

**MINUTES  
OF THE  
ORDINARY MEETING OF THE COUNCIL  
HELD TUESDAY, 17 MAY 2022  
COMMENCING AT 6.30PM**

**Held electronically in accordance with Regulation 14D(2)(a) of the  
Local Government (Administration) Regulations 1996.**

Due to the State of Emergency declared in Western Australia, effective 16 March 2020 and the subsequent government public health and social directives, in order to meet the requirements of Regulation 14E(3)(b) of the *Local Government (Administration) Regulations 1996*, the public may view this meeting electronically and the minutes and audio recording of the meeting will be available on the City's website as soon as practicable after the meeting.

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

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**DISTRIBUTED: 20 May 2022**

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## 1. OFFICIAL OPENING

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

### Affirmation of Civic Duty and Responsibility

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

## 2. PRESENT

Mayor Honourable G Gear

### COUNCILLORS

### WARD

Cr T Fitzgerald (Deputy Mayor)	Palmyra – Melville – Willagee ( <i>electronic attendance</i> )
Cr K Wheatland	Palmyra – Melville – Willagee
Cr G Barber	Bicton – Attadale – Alfred Cove
Cr J Edinger	Bicton – Attadale – Alfred Cove ( <i>electronic attendance</i> )
Cr N Robins	Bateman – Kardinya – Murdoch
Cr D Macphail ( <i>until 8:37pm</i> )	Bateman – Kardinya – Murdoch ( <i>electronic attendance</i> )
Cr Woodall	Bull Creek – Leeming ( <i>electronic attendance</i> )
Cr J Spanbroek	Bull Creek – Leeming ( <i>electronic attendance</i> )
Cr N Pazolli	Applecross – Mount Pleasant ( <i>electronic attendance</i> )
Cr C Ross	Applecross – Mount Pleasant
Cr K Mair	Central
Cr M Sandford	Central

## 3. IN ATTENDANCE

Mr M Tieleman	Chief Executive Officer
Mr M McCarthy	Director Technical Services
Mr A Ferris	Director Corporate Services
Mr T Cahoon ( <i>from 6:37pm</i> )	A/Director Community Development ( <i>electronic attendance</i> )
Mr M Scarfone ( <i>from 6:35pm</i> )	Planning Services Coordinator ( <i>electronic attendance</i> )
Mr B Taylor	Manager Governance and Property Services
Ms C Newman	Governance Coordinator
Ms R Davis	Governance Officer

At the commencement of the meeting, there were 7 members of the public in the Council Chambers, 13 members of the public and one representative from the Press in attendance electronically.

#### 4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

##### 4.1 APOLOGIES

Mr S Cope

Director Urban Planning

##### 4.2 APPROVED LEAVE OF ABSENCE

Cr D Macphail

Bateman-Kardinya-Murdoch Ward

Cr Macphail has approved leave of Absence however was in attendance electronically.

#### 5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS

##### 5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.

- Cr Wheatland advised that Advice Notes circulated in the afternoon of 17 May 2022 has not been read or considered.

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

Nil.

*At 6:35pm Mr Scarfone entered the meeting electronically.*

*At 6:37pm Mr Cahoon entered the meeting electronically.*

#### 6. QUESTION TIME

##### 6.1 Questions Received with Notice

###### 6.1.1 Citizens for Building Reform, WA

###### Question 1

*What planning and building approvals (date, reference number, description/purpose, and the recipient) has the City issued with respect to 18/18A/18B Tweeddale Road Applecross since the old dwelling was demolished around 2007 or 2008?*

###### Response

Building approvals issued after 2 April 2012 are available on the City's Building Approval register, pursuant to Section 128, Building Act 2011.

The previous building legislation, in respect to works carried out in 2007 and 2008, was the *Local Government (Miscellaneous Provisions) Act 1960* which had no requirement for the City to release building related information mentioned in question 1.

### 6.1.1 *Citizens for Building Reform, WA, continued.*

The current legislation (*Building Act 2011*) is in effect, therefore, unless the consent from the owner is obtained, the City is not required to release this information.

Since the demolition in 2007 one application was received for retaining walls in 2009 which was approved. Two building approvals were issued in 2012 and 2013 for the temporary storage of structures onsite. There is no current building application for this site.

Several Development Applications have been lodged for the site, with the latest being in 2018 for a four storey multiple dwelling development with under croft parking and roof terrace. An extension to this approval has been granted by the Joint Development Application Panel and minor modifications approved by the City, under delegation.

#### Question 2

*What to whom has the City issued approvals to allow for obstruction of passage along the verge and for the storage of stuff on the verge since the demolition of the old dwelling, including any BA02 – Building Permit Uncertified – Materials Verge permits issued?*

#### Response

No Material on Verge Permits have been issued in relation to this property

#### Question 3

*How many warrants or other tools to access private property has the City sought and used, under what legislation and for what purpose, over the last 5 years?*

#### Response

Under the Building Act and Regulations the City has accessed private property, within the last three years, on two occasions, using Warrants. Generally the owner's consent is obtained where there is a need to access properties.

