to ensure that a person stopping or parking a vehicle within the City of Melville is to comply with these provisions; and
3. Makes the proposed *City of Melville Parking Local Law 2023* at Attachment 1, in accordance with section 3.12(4) of the *Local Government Act 1995* subject to the Chief Executive Officer:
 - o Publishing the proposed *City of Melville Parking Local Law 2023* in the *Government Gazette* in accordance with section 3.12(4) of the *Local Government Act 1995* and providing a copy to the Minister for Local Government; and
 - o Following Gazettal, providing local public notice in accordance with section 3.12(6) of the *Local Government Act 1995*, and providing a copy of the law and Explanatory Memorandum signed by the Mayor and Chief Executive Officer to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

At 6:49pm the Presiding Member declared the motion.

CARRIED BY ABSOLUTE MAJORITY (11/0)

UNCONFIRMED

C23/94 Investment Statements for October 2023

| | |
|--|--|
| File Number: | |
| Responsible Officer: | Manager Financial Services |
| Voting Requirements: | Simple Majority |
| Officer Disclosure of Interest: | No officer involved in the preparation of this report has a declarable interest in this matter |
| Attachments: | Nil |

COUNCIL’S ROLE

Information: For the Council / Committee to note.

| |
|--|
| <p>SUMMARY</p> <ul style="list-style-type: none"> This report presents the investment statements for the period ending 31 October 2023 for the Council’s information and noting. |
|--|

PURPOSE

To report on the performance of the City’s investment portfolio for October 2023.

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 5.00% to 5.04% which exceeds the benchmark three-month bank bill swap (BBSW) reference rate of 4.21%.

29% of the City’s investment portfolio is invested in authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels. This compared to 32% in September 2023.

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

STRATEGIC ALIGNMENT

| | | |
|--------------------------|----------|---|
| Priority | 5 | Ensure long term financial sustainability |
| | P5/1 | Undertake efficiency improvements to maximise cost effectiveness. |
| | P5/2 | Advocate at National and State levels to maximise funding. |
| | P5/3 | Identify opportunities for appropriate alternative revenue streams. |
| Outcome Indicator | 2 | Growth and Prosperity |
| | Goal 1 | Achieve Economic Resilience |

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.

CONSIDERATION

The following statement details the investments held by the City as of 31 October 2023.

| CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 OCTOBER 2023 | | |
|--|------|----------------------|
| SUMMARY BY FUND | | |
| Municipal | | \$63,461,476 |
| Reserve | | \$155,028,668 |
| Trust | | \$- |
| Citizen Relief | | \$222,379 |
| TOTAL | | \$218,712,523 |
| SUMMARY BY INVESTMENT TYPE | | |
| 11AM | | \$13,889,221 |
| 31Days at Call | | \$- |
| 60Days at Call | | \$2,000,000 |
| 90Days at Call | | \$16,600,000 |
| Term Deposit | | \$186,223,302 |
| TOTAL | | \$218,712,523 |
| SUMMARY BY CREDIT RATING | | |
| AAA Category | AAA | |
| AA Category (AA+ to AA-) | AA- | \$127,139,705 |
| | A+ | \$38,272,819 |
| A Category (A+ to A-) | A | |
| | A- | |
| BBB+ Category | BBB+ | \$53,300,000 |
| TOTAL | | \$218,712,523 |

Exposure to an individual institution is limited according to Council policy and in October 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 | \$ - | 0.00% | 30.00% | ✓ |
| AMP | BBB+ | BBB+ Category | \$ - | 0.00% | 15.00% | ✓ |
| Bankwest | AA- | AA Category | \$ - | 0.00% | 30.00% | ✓ |
| Bank of Queensland | BBB+ | BBB+ Category | \$ 25,800,000 | 11.80% | 15.00% | ✓ |
| ING Bank | A- | A Category | \$ - | 0.00% | 25.00% | ✓ |
| Bendigo & Adelaide | BBB+ | BBB+ Category | \$ 27,500,000 | 12.57% | 15.00% | ✓ |
| CBA | AA- | AA Category | \$ - | 0.00% | 30.00% | ✓ |
| Macquarie | A+ | A Category | \$ 2,072,819 | 0.95% | 25.00% | ✓ |
| NAB | AA- | AA Category | \$ 62,298,145 | 28.48% | 30.00% | ✓ |
| St George | AA- | AA Category | \$ - | 0.00% | 30.00% | ✓ |
| Suncorp | A+ | A Category | \$ 36,200,000 | 16.55% | 25.00% | ✓ |
| Westpac | AA- | AA Category | \$ 64,841,560 | 29.65% | 30.00% | ✓ |
| TOTAL | | | \$ 218,712,523 | 100% | | |

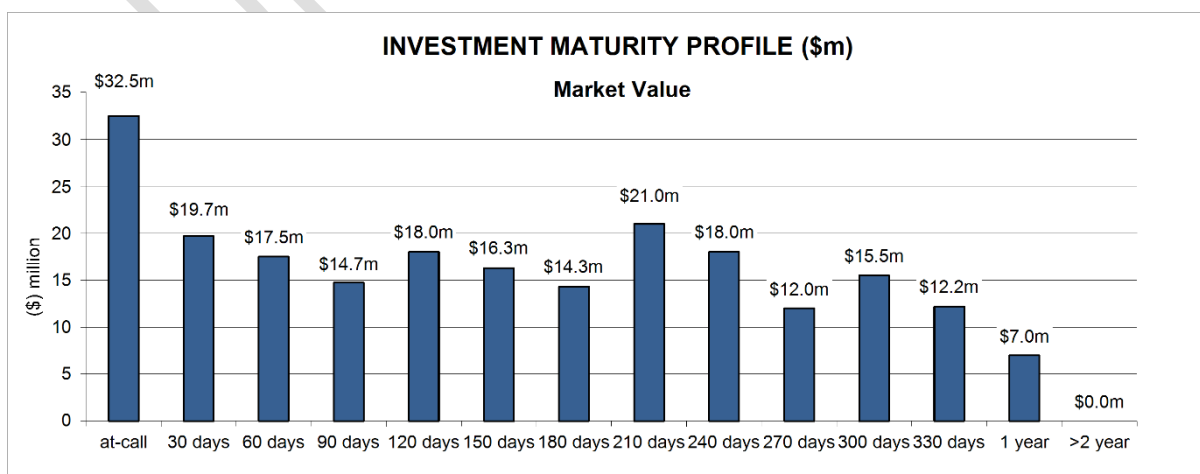
*Standard & Poor's ratings. Source: Policy No. CP-009: Investment of Funds

The City's investments were invested within the limits allowed within each category rating for October 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-) | \$ 127,139,705 | 58% | 80% | ✓ |
| A Category (A+ to A-) | \$ 38,272,819 | 17% | 50% | ✓ |
| BBB+ Category | \$ 53,300,000 | 24% | 25% | ✓ |
| TOTAL | \$ 218,712,523 | 100% | | |

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

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

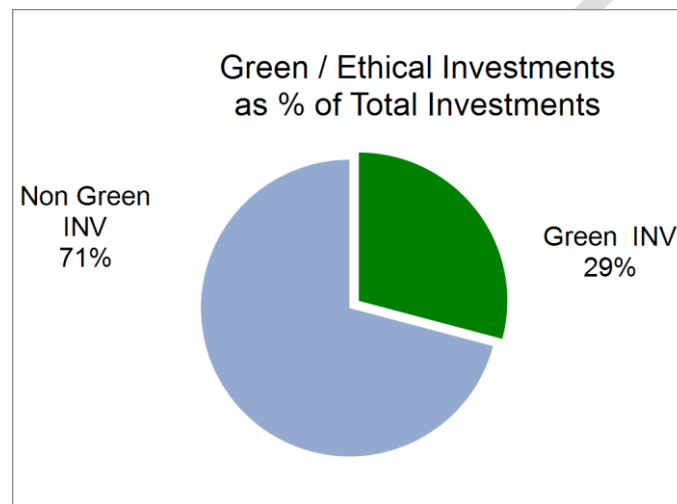


The City exercises a deliberative preference in favour of green/ethical investments. This preference will however only be exercised after the foremost investment considerations of credit rating, comparable rate and risk diversification are fully satisfied.

“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 authorised institutions as at 31 October 2023 was \$63,700,000 or 29% of total investment holdings being in non-fossil fuels institutions, compared to \$68,700,000 (32%) in September 2023. The total investments holding for October and September were \$218,712,523 and \$214,412,523, respectively.



| Green / Ethical Investment with financial institutions | | | |
|--|---------------|------------------------|--------------------------|
| Institution | Credit Rating | Credit Rating Category | Funds held at period end |
| Bendigo & Adelaide | BBB+ | BBB+ Category | \$ 27,500,000 |
| CBA | AA- | AA Category | 0 |
| Suncorp | A+ | A Category | \$ 36,200,000 |
| TOTAL | | | \$ 63,700,000 |

Green investments were invested in the three banks listed above, in accordance with the council credit rating policy. CBA and Suncorp are unable to accept new money or process rollovers of Green /Ethical Investments of which the ESGTD investments with CBA have been withdrawn in full. Suncorp investments will be withdrawn in future.

ENGAGEMENT

This report is available to the public on the City's website. A wide range of suitably credit rated Authorised Deposit-taking Institutions (ADI's) were engaged with during the month in respect to the placement and renewal of investments.

SUSTAINABILITY 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 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.

LEGISLATIVE AND POLICY ALIGNMENT

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.

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*.

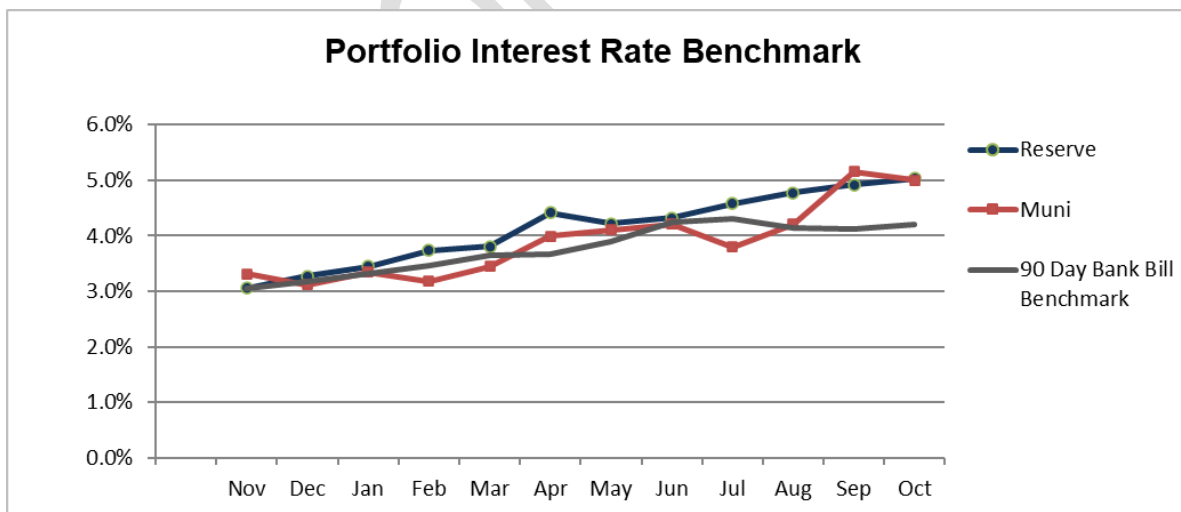
FINANCIAL IMPLICATIONS

For the period ending 31 October 2023:

- Investment earnings on Municipal and Trust Funds were \$867,092 against a year-to-date budget of \$800,000 representing a positive variance of \$67,092.

The weighted average interest rate for Municipal and Trust Fund investments as of 31 October 2023 was 5.00% which compares favourably to the benchmark three-month bank bill swap (BBSW) reference rate of 4.21%.

- Investment earnings on Reserve accounts were \$2,377,754 against a year-to-date budget of \$2,200,000 representing a positive variance of \$177,754.
- The weighted average interest rate for Reserve account investments as at 31 October 2023 was 5.04% which compares favourably to the benchmark three-month bank bill swap (BBSW) reference rate of 4.21%.



CONSEQUENCE

Not applicable as this report only presents information for nothing.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (C23/94)

At 6:46pm Cr T Fitzgerald moved, seconded Cr T Lee

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

At 6:46pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY EN BLOC (11/0)

UNCONFIRMED

C23/95 Schedule of Accounts Paid for October 2023

| | |
|--|---|
| File Number: | |
| Responsible Officer: | Manager Financial Services |
| Voting Requirements: | Simple Majority |
| Officer Disclosure of Interest: | No officer involved in the preparation of this report has a declarable interest in this matter. |
| Attachments: | <ol style="list-style-type: none"> Payment Details October 2023 Card Payment Details October 2023 |

COUNCIL’S ROLE

Information: For the Council / Committee to note.

| |
|---|
| <p>SUMMARY</p> <ul style="list-style-type: none"> This report presents the details of payments made under delegated authority to suppliers and purchase and credit card transactions for the period of October 2023 and recommends that the Schedule of Accounts Paid and card transactions be noted. |
|---|

PURPOSE

The Schedule of Payments for the month totals \$30,462,376, which is represented by \$13,162,376.59 in payments made from the Municipal Fund and \$17,300,000.00 in investment transfers.

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

STRATEGIC ALIGNMENT

| | | |
|--------------------------|----------|---|
| Priority | 5 | Ensure long term financial sustainability |
| | P5/1 | Undertake efficiency improvements to maximise cost effectiveness. |
| | P5/2 | Advocate at National and State levels to maximise funding. |
| | P5/3 | Identify opportunities for appropriate alternative revenue streams. |
| Outcome Indicator | 2 | Growth and Prosperity |
| | Goal 1 | Achieve Economic Resilience |

BACKGROUND

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

A total of \$8,766,595 direct creditor payments were paid during the month October 2023, of which, 19% of payments were paid to suppliers located within the City of Melville and 27% to suppliers within the South West Metropolitan Region, compared to 25% and 9% of total of \$15,740,773 direct creditor payments made over September 2023 respectively.

The biggest payment of \$1,206,110 made during the month was the ESL payment to the Department of Fire and Emergency Services. Approximately 95% of supplier invoices are paid within 30 days of receipt of the invoices.

The attached creditor payment details report shows each payment, payee name, amount and date of payment and sufficient information to identify the transaction.

CONSIDERATION

The Schedule of Accounts Paid for October including Payment Register numbers, Cheques: 848-849, Electronic Funds Transfers batches: 860-863, Trust Payments, Card Payments and Payroll are attachments to this report.

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

| SCHEDULE OF PAYMENTS MADE | | |
|--|---|------------------------|
| OCTOBER 2023 | | |
| <i>Payments made under Delegated Authority DA-035</i> | | |
| MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS | | |
| Cheques | Chq Payment Register No. 848 and 849 | \$1,062.79 |
| | Chq Payment on Restricted Funds Register No. | |
| | Less Cancelled Chqs | - |
| Electronic Funds Transfers | EFT Payment Register No. 861 and 863 | \$8,464,621.94 |
| | EFT Payment on Restricted Funds Register No. 860, 862 and 137 | \$125,802.55 |
| | Less Cancelled EFTs | (\$7,256.49) |
| | | \$8,584,230.79 |
| Direct Debits | Bank Fees | \$42,810.12 |
| | Ampol Fuel | \$128,606.80 |
| Direct Payments | | \$10,947.57 |
| | Total Direct Creditor Payments | \$8,766,595.28 |
| Payroll | Total Pay 8 and 9 | \$4,294,582.66 |
| | Total Payroll | \$4,294,582.66 |
| Cards | Westpac Corporate Cards | \$18,114.71 |
| | Westpac Purchase Cards | \$77,984.11 |
| | American Express | \$5,099.83 |
| | Total Card Payments | \$101,198.65 |
| Total Direct Creditor Payments from Municipal Account | | \$13,162,376.59 |

UNCONFIRMED

Schedule of Payments Made continued.

| INTERFUND & INVESTMENT TRANSACTIONS | | |
|--|------------|------------------------|
| <i>Interfund Transfers</i> | | |
| Loan | | \$0.00 |
| Citizen Relief Trust | | \$0.00 |
| Citizen Relief Operating | | \$0.00 |
| Municipal | | (\$6,556,666.00) |
| Reserve | | \$6,556,666.00 |
| Trust | | |
| Total Interfund Transfers | | \$0.00 |
| <i>New Municipal Investments</i> | | |
| Westpac Bank | 2/10/2023 | \$4,200,000.00 |
| Westpac Bank | 3/10/2023 | \$3,500,000.00 |
| Westpac Bank | 5/10/2023 | \$1,300,000.00 |
| NAB Bank | 6/10/2023 | \$2,000,000.00 |
| Westpac Bank | 12/10/2023 | \$1,900,000.00 |
| Westpac Bank | 19/10/2023 | \$1,400,000.00 |
| NAB Bank | 27/10/2023 | \$2,000,000.00 |
| NAB Bank | 27/10/2023 | \$1,000,000.00 |
| Total New Investments | | \$17,300,000.00 |
| Grand Total | | \$30,462,376.59 |

Details of the payments are shown in Attachment 1.

Any payment over and above \$25,000.00 has been highlighted under the Payment Amount column in the Attachment 1.

A new Regulation (13A. of the Local Government (Financial Management) Regulations 1996 - Payments by Employees via Purchasing Cards) effective from 1 September 2023 requires that if a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month and is to be presented to the Council at the next Ordinary Meeting of the Council and is to be recorded in the minutes of that meeting.

The list of payments made using purchase cards during September 2023 and settled in October 2023 is provided as an attachment to this report.

ENGAGEMENT

There are no applicable engagement considerations presented as part of this report.

SUSTAINABILITY IMPLICATIONS

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

LEGISLATIVE AND POLICY ALIGNMENT

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.

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

FINANCIAL IMPLICATIONS

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

CONSEQUENCE

Not applicable as this report only presents information for noting.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (C23/95)

At 6:46pm Cr T Fitzgerald moved, seconded T Lee

That the Council notes the Schedule of Accounts paid and card transactions for the period October 2023 as approved by the Director Corporate Services in accordance with delegated authority DA-035 and detailed in the attachments to this report – Payment Details October 2023 (Attachment 1) and Card Payment Details October 2023 (Attachment 2).

At 6:46pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY EN BLOC (11/0)

C23/96 Statements of Financial Activity October 2023

| | |
|--|---|
| File Number: | |
| Responsible Officer: | Manager Financial Services |
| Voting Requirements: | Simple Majority |
| Officer Disclosure of Interest: | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Attachments: | <ol style="list-style-type: none"> 1. Statement Nature Type October 2023 2. Rate Setting Program October 2023 3. Rate Setting Nature Type October 2023 4. Net Working Capital October 2023 5. Reconciliation Net Working Capital October 2023 6. Notes Rate Setting Statement October 2023 7. Budget Amendments October 2023 8. Summary Rate Debtors October 2023 9. Rates Collections Graph October 2023 10. General Debtors Aged 90 Days October 2023 11. Amendments to Waste Fees and Charges 2023-2024 |

COUNCIL’S ROLE

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

| |
|--|
| <p>SUMMARY</p> <p>This report presents:</p> <ul style="list-style-type: none"> • The Statements of Financial Activity by Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 31 October 2023 and recommends that they be noted by the Council. • The variances for the month of 31 October 2023 and recommends that they be noted by the Council. • The Amendments to the Fees and Charges schedule and recommends that they be adopted by Absolute Majority decision of the Council. • The Budget amendments required for the month of 31 October 2023 and recommends that they be adopted by Absolute Majority decision of the Council. <p>Year-end processes are still underway and therefore the final figures may be different from what is presented in this report.</p> |
|--|

PURPOSE

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

STRATEGIC ALIGNMENT

| | | |
|--------------------------|----------|---|
| Priority | 5 | Ensure long term financial sustainability |
| | P5/2 | Advocate at National and State levels to maximise funding. |
| | P5/1 | Undertake efficiency improvements to maximise cost effectiveness. |
| | P5/3 | Identify opportunities for appropriate alternative revenue streams. |
| Outcome Indicator | 2 | Growth and Prosperity |
| | Goal 1 | Achieve Economic Resilience |

BACKGROUND

The Statements of Financial Activity for the period ending 31 October 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 October 2023 were \$219m of which the Municipal cash balance at the end of the month was \$63m and \$155m 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 October 2023 was \$63,700,000 or 29% of total investment holdings, compared to \$68,700,000 (32%) in September 2023. Green/Ethical investments were invested in the three banks, in accordance with the council credit rating policy. Suncorp is unable to accept new term deposit or process rollovers of existing Green /Ethical Investments which will be withdrawn in future. ESGTD investments with CBA have been withdrawn in full due to a lack of capacity on CBA’s part.
- Total debtor collections for October 2023 equalled \$14.9m. The Rates collection target was 68.7% and the actual collection is tracking slightly higher at 69.1%, compared to 69.4% for the same period in 2022-2023. The total outstanding debtors (including all rates and sundry debtors) is \$41m as of 31 October 2023.
- End-of-year financial Audit process is still underway, and the audited final report for 2022-2023 may not be presented to the council until after 31 December 2023 due to pending issues with the Resource Recovery Group (RRG). An extension for the late submission of its financial statements has been approved by the Department of Local government.

CONSIDERATION

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

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

1 - Statement Nature Type October 2023: Rate Setting Statement by Nature or Type

6 - Notes Rate Setting Statement October 2023: Statement of Variances in Excess of \$100,000

Revenue

Rates raised as at October were \$102,138,134, compared to a year-to-date budget of \$102,062,525. The positive variance of \$75,609 is made up of minor amounts, arising from the construction of new commercial premises at Ardross and Myaree, and the imposition of rates on properties previously rate exempt in Willagee.

Rates Collection

| SUMMARY OF RATE DEBTOR MOVEMENT | | | | | |
|---------------------------------|---------------------------------|----------------------------------|--|--|--|
| Detail | Actuals Current Month YTD | Actuals Previous Month YTD | % Diff Current Mth to Previous Mth | Actuals This Month Last Year YTD | % Diff Current Mth to Current Mth Last Yr |
| Opening Balance - 1 July | 4,487,816 | 4,487,816 | 0% | 5,453,565 | -18% |
| Debtors Raised | 125,643,668 | 125,536,295 | 0% | 119,582,899 | 5% |
| Payments Received | (89,787,207) | (75,377,815) | 19% | (86,697,564) | 4% |
| Closing Balance | 40,344,277 | 54,646,296 | -26% | 38,338,900 | 5% |

Total rate debtor collections for the month equalled \$14,409,393.

Sundry Debtor Movement

| SUMMARY OF SUNDRY DEBTOR MOVEMENT | | | | | |
|-----------------------------------|---------------------------------|----------------------------------|--|--|--|
| Detail | Actuals Current Month YTD | Actuals Previous Month YTD | % Diff Current Mth to Previous Mth | Actuals This Month Last Year YTD | % Diff Current Mth to Current Mth Last Yr |
| Opening Balance - 1 July | 901,439 | 901,439 | 0% | 642,878 | 40% |
| Invoices Raised | 2,304,366 | 1,758,919 | 31% | 3,020,992 | -24% |
| Receipts | (2,458,945) | (1,999,928) | 23% | (2,729,551) | -10% |
| Prepayments | 4,042 | (830) | -587% | 5,907 | -32% |
| Closing Balance | 750,903 | 659,600 | 14% | 940,227 | -20% |

Sundry debtor balances increased by \$91,303 over the course of October from \$659,600 to \$750,903 of which total 90-day sundry debtors over \$1,000 for the month is \$218,487, representing 29% of total sundry debtors.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for October 2023.

Budget Amendments

Details of Budget Amendments requested for the month of October 2023 that reflect effective changes to budgets are shown in attachment 7- Budget Amendments October 2023. Budget amendments that are purely administrative and detail movements between budget responsible officers are not included in the attachment. This reporting is aligned with legislative requirements.

Variances greater than \$100,000 processed in October 2023 are highlighted in the attachment.

Amendments to Fees and Charges Schedule 2023-2024

It is proposed to introduce a FOGO service for commercial waste customers, giving them an option to divert their compostable waste from going to landfill. This service will make the Commercial waste collection services offered by the City more consistent with the Residential waste service which already includes a FOGO collection.

It is also proposed that the whitegoods collection service currently offered be withdrawn and the associated fee deleted.

The proposed fee changes are detailed in Attachment 11 - Amendments to Waste Fees and Charges 2023-2024.

The proposed changes to the fees and charges, if approved will be advertised by way of public notice prior taking effect.

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 Directors to write off debts or grant concessions to a value of \$5,000 and the Manager Financial Services to a value of \$1,000.

Sundry Debtors

Write off \$123.00 – Debtor 86428 Gym membership.

As the demand period with Recoveries Legal has expired and this debt is not considered financially viable to progress any further.

Write off \$347.00 – Debtor 50772 GIO Insurance.

As the demand period with Recoveries Legal has expired and this debt is not considered financially viable to progress any further.

Rate Debtors

There were no rate debts written off for the month of October 2023.

ENGAGEMENT

There are no applicable engagement considerations presented as part of this report.

SUSTAINABILITY IMPLICATIONS

The City has well developed business continuity plans in place and an Incident Response Team (IRT) to coordinate and plan the City's response to the significant situations as was the case with the Covid-19 crisis.

LEGISLATIVE AND POLICY ALIGNMENT

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.*

(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.

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.

FINANCIAL IMPLICATIONS

Variances

Variances are detailed and explained in Attachment 6- Notes Rate Setting Statement October 2023: Notes on Statement of Variances in excess of \$100,000 by Nature or Type.

CONSEQUENCE

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (C23/96)

At 6:49pm Cr K Wheatland moved, seconded Cr N Robins

1. **That the Council notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 October 2023 as detailed in the following attachments:**
 - **Statement Nature Type October 2023**
 - **Rate Setting Program October 2023**
 - **Rate Setting Nature Type October 2023**
 - **Net Working Capital October 2023**
 - **Reconciliation Net Working Capital October 2023**
 - **Notes Rate Setting Statement October 2023**
 - **Budget Amendments October 2023**
 - **Summary Rate Debtors October 2023**
 - **Rates Collections Graph October 2023**
 - **General Debtors Aged 90 Days October 2023**
 - **Amendments to Waste Fees and Charges 2023-2024**
2. **That the Council by Absolute Majority Decision adopts the budget amendments, as detailed in Attachment 7 - Budget Amendment Reports for October 2023.**
3. **That the Council by Absolute Majority Decision adopts the changes to waste fees and charges, as detailed in Attachment 11 – Amendments to Waste Fees and Charges 2023-2024.**

At 6:49pm the Presiding Member declared the motion.

CARRIED BY ABSOLUTE MAJORITY (11/0)

UNC

C23/97 Council Meeting Schedule 2024

| | |
|--|---|
| File Number: | |
| Responsible Officer: | Chief of Staff |
| Voting Requirements: | Simple Majority |
| Officer Disclosure of Interest: | No Officer involved in the preparation of this report has a declarable interest |
| Attachments: | 1. Council Meeting Schedule 2024 |

COUNCIL’S ROLE

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

| |
|--|
| <p>SUMMARY</p> <ul style="list-style-type: none"> The Council is required to determine and advertise the meeting dates for Ordinary Meetings of Council each year. The Council holds Elected Member Engagement Sessions, Agenda Briefing Forums and Ordinary Meetings of Council in a set cycle each month, this report recommends the continuation of this cycle commencing in February 2024. This report as recommends that quarterly meeting dates for the Governance Committee and the Financial Management, Audit, Risk and Compliance Committee be set for 2024. |
|--|

PURPOSE

The currently monthly Council Meeting Cycle has been in place for a number of year and it is proposed that this cycle be adopted with the intention of providing stable meeting dates for all Ordinary Meetings of Council and Agenda Briefing Forums for 2024.

In addition, the proposed meeting schedule include pre-set meeting dates for the Governance Committee and the Financial Management, Audit, Risk and Compliance Committee for 2024.

STRATEGIC ALIGNMENT

| | | |
|--------------------------|---|-----------------------------|
| Priority | There are no applicable priorities in relation to this report. | |
| Outcome Indicator | 5 | Sense of Community |
| | Goal 2 | Participation and Inclusion |

BACKGROUND

The Council Meeting Cycle was reviewed in December 2021 where the Council resolved to amend the monthly meeting cycle to hold the Agenda Briefing Forum on the second week of the cycle.

The Council meeting cycle is as follows

- First Tuesday – Elected Member Engagement Session
- Second Tuesday – Agenda Briefing Forum
- Third Tuesday – Ordinary Council Meeting
- Fourth Tuesday – Elected Member Engagement Session
- Fifth Tuesday (where applicable) – Elected Member Engagement Session

This was a result of discussions with Elected Members as part of the Organisational Cultural Workshops in 2020 which highlighted a desire for different forms of collaboration between the Elected Member Group and the Administration and consideration given to amending the meeting structure to allow more time between the Agenda for Council meetings being released and the Agenda Briefing Forums.

Discussions during 2021 highlighted the importance of Elected Members meeting to gather information on topical issues and to have informal discussions around strategic direction, major projects and organisational priorities.

This has resulted in the amalgamation of Elected Member Information Sessions, Informal Meeting of Elected Members and Elected Member Workshops into a singular format being Elected Member Engagement Sessions.

CONSIDERATION

Ordinary Meetings of Council and the Council Agenda Briefing Forums both open to the public, held in the Council Chambers and broadcast live to the community. Formal decision making by the Council only takes place at the Ordinary Meeting of Council.

It is proposed to continue with the existing meeting schedule each month, with the exception of:

- January 2024 when the Council is in recess;
- December 2024 when meetings are brought forward to allow for the Council resolutions to be actioned in time to accommodate for the festive period.

A copy of the proposed 2024 meeting cycle calendar, based on this proposal is attached to this report.

The proposed meeting cycle calendar for 2024 provides for a January Recess and does not schedule formal meetings during this time, it should be noted that a Special Meeting of the Council may be called in January 2024 if there are any matters requiring a timely decision of the Council. The meeting dates for December 2024 have been brought forward to allow completion of the meeting cycle on the second Tuesday of December as has been the practice in recent years.

Special Meetings of Council may be called through 2024 on an as-needed basis in accordance with s5.4 of the *Local Government Act 1995*.

The Local Government Reform will require local governments to broadcast (live stream) the video and audio of its Council Meetings. As Class 1 Local Government, the City will be required to have the ability to livestream its Council meetings and for the video recording to be available publicly from 1 January 2025.

The City currently has the necessary hardware, software, and processes in place for the livestreaming of its Council meetings, and has been livestreaming its meetings for sometime in response to the COVID-19 Pandemic. The City is well placed to meet the new requirements well before the implementation date of 1 January 2025.

In addition to this, recent changes to the *Local Government Act 1995* allows for Elected Members to attend meetings electronically.

ENGAGEMENT

The City informs the public of the dates that Council meetings will be held through the media, press releases and notices at the Civic Centre, Libraries, and website. When adopted, the meeting schedule for 2024 will be advertised in a local newspaper.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

LEGISLATIVE AND POLICY ALIGNMENT

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

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

The Council is to formally resolve its meeting schedule for the next 12 months and advertise the meeting details, including date, time and place. Should the Council resolve to adopt the proposed meeting cycle, Section 5.25(1) (g) of the Local Government Act 1995 requires that the City give public notice of the date and agenda for each Council meeting.

Regulation 12(2) of the Local Government (Administration) Regulations 1996 requires that the City, at the beginning of the year publish on its official website the details of Ordinary Meetings of the Council and any changes to the adopted meeting details.

The community will be informed of any Special Meetings of the Council in accordance with the requirements of Regulation 12(4) of the Local Government (Administration) Regulations 1996.

FINANCIAL IMPLICATIONS

A provision for the cost of conducting Meetings of the Council within the proposed schedule is included in the 2023-2024 adopted budget.