### 6.1.2 **Mr G Wieland, Bicton**

*The answer to my previous question at the Ordinary Meeting of Council 19th April 2022 was: "Under the current lease with the Melville Bowls Club as its structured, any profits or surplus funds generated from other activities outside of bowling belong to the Club." clearly indicates that the MBC under the current 50 year lease agreement owns any profit or surplus funds. It would be presumed that this substantial development will come with a number of standard building construction warranties reducing outgoing costs to the MBC for a number of years. With a peppercorn lease being paid by the MBC, a not for profit tax position and number of commercial lease incomes.*

6.1.2 *Mr G Wieland, Bicton, continued.*

Question 1

*What elements are being made available to the elected council to intervene and set in place fundamental factors insuring that all and any surplus funds are returned back to the ratepayers of the CoM, thus helping to reduce future rate increases caused by the proposed \$20 million loss from reserves?*

Response

These questions were received before the May 2022 agenda was published. Item T22/3983 on tonight's agenda relates to this matter.

At this stage there is not enough information to provide an adequate response to this question. The initial Council resolution regarding a possible \$20m redevelopment was based on request from the Club for a City contribution of \$5m to encourage both State and Federal funding of a further \$15m. It was never anticipated that the City would fund the full \$20m from its own source funding.

With the completion of the Attadale/Alfred Cove Masterplan and the planning that has been completed for the Atwell House/Ceramics Studio there is a need to review how a redeveloped Melville Bowling Club (MBC) fits within this location. Item T22/3983 on tonight's agenda addresses various project planning options.

The business case for the redevelopment of the MBC would detail the cost, funding sources and operating costs for a new facility. The issue raised in the question will be considered when this process is completed.

Question 2

*Have the elected members been presented with the current detailed financial records of the MBC, giving elected members an understanding as to whether the MBC in its current format is viable and has the capacity to be an ongoing sports entity over the next 3 years, thus allowing a stronger basis of decision making with regards to the proposed MBC development?*

Response

The City has been supplied with the Club's 1 January 2020 to 31 December 2021 financial statements as required by the lease. At this time, these statements have not been supplied to elected members by the City.

Question 3

*Due to the ratepayers being made to fund this vast and expensive development, what factors are available to elected members to implement a requirement, as part of the approval of the funding contract, for the MBC to present yearly financial records to the CoM ratepayers, to ensure future good governance and audit processes are maintained and adhered to. As under the current lease arrangements, as I understand them, the MBC will not be controlled by general ratepayers under the CoM but by any individuals who get elected to the controlling board of the MBC during the 50 year lease and subsequently financial control is at their discretion.*

6.1.2 *Mr G Wieland, Bicton, continued.*

Response

Under the lease there is a requirement for the MBC to provide their financial records to the City each financial year.

Until a business case is completed for the project it is unclear how much the City will be contributing to the redevelopment of the MBC.

Question 4

*The Department of Sports and Recreation have recommended that no new bowling clubs are to be built and any existing clubs that are not financially viable to be amalgamated, the question relates to the Mt Pleasant Bowling Club and if its financial position moving forward is not sustainable will the club be amalgamated with the MBC as per the DSR advice?*

Response

Any course of action will need to be determined by the Council if the Mount Pleasant Bowling Club becomes financially unviable or un-sustainable.

Question 5

*Have elected members been presented with any hardcopy record indicating who actually built the current MBC premises and if so is this record available for public viewing?*

Response

Elected Members have not been presented with any hardcopy record indicating who actually built the current MBC premise. A search of the City manual property file is being undertaken. If relevant documents exist they could be accessed by the public through the Freedom of Information process.

Question 6

*If the proposed \$20 million MBC development proceeds, what will be the capital cost per head of MBC playing members and how does this compare to the current cost per player of other sports within the CoM?*

Response

No decision has been made to spend \$20m or any funds on this project at this time. The Bowls WA 2021 annual report states that the Melville Bowling Club has 117 playing members. The capital cost per bowling member would be \$170,940 based on a proposed \$20 million build cost. Information on comparable costs per player with other sports is not available.

6.1.2 *Mr G Wieland, Bicton, continued.*

Question 7

*Have elected members been presented with an approximate rates impact model showing the effect of the \$20 million MBC development including all associated monies spent on the proposed MBC development thus far?*

Response

As no funding commitment has been by the Council no rate modelling has been undertaken. Apart from officer time spent preparing the project plan options there has been no other expenditure to date.

Question 8

*Can the CoM supply records indicating what contributions the CoM has made to the repairs and maintenance of the MBC over the last 5 years and if easily available the last 10 years?*

Response

Maintenance expenditure for the last five years is:

Year	Amount
2017	\$ 16,360
2018	\$ 30,805
2019	\$ 15,360
2020	\$ 23,197
2021	\$ 2,582
<b>Average</b>	<b>\$ 17,661</b>

Note: The expenditure decreased in 2021 as the lease obligations for maintenance changed as a result of the terms of the long term lease entered into with the Club in October 2020 required them to undertake all maintenance of the premises.