CONSEQUENCE

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

There is an option to revert to a different model for meeting frequency, which may provide a more or less frequent cycle of Ordinary Meetings of Council, increasing or decreasing the amount of decision making opportunities for the Council.

Changes to the meeting cycle would have an impact on the resource allocations for this purpose.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (C23/97)

At 6:46pm Cr T Fitzgerald moved, seconded Cr T Lee

That the Council:

1. Approves the Ordinary Meetings of Council to be held on the third Tuesday of each month, commencing in February 2024, with the exception of December 2024, where the meeting will be held on the second Tuesday of that month.
2. Approves the Agenda Briefing Forums to be held on the second Tuesday of each month, commencing in February 2024, with the exception of December 2024, where the meeting will be held on the first Tuesday of that month and be chaired by the Mayor or his delegate.
3. Directs that it will go into recess during January 2024 and that neither the Ordinary Meeting of Council nor a Council Agenda Briefing Forum will be scheduled during that month.
4. Endorses that Elected Member Engagement Sessions occur, as required, on any Tuesday evening that is not required for Ordinary Meetings of Council or Agenda Briefing Forums.
5. Requests the Chief Executive Officer to publish the Schedule of Council Meetings on the City of Melville Website in order to inform the community of the Council Meeting dates for 2024.
6. Notes that the quarterly meeting dates have been set for Governance Committee and Financial Management, Audit, Risk and Compliance Committee meetings in 2024.

At 6:47pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY EN BLOC (11/0)

Community Development

At 6:50pm, the Presiding Member advised the Council that an Advice Note in relation to this item has been received and was distributed to Elected Members on Friday, 8 December 2023.

CD23/7 Better Together Melville Access and Inclusion Plan 2023 - 2028 and Social Justice (Access and Inclusion) Policy

| | |
|--|--|
| File Number: | |
| Responsible Officer: | Director Community Development |
| Voting Requirements: | Simple Majority |
| Officer Disclosure of Interest: | |
| Attachments: | <ol style="list-style-type: none"> 1. Better Together Melville Access and Inclusion Plan 2023 - 2028 2. Social Justice (Access and Inclusion) Policy 3. Proposed Alternative Motion - Cr N Robins 4. Proposed Alternative Motion - Cr K Mair (5 December 2023) 5. Officer Advice Note (8 December 2023) |

COUNCIL’S ROLE

Legislative: Includes adopting local laws, town planning schemes & policies.

| |
|---|
| <p>SUMMARY</p> <ul style="list-style-type: none"> • In accordance with the <i>WA Disability Services Act (1993)</i> (Amended 2004) the Better Together Melville Access and Inclusion Plan (AIP) 2023 – 2028 is attached (Attachment 1) for adoption by Council. The Act requires all local government authorities to develop and implement a plan that outlines the ways in which the authority will ensure that people with disabilities have equal access to its facilities and services. • The Better Together Melville AIP 2023 – 2028 goes further than the previous Disability Access and Inclusion Plan (DAIP) 2017 – 2022 by including all people who experience barriers to participation in community life. These include and are not limited to people with a disability and their family/carers, First Nations People, community members from diverse cultural backgrounds, those experiencing housing insecurity or homelessness and people who identify as lesbian, gay, bisexual, transgender, queer, intersex, asexual and other sexually or gender diverse (LGBTQIA +) • The AIP 2023 – 2028 is underpinned by the Social Justice (Access and Inclusion) Policy (Attachment 2) that replaces the previous Disability Access and Inclusion Policy CP-084. |
|---|

PURPOSE

The *WA Disability Services Act (1993)* (Amended 2004) requires all local government authorities to develop and implement a plan that outlines the ways in which the authority will ensure that people with disabilities have equal access to its facilities and services.

The Better Together Melville Access and Inclusion Plan (AIP) 2023 – 2028 has been developed with broad engagement and input from our community and as a result is more inclusive than prior plans, aiming to encompass all those members in our community who may experience barriers to participation and belonging. It received majority support via the Public Comment process.

| | | |
|--------------------------|---|--|
| Priority | 3 | Empower the voices of our diverse community by strengthening engagement |
| | P3/1 | Increase co-design approaches that engage stakeholders in upfront designs and support issue resolution activities. |
| | P3/4 | Enhance opportunities for civic engagement and building community capacity. |
| | P3/5 | Strengthen online service delivery and respond to the digital divide by supporting improvements in digital literacy. |
| | 4 | Support healthy lifestyles and wellbeing |
| | P4/1 | Invest strategically in local infrastructure and built environments that support physical activity and healthy lifestyles. |
| | P4/2 | Increase advocacy and partnerships for identified needs relating to community health, safety and security. |
| | P4/3 | Empower inclusive participation and support for sports and community groups. |
| P4/4 | Support National, State and community efforts to assist people in need. | |
| Outcome Indicator | 5 | Sense of Community |
| | Goal 2 | Participation and Inclusion |
| | Goal 5 | Social Connectedness and Belonging |

BACKGROUND

The *WA Disability Services Act (1993)* (Amended 2004) requires all local government authorities to develop and implement a plan that outlines the ways in which the authority will ensure that people with disabilities have equal access to its facilities and service. The Act is explicit that the process for development of a plan must include review of the previous plan and include public consultation, however the Department of Communities who regulate implementation of plans do not direct Local Governments in this regard.

Throughout the past few years there has been a growing trend across the sector to broaden out approaches to access and inclusion planning, taking into consideration the unique and shared barriers to participation in community life experienced by diverse groups. The Department of Communities have offered their support to this, given the requirements of the Act remain upheld. The Better Together Melville AIP 2023 – 2028 marks the beginning of this more inclusive approach at Melville and delivers on the City’s vision of embracing community diversity and making sure everyone has the chance to have a great life by building an inclusive, vibrant, and sustainable future for our community. A future where everyone feels they belong, are cared for, and their contribution valued.

CONSIDERATION

Delivery of strategies and actions outlined in the Better Together Melville AIP 2023 – 2028 relies on an understanding and commitment to principles of social justice as outlined in the Social Justice policy. Having formally acknowledged some of the diversity characteristics we are aware contribute to people experiencing barriers to equitable access and inclusion, it is vitally important that we continue to build our understanding of the diverse experiences of our community in upholding the intent of the plan. Known diversity characteristics include the following, or intersectionality of a

range of these: disability, including invisible disability and chronic illness; gender, sex, race and ethnicity, colour, nationality, refugee or migrant background, language or literacy, religion, age, socio-economic status.

From October 2022 to August 2023, the City progressed three key stages of community engagement relevant to the review of the previous DAIP and development of this AIP under the title of Better Together Melville. The response through the engagement to broadening the AIP 2023 - 2028 to include the whole community was overwhelmingly supported, whilst specifically highlighting the importance of not minimising or neglecting the specific experiences of people living with disability.

The Social Justice (Access and Inclusion) Policy attached to this report outlines the objectives that underpin this approach.

Once endorsed and adopted by the Council a public document in Easy Read format will be created and include:

- Message from the Mayor,
- Message from the CEO
- Past achievements from the DAIP 2017 – 2022
- Relevant Demographics for the City of Melville

ENGAGEMENT

Better Together Melville was created as a community conversation providing various opportunities for the community to tell us what access, inclusion, belonging, and social justice meant to them. The Better Together Melville AIP 2023 - 2028 is a collation of what our diverse community told us were barriers to them feeling like they belonged, and what we could do better to enhance their participation in everyday community life.

The Better Together Melville Community Reference Group was established representative of the diversity within our community. They provided feedback at each stage of the engagement design and delivery and final development of the Better Together Melville AIP 2023 - 2028.

Key themes and priorities that emerged from the engagement process for the City to address include facilitating:

- Equitable access to services and events, specifically as related to facility and infrastructure improvements to enable participation, as well as employment opportunities.
- Improved community awareness of access and inclusion by encouraging understanding, awareness, and tolerance towards outcomes of belonging.
- Equitable access to information via enhanced our use of diverse formats for communication and engagement.

The completed engagement reports can be accessed on the Melville Talks website at the link below, with the Tabled Submissions report from the Public Comment period included as an attachment to this report. <https://www.melvillecity.com.au/our-city/connect-with-us/melville-talks/community-engagements/better-together-melville>

SUSTAINABILITY IMPLICATIONS

The Better Together Melville AIP 2023 – 2028 will have a positive impact on the health and wellbeing of the community by working towards reducing inequality.

The Better Together Melville approach acknowledges changing community expectation around the role Local Government plays in contributing to social return on investment or generating social value. It also enables demonstration of our leadership in community, connecting meaningfully and tangibly our commitment to the Sustainable Development Goals, including aspirations of gender equality, reduced inequalities, and peace, justice, and strong institutions. The narrative of getting “better together” situates the City in a strong position to continue to develop and improve our approach over time. Having actions included in the plan that commit us to building and maintaining investment in relationships with key stakeholders to partner with us in this work empowers our approach further into the future.

In addition to the direct positive impact of implementing a more inclusive plan, there also exists an opportunity cost. By electing not to pursue an approach that will develop a more nuanced understanding of the changing diversity characteristics and expectations of our community, we risk the ongoing perpetuation of discrimination and exclusion (whether intentional or not, actual, or perceived) that many institutions have come under scrutiny for in recent years. We will continue to lack relevance to cohorts of our community on issues that are important to them (highlighted by the engagement findings relevant to the development of our 2022 – 2025 Directions from Young People strategy). Both have potential to actively contribute to the ongoing degradation of community trust in public authorities.

LEGISLATIVE AND POLICY ALIGNMENT

The City has a legislative requirement under the WA Disability Services Act (1993) (Amended 2004) which requires all local government authorities to develop and implement a plan that outlines the ways in which the authority will ensure that people with disabilities have equal access to its facilities and services. The Better Together Melville AIP 2023 – 2028 delivers on this requirement.

FINANCIAL IMPLICATIONS

Current Access and Inclusion budgets are in place for improvements to building refurbishment; Cultural Development has a budget for events to ensure accessibility. Access and Inclusion improvements identified and beyond current budgets will be submitted as part of the annual budget process.

CONSEQUENCE

Adoption of the recommendation is in line with legislative requirements of the *WA Disability Services Act (1993) (Amended 2004)*.

OFFICER RECOMMENDATION

That the Council:

1. **Adopt the Better Together Melville Access and Inclusion Plan 2023 – 2028; and**
2. **Endorse the Social Justice (Access and Inclusion) Policy which replaces the Disability Access and Inclusion Policy CP-084**

This item was deferred from the Ordinary Meeting of Council held on Tuesday, 19 September 2023. At the time of deferral:

- An Alternative Motion with notice was moved by Cr N Robins; and
- The Alternative Motion was seconded; and
- The Mover, Cr N Robins, had spoken to introduce the Alternative Motion.

Alternative Motion

At 7:02pm Cr N Robins moved, seconded Cr J Spanbroek (19 September 2023)

That the Council:

1. **Adopts the Better Together Melville Access and Inclusion Plan 2023 - 2028, subject to the following amendments:**
 - (a) **Removal of the first action listed for Outcome 1.**
 - (b) **Replace the word “inclusive” with the word “accessible” in the fifth action listed for Outcome 1.**
 - (c) **Amend the last action listed for Outcome 1 to say “Promote cultural events and facilities.”**
 - (d) **Adding the following words to the strategy for Outcome 2 “, having regard to the cost of doing so”.**
 - (e) **Removal of the first action listed for Outcome 6, until the Council has had the opportunity to review the Plan referred to.**
 - (f) **Removal of the final example for Outcome 7**
2. **Defers until the December 2023 Ordinary Meeting of Council consideration of the Social Justice (Access and Inclusion) Policy which replaces the Disability Access and Inclusion Policy CP-084.**

At 6:50pm, the mover and seconder consented to withdraw the motion.

At 6:51pm, the Presiding Member vacated the Chair.

At 6:51pm, the Deputy Mayor assumed the Chair.

Alternative Motion

At 6:52pm Mayor K Mair moved, seconded Cr N Robins

That the Council:

1. **Retains the Disability Access and Inclusion Policy CP-084;**
2. **Considers the community feedback in the review of the Strategic Community Plan**
3. **Directs the CEO to conduct a minor review of the 2017-2022 Disability Access and Inclusion Plan, suggesting minimal changes and taking into account recent community feedback where possible, for consideration by Council by April 2024. Updates should be consistent with the intent of the WA Disability Services Act which is to endorse a plan that ensures people with disabilities have equal access to facilities and services.**

COUNCIL RESOLUTION**Procedural Motion**

At 7:05pm Cr T Fitzgerald moved, seconded Cr S Hong

That Cr Wheatland be allowed an extension of time for 2 minutes.

At 7:06pm the Presiding Member declared the motion.

CARRIED (7/4)

Yes (7): Mayor Katy Mair, Crs Tomas Fitzgerald, Glynis Barber, Jane Edinger, Karen Wheatland, Soo Hong and Terry Lee

No (4): Crs Nicole Robins, Jennifer Spanbroek, Matthew Woodall and Daniel Lim

Alternative Motion**COUNCIL RESOLUTION (CD23/7)**

At 6:52pm Mayor K Mair moved, seconded Cr N Robins

That the Council:

1. **Retains the Disability Access and Inclusion Policy CP-084;**
2. **Considers the community feedback in the review of the Strategic Community Plan**
3. **Directs the CEO to conduct a minor review of the 2017-2022 Disability Access and Inclusion Plan, suggesting minimal changes and taking into account recent community feedback where possible, for consideration by Council by April 2024. Updates should be consistent with the intent of the WA Disability Services Act which is to endorse a plan that ensures people with disabilities have equal access to facilities and services.**

At 7:23pm the Presiding Member declared the motion.

CARRIED (8/3)

Yes (8): Mayor Katy Mair, Crs Jane Edinger, Nicole Robins, Jennifer Spanbroek, Matthew Woodall, Daniel Lim, Soo Hong and Terry Lee

No (3): Crs Tomas Fitzgerald, Glynis Barber and Karen Wheatland

CD23/10 Stakeholder Engagement External Audit Report

| | |
|--|---|
| File Number: | |
| Responsible Officer: | Manager Cultural Services |
| Voting Requirements: | Simple Majority |
| Officer Disclosure of Interest: | No officer involved in the preparation of this report has a declarable interest in this matter. |
| Attachments: | 1. Stakeholder Engagement Triennial Audit Report |

COUNCIL’S ROLE

Information: For the Council / Committee to note.

| |
|---|
| <p>SUMMARY</p> <ul style="list-style-type: none"> At the April 2020 Ordinary Meeting of Council, Council resolved to direct the CEO to continue to enhance community engagement processes, have those processes independently audited on a triennial basis and to report back to the Council on improvements made during the course each year. This report presents the external audit findings for the 2020-2023 period, and the improvements made during this period for the Council’s information and noting. |
|---|

PURPOSE

To report on the findings of the external engagement audit for the period of 2020-2023 and attached report for noting, and to document organisational stakeholder engagement process improvements over a three-year period.

The City of Melville’s is committed to engaging with its community to complement the decision-making role of the Council. Our community engagement process is guided by the International Association for Public Participation (IAP2) Public Participation Spectrum.

We aim to engage with our community whenever there is an opportunity for the community to influence a project or its outcome, or when required by legislation. How and when we do this depends on the public participation objective, lifecycle of the project, budget and timeframes provided by Council.

STRATEGIC ALIGNMENT

| | | |
|--------------------------|----------|--|
| Priority | 3 | Empower the voices of our diverse community by strengthening engagement |
| | P3/5 | Strengthen online service delivery and respond to the digital divide by supporting improvements in digital literacy. |
| | P3/4 | Enhance opportunities for civic engagement and building community capacity. |
| | P3/2 | Improve the mechanisms to make information flow easier to access and share, including optimising digital communications. |
| | P3/1 | Increase co-design approaches that engage stakeholders in upfront designs and support issue resolution activities. |
| Outcome Indicator | 5 | Sense of Community |
| | Goal 2 | Participation and Inclusion |

BACKGROUND

In considering a motion carried at the 3 February 2020 Annual General Meeting of Electors, the Council at the April 2020 Ordinary Meeting of Council resolved:

to direct the CEO to continue to enhance community engagement processes, have those processes independently audited on a triennial basis and to report back to the Council on improvements made during the course of each year.