Question 9

*What standards do the Local Government need to adhere to with regards to commercial competition, in other words does the local government need to withdraw from a provision or service if private enterprise enters the market providing the same. If the commercial operations of the MBC include café, bar, restaurant then these operations can function at a much lower operating cost due to the facilities being provided at a peppercorn rate with fully subsidised overheads and thus undercut any private business's operating in the vicinity creating a very unfair business advantage. Can the CoM block any commercial lease's at the MBC that are commercial threat to private business operating in the CoM and subsequently a threat to the owners livelihood?*

### Response

As a general principal Local Governments endeavour to maintain a position of competitive neutrality and avoid competing directly with the private sector in commercial undertakings. Sporting groups and associations and community groups can undertake ancillary commercial activities where the City has provided its assets on a concessional lease or license arrangement.

## **6.2 Questions Received without Notice**

### **6.2.1 Mr M Burns, Applecross**

#### Question 1

*Do the building works currently ongoing at Canning Beach Road/ Moreau Mews for the Riviere apartments in Applecross have a building licence or permit issued by the City? If so, what scope of works does the licence or permit cover and when was this issued?*

#### Response

A building permit was issued on 26 April 2022 for forward works including earthworks, excavation, piling, in-ground services, and footings. The on-ground slab and boundary footings located to the east and south boundaries are not part of this certification.

#### Question 2

*My wife complained to the CEO of the City of Melville about the noise and vibration from building works associated with the Riviere Apartment construction site on 19th April. Despite receiving the usual automated reply that the City would respond within 10 working days, no reply has since been forthcoming. Can the City give an indication as to when a response to this complaint will be forthcoming?*

#### Response

The customer contact was received from two sources on 19 April 2022 with the contact from Mrs Burns being received at 3.45pm. The CEO issued instructions the same day at 6.28pm for building officers to investigate the situation. This took place and the builder was instructed to stop works on 20 April 2022 until a building application that had been lodged for a building permit for the forward works was issued. The builder immediately complied with that request. They recommenced works after received the necessary building permit for forward works on 26 April 2022.

Whilst Mr Burns received advice via an elected member on the actions the City was undertaking in response to the concerns being expressed by Mrs Burns, a final response had not been sent as the matter was still being monitored. A further response was sent to the resident this morning.

The City's compliance officers will continue to monitor noise, site works and activity on this site.

## **7. AWARDS AND PRESENTATIONS**

Nil.

At 6:43pm Cr Wheatland left the meeting and returned at 6:45pm.

## 8. CONFIRMATION OF MINUTES

### 8.1 **ORDINARY MEETING OF THE COUNCIL – 19 APRIL 2022** Minutes 19 April 2022

#### **COUNCIL RESOLUTION**

At 6:45pm Cr Sandford moved, seconded Cr Ross –

**That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 19 April 2022 be confirmed as a true and accurate record.**

At 6:45pm the Mayor declared the Motion

**CARRIED UNANIMOUSLY (13/0)**

### 8.2 **GOVERNANCE COMMITTEE – 2 MAY 2022** **Minutes of 2 May 2022**

#### **COUNCIL RESOLUTION**

At 6:45pm Cr Fitzgerald moved, seconded Cr Sandford–

**That the Minutes of the Governance Committee Meeting held on Monday 2 May 2022 be noted.**

At 6:45pm the Mayor declared the Motion

**CARRIED UNANIMOUSLY (13/0)**

**NB: Minutes to be confirmed at next Governance Committee Meeting**

### 8.3 **FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE – 9 MAY 2022** Minutes of 9 May 2022

#### **COUNCIL RESOLUTION**

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

**That the Minutes of the Financial Management, Audit, Risk and Compliance Committee Meeting held on Monday 9 May 2022 be noted.**

At 6:45pm the Mayor declared the Motion

**CARRIED UNANIMOUSLY (13/0)**

**NB: Minutes to be confirmed at next Financial Management, Audit, Risk and Compliance Committee Meeting**

## 8.4 NOTES OF AGENDA BRIEFING FORUM – 10 MAY 2022

### Notes 10 May 2022

#### **COUNCIL RESOLUTION**

At 6:45pm Cr Barber moved, seconded Cr Sandford –

**That the Notes of Agenda Briefing Forum held on Tuesday, 10 May 2022, be received.**

At 6:45pm the Mayor declared the Motion

**CARRIED UNANIMOUSLY (13/0)**

## 9. DECLARATIONS OF INTEREST

### 9.1 FINANCIAL INTERESTS

- Cr Edinger – T22/3985 RFT212219 Change Room Upgrade Winthrop Reserve Confidential. Financial Interest.
- Cr Mair – Item 16.1 CBACP Review Advertising and CRG Feedback. Financial Interest.

### 9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Sandford – T22/3983 Atwell Arts Centre and Melville Bowling Club Precinct. Interest under the Code of Conduct
- Mayor Gear – T22/3983 Atwell Arts Centre and Melville Bowling Club Precinct. Interest under the Code of Conduct.
- Cr Edinger – T22/3983 Atwell Arts Centre and Melville Bowling Club Precinct. Interest under the Code of Conduct.
- Cr Mair – T22/3983 Atwell Arts Centre and Melville Bowling Club Precinct. Interest under the Code of Conduct.
- Cr Barber – T22/3983 Atwell Arts Centre and Melville Bowling Club Precinct. Interest under the Code of Conduct
- Cr Ross – T22/3983 Atwell Arts Centre and Melville Bowling Club Precinct. Interest under the Code of Conduct
- Cr Wheatland – T2/3979 Attadale Junior Football Club Request for Parking at Troy Park. Interest under the Code of Conduct.
- Cr Barber – 16.1 Motion With Notice - CBACP Review Advertising and CRG Feedback. Interest under the Code of Conduct.

## 10. DEPUTATIONS

### 10.1 Mr M Goldrick and Ms E Bothe, Attadale Junior Football Club

Item T22/3979 - Attadale Junior Football Club Request for Parking at Troy Park

## **11. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

### **COUNCIL RESOLUTION**

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

**That the application for a new leave of absence submitted by Cr Wheatland on 17 May 2022 be granted.**

At 6:50pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

## **12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

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

- T22/3985 RTF 212219 Change Room Upgrade Winthrop Reserve

## **13. PETITIONS**

### **13.1 Petition – Crossover 54b Lamond Street, Alfred Cove**

A petition signed by 21 residents the City of Melville was received on 20 April 2022 and reads as follows:

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

*Reinstate the crossover of 54b Lamond St from its current large incline, back to a level equal with the road, verge and property height – in its entirety without a change in gradient beyond the council stipulated guidelines of no more than 2 – 2.5% for disabled persons to transverse.*

*We support the Bolton family’s need for their disabled/elderly family to not walk either of the two cross streets for access at a council approved access point or for their deaf 9yo daughter to risk injury through falling due to her issues with vertigo caused by her medical condition and an unnecessary inclined access to her own home, which is greater than that stated as suitable by council for pedestrians.”*

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

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

**That the petition bearing 21 signatures of residents be acknowledged and a report be prepared.**

At 6:51pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

## **14. REPORTS OF THE CHIEF EXECUTIVE OFFICER**

At 6:51pm the Mayor brought forward Item T22/3979 - Attadale Junior Football Club Request for Parking at Troy Park for the convenience of those giving a Deputation.

At 6:51pm, Mr Goldrick and Ms Bothe gave a deputation to the meeting which concluded at 6:57pm. At 7:08pm Mr Goldrick and Ms Bothe returned to the Public Gallery. [T22/3979 - Deputation - Mr Goldrick and Ms Bothe.](#)

### Disclosure of Interest

Member	Cr Karen Wheatland
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Chair for the South Metro Region for Community Football
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

### **T22/3979 - ATTADALE JUNIOR FOOTBALL CLUB REQUEST FOR PARKING AT TROY PARK (REC)**

Ward	: Bicton – Attadale – Alfred Cove
Category	: Operational
Subject Index	: Parking
Customer Index	: Attadale Junior Football Club
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: T22/3976 - Attadale Alfred Cove Foreshore Master Plan - Ordinary Meeting of Council 15 March 2022 Item 13.1 Petition – Attadale Junior Football Club, Temporary Access to Troy Park – Ordinary Meeting of Council 19 April 2022.
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Mick McCarthy Director Technical Services

**T22/3979 - ATTADALE JUNIOR FOOTBALL CLUB REQUEST FOR PARKING AT TROY PARK**  
**(REC)**

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

- A 19 signature petition seeking permission to allow parking in an area directly to the west of Troy Park oval was received by the City on 17 March 2022 and presented to the 19 April Council Meeting.
- The Attadale Junior Football Club had been using this area sporadically over the years for overflow parking until 2020 when the City discovered Rain bow Bee-eaters using the area for nesting.
- Regular overflow parking at this location has never been formally authorised by the City.
- The area is an environmentally sensitive area and is within the Friends of the Melville Bird Sanctuary (FMBS) proposed boundary.
- At the March 2022 Ordinary Meeting of Council the Attadale Alfred Cove Foreshore Master Plan was acknowledged by Council and included rehabilitating the area requested to be used for overflow parking.
- Alternate location for the overflow parking for Troy Park within the Attadale Foreshore dog walking area has been presented to the Club as an alternative, which the club considers is too far away.
- The City is currently in the process of initiating works to verge parking on Burke Drive to address safety concerns, which includes shifting some bollards to make the verge wider.
- The City's preferred option is for the overflow parking for Troy Park to be accommodated at the Attadale Foreshore dog exercise area.