CONSIDERATION

External consultant, 361 Degrees, were procured in August 2023 to undertake an independent audit on the City’s engagement processes as outlined in the City of Melville April 2020 Council resolution.

The review was completed in three phases.

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| Phase 1 | Identification and approval of the review assessment criteria with reference to recent Common Law decisions defining key engagement elements and the IAP2 Quality Assurance Standards for Community and Stakeholder Engagement. 29 separate review criteria were identified across 6 engagement domains. |
| Phase 2 | <p>Identification of five projects to be reviewed. The guidance provided in the selection of projects included:</p> <p>Collectively, the projects should reflect a typical cross section of engagement activities undertaken by the City.</p> <p>To ensure currency, the projects must have started no earlier than January 2019 and have been completed no later the December 2022.</p> <p>The five projects selected for review were:</p> <ul style="list-style-type: none"> Attadale Alfred Cove Foreshore Master Plan Cat Management Plan Dog Swim Area Project Robin Hood #5 Webber Reserve Master Plan |

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| Phase 3 | The collection and review of evidence provided by City staff including opportunities to seek clarification and request additional evidence. |
| Phase 4 | The preparation of this report, including an opportunity for the City to consider and respond to the review’s findings and recommendations. |

The City performed exceptionally well across three of the seven engagement domains – pre-engagement, feedback and decision making. As a percentage across all 5 projects, 76% of activities met the criteria, opportunities for improvement were identified across 19% of activities and 5% of activities did not meet the criteria.

City Officers were invited to review the recommendations listed within the report and to provide comment. As the audit report reflects previous projects, it should be noted that majority of the recommendations listed within the report were implemented by the Stakeholder Engagement Team in 2021-2023 as part of their ongoing commitment to embed best practice stakeholder engagement principles into all aspects of project delivery across the organisational.

In addition to the external audit report, the following process improvements have been implemented during 2020-2023

| 2020-2021 | 2021-2022 | 2022-2023 |
|---|---|--|
| <ul style="list-style-type: none"> • Mandatory offering of alternative method of engagement implemented to align with Disability Access and Inclusion Plan • Engagement project management software implemented for action planning • Community Feedback Panel established and deployed • Organisational focus to improve inclusivity by moving from digital engagement to combination of outreach in person and digital methods i.e.: workshops • Melville Talks review including the inclusion of advisory group information and development applications for transparency. • Internal service review to identify process improvement opportunities | <ul style="list-style-type: none"> • Internal process review including - stakeholder mapping, lead times, Engagement and Communication Plan and approval process. • Melville Talks content review • Engagement snapshot and reporting implemented • Evaluation framework implemented • Elected Member Briefing calendar implemented • Stakeholder Engagement monthly report implemented • Increased eNewsletter from bi-monthly to monthly • Online engagement software tool review | <ul style="list-style-type: none"> • Internal process review including - stakeholder mapping, lead times, Engagement and Communication Plan and approval process (ongoing). • Melville Talks content review, including social media, moderation and privacy page • Evaluation framework review • Internal education campaign • Establishment of the Youth Steering Group and Business Pool • Melville Sounding Board planning • Online engagement software tool review • Internal service review to identify process improvement opportunities • External Communication and Engagement survey to identify process |

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| <ul style="list-style-type: none"> Internal process review including - stakeholder mapping, lead times and Engagement and Communication Plan. | | <p>improvement and opportunities</p> <ul style="list-style-type: none"> Demographic indicators based on Australian Bureau of Statistics Consolidation of all city surveys to one account for governance and quality assurance |
|--|--|---|

ENGAGEMENT

External consultant, 361 Degrees, consulted with the City’s Stakeholder Engagement team to identify the engagement projects that were reflective of the City’s engagement over the period of three years. In addition to this, 361 Degrees consulted project owners, and the Stakeholder Engagement and Communication team to review documentary evidence.

SUSTAINABILITY IMPLICATIONS

Not applicable as this report only presents information for noting.

LEGISLATIVE AND POLICY ALIGNMENT

- Stakeholder Engagement Policy CP-002
- Disability and Access Inclusion Policy CP-084
- IAP2 Quality Assurance Standards

FINANCIAL IMPLICATIONS

Cost of review only

| Items | Costing |
|--|-------------|
| 361 Degrees | \$8,800.00 |
| City of Melville Officers in-kind support and engagement | \$4,500.00 |
| Total | \$13,300.00 |

It is anticipated that the external cost to complete the 2026 triennial external audit review will increase to approximately \$15,000.00-\$20,000.00.

CONSEQUENCE

Not applicable as this report only presents information for noting.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (CD23/10)

At 6:47pm Cr T Fitzgerald moved, seconded T Lee

That the Council notes the external Stakeholder Engagement Triennial Audit Report and documented process improvements.

At 6:47pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY EN BLOC (11/0)

UNCONFIRMED

CD23/11 Improving Community Safety and Security Notice of Motion 15.2

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|--|--|
| File Number: | |
| Responsible Officer: | Director Community Development |
| Voting Requirements: | Simple Majority |
| Officer Disclosure of Interest: | No officer involved in the preparation of this report has a declarable interest in the matter. |
| Attachments: | Nil |

COUNCIL’S ROLE

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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| <p>SUMMARY</p> <ul style="list-style-type: none"> • This report is in response to the council resolution from ordinary council meeting 15 August 2023 • This item outlines the current activities and actions underway that relate to the council resolution, including the hire of multiple mobile CCTV units, the investigation into the ability of CSS to assist with Ranger tasks and the planned review of the City’s lighting policies and processes. • The item suggests an Elected Members Engagement Session in March 2024 where Officers can further outline the planning and timeframes suitable for the review of activities outlined in the resolution in line with the Safer Melville Plan. |
|---|

PURPOSE

To outline planning activities and suitable timelines required to thoroughly review:

- lighting policies and processes
- investigate the ability for Community Safety Service to assist Rangers in after-hours tasks
- investigate the hiring of multiple mobile CCTV units
- to report findings to an Elected Member Engagement Session

STRATEGIC ALIGNMENT

| | | |
|--------------------------|---|--|
| Priority | There are no applicable priorities in relation to this report. | |
| Outcome Indicator | 4 | Safe and Secure |
| | Goal 2 | People Feel Safe and Secure in All Places at All Times |

BACKGROUND

At the 15 August 2023 Ordinary Meeting of Council, the Council considered a Notice of Motion and Officer Advice Note relating to improving community safety and security. The Council resolved:

That the Council:

1. *Notes the 2023-2027 Safer Melville Plan and the goals and actions identified therein, as endorsed by the Safer Melville Advisory Committee in March 2023; and*
2. *Requests that the Chief Executive Officer investigate:*
 - (a) Increasing the City's budget for new/improved lighting in streets, parks and public accessways for the purpose of community safety and crime prevention; and*
 - (b) The size and scope of the City's Community Safety Service, including options for improving the service; and*
 - (c) Opportunities for additional mobile or fixed CCTV, and the financial implications of doing so; and*
3. *Requests that a presentation on these matters is presented to an Elected Member Engagement Session and included in discussions on the Long-Term Financial Plan, prior to a report being prepared for the December meeting of Council*

CONSIDERATION

There are several activities currently underway that relate to the Council resolution including:

- the City has completed a procurement process and now has a contract in place for the hire of multiple mobile CCTV units which provides greater flexibility in moving CCTV from one location to another on a priority basis as needed.
- the City has commenced investigating the ability for CSS to assist with Rangers tasks after hours. Staff are currently working through the relevant industrial instrument, human and financial resource implications to progress this further and it is anticipated that this may take approximately 12 months due to complexity with the transition to the State Industrial Relations System.
- the 2023 – 2027 Safer Melville Plan acknowledges there will be a review of the City's lighting policies and processes. Based on current priorities, human resources, and workload it is anticipated this review will be completed within 12 months.

The City recommends that further progress update be provided to Elected Members at an Elected Members Engagement Session in March 2024

ENGAGEMENT

Community and Stakeholder Engagement was undertaken to inform the review of the Safer Melville Plan 2023-2027 which has informed the activities in conjunction with operational processes.

FINANCIAL IMPLICATIONS

The financial impacts will be identified if required through a business case and form part of the budget for Council decision in 2024-2025 or in the relevant financial year.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (CD23/11)

At 6:47pm Cr T Fitzgerald moved, seconded Cr T Lee

That the Council notes:

- 1. The operational activities undertaken to date and ongoing related to the implementation of the *2023-2027 Safer Melville Plan*; and**
- 2. That a presentation will be provided to an Elected Member Engagement Session in March 2024 to update Elected Members on further progress related to the *2023-2027 Safer Melville Plan*.**

At 6:47pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY EN BLOC (11/0)

UNCONFIRMED

Environment and Infrastructure

At 7:24 pm, Cr K Wheatland left the meeting.

E23/27 Tender - Foreshore Revetment of Melville Beach Road and Heathcote West

At 7:24pm, the Presiding Member deferred Item E23/27 Tender – Foreshore Revetment of Melville Beach Road and Heathcote West to later in the meeting so the confidential attachments could be discussed behind closed doors – please see page 88.

UNCONFIRMED

Urban Planning

UP23/28 Neighbour Dispute Mediation Policy

| | |
|--|--|
| File Number: | |
| Responsible Officer: | Director Planning |
| Voting Requirements: | Simple Majority |
| Officer Disclosure of Interest: | No officer involved in the preparation of this report has a declarable interest in the matter. |
| Application Number: | Not Applicable |
| Applicant: | Not Applicable |
| Owner: | Not Applicable |
| Proposal: | Neighbour Dispute Mediation Policy |
| Attachments: | Nil |

COUNCIL’S ROLE

Legislative: Includes adopting local laws, town planning schemes & policies.

| |
|---|
| <p>SUMMARY</p> <ul style="list-style-type: none"> On the 15 August 2023, Council passed a Notice of Motion requesting a report be prepared and presented back to the December 2023 OMC, on the benefits and implications of establishing a Neighbour Dispute Mediation Policy. The Notice of Motion sought for the investigation to include the following: <ol style="list-style-type: none"> Policy purpose/statement. Details of matters for consideration. Governance considerations including an implementation framework, decisions, outcomes and reporting. Include research on other established policies within a local government context. The purpose of a mediation policy is to outline the circumstances where it may be appropriate for Council to invite neighbours to attend mediation to help facilitate an amicable outcome to a dispute, with the help of a qualified professional mediator. The City does not currently have a mediation policy. In addition to the investigation of a policy response, the City has recently updated its ‘Tips on Being a Friendly Neighbour’ webpage, to become ‘Getting to Know Your Neighbour and Managing Disputes’. The updated page includes information on resolving civil matters and references mediation services such as the Citizens Advice Bureau and the University of Western Australia (UWA). The purpose of this report is to provide Council with information regarding a Neighbour Dispute Mediation Policy. The report includes an analysis of how other Council’s assist in neighbour disputes, the options available for the City Melville (City) moving forward, and recommendations on the content of a Council policy. |
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PURPOSE

The purpose of this report is for Council to consider options for establishing a Neighbour Dispute Mediation Policy.

STRATEGIC ALIGNMENT

| | | |
|--------------------------|----------|--|
| Priority | 3 | Empower the voices of our diverse community by strengthening engagement |
| | P3/1 | Increase co-design approaches that engage stakeholders in upfront designs and support issue resolution activities. |
| | 5 | Ensure long term financial sustainability |
| | P5/1 | Undertake efficiency improvements to maximise cost effectiveness. |
| Outcome Indicator | 5 | Sense of Community |
| | Goal 2 | Participation and Inclusion |

BACKGROUND

What is mediation?

Mediation is a structured negotiation process in which an independent person (known as the mediator), assists parties to identify and assess options and try to negotiate an agreement to resolve their dispute. The focus of mediation is always on the future relationship between the parties without attaching blame to either party or finding that one party is at fault.

How does mediation work?

Mediators are experienced and professionally qualified. They don't give advice or make any decisions for the parties. Their role is to help the parties to calmly focus on the issues in dispute, gain an understanding of the other party's point of view, and put forward options in an effort to reach an amicable outcome. If mediation is successful, the result is written down in the parties' own words.

Who provides mediation?

There are a range of options for mediation services. A list of some of the options is provided in the table below:

| | |
|---|--|
| Citizen's Advice Bureau | Some branches offer a family, community and commercial mediation service. |
| Anglicare WA | Provides a range of counselling and mediation services. Staff mediate issues involving family relationships, neighbourhood disputes and employee relationship disputes |
| Relationships Australia WA | Provides a range of mediation services, including family relationship disputes, neighbourhood disputes, workplace disputes and family business disputes. |
| University of Western Australia | The University of Western Australia has a mediation clinic dedicated to mediation and dispute resolution. |

CONSIDERATION

In August 2023, Council determined that a report on the benefits and implications of establishing a Neighbour Dispute Mediation Policy should be prepared. The investigations are to include a policy purpose / statement, details of matters for consideration, governance considerations and research on other established policies within a local government context.

Why Prepare a Policy?

The purpose of a mediation policy would be to establish that the Council is supportive of resolving a range of neighbourhood disputes and to put in place a framework to establish the City's role in facilitating dispute resolution through independent mediation. The Policy would reference the City's "Friendly Neighbour" initiatives but would also outline circumstances where it may be appropriate for disputes to be referred to an independent mediation service and establish whether such a service would be paid for by the City or the parties involved.

Policy Structure and Content

The policy would be structured in such a way that it mirrors the progression of a conflict, from the issue first being created, through to structured conflict resolution. To this effect, the policy would likely be structured as follows:

- Advice on simple steps that an individual can take to reduce their risk of creating neighbour conflict in the first place.
- Guidance on how someone might want to approach their neighbour where an issue has occurred or is occurring, and to do so in a way that is as constructive as possible.
- Advice on managing intractable issues, which may include approaching a suitable authority for advice or assistance (depending on the matter this might be the City or another agency).
- Introducing the concept of mediation, explaining when it's appropriate and the services that exist. It may also detail the circumstances where the City would financially contribute towards the mediation.
- Finally where other options have failed to resolve the issue, and there is no regulatory authority capable of interceding, the policy would conclude with some basic information on the legal options available, particularly for civil matters.

Examples of issues that might be suitable for mediation include:

- Dividing fences
- Encroaching roots and branches
- Amenity issues from noise and odour
- Privacy issues
- Non-compliant developments
- Cars and parking issues
- Property damage
- Construction issues
- Building encroachments

In some of the listed examples, the City may have the ability as well as the responsibility to intervene through relevant legislation, but sometimes a mediated response might be able to achieve mutually beneficial outcomes in a more time and cost-effective manner.

Mediation may also be suitable in resolving disputes where the City's ability to intervene is limited, disproportional or when the matter falls outside of the regulatory process.

A mediated option provides the neighbours with an opportunity to develop their own solutions, open dialogue and may avoid disputes escalating into civil legal proceedings (and the subsequent breakdown in social capital).

Governance Considerations

Outside of its regulatory decision-making and statutory compliance functions, the City's role in dispute resolution is largely about providing information and assistance to the community. Adding an independent mediation service to the current suite of initiatives will have cost implications, both in terms of staff time and potentially financial costs to support the use of mediation services.

Costs would need to be assessed against the benefits of neighbourhood harmony and savings in occasionally avoiding a traditional compliance/enforcement approach. The type of independent mediation services available, the level of subsidy to access such a service and any guidance on the types of issues suitable for mediation would be established in the Council Policy.

What Are Other Council's Doing?

Local Government Authorities vary in the mediation services they offer. Currently, the City offers advice on a range of neighbour dispute issues including, but not limited to, information on parking etiquette, trees on private property, communication between neighbours and shared walls. The City does not currently recommend or provide further information past this point. As is discussed further below, the City's website has been updated with additional information on mediation services.