**T22/3979 - ATTADALE JUNIOR FOOTBALL CLUB REQUEST FOR PARKING AT TROY PARK  
(REC)**

**BACKGROUND**

On 17 March 2022 a Petition with 19 signatures was received by the City requesting the following be considered by Council;

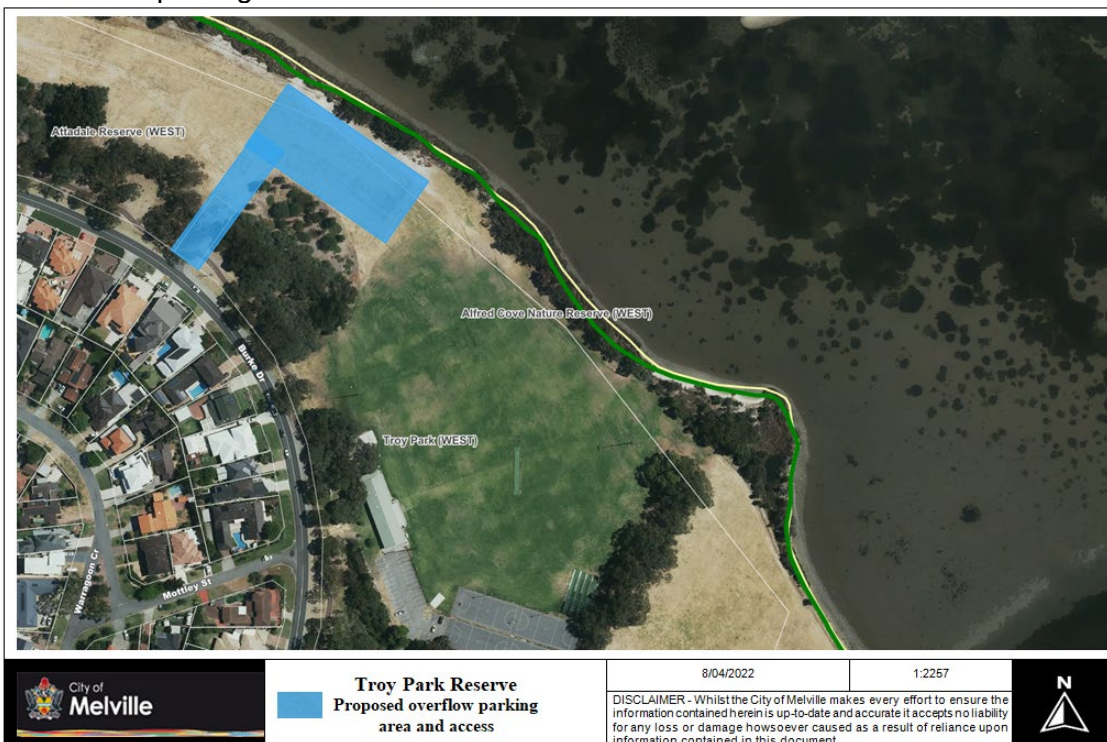
*“Reinstate Attadale Junior Football Club’s temporary access to, and use of, the area outlined on the attached map, adjoining the Troy Park oval for the purpose of safe parking of vehicles during the 15 weeks of the junior football season, (from approximately 1 May 2022 to 28 August 2022).*

*The area is intended for weekend use only for parking of motor vehicles because of the large number of young children participating in Auskick and junior football and limited available parking area. Attadale Junior Football Club has previously used the area for approximately 15 years prior to 2021 and then in 2021, the City requested that Attadale Junior Football Club cease using the area.*

*We are informed that there will be no adverse environmental impacts on flora or fauna as a result of this temporary use. The Attadale Junior Football Club understands that it has no right or interest in the area other than for the limited use of parking.*

*We request your URGENT attention and consideration of this matter and look forward to receiving Council approval so that you can ensure local children can reasonably and safely use Troy Park away from the dangers and risks that result from parking on the surrounding roads.*

The area highlighted in blue in the below picture is the area that the club has requested to be used for overflow parking for the 2022 football season.”



**T22/3979 - ATTADALE JUNIOR FOOTBALL CLUB REQUEST FOR PARKING AT TROY PARK  
(REC)**

This report discusses the petition request and the City's preferred option which is to designate an area on the Attadale Foreshore dog walking area to be used by the Attadale Junior Football Club for overflow parking.

**DETAIL**

The area being requested for overflow parking is located just to the west of Troy Park and consists of unirrigated turf and is used by the community as passive open space. The area also provides many important environmental benefits such as habitat for a number of local fauna.

For special club events, the Club had previously been granted permission to use the area being requested in the petition. In 2020, it was brought to the City's attention that the area was being used on occasion for overflow parking outside of special events which had not been formally authorised by the City. Around this time, the City became aware of the use of the above overflow parking area being a nesting site for migratory Rainbow Bee-eaters, which burrow underground to build their nests. Given this, the City was concerned that the temporary use of the nesting area for car parking would result in the destruction of existing nests and compaction of the ground that could adversely affect future nesting sites.

As a result of the City becoming aware of the situation, an internal review was undertaken by the City which resulted in the City not supporting parking in this location due to the environmental concerns. This position was communicated to the Troy Park Sporting Association in October 2020 advising that access to the area in question was no longer available for overflow parking.

There were a number of factors that contributed to the City's decision to decline the access request to this location for overflow parking including:

- The access gate is actually not a City asset; it is the property of the Water Corporation.
- The area is sensitive and is within the Friends of the Melville Bird Sanctuary (FMBS) proposed boundary
- Using the site for car parking would compact the ground and compromise the nest sites for the Rainbow Bee-eaters.
- The City was at the time about to embark on the preparation of a Master Plan for the Attadale Alfred Cove Foreshore in order to provide a holistic guiding document for the area. It was expected that the Master Plan would assist in guiding decision making related to City and State managed lands.

The blue area on the map below was identified by the City as the preferred alternative option for overflow parking area at the eastern end of the Attadale Foreshore dog walking area. This area is less significant from an environmental perspective and is mainly used by dog walkers. The environmentally significant area known to contain Rainbow Bee-eater nesting sites is highlighted in red.

**T22/3979 - ATTADALE JUNIOR FOOTBALL CLUB REQUEST FOR PARKING AT TROY PARK  
(REC)**



At the time the City also investigated a number of other options in seeking to establish an alternative overflow parking area closer to the Troy Park facilities including:

- Utilising the existing netball courts for parking - this option was not considered viable due to the potential of the asset becoming damaged with heavy traffic over the courts and potential slip hazards associated with oil and sand on the playing surface.
- Establishing parking area at the eastern end of Troy Park near Waylen Point – this area is in relatively close proximity to the Alfred Cove Nature Reserve wetlands and would require traversing the netball courts to gain access. This area was not supported due to concerns raised about vehicles damaging the netball surfaces and disturbance to wildlife in that area. There is also the potential for vehicles to become bogged during the winter months.

The City also made the decision to undertake improvements to the verge parking along Burke Drive to address safety concerns. This work involves shifting some bollards to make the verge wider and thereby reducing conflict with vehicles and cyclists passing through the area. Street parking on the roads in close proximity to Burke Drive has always been available and will not change. In addition, no parking signs will be installed on sections of the road deemed inappropriate for parking due to safety or other reasons.

As a result of the City's decision, the football club utilised the area that was designated as overflow parking in the Attadale Foreshore dog walking area. To the City's knowledge there were no major incidents that occurred as a result of this decision.

**T22/3979 - ATTADALE JUNIOR FOOTBALL CLUB REQUEST FOR PARKING AT TROY PARK  
(REC)**

It is also recognised that there are a number of competing interests at this location and, due to the environmental constraints and lack of space, the available options in terms of additional parking space are very limited. As a result of the City decision to designate overflow parking further west of Troy Park at the Attadale dog exercise area, feedback from the clubs, members and their families raised concerns due to:

- Increased walking distance to the oval from the overflow parking area;
- The nesting season for the Bee-eaters is from October through to March each year, which is outside the football season when there is the greatest demand for additional parking.

The City recognises the preferred location for the overflow parking is a longer distance to traverse compared to previous areas, however this distance is considered appropriate given the environmental constraints associated with the clubs preferred location.

It is estimated that the City's preferred overflow parking area is approximately 550-600 meters from the Clubrooms if walking along the foreshore side of the bushland. The walking distance using the existing footpath adjacent to Burke Drive is approximately 600-650 meters. Those with prams or those with mobility requirements would also find the journey more challenging, however the option to drop off at the oval can be considered before the vehicle is parked. It is relevant to note that the proposed parking improvements along Burke Drive will include two short term drop off bays.

The Petition states that no adverse environmental impacts to flora or fauna will occur if the area was to be used for overflow parking, however the City does not agree with this statement particularly in relation to the impact vehicle parking would have on the Rainbow Bee-eater habitat and nesting sites. The Rainbow Bee-eater is one of the few Australian birds that nest in a burrow and requires open areas with friable, sandy soils with good visibility and convenient perches.

These birds are known to return to the same nesting sites each year. Nesting areas are often re-used and studies indicate that at least some migrant birds return to the same nesting area each year. However, pairs usually excavate a new nesting burrow for each breeding season.

The process of nest building can take as long as twenty days to complete. Nests are generally used only for a single season and rarely used twice by the bee-eaters, but abandoned bee-eater nests may be used by a host of birds, snakes and bats as shelter and breeding places. The City installs fencing from the edge of the oval to the western end of the bushland every breeding season and during this period the City asks for people to stay out of the area to ensure the nests are not disturbed.

It also should be noted that 147 bird species (Birdlife WA) including Trans equatorial/migratory species, like Grey-tailed Tattler and Common Sandpiper, as well as Black Cockatoos being known to forage within wider extent of the area.