A breakdown of other Local Government and their approach to dispute handling is provided below:

| MUNICIPALITY | SUMMARY OF MEDIATION SERVICE |
|--------------|--|
| Fremantle | <p>Local planning policy on Neighbour Mediation.</p> <p>The City will meet the costs of up to 3 mediation sessions for planning disputes.</p> |
| Canning | <p>Webpage provides information on how to resolve neighbour disputes and a list of contacts for matters like noise environmental pollution, food, unauthorised building and land development.</p> <p>If issues are not resolved, customers are advised to utilise mediation or legal services such as Legal Aid and the Perth Magistrates Court.</p> |
| Kwinana | <p>Webpage dedicated to community mediation. Customers are referred to the Citizens' Advice Bureau if disputes remain unsolved.</p> <p>The City will pay for up to 15 mediation services to ratepayers and residents of the City per year. A referral from the City is required.</p> |
| Rockingham | <p>Webpage dedicated to resolving disputes.</p> <p>If an issue is not resolved, the City advises that customers can approach the Citizens Advice Bureau's mediation services.</p> <p>This service is not paid for by City.</p> |
| Kalamunda | <p>General website information on a variety of common issues such as noise.</p> <p>A separate Neighbour Mediation Policy exists for council relevant matters. At the CEO's discretion, up to 3 mediation sessions will be paid for by the City, albeit only in certain circumstances.</p> |
| Joondalup | <p>Webpage dedicated to community mediation service. Community mediation service brochure provided in website.</p> <p>Mediation is provided to residents and ratepayers of the City of Joondalup free of charge. The service is provided by the Citizens Advice Bureau.</p> |
| Cambridge | <p>Website has information on Building Dispute Resolution and guidelines on other neighbourhood-related issues, such as noise concerns.</p> <p>There is no formal arrangement or reference to specific mediation services.</p> |

The City has historically had a webpage dedicated to tips on being a friendly neighbour. It provided advice on a range of topics including:

- Introducing yourself to your neighbours;
- Consideration of your neighbours lifestyle;
- Shared walls;
- Air conditioner noise;
- Noisy residential equipment;
- Control of dogs;
- Cat considerations;
- Parking Etiquette;
- Party Alert;
- Putting rubbish out on the right day;
- Dividing fences;
- Trees on private property; and
- Communication with your neighbours.

The City has recently improved and expanded the information available on the City's webpage ([here](#)) to include:

- Guidance on how to approach your neighbour if you have a dispute,
- Information on the issues that can't be resolved by the City, including who the responsible agency is and how to contact them, and
- Mediation services that are available to the public if issues are not resolved.

If the City establishes of a mediation policy, a further update will be made to the website to include a link to the policy.

A mediation policy would support the updated content on the City's website. Disputes between neighbours are not always resolved and can often lead to disharmony, frustration and/or anger. While it is better to resolve issues between the parties openly and respectfully to find common ground or a solution to the problem, sometimes communication can break down or a matter cannot be resolved. In these situations, mediation may assist.

RECOMMENDED APPROACH

Does Council want a Mediation Policy?

It is recommended that the City draft a policy for Council's consideration. The purpose of preparing a mediation policy would be to establish that Council is supportive of resolving a range of neighbourhood disputes, and to put in place a framework, processes, and assistance to facilitate dispute resolution.

The policy would capture the range of “Friendly Neighbour” initiatives currently in place but would also outline circumstances where it may be appropriate for disputes to be referred to an independent mediation service and establish whether such a service would be paid for by the City or by the parties involved.

Is the policy scope limited to Council-related matters (i.e. regulatory functions), or does it also cover civil matters between neighbours that are beyond the City’s remit?

It’s recommended that the policy scope include both regulatory and civil matters. The City has a responsibility to intervene through relevant legislation, but sometimes a mediated response might be able to achieve mutually beneficial outcomes in a more time and cost-effective manner. This doesn’t mean the City will neglect its responsibilities to make decisions and resolve compliance matters. The policy can provide a framework for the City to do its best to potentially accommodate amicable outcomes between the affected parties.

Mediation may also be suitable in resolving disputes where the City’s ability to intervene is limited, disproportional or when the matter falls outside of the regulatory process. A mediated option provides the neighbours with an opportunity to develop their own solutions, open dialogue and may avoid disputes escalating into civil legal proceedings which can lead to a breakdown in social capital.

What role does the City play in facilitating mediation between parties? Will the City be responsible for gauging interest from both parties?

The City can recommend that parties use mediation services as an effective way of resolving conflict, however, the City cannot compel neighbours to participate.

The intractable issues suitable for mediation are likely also defined by a lack of civility between the disputing parties, so much so that a significant barrier to mediation is the opportunity for both parties to be cordial enough to discuss the concept of mediation, agree on a suitable service provider and plan a date. It’s recommended that the policy also define the City’s role in assisting to gauge interest from both parties and connect them to the City’s preferred mediation service provider.

Alternatively, it may be preferable for parties to take responsibility for approaching the person/s they’re in conflict with to discuss the option of mediation.

Where the issue to be mediated relates to a matter that would otherwise warrant the City’s intervention, i.e. an opportunity to avoid compliance action or streamlining the decision-making process, will the City-

- ***Contribute towards the costs associated with third party mediation?***
- ***If so, to what extent?***

Council will need to decide to what extent the City should be involved in not only recommending mediation, but also to what extent the City should commit resources to supporting it as an initiative. The table earlier in this report gave a snapshot about how other local government’s manage dispute resolution and showed that some were willing to contribute towards the cost of mediation, acknowledging that in addition to communication barriers, cost may be another key reason why people don’t consider mediation.

If the City was inclined to consider a more proactive facilitation role in mediation, this resource commitment would be reflected not only in terms of staff time, but potentially even a financial commitment, should Council determine to pay for, or subsidise the costs associated with neighbours attending mediation providers.

Some Councils pay for 3 sessions, some for 15, some provided unlimited sessions and others just refer parties to the mediation services. It's recommended that the City fund a limited number of sessions on a 'pay as you go' rate. UWA charge \$250 per party, per session and the CAB charge \$150, per party, per session (figure subject to change). The CAB require a pre mediation appointment in addition to the sessions at a cost of \$75 per party. The City could fund 3 of these sessions to assist parties to resolve disputes so they do not escalate further, after which any costs associated with the service would need to be borne by the parties involved.

ENGAGEMENT

Council Policies are not required to be advertised. Should Council decide there's merit in preparing the policy, the City will workshop the details of the policy with Council through Elected Member Engagement Sessions before formally presenting for adoption.

SUSTAINABILITY IMPLICATIONS

Updating the website with additional information on resolving disputes is in keeping with the Local Planning Strategy.

| | Environmental | Social | Economic |
|--------------------|---|---|---|
| Pros/Opportunities | Providing information on best practice for resolving disputes supports mediation on environmental / sustainability matters. | Providing information on best practice for resolving disputes helps to improve social cohesion in the community and lead to the building of social capital. | Providing information on best practice for resolving disputes avoids potentially expensive legal costs and saves the City money by avoiding staff involvement on civil matters. |
| Cons/Drawbacks | Nil | Nil | NA |

LEGISLATIVE AND POLICY ALIGNMENT

Policies form part of the Governance and Policy Framework. Section 2.7 (2)(b) of the *Local Government Act 1995* states that the Council is to determine the local government's policies. Policies provide the Council and staff with the ability and direction to make decisions that are considered to be consistent and unbiased. A policy can also provide detail on the manner in which the City undertakes, or requires others to undertake, certain works or activities.

FINANCIAL IMPLICATIONS

If Council pursue the option of funding mediation sessions, a budget / limit for mediations will be established. All requests for mediation would be considered and a limited number of sessions per dispute would be approved. In addition, only matters linked to the City's decision-making and regulatory functions would be eligible to apply for financial support.

The preparation and administration of the policy can be accommodated within existing resources.

It's difficult to estimate the level of community interest in a paid mediation service, but with the City advocating for a pay-as-you-go service, there would be no cost to the City if the service wasn't utilised. As a guide, the City has considered the resource cost if 5 disputes were to go through mediation in a 12-month period.

Assuming each was the subject of at least 3 mediation sessions (paid for by the City), the financial outlay over 5 separate disputes would be approximately \$7,500. In addition, the staff time commitment in supporting that number of disputes to go through mediation would be estimated to be between 20-25hrs per annum. Therefore, it would be appropriate for Council to consider setting a mediation budget of approx. \$10,000p/a.

The City would look to provide Council with an update on the efficacy of the policy via the EMB every 6 months for a 24-month period, including information on whether people are using the mediation service, which would allow Council to decide whether to continue funding the service, and/or adjust the budget.

The benefits of facilitating early intervention on matters so that they do not become significant issues is difficult to quantify as each issue has to be managed according to the particulars of the circumstance. Notwithstanding, there's significant evidence to suggest early intervention and, more specifically, mediation can and often does resolve conflicts that could have otherwise been noteworthy in terms of staff and Councillor time, direct costs, angst within the community and reputation.

CONSEQUENCE

If Council were unenthused about the prospect of a Council Policy or were not supportive of the City being involved in the process, be that coordinating mediation or financially supporting it, Council could alternatively request that the City simply focus on publicising the website content changes via the usual engagement channels in order to improve community awareness about mediation.

OFFICER RECOMMENDATION

At 7:25pm Cr G Barber moved, seconded Cr T Fitzgerald

That Council requests the Chief Executive Officer prepare a Neighbour Mediation Council Policy in accordance with the recommendations outlined in this report.

At 7:27 pm, Cr K Wheatland returned to the meeting.

Amendment

At 7:35pm Cr N Robins moved, seconded Cr S Hong

That the officer recommendation be amended to include the wording ‘with the exception of the recommendation that the City funds the mediation.’ to read:

That Council requests the Chief Executive Officer prepare a Neighbour Mediation Council Policy in accordance with the recommendations outlined in this report with the exception of the recommendation that the City funds the mediation.

At 7:49pm the Presiding Member declared the motion.

LOST (5/6)

Yes (5): Crs Nicole Robins, Jennifer Spanbroek, Matthew Woodall, Daniel Lim and Soo Hong

No (6): Mayor Katy Mair, Crs Tomas Fitzgerald, Glynis Barber, Jane Edinger, Karen Wheatland and Terry Lee

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (UP23/28)

At 7:25pm Cr G Barber moved, seconded Cr T Fitzgerald

That Council requests the Chief Executive Officer prepare a Neighbour Mediation Council Policy in accordance with the recommendations outlined in this report.

At 7:51pm the Presiding Member declared the motion.

CARRIED (10/1)

Yes (10): Mayor Katy Mair, Crs Tomas Fitzgerald, Glynis Barber, Jane Edinger, , Nicole Robins, Karen Wheatland, Matthew Woodall, Daniel Lim, Soo Hong and Terry Lee

No (1): Cr Jennifer Spanbroek

UP23/29 Modifications to Local Planning Policy 1.1 Planning Process and Decision Making

| | |
|--|--|
| File Number: | 20.150 |
| Responsible Officer: | Director Planning |
| Voting Requirements: | Simple Majority |
| Officer Disclosure of Interest: | No officer involved in the preparation of this report has a declarable interest in the matter. |
| Application Number: | N/A |
| Applicant: | N/A |
| Owner: | N/A |
| Proposal: | N/A |
| Attachments: | 1. Draft Modifications to LPP 1.1 |

COUNCIL’S ROLE

Legislative: Includes adopting local laws, town planning schemes & policies.

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| <p>SUMMARY</p> <ul style="list-style-type: none"> • The City of Melville continuously reviews and updates the local planning policy framework. • In 2020, Local Planning Policy 1.1 – Planning Process and Decision Making (LPP1.1) was updated to include mandatory consultation where discretion is sought on certain elements of the Residential Design Codes through the development application process. • In 2023, the City of Subiaco adopted modifications to Local Planning Policy similar to the City’s LPP1.1 which includes a pre-lodgement public consultation concession on application fees. • It is considered that a similar approach could have benefits to the City and the wider City of Melville community. • LPP1.1 is recommended to be amended as follows: <ul style="list-style-type: none"> ○ Revised phrasing and updating clauses to improve readability; and ○ A new section with associated clauses and supporting documents to reduce or partially refund standard Development Application (DA) fees where the proponent has pro-actively consulted on their plans with the relevant adjoining properties prior to lodgement. • The changes are designed to work with the statutory requirement for public consultation and presents benefits to the community and the City. • It’s recommended that the draft amended LPP 1.1 is advertised for a period not less than 21 days, and a further report be presented to Council to consider the outcomes of advertising. |
|--|

PURPOSE

The purpose of this report is for the Council to consider modifications to the existing LPP1.1 to formalise and encourage pre-lodgement consultation between applicants and neighbours.

STRATEGIC ALIGNMENT

| | |
|---------------------------------|---|
| <p>Priority</p> | <p>3 Empower the voices of our diverse community by strengthening engagement</p> <p>P3/1 Increase co-design approaches that engage stakeholders in upfront designs and support issue resolution activities.</p> <p>P3/2 Improve the mechanisms to make information flow easier to access and share, including optimising digital communications.</p> <p>P3/4 Enhance opportunities for civic engagement and building community capacity.</p> |
| <p>Outcome Indicator</p> | <p>5 Sense of Community</p> <p>Goal 2 Participation and Inclusion</p> <p>Goal 4 Sense of Identity through Collective Memory</p> <p>Goal 5 Social Connectedness and Belonging</p> |

BACKGROUND

In May 2022, the Council resolved as follows:

That the Council directs the CEO to prepare a report to investigate the inclusion of a courtesy construction advice plan for adjacent neighbours, within the City of Melville’s residential planning and/or building policies.

The City investigated several avenues to enacting this sort of advice to neighbours in the event of construction activities occurring on adjoining land, however, it was not considered practicable due to the amount of correspondence that would need to be sent, complexity of required administration systems and variability between the time of notification and actual commencement of construction.

Existing notification of neighbours through current compliance and development application consultation procedures were also noted. Notwithstanding, the City has continued to consider options to achieve the Council’s vision on this issue.

In early 2023, the City of Subiaco adopted modifications to their local planning policy framework to allow for development application fees to be reduced where an applicant can demonstrate that pre-lodgement consultation has been undertaken with adjoining landowners. These changes were adopted on the basis that they would encourage interaction and discussion of development application matters in the community, seek to resolve design concerns prior to DA lodgement, and save time in the development application process.

The City has considered these changes and concluded that their introduction in the City of Melville may be beneficial. Accordingly, updates to LPP1.1 to adopt these changes have been progressed. These modifications are the subject of this report.

In addition, the State Government has recently announced further planning reform initiatives which include changes to the consideration of applications for Single Houses and associated developments (additions, outbuildings, fencing, etc). Under these changes, decisions on these types of developments will only be able to be made by the Local Government CEO and delegated officers. Under these changes, development applications will not be able to be subject to the Council’s consideration through the ‘call up’ procedure outlined in LPP1.1.

These reforms will remove the opportunity for neighbours to have issues associated with a development application to be discussed and determined in a Council forum. Under the reform proposals, consultation and pre-consultation associated with development applications will become increasingly important. Pre-lodgement consultation presents an opportunity to draw out issues with development proposals, allow them to be discussed and agreed upon between neighbours ahead of formal development application lodgement.

It is noted that should these changes to the planning framework be adopted by the State Government, further administrative updates to LPP1.1 will be required to note that Single Houses and associated developments will not be subject to the Council call-up process.

CONSIDERATION

A new section is proposed to be added to LPP1.1 establishing a pre-consultation concession on development application fees. The concession is optional for a standard development application that would be required to be advertised under LPP 1.1. A 25% reduction of DA fees is proposed to be available to applicants who provide evidence that they have consulted, or genuinely attempted to consult, with relevant adjoining property owners in accordance with the criteria outlined in LPP 1.1.

By creating opportunities for conversations between neighbours, the concession creates opportunities to develop relationships within the community. Fostering integrated community networks is beneficial for all stakeholders in the City and a key component of building social capital.