**Attadale Alfred Cove Foreshore Master Plan**

At the March 2022 Ordinary Meeting of Council, the Attadale Alfred Cove Foreshore Master Plan was acknowledged by Council. The image below represents the future vision for the area under consideration. The area between Troy Park and the Attadale Foreshore dog walking area indicates substantial infill planting, along with paths and small turf areas to create increased fauna habitat and passive recreational uses.



**T22/3979 ATTADALE JUNIOR FOOTBALL CLUB REQUEST FOR PARKING AT TROY PARK  
(REC)**

**FINANCIAL IMPLICATIONS**

There would be minimal financial impact if the area the area designated by the City was used or was not used for overflow parking.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk</b>	<b>Risk Treatment</b>
Reputational damage due to not supporting the Club's desire to use the area requested for overflow parking.	Moderate consequences which are possible, resulting in a <b>Medium</b> level of risk	Allow parking in the area requested by the club.
Reputational damage due to not implementing elements of the Master Plan.	Moderate consequences which are possible, resulting in a <b>Medium</b> level of risk	Progress the recommendations in the Master Plan.
Reputational damage due to not observing the City's own management strategies (including the Natural Areas Asset Management Plan, Urban Forest Strategy and the Climate Change Emergency Declaration)	Moderate consequences which are possible, resulting in a <b>Medium</b> level of risk	During the decision making process ensure Council is aware and consider the following endorsed Council documents focused on the natural environment.

**POLICY IMPLICATIONS**

Environmental Policy CP-030 – Policy Statement

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

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

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

**T22/3979 ATTADALE JUNIOR FOOTBALL CLUB REQUEST FOR PARKING AT TROY PARK  
(REC)**

Physical Activity Policy (CP-028) – To increase opportunities for physical activities and improve health and wellbeing of the community.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**Alternative Options

The Troy Park Sporting Association and the Attadale Football Club have also approached the City regarding the possible use of a temporary parking overflow area directly behind the goals at the western end of Troy Park. This area is within the levelled oval buffer. Access to this area is proposed around the northern boundary of the oval, with flagged of areas and marshals proposed to be used to guide the traffic.

Allowing the Attadale Junior Football Club to use the area adjoining the Troy Park oval for the purpose of parking of vehicles during the 15 weeks of the junior football season (from approximately 8 May 2022 to 28 August 2022) may be an option. This proposal could be established as a trial initially and reviewed regularly to ensure impacts on turf quality and accessibility are able to be managed appropriately.

The City is awaiting a proposal for this option to enable review, assessment and advice.

**CONCLUSION**

The City understands there is a need for overflow parking and has provided a suitable location, albeit some distance away but relatively close to Troy Park that can be used by the club when required. As highlighted in the Attadale Alfred Cove Foreshore Master Plan, there is provision for long term parking solutions which could be implemented in future years to improve capacity.

In the interim the City are planning to undertake minor works to verge parking along Burke Drive to improve safety including shifting bollards to make the verge wider and reducing conflict with vehicles and cyclists passing through the area this financial year. In addition, the City has prepared a concept design for the Troy Park entrance road to improve safety and access to the existing car park.

It is important to recognise that the City now has a long term vision for this area with a focus on increasing biodiversity along this stretch of foreshore. The City's preferred option is for the overflow parking to remain as designated at the Attadale Foreshore dog exercise area for the 2022 season and future years until a more permanent overflow parking solution is implemented.

**T22/3979 ATTADALE JUNIOR FOOTBALL CLUB REQUEST FOR PARKING AT TROY PARK  
(REC)**

At 7:01pm Mr Taylor left the meeting and returned at 7:05pm.

**OFFICER RECOMMENDATION (3979)****REFUSAL****That the Council:**

1. Does not support the overflow parking area identified by the Attadale Junior Football Club for the reasons outlined in this report
2. Directs the CEO to advise the Attadale Junior Football Club that the current overflow parking designated area within the Attadale Foreshore dog walking area is available for use during high use periods.
3. Directs the CEO to advise the lead petitioner in writing of this outcome.

**Alternate Motion**

At 7:10pm Cr Barber moved, seconded Cr Robins –

**That the Council directs the CEO to reinstate temporary access for the Attadale Junior Football Club to the small section of land to the north adjoining Troy Park via entry at the water pumping station driveway off Burke Drive. This is to enable safe parking of vehicles, safety of pedestrians and safety of cyclists and motorists on Burke Drive from approximately 1 May 2022 to 28 August 2022.**

At 7:23pm, during discussion and debate, the mover and seconder consented to the inclusion of the following at the end of the alternate motion

***“Additionally, to review the existing parking arrangements including the temporary overflow parking, to assess the issues raised in the deputation in relation to access and safety, and make recommendation as to any necessary reconfiguration to:***

- a) Assist with access for persons with mobility limitations;***
- b) Permit access by emergency services, and;***
- c) Realise any opportunities for alternative ‘kiss and ride’ configurations.”***