The additions to LPP1.1 in relation to incentives for pre-consultation, is not designed to replace or substitute the statutory requirement for public consultation to occur but rather complement it. In some instances where an applicant has consulted fully with their neighbours on all variations to the planning framework they propose, formal consultation by the City may be waived (subject to satisfactory validation of the engagement). Notwithstanding, the City will continue to undertake public advertising in accordance with the City's advertising process for standard development applications in accordance with LPP 1.1.

The concession will apply to "standard" development applications rather than "major development" as defined in LPP 1.1. The reason for this is that proposals involve a much wider range of responses and require more in-depth consultation beyond neighbours.

The proposed pre-consultation initiative provides several benefits, which include but are not limited to:

1. *Humanising the application process*

Pre-consultation promotes initial discussions of proposals with neighbours to ensure they are informed before an application is lodged. This may reduce the level of surprise neighbours may have when receiving the City's standard statutory consultation letter.

2. *Resolving design issues prior to lodgement of an application*

Early consultation with neighbours provides an opportunity for design issues to be discussed and potentially resolved early in the planning stages of a proposal between neighbours. This may reduce the length of the application process by removing the need to mediate design issues with a development application under formal assessment.

3. *Save time during the application process*

By minimising City resources required to navigate neighbour disputes over design related issues, the efficiency of the application assessment and determination process may be improved. This can afford more time to staff to focus on other core business, including reviews to the planning framework and increase customer service delivery in other areas.

The proposed alternative and proactive consultation approach enables the City and the community to work together to not only expand/build upon local community networks, but also produce a higher standard of development outcomes which better respond to neighbour feedback and expectations.

As a part of the adoption of this change, the following matters would be addressed:

1. Staff training for front counter, planning and building administration, and statutory planners.
2. Clear and simple forms, guidelines and information sheets will be developed to support the process.
3. An advertising and social media campaign to promote the option to the community.

It is noted that some applicants already undertake pre-lodgement consultation with their neighbours. The proposed change will support and encourage this practice.

ENGAGEMENT

Should Council resolve to proceed to public advertise, amended LPP 1.1 will be advertised for not less than 21 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015 (LPS Regulations)*.

A notice will be placed in a local newspaper and information provided on the City's website. Following the conclusion of the public consultation period, a report will be presented to Council at the next available Council meeting to consider the outcomes of consultation and finalising draft amended LPP 1.1. In the event no submissions are received in response to consultation, it is recommended that the amendments to LPP 1.1 be adopted without further referral to Council.

In addition, as part of a review and monitoring program, it is proposed that feedback be provided to Council by the CEO every 6 months for a 24-month period following adoption.

SUSTAINABILITY IMPLICATIONS

This change to the policy is considered to have a positive impact in relation to social sustainability, as implementing this concession provides a mechanism for residents to connect, and in some cases meet their neighbours.

Through establishing positive relationships, communication barriers can be broken down and future conflicts and neighbour disputes potentially mitigated which assists with the building of social capital. This has other benefits beyond process and planning which may benefit the City's other services and functions. For instance, it may allow neighbours to feel more comfortable in discussing other issues with their neighbours where they may have ordinarily sought the assistance or intervention of the City.

There would also be an overall reduction in administration undertaken by the City, as in some cases formal consultation through the development application process may not need to be undertaken.

LEGISLATIVE AND POLICY ALIGNMENT

The Residential Design Codes and the City's existing LPP 1.1 include provisions which encourage consultation with neighbours prior to the lodgement of a development application so as to negotiate acceptable outcomes ahead of formal lodgement.

Residential Design Codes 2.3.1

It is usually more productive, as well as courteous, to advise neighbours of development proposals as far in advance as possible and, where necessary, negotiate outcomes that are acceptable, before a formal application is lodged.

Residential Design Codes 2.3.2 Consultation Procedure

The suggested consultation procedure is [...] to advise proponents to first discuss proposals with adjoining owners and occupiers who may be affected by the development before the proposal is finalised and submitted to the decision-maker.

Local Planning Policy 1.1 (Existing) CI 3.2

Informal consultation and communication between applicants and adjoining property owners is strongly encouraged prior to lodgement with the City. This more courteous, neighbourly approach will, in many situations enable an outcome to be achieved which best meets the interests of all parties involved.

The proposed methodology operates by leveraging the planning system in four ways to encourage greater consultation and connection between neighbours:

1. A LPP underpins the initiative, which would be advertised and adopted by Council.
2. The existing development application process will be utilised.
3. An additional optional step is added to the development application process (pre-consultation)
4. The City's standard DA processing functions administer the reduced application fee.

FINANCIAL IMPLICATIONS

The estimated range of foregone development application income from a 25 per cent pre-consultation concession varies depending on the uptake of the initiative.

It is estimated that an up take of the pre-consultation fee concession may be in the order of 10-20% of applicable applications which would represent a reduction in forecast fee revenue of between \$22,000 to \$44,000 per annum. This revenue loss is compensated by potential savings in staff time as well as intangible benefits of fostering greater community connection between neighbours and seeking to build social capital.

Whilst higher uptake scenarios are possible, lower uptake scenarios in the range estimated are more likely to occur, especially immediately following the LPP1.1 adoption. The City will monitor the uptake of the pre-consultation concession at regular intervals to establish if a review to the approach is required. Council can consider the continuation or otherwise of the initiative having regard for the information provided at the review intervals of every 6 months for a 24-month period following adoption.

The benefits of incentivising early engagement in a development context are primarily qualitative and are difficult to quantify in a financial sense. Notwithstanding, early engagement in a development application context is a more productive and courteous approach that can achieve design outcomes that best meet the interests of all parties involved.

CONSEQUENCE

The following options are available to Council:

1. Resolve to adopt, for public advertising, modifications LPP 1.1 as recommended;
2. Resolve to adopted a further modified version of LPP1.1 as revised by Council;
3. Resolve not to adopt modifications to LPP 1.1. This would mean that the provisions of the current LPP 1.1 will continue to have effect and apply.

At 7:58pm, Mr S Curulli left the meeting.

At 8:03pm, Mr S Curulli returned to the meeting.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (UP23/29)

At 7:51pm Cr G Barber moved, seconded Cr T Fitzgerald

That the Council:

- 1. Pursuant to Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopt the amended Local Planning Policy 1.1 Planning Process and Decision Making as outlined in Attachment 1 for the purposes of public consultation for a period of not less than 21 calendar days;**
- 2. Where no submissions in objection are received in response to the consultation undertaken, that the final adoption of amended Local Planning Policy 1.1 Planning Process and Decision Making shall be authorised by the Chief Executive Officer; and**
- 3. Note that following adoption, the Chief Executive Officer will undertake a Local Planning Policy review and report relevant information to Council through the Elected Member Bulletin every 6 months from adoption for 24 months.**

At 8:05pm the Presiding Member declared the motion.

CARRIED (10/1)

Yes (10): Mayor Katy Mair, Crs Tomas Fitzgerald, Glynis Barber, Jane Edinger, Nicole Robins, Karen Wheatland, Matthew Woodall, Daniel Lim, Soo Hong and Terry Lee

No (1): Cr Jennifer Spanbroek

At 8:06pm, Mr P Varelis left the meeting.

15 MOTIONS WITH PREVIOUS NOTICE

15.1 Notice of Motion - Rates Levy Review

| | |
|-------------------------|--|
| File Number: | |
| Related to Item: | Nil |
| Elected Member: | Cr Clive Ross |
| Attachments | 1. Officer Advice Note |

OBJECTIVE, BENEFIT AND POTENTIAL RISKS TO BE CONSIDERED

There are no objectives, benefits or potential risks presented as part of this motion.

REASONS FOR THE MOTION

1. A number of residents have raised concerns about the increase in rates being over the City’s announced rate increase of 4.87%.
2. The community relies on the City’s assurance that the rates increase is 4.87% and their trust is destroyed when they discover that the rate increase is greater than 4.87%.
3. The community also relies on the information provided on the Rates Notice that instalment payments do not increase the amount payable and again their trust is destroyed when they discover that is not correct.
4. Council’s resolution to limit the rate increase to 5.0% was clear and unambiguous. However, the Ratepayer Profile shows that the 2024 Rates levied increased by \$4,232,387 which is a 5.547% increase from the 2023 year.
5. The reference to a 4.87% increase is mathematically incorrect as the correct percentage is 4.88% and because that is the increase in the average rate amount it is not representative of the increases across the entire ratepayer base and is therefore misleading.
6. Some residents have already indicated that they are proposing to object against their Rates Notice on the basis that the rates actually levied exceeds the City’s publicly announced rate of 4.87%.
7. An influx of objections will not only create extra work but will further damage the City’s reputation and immediate action may avoid or minimise the damage to the City’s reputation.

MOTION

At 8:08pm Cr G Barber moved, seconded Cr J Spanbroek

That the Council resolves to direct the CEO to:

1. **Immediately conduct a review of the residential rates that have been levied to clarify why rates notices have been issued with rate increases ranging from 6% to over 13% when the City has stated publicly that residential rates have only increased by 4.87%.**
2. **Review the Rates Notice which shows that payments by instalment are the same amount as a single payment when the online payment system indicates that an additional fee applies for instalment payments.**
3. **Provide a report to Council as to why the overall increase in rates from the previous year is 5.547% when the Council resolved that residential rates are to be capped at 5.0%**

COUNCIL RESOLUTION

Procedural Motion

At 8:13pm Cr K Wheatland moved, seconded Cr J Edinger

That the motion be put.

At 8:13pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY (11/0)

At 8:09 pm, Cr J Spanbroek left the meeting.

At 8:09pm, Mr P Varelis returned to the meeting.

At 8:10 pm, Cr J Spanbroek returned to the meeting.

COUNCIL RESOLUTION

At 8:08pm Cr G Barber moved, seconded Cr J Spanbroek

That the Council resolves to direct the CEO to:

1. **Immediately conduct a review of the residential rates that have been levied to clarify why rates notices have been issued with rate increases ranging from 6% to over 13% when the City has stated publicly that residential rates have only increased by 4.87%.**
2. **Review the Rates Notice which shows that payments by instalment are the same amount as a single payment when the online payment system indicates that an additional fee applies for instalment payments.**
3. **Provide a report to Council as to why the overall increase in rates from the previous year is 5.547% when the Council resolved that residential rates are to be capped at 5.0%**

At 8:14pm the Presiding Member declared the motion.

LOST (0/11)

Yes (0): Nil

No (11): Mayor Katy Mair, Crs Tomas Fitzgerald, Glynis Barber, Jane Edinger, Nicole Robins, Jennifer Spanbroek, Karen Wheatland, Matthew Woodall, Daniel Lim, Soo Hong and Terry Lee

At 8:15pm, the Presiding Member advised the Council that an Advice Note in relation to this Motion has been received and was distributed to Elected Members on Friday, 8 December 2023.

15.2 Notice of Motion - Trim and Prune Trees

| | |
|-------------------------|--|
| File Number: | |
| Related to Item: | Nil |
| Elected Member: | Cr Jennifer Spanbroek |
| Attachments | 1. Officer Advice Note (8/12/2023) |

REASONS FOR THE MOTION

1. Trimming and pruning trees are both crucial to the health and beauty of trees.
2. Trimming involves taming the unruliest branches and it helps to prevent overgrowth.
3. Pruning can enhance the overall health and vigour of a tree by removing dead, diseased, or damaged branches and encourages new growth.
4. Pruning can improve the structural integrity of this tree, reducing the risk of branches falling and causing harm. The safety of people and property should be paramount.
5. Benefits of new growth helps the ecological system and provides food and encourages more wildlife such as birds, insects, and other wildlife, and just as important are the microorganisms that thrive beneath the tree’s bark.
6. Well-maintained trees in urban settings contribute positively to mental well-being and community aesthetics.
7. An aesthetically pleasing tree encourages a connection with nature and offers a peaceful and calming atmosphere that can reduce stress, and anxiety and promote relaxation.
8. Melaleuca trees are not native to WA.

MOTION

That the Council directs the CEO to organise pruning and trimming of the Melaleuca Tree at 63 Wheatley Drive, Bull Creek to take place in late winter or early spring in 2024. Trimming to be a minimum of 2-3 metres to focus on cutting off dead, overgrown and structurally unsound branches and those that must be done to improve the appearance of the tree.

At 8:15pm, Cr J Spanbroek withdrew her motion.

16 MOTIONS WITHOUT PREVIOUS NOTICE (APPROVAL BY ABSOLUTE MAJORITY)

Nil

17 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC**17.1 Motion to Go Behind Closed Doors****COUNCIL RESOLUTION****Procedural Motion**

At 8:14pm Cr J Edinger moved, seconded Cr T Fitzgerald

That the meeting go behind closed doors.

At 8:15pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY (11/0)

At 8:15pm the Presiding Member adjourned the meeting.

At 8:20pm the Presiding Member resumed the meeting.

E23/27 Tender - Foreshore Revetment of Melville Beach Road and Heathcote West

| | |
|--|---|
| File Number: | |
| Responsible Officer: | Director Environment & Infrastructure |
| Voting Requirements: | Simple Majority |
| Officer Disclosure of Interest: | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Attachments: | 1. Contract and Tender Advisory Minutes - Signed 06.11.2023 (confidential) |

COUNCIL’S ROLE

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

| |
|---|
| <p>SUMMARY</p> <ul style="list-style-type: none"> This report is presented to Council to recommend the acceptance of a submission for Foreshore Revetment of Melville Beach Road and Heathcote West |
|---|

PURPOSE

The City of Melville Foreshore Restoration Strategy 2019 identified Melville Beach Road and Heathcote West sites as priority locations for restoration, Heathcote West was also put forward as a pro-active location for foreshore erosion control. Approved Riverbank Grants exist for both locations.

The Contract and Tender Advisory Unit (CTAU) is satisfied that the recommended supplier meets the City’s qualitative requirements and represents value for money.

The CTAU’s recommendation is now being presented to Council for their approval.

STRATEGIC ALIGNMENT

| | |
|--------------------------|--|
| Priority | There are no applicable priorities in relation to this report. |
| Outcome Indicator | There are no applicable outcome indicators in relation to this report. |

BACKGROUND

The City is seeking a suitability qualified and experienced contractor to undertake the construction of foreshore revetments that will utilise bioengineering approaches as the primary methodology for their formation. Beach access will be maintained through the formalisation of pathways and informal access ways will be closed off to prevent trampling and erosion.

Construction will involve the creation of formal beach access ways, shore stabilisation with the installation of brush walling, planting and infill of estuarine sedges, some shrubs, trees to improve the condition of existing foreshore vegetation and increase foreshore resilience against the current erosive pressures.

Detailed Designs, Project Summary and Technical Specifications were completed in late 2022 with approval by DBCA who have granted construction permits for implementation of the projects. An Aboriginal Cultural Heritage (ACH) Survey was conducted at the project sites on the 20th of June 2023 with the subsequent report submitted on the 30th of June to the Department of Planning, Lands and Heritage (DPLH) for section 18 approval under the Aboriginal Heritage Act 1972. The ACH approval for the projects is anticipated to be in place prior to December 2023.

The City invited Tenders in July 2023 receiving one submission, which was significantly higher than the budget allocated for this project.

As provided under *Local Government (Functions and General) Regulations 1996* pt 4, div 2, reg 11(2) (c) (i): *“Tenders do not have to be publicly invited according to the requirements of this Division if... the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment.”*

On 18th September 2023 CTAU and the CEO approved the Evaluation Panel’s recommendation to decline all offers submitted for RFT222323 Foreshore Revetment of Melville Beach Road and Heathcote West and negotiate directly with the Respondent.

The City entered negotiations with the Respondent and was able to reach a commercially acceptable solution for both parties, by slightly adjusting the design of the three limestone stairs at Melville Beach Road. The agreed solution has provided a cost savings to the City in line with the allocated budget for the project.

The CTAU Meeting Minutes included as a confidential attachment to this report is additionally available to Elected Members on the Elected Members Portal.

CONSIDERATION

Responses was received from the following organisation:

- Natural Area Holdings Pty Ltd T/as Natural Area Consulting Management Services

The respondent properly addressed the Compliance and Disclosure Requirements and were processed through to Qualitative Assessment.

The City set the following qualitative criteria and weightings:

| | |
|--|--------------|
| Demonstrated Experience | 25% |
| Capacity to Deliver | 20% |
| Environmental Sustainability | 5% |
| Local Buy | 5% |
| Aboriginal Business or Disability Enterprise | 5% |
| Methodology | 40% |
| Total | 100% |
| Percentage to be shortlisted | 60% |
| Price | Non-Weighted |

The Respondent achieved a qualitative score of 84.44%

I. Demonstrated Experience

The Respondent provided the required information against this criterion. Examples provided were relevant to the services that will be delivered under this Contract, and they have experience with Local Government.

II. Capacity to Deliver

The Respondent provided the required information against this criterion.

The key personnel have relevant qualifications and a good level of experience in similar projects.

III. Environmental Sustainability

The Respondent provided the required information against this criterion.

They provided their certifications, environmental policy, good environmental initiatives, and actions to mitigate negative environmental impact.

IV. Local Buy

The Respondent provided the required information against this criterion.

They have employees residing in the City of Melville area.

V. Aboriginal Business or Disability Enterprise

The Respondent provides benefits to Aboriginal and Disability Enterprises.

VI. Methodology

The Respondent provided the required information against this criterion.

They satisfactorily addressed the entire methodology question, giving the Evaluation Panel confidence that they have a strong understanding of the scope of work required.

The Evaluation Panel reviewed the Respondents offer and prepared an Evaluation Report, agreeing that that the Respondent would be more than capable of carrying out this project to a high standard.

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

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

ENGAGEMENT

No community or external engagement has been required or undertaken as part of this submission process.

SUSTAINABILITY IMPLICATIONS

The Respondent has a strong background in the installation of environmentally sustainable erosion control reinforcements that are solid examples of the latest methodologies and best management practices of foreshore stabilisation using bioengineering. The proposal includes the addition of thousands of plants to bolster the shoreline and increase longer term biodiversity of the areas. The absence of erosion control in these areas may lead to further instability of the shorelines, resulting in habitat loss and increased risk to infrastructure.

LEGISLATIVE AND POLICY ALIGNMENT

This request has been considered with regards to the following policies and legislative requirements:

- CP-023 Procurement of Products and Services
- *Local Government (Functions and General) Regulations 1996 Section 3.57 11 (1)*
“A Local Government is quired to invite tenders before it enters into a contract for another person to supply goods or services”.
- *Local Government (Functions and General) Regulations 1996 pt 4, div 2, reg 11(2) (c) (i)*
“Tenders do not have to be publicly invited according to the requirements of this Division if... the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment.”

FINANCIAL IMPLICATIONS

Any relevant financial implications are detailed in the confidential attachment to this report.

CONSEQUENCE

No alternative options or consequences are presented as part of this report

CTAU RECOMMENDATION AND COUNCIL RESOLUTION (E23/27)

At 8:21pm Cr J Edinger moved, seconded Cr T Fitzgerald

1. **That the Council accepts the recommendations as contained in the confidential attachment to this report, Foreshore Revetment of Melville Beach Road and Heathcote West Contract and Tender Advisory Unit Minutes; and**
2. **Upon resolution of the recommendation, directs that the successful respondents' names be inserted below this point 2, awarded;**

**Natural area Holdings Pty Ltd
T/as Natural Area Consulting Management Services
CN 129 093 356**

At 8:28pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY (11/0)

Yes (11): Crs Tomas Fitzgerald, Glynis Barber, Jane Edinger, Katy Mair, Nicole Robins, Jennifer Spanbroek, Karen Wheatland, Matthew Woodall, Daniel Lim, Soo Hong and Terry Lee

No (0): Nil

17.2 Motion to Come Out From Behind Closed Doors**COUNCIL RESOLUTION****Procedural Motion**

At 8:28pm Cr K Wheatland moved, seconded Cr J Edinger

That the meeting come out from behind closed doors.

At 8:28pm the Presiding Member declared the motion.

CARRIED UNANIMOUSLY (11/0)

18 DECISION MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

At 8:28pm, the Presiding Member advised the Council that the following item was discussed behind closed doors, and that the officer recommendation was carried:

- E23/27 Tender - Foreshore Revetment of Melville Beach Road and Heathcote West

19 CLOSURE

The Presiding Member addressed the Council to thank Elected Members, the CEO and Staff, past and present, for their efforts throughout the year and wished them the best for the festive season and the New Year.

The Deputy Mayor, on behalf of the Council and staff wished the Mayor the best for the festive season and the New Year.

There being no further business to discuss, the Presiding Member confirmed that Cr M Woodall were still in attendance electronically, and declared the meeting closed at 8:31pm.

LOCAL GOVERNMENT ACT 1995

CITY OF MELVILLE

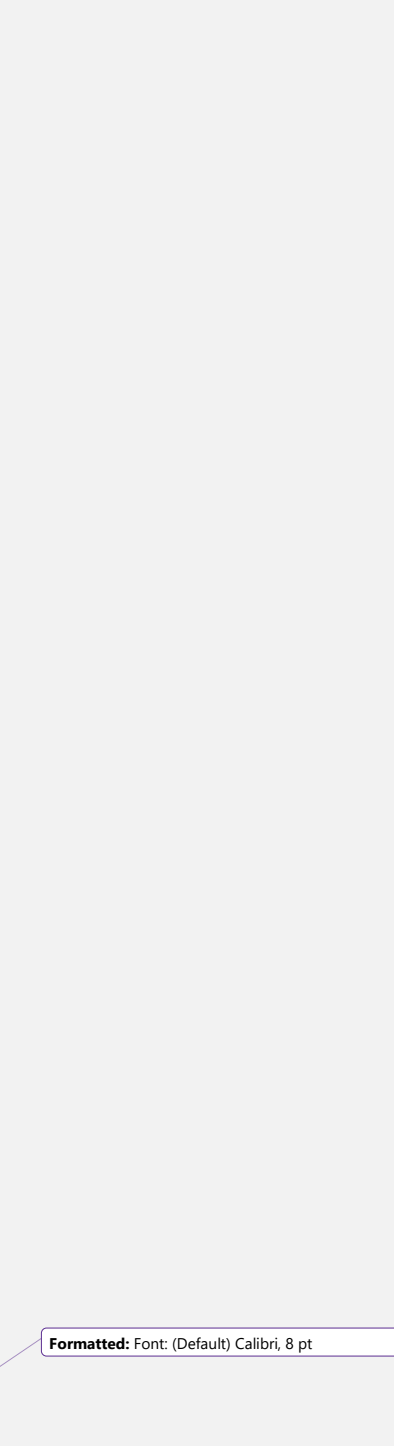
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LOCAL GOVERNMENT ACT 1995

CITY OF MELVILLE

PARKING LOCAL LAW 2023

Table of Contents

PART 1 – PRELIMINARY

- 1.1 Citation
- 1.2 Commencement
- 1.3 Repeal
- 1.4 Application
- 1.5 Interpretation
- 1.6 Application of particular definitions
- 1.7 Part of thoroughfare to which a sign applies
- 1.8 Pre-existing signs
- 1.9 Vehicle and driver classification
- 1.10 Alternative methods of payment

PART 2 – PARKING STATIONS

- 2.1. Determination of parking spaces and parking stations
- 2.2. Determination of parking fees for parking in a parking station
- 2.3 Payment of fee to park in a parking station
- 2.4 Payment of fee does not authorise otherwise prohibited conduct
- 2.5 Time restrictions for stopping or parking in a parking station
- 2.6 General prohibitions on stopping or parking in a parking station
- 2.7 Display of tickets in parking stations
- 2.8 Behaviour in parking stations

PART 3 – METERED ZONES

- 3.1 Determination of metered spaces and metered zones
- 3.2 Determination of parking fees for parking in a metered zone
- 3.3 Payment of fee to park in a metered zone
- 3.4 Payment of fee does not authorise otherwise prohibited conduct
- 3.5 Time restrictions for stopping or parking in a metered zone
- 3.6 General prohibitions on stopping or parking in a metered zone
- 3.7 Display of tickets in metered zones

PART 4 – ~~PARKING~~ PARKING PERMITS

- 4.1 Application of Part
- 4.2 Eligibility for a parking permit
- 4.3 Application for a parking permit
- 4.4 Decision on application for permit
- 4.5 Form and content of parking permit

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- 4.6 Validity of a permit
- 4.7 Effect of parking permit
- 4.8 Revocation of a parking permit
- 4.9 Replacement of a permit

PART 5 – STOPPING AND PARKING GENERALLY

- 5.1 Power to prohibit and regulate
- 5.2 Authorised vehicle zones
- 5.3 Construction site work zones
- 5.4 Temporary event parking
- 5.5 Temporary parking restrictions
- 5.6 Parking in a parking space designated for the use of persons with disabilities
- 5.7 Parking on private land
- 5.8 Parking on reserves
- 5.9 Heavy and bulky vehicle parking
- 5.10 Over-length vehicle parking
- 5.11 Stopping in a taxi zone or bus zone
- 5.12 Stopping in a bus lane, transit lane or bicycle lane
- 5.13 Stopping in a shared zone
- 5.14 Stopping in a loading zone
- 5.15 Other limitations in zones
- 5.16 Vehicles not to obstruct a public place

PART 6 – STOPPING AND PARKING ON THOROUGHFARES

- 6.1 Restrictions on parking in thoroughfares
- 6.2 Time restrictions for stopping or parking on a thoroughfare
- 6.3 Vehicles in motorcycle stalls
- 6.4 Parking a vehicle on a thoroughfare provided with marked parking spaces
- 6.5 Parking a vehicle on a carriageway where there are no marked parking spaces
- 6.6 Parking a vehicle on a carriageway where angle parking applies
- 6.7 Parking near a fire hydrant or public post box
- 6.8 Verge parking
- 6.9- Double parking
- 6.10 Bus stops, pedestrian and children's crossing
- 6.11 Keep clear markings
- 6.12 Movement of vehicles to avoid time limitation
- 6.13 No parking of vehicles exposed for sale and other circumstances
- 6.14 Traffic obstructions

PART 7 – ELECTRIC VEHICLE CHARGING STATIONS

- 7.1 Interpretation
- 7.2 Determination of electric vehicle charging stations
- 7.3 Electric vehicle charging stations for exclusive use of plug-in electric vehicles while charging
- 7.4 Other conditions of using an electric vehicle charging station

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PART 8 – MISCELLANEOUS

- 8.1 Impersonation of authorised person
- 8.2 Authorised person may order vehicle to be moved
- 8.3 Authorised person may mark-~~of~~ tyres
- 8.4 Interference and damage to parking facilities and associated infrastructure
- 8.5 Unauthorised signs
- 8.6 No contravention of sign
- 8.7 General provisions about signs
- 8.8 Removal of notice from vehicle
- 8.9 Impounding of vehicles
- 8.10 Person not to provide false information when using ticket machine or parking app
- 8.11 Exemptions

PART 9 – ENFORCEMENT

- 9.1 Legal proceedings
- 9.2 Offences and general penalty
- ~~9.29.3~~ Modified Penalties
- 9.4 Forms of notices
- 9.5 Objection and appeal rights

Schedule 1 – Modified Penalties

Schedule 2 – Infringement Notice Forms

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LOCAL GOVERNMENT ACT 1995

CITY OF MELVILLE

PARKING LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Melville resolved on **DATE** to make the following local law.

PART 1 – PRELIMINARY

1.1 Citation

This local law shall be cited as the *City of Melville Parking Local Law 2023*.

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1.2 Commencement

This local law comes into operation 14 days after the date of publication in the *Government Gazette*.

1.3 Repeal

The *City of Melville Parking Local Law 2016* published in the *Government Gazette* on 3 November 2016 is repealed on the day this local law comes into operation.

1.4 Application

- (1) Except as set out in this clause, this local law applies throughout the district.
- (2) This local law does not apply to —
 - (a) the approach and departure prohibition areas of all traffic control signal installations as determined by the Commissioner of Main Roads;
 - (b) the prohibition areas that apply to all bridges as determined by the Commissioner of Main Roads; or
 - (c) any road that comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.
- (3) This local law does not apply to a parking facility or a parking station that is not owned, managed or controlled by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (4) An agreement referred to in subclause (3) may be made on such terms and conditions as the parties may agree.

1.5 Interpretation

In this local law unless the context requires otherwise —

Act means the *Local Government Act 1995*;

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appropriate fee means the fee appropriate to the period for which a vehicle has been parked;

authorised person means a person appointed by the CEO under section 9.10(2) of the Act to perform any of the functions of an authorised person under this local law;

authorised vehicle means a vehicle —
(a) authorised by the CEO or an authorised person, or by any written law, to stop or park in an area which is designated by signs for the parking of authorised vehicles only; or
(b) owned or controlled by the local government and being used for the purpose of undertaking a function of the local government;

bank note means an Australian note that is legal tender under section 36(1) of the *Reserve Bank Act 1959* (Cth);

bay includes a stall or space;

bicycle has the meaning given to it by the Code;

bicycle lane has the meaning given to it by the Code;

bus has the meaning given to it by the Code;

bus lane has the meaning given to it by the Code;

bus stop has the meaning given to it by the Code;

bus zone has the meaning given to it by the Code;

caravan has the meaning given to it in the *Caravan Parks and Camping Grounds Act 1995*;

carriageway has the meaning given to it by the Code;

centre, in relation to a carriageway, has the meaning given to it by the Code;

CEO means the Chief Executive Officer of the local government;

children's crossing has the meaning given to it by the Code;

Code means the *Road Traffic Code 2000*;

coin means a coin that is legal tender under the *Currency Act 1965* (Cth);

commercial vehicle has the meaning given to it in the City of Melville local planning scheme;

disability parking permit has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

district means the district of the local government;

driver means any person driving, or in control of, a vehicle;

detection device means an electronic device placed in any position to detect or record the parking time of a vehicle on any road, parking facility or other public place and

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includes any instruments, display panels or transmitting apparatus associated with the device;

edge line has the meaning given to it by the Code;

electronic parking ticket means a parking ticket issued in an electronic form;

emergency vehicle has the meaning given to it by the Code;

entrance ticket means a ticket or token issued by a machine —
(a) installed at an entrance to a parking station; and
(b) which authorises the parking of a vehicle in a parking station, parking space or part of a parking station;

fee, or parking fee, means the prescribed amount of legal tender that the local government may, from time to time, determine and impose for the stopping or parking of a vehicle, under and in accordance with sections 6.16 to 6.19 of the Act;

footpath has the meaning given to it by the Code;

~~**Gold Card** means a Gold Card, Veterans Gold Card or Repatriation Health Card issued by the Department of Veterans' Affairs.~~

intersection has the meaning given to it by the Code;

keep clear marking has the meaning given to it by the Code;

kerb means the raised edge marking the boundary between a carriageway and the median strip or adjoining verge, whether any footpath has been constructed or not;

loading zone has the meaning given to it by the Code;

local government means the City of Melville;

local planning scheme means the local planning scheme, or each of the local planning schemes, made by the local government and in force from time to time under the *Planning and Development Act 2005*;

lot has the meaning given to it in the *Planning and Development Act 2005* or the *Strata Titles Act 1985*, according to context;

mail zone has the meaning given to it by the Code;

median strip has the meaning given to it by the Code;

metered space or **metered bay** means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge or otherwise;

metered zone means any thoroughfare or reserve or part of any thoroughfare or reserve in which parking meters or ticket issuing machines regulate parking of vehicles;

motorcycle has the meaning given to it by the Code;

motorised wheelchair has the meaning given to it by the Code;

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motor vehicle has the meaning given to it by the *Road Traffic (Administration) Act 2008*, but does not include a motorised wheelchair, motorised scooter, electric rideable device or electric personal transporter;

no parking area has the meaning given to it by the Code;

no stopping area has the meaning given to it by the Code;

obstruction has the meaning given to it by the Code;

occupier, where used in relation to land, has the meaning given to it by the Act;

on-demand passenger transport service has the meaning given to it by the *Transport (Road Passenger Services) Act 2018*;

on-demand rank or hail passenger transport service has the meaning given to it by the *Transport (Road Passenger Services) Act 2018*;

on-demand vehicle has the meaning given to it by the *Transport (Road Passenger Services) Act 2018*;

one-way carriageway has the meaning given to it by the Code;

owner —

- (a) where used in relation to a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, means the person in whose name the vehicle has been registered under that Act;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

painted island has the meaning given to it by the Code;

park has the meaning given to it by the Code;

parking app means a mobile or web application commissioned by the local government for the purpose of purchasing or obtaining an electronic parking ticket;

parking area has the meaning given to it by the Code;

parking facilities includes —

- (a) land, thoroughfares, reserves, buildings, shelters, parking stations, parking spaces or bays, metered zones, metered bays or spaces, and other facilities open to the public generally for the parking of vehicles, with or without charge; and
- (b) signs, notices, ticket issuing machines, parking meters, detection devices and other facilities or instruments used in connection with the parking of vehicles;

parking meter means a machine or device that, as a result of payment by any permitted means, indicates (with or without the issue of a parking ticket) the period during which it is lawful for a vehicle to remain parked in a metered space or bay to which the machine or device relates;

parking permit, or **permit**, means —

- (a) a parking permit issued under this local law; or
- (b) a parking permit issued under a repealed parking local law of the local government where the permit is in force immediately prior to the commencement of this local law under clause 1.3,

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but does not include a permit where any of the particulars recorded upon it have been altered, added to or defaced in any way;

parking region means the area to which this local law applies, as described in clause 1.4;

parking session means a transaction by which a person purchases or obtains an electronic parking ticket;

parking space means a section or part of a thoroughfare, reserve or parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may stop or be parked, whether on payment of a fee or charge or otherwise, but does not include a metered bay or space;

parking station means any land, building or other structure provided for the purpose of accommodating parked vehicles, but does not include a metered zone or a metered bay or space;

parking ticket means a ticket, whether printed or electronic, that —
(a) is issued from a ticket issuing machine;
(b) authorises the parking of a vehicle in a parking space, parking station or part of a parking station; and
(c) includes the date and time that the authorisation expires, whether or not the payment of a fee is required,

but does not include a ticket where any of the particulars recorded upon it have been altered, added to or defaced in any way;

path has the meaning given to it in the Code;

pay station means a machine or device that, after receipt of a payment of a parking fee in respect of a vehicle, either —
(a) issues a ticket to activate an exit barrier in the parking station; or
(b) otherwise enables the exit barrier of the parking station to be activated, so as to enable egress of the vehicle from the parking station;

pedestrian has the meaning given to it by the Code;

pedestrian crossing has the meaning given to it by the Code;

permitted payment means payment by Australian coins or bank notes, credit or debit card or any other method of payment approved by the local government as indicated on the parking meter or ticket issuing machine;

place of refuge for pedestrians includes any area or place which is open to or used by the public and not ordinarily intended for the stopping, parking or movement of vehicles, and also includes any physical provision or area demarcated by the marking of lines or otherwise identified by a sign;

property line means the boundary between the land comprising a thoroughfare, and the land that abuts the thoroughfare, whether that land is publicly or privately owned;

public bus has the meaning given to it by the Code;

public place includes —
(a) any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property; and
(b) a reserve;

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regular passenger transport service has the meaning given to it in the *Transport (Road Passenger Services) Act 2018*;

reserve means any land —

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

residential parking permit means a permit issued by the local government pursuant to the provisions of clause 4.4;

right of way means a portion of land that is —

- (a) shown and marked 'Right of Way' or 'R.O.W', or coloured or marked in any other way to signify that the portion of land is a right of way on any plan or diagram deposited with the Registrar of Titles that is subject to the provisions of section 167A of the *Transfer of Land Act 1893*;
- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a right of way and vested in the Crown under section 152 of the *Planning and Development Act 2005*; or
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*,

but does not include —

- (d) a private driveway; or
- (e) a right of way created by easement between two parties;

road has the meaning given to it in the *Road Traffic (Administration) Act 2008*;

road marking has the meaning given to it by the Code;

Schedule means a Schedule to this local law;

shared path has the meaning given to it by the Code;

shared zone has the meaning given to it by the Code;

sign includes a traffic sign, inscription, road marking, mark, structure or device on which may be shown words, numbers, expressions or symbols, that is —

- (a) approved by the local government; and
- (b) placed, marked or erected on, near or within a thoroughfare, reserve or parking station for the purpose of prohibiting, regulating, guiding, directing or restricting stopping or parking of vehicles;

special purpose vehicle has the meaning given to it by the Code;

stop, in relation to a vehicle, has the meaning given to it by the Code;

street has the same meaning as **thoroughfare**;

symbol includes any symbol specified by the *Road Traffic Code 2000* for use in the regulation of parking;

taxi has the meaning given to it by the Code;

taxi zone has the meaning given to it by the Code;

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thoroughfare has the meaning given to it by section 1.4 of the Act; and includes any carriageway, median strip, verge and path within the area bounded by the property lines of the lots abutting the thoroughfare;

ticket issuing machine in relation to a parking station or parking space, means a machine or device that issues a parking ticket, whether or not for payment of a fee, showing the period of time during which, or the expiry time before which, a vehicle may lawfully be parked in a parking space;

tour coach means a bus which is —
(a) used to provide a tourism passenger transport service; or
(b) hired or chartered for the specific purpose of sightseeing or tourism;

tourism passenger transport service has the meaning given to it in the *Transport (Road Passenger Services) Act 2018*;

trailer has the meaning given to it by the Code;

transit lane has the meaning given to it by the Code;

unattended, in relation to a vehicle, means that the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle;

unexpired parking ticket means a ticket, whether paper or electronic, on which a date and expiry time is printed or displayed, and that time has not expired;

vehicle has the meaning given to it by the *Road Traffic (Administration) Act 2008*;

verge means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line, but does not include a footpath;

Veteran Gold Card means a Gold Card, Veteran Gold Card or Repatriation Health Card issued by the Department of Veterans' Affairs;

visitor's parking permit means a permit issued by the local government pursuant to clause 4.4; and

wheeled recreational device has the meaning given to it in the Code.

1.6 Application of particular definitions

- (1) In this local law, unless the context requires otherwise, a reference to a thoroughfare, 'parking station', 'metered zone', 'parking facility' or 'reserve' includes a reference to, as the case may be, any part of a thoroughfare, parking station, metered zone, parking facility or reserve.
- (2) For the purpose of the application of the definitions 'bus zone', 'loading zone', 'mail zone', 'taxi zone', 'no parking area', 'no stopping area', 'parking area' and similar definitions, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the sign were turned at an angle of less than 90 degrees until parallel with the boundary.
- (3) A reference to the wording of any sign in this local law shall also be deemed to include a reference to the corresponding symbol.

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- (4) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Act, the *Transport (Road Passenger Services) Act 2018*, the *Road Traffic Act 1974*, the *Road Traffic (Administration) Act 2008*, the *Road Traffic (Vehicles) Act 2012* or in the Code, then the terms shall have the meaning as in those Acts or the Code.

1.7 Part of thoroughfare to which a sign applies

- (1) Where under this local law the use, driving, stopping, parking or leaving of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which —
- (a) lies beyond the sign;
 - (b) lies between the sign and the next sign; and
 - (c) is on that side of the thoroughfare nearest to the sign.

1.8 Pre-existing signs

- (1) A sign that —
- (a) was erected by the local government or the Commissioner of Main Roads before the commencement of this local law; and
 - (b) relates to the parking of vehicles within the parking region,
- shall be deemed for the purpose of this local law to have been erected by the local government under the authority of this local law.

~~(2) This local law applies to pre-existing signs as if they had been erected by the local government under the authority of this local law.~~

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1.9 Vehicle and driver classification

- (1) For the purposes of this local law vehicles are divided into the following classes —
- (a) buses;
 - (b) caravans and trailers;
 - (c) motorcycles;
 - (d) taxis and other on-demand passenger transport vehicles;
 - (e) commercial vehicles;
 - (f) tour coaches;
 - (g) bicycles;
 - (h) authorised, emergency and special purpose vehicles;
 - (i) plug-in electric vehicles as defined in clause 7.1; and
 - (j) all other vehicles not otherwise classified.
- (2) For the purposes of this local law, drivers are divided into the following classes —
- (a) authorised persons;
 - (b) employees of the local government;
 - (c) customers or patrons of a shop, shopping centre, premises in which personal services are provided, facility or event;
 - (d) persons who work in a shop, shopping centre or premises in which personal services are provided;
 - (e) persons with special needs, including those relating to disability, age or care of infants; and
 - (f) all other persons not otherwise classified.

1.10 Alternative methods of payment

- (1) In this clause, **alternative method of payment** means a permit, invoice, ticket or pass issued electronically or otherwise by the local government in return for payment,

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authorising a person to park according to the terms and conditions of the authorisation.

- (2) A person who has been authorised by the local government to use an alternative method of payment for parking is exempt from paying fees at the relevant parking facility providing that he or she complies with the terms of the Alternative Method of Payment.
- (3) An alternative method of payment may not be used by any person other than the person who received authorisation by the local government.

PART 2 – PARKING STATIONS

2.1 Determination of parking spaces and parking stations

- (1) The local government may, by resolution, constitute, determine and vary —
 - (a) parking stations;
 - (b) parking spaces;
 - (c) permitted time and conditions of stopping or parking in parking spaces and parking stations, which may vary by locality;
 - (d) permitted classes of vehicles which may stop or park in parking spaces and parking stations;
 - (e) permitted classes of persons who may stop or park in parking spaces and parking stations; and
 - (f) the manner of stopping or parking in parking spaces and parking stations.
- (2) Where the local government makes a determination under subsection (1), it must erect signs to give effect to that determination.

2.2 Determination of parking fees for parking in a parking station

- (1) The local government may determine and impose a fee for the stopping or parking of a vehicle in a parking station, under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) A reference in this Part to a 'fee' means a fee imposed in accordance with subclause (1).
- (3) The local government may, by resolution, waive the parking fee in a specified parking station —
 - (a) at certain days and times;
 - (b) for specified classes of person or vehicle; or
 - (c) for a specified period of time after the vehicle first enters the parking station ('**fee free period**').

2.3 Payment of fee to park in a parking station

- (1) Subject to clause 2.2(3), a person must not stop, park or permit a vehicle to remain parked in a parking station during any period ~~for which a fee is payable~~ unless —
 - (a) in the case of a parking station having an attendant on duty, the person ~~pays the appropriate fee~~ obtains a parking ticket, when demanded;
 - (b) in the case of a parking station equipped with a ~~ticket-issuing machine~~ pay by plate ticket machine, the person —, obtains a valid

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~~unexpired parking ticket from the machine and places the ticket inside the vehicle in a position where the ticket is clearly visible to an authorised person examining the ticket from outside the vehicle, and parking session by any form of permitted payment at the parking meter, pay by plate ticket machine or by use of the parking app.~~

Commented [KH2]: Our parking metres no longer issue a physical tickets to be able to be displayed v the vehicle. Furthermore, the offence needed would require to include not obtaining a valid parking ses to include the availability of obtaining a session from mobile app. Officers would be unable to infringe ag this clause (whole of 2.3) as they are too specific referring to either parking metre "ticket" or mobile a parking session as well as not having to purchase parking during the allowable free ticket periods

Commented [SC3R2]: Have suggested alternative wording for your consideration.

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- (i) ~~immediately pays, by any form of permitted payment, the appropriate fee to the ticket issuing machine, and~~
 - (ii) ~~obtains a parking ticket from the machine;~~
- (c) in the case of a parking station equipped with a pay station, the person —
- (i) ~~immediately obtains an entrance ticket; and~~
 - (ii) ~~immediately where the payment of a fee is required, before the vehicle departs the parking station, pays, by any form of permitted payment, the appropriate fee to the paystation; or~~
- (d) in the case of a parking station where ~~the use of apayment via~~ parking app is permitted, the person —
- (i) ~~immediately commences a parking session via the parking app;~~
 - (ii) receives confirmation from the parking app that parking session has commenced;
 - (iii) ensures the parking session remains active at all times while the vehicle is stopped or parked; and
 - (iv) ~~immediately before the vehicle is driven from where it has been stopped or parked, finishes the parking session, and receives confirmation that the appropriate fee has been paid.~~
- (2) ~~A parking ticket or electronic ticket. The payment of a fee referred to in subclause (1) entitles~~ ~~entitles~~ a person to stop or park a vehicle in a parking space in a parking station for ~~the period stated on the ticket, —~~
- (a) ~~in the case in which payment is made to an attendant or to a ticket issuing machine — the period stated on the parking ticket; or~~
 - (b) ~~in the case in which payment is made by a parking app — the period specified on the electronic ticket.~~
- (3) Where a parking fee is waived under clause 2.2(3)(c), a person must not, when the initial fee free period expires —
- (a) immediately obtain another parking ticket or commence another parking session for the purpose of extending the total free time of parking; or
 - (b) move the vehicle within, or exit and return to the parking station, for the purpose of extending the total free time of parking, unless the vehicle has been removed from the parking station for a minimum of twelve hours.

2.4 Payment of fee does not authorise otherwise prohibited conduct

- (4) The payment of a fee referred to in clause 2.2 does not authorise the stopping or parking of a vehicle in a parking station where it is otherwise prohibited —
- (a) under this local law;
 - (b) by a sign on a ticket issuing machine referable to the parking station; or
 - (c) by a sign referable to the parking space.

2.5 Time restrictions for stopping or parking in a parking station

- (1) A person must not stop, park or permit a vehicle to remain parked in a parking station for longer than the maximum period, if any, stated on a sign or a ticket issuing machine referable to the parking station.
- (2) Where the stopping or parking of vehicles in a parking station is permitted for a limited period of time, and a vehicle has been stopped or parked in that parking station for that length of time, a person must not stop or park that vehicle again in the parking station unless it has been removed from the parking station for at least one hour.

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2.6 General prohibitions on stopping or parking in a parking station

- (1) A person must not stop, park or permit a vehicle to remain parked in a parking station —
- (a) if the stopping or parking of vehicles is prohibited by a sign;
 - (b) during a period in which the stopping or parking of vehicles is prohibited by a sign; or
 - (c) if a sign specifies that a parking space within the parking station is for the stopping or parking of vehicles —
 - (i) of a different class; or
 - (ii) driven by a person of a different class.
- (2) A person must not stop, park or permit a vehicle to remain parked in a parking station —
- (a) so as to obstruct an entrance to, or exit from, a parking station, or an access way within a parking station;
 - (b) so that any portion of the vehicle is on or over a footpath or place of refuge for pedestrians; or
 - (c) otherwise than wholly within a parking space.

2.7 Display of tickets in parking stations

- (1) A person must not stop, park or permit a vehicle to remain parked in a parking station during any period for which a fee is payable unless —
- (a) an unexpired parking ticket issued by a ticket issuing machine referable to the parking station is —
 - (i) displayed inside the vehicle; and
 - (ii) the date, expiry time and number (if any) on the ticket is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in the parking station.
- (2) Clause 2.7(1) only applies to payment made in accordance with clause 2.3(1)(b), where a hard copy parking ticket is issued.

2.8 Behaviour in parking stations

- (1) A person must not —
- (a) drive in a parking station in a direction other than the direction indicated by a sign;
 - (b) unless otherwise authorised by a sign referable to the parking space — stop, park or permit a vehicle to remain parked in a parking space within a parking station if that parking space is occupied by another vehicle; or
 - (c) sell, hire, give away, offer or expose for sale or hire anything of any nature, unless that person has the prior written permission of the local government to do so.

PART 3 – METERED ZONES

3.1 Determination of metered spaces and metered zones

- (1) The local government may, by resolution, constitute, determine and vary —
- (a) metered zones;
 - (b) metered spaces;
 - (c) permitted time and conditions of stopping or parking in metered spaces and metered zones, which may vary by locality;

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