**T22/3979 ATTADALE JUNIOR FOOTBALL CLUB REQUEST FOR PARKING AT TROY PARK  
(REC)**

**Alternate Motion**

**COUNCIL RESOLUTION**

At 7:10pm Cr Barber moved, seconded Cr Robins –

**That the Council directs the CEO to reinstate temporary access for the Attadale Junior Football Club to the small section of land to the north adjoining Troy Park via entry at the water pumping station driveway off Burke Drive. This is to enable safe parking of vehicles, safety of pedestrians and safety of cyclists and motorists on Burke Drive from approximately 1 May 2022 to 28 August 2022.**

**Additionally, to review the existing parking arrangements including the temporary overflow parking, to assess the issues raised in the deputation in relation to access and safety, and make recommendation as to any necessary reconfiguration to:**

- a) Assist with access for persons with mobility limitations;**
- b) Permit access by emergency services, and;**
- c) Realise any opportunities for alternative ‘kiss and ride’ configurations**

At 7:33pm, the Mayor declared the motion

**CARRIED (9/4)**

<b>Yes</b>	9	Cr Barber, Cr Wheatland, Cr Mair, Cr Robins, Mayor Gear, Cr Fitzgerald, Cr Spanbroek, Cr Woodall, Cr Macphail
<b>No</b>	4	Cr Ross, Cr Sandford, Cr Pazolli, Cr Edinger

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

1. Issues of traffic management and unsafe parking practices at Troy Park and Burke Drive have been prevalent for over two years - however no modifications to the parking areas have occurred.
2. A cyclist was critically injured, hit by a car exiting Troy Park a couple of months ago.
3. The overflow parking area offered by the City is approximately 750m away from Troy Park. Because it will be used only when Auskick is on, this means a long walk for little 5 - 7 year olds, along with grandparents and parents carrying chairs, umbrellas, prams etc.
4. Whilst they are beautiful, Rainbow bee-eaters are not a threatened species. Their numbers are stable and in fact they are very resilient birds. As previously stated they do not nest in Winter.
5. The AJFC is happy to take measures to limit harm to the natural environment. Certain areas could be cordoned off, such as bushland. An opportunity for signage to educate users of Troy Park about the natural environment and caring for it, would be an additional benefit.
6. Apart from removing any compaction, the City could look at further ways to enable the AJFC access to suitable overflow parking next to the playing field such as "bog mats" over boggy winter grass and turf.

**T22/3983 - ATWELL ARTS CENTRE AND MELVILLE BOWLING CLUB PRECINCT – DRAFT  
PROJECT PLAN (REC) (ATTACHMENT)**

*At 7:33pm Cr Wheatland left the meeting.*

*At 7:33pm Cr Barber left the meeting.*

At 7:34pm the Mayor brought forward Item T22/3983 - Atwell Arts Centre and Melville Bowling Club Precinct – Draft Project Plan for the convenience of those in the public gallery.

Disclosures of Interest

Member	Cr Edinger
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Husband is a social member of the Melville Bowls Club.
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

Member	Cr Sandford
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Husband is a social member of the Melville Bowls Club.
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

Member	Mayor Gear
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Social member of the Melville Bowls Club.
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

Member	Cr Barber
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Husband is a member of the Melville Bowls Club.
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

Member	Cr Mair
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Social member of the Melville Bowls Club.
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

Member	Cr Ross
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Social member of the Melville Bowls Club.
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

**T22/3983 - ATWELL ARTS CENTRE AND MELVILLE BOWLING CLUB PRECINCT – DRAFT PROJECT PLAN (REC) (ATTACHMENT)**

Ward	: Bicton – Attadale – Alfred Cove
Category	: Strategic
Subject Index	: Project Planning and Development
Customer Index	: Atwell Arts Association Inc. and Melville Bowling Club
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: T22/3976 - Attadale Alfred Cove Foreshore Master Plan - Ordinary Meeting of Council held 15 March 2022
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Mick McCarthy Director Technical Services

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**T22/3983 - ATWELL ARTS CENTRE AND MELVILLE BOWLING CLUB PRECINCT – DRAFT  
PROJECT PLAN (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- This report has been prepared in response to a Council resolution at the 15 March 2022 Ordinary Meeting of Council (OMC), specifically in relation to Item 16.3, Resolution 2A and 2B namely:
  2. *Council directs the CEO to appoint a senior officer to prepare a report to be presented to an EMES within four weeks with a draft plan to:*
    - (A) *Consult with the MBC and Atwell Arts Centre to produce a layout plan that accommodates the needs of the various stakeholders who are likely to call the new facility home when complete; and*
    - (B) *includes a proposed timetable and estimated costs of preliminary work that is required to produce drawings and associated information and necessary approvals to take the project to the final design stage.”*
- In seeking to respond to the above resolution, senior officers have put forward two scenarios, with one based on project planning using existing information and work completed to date and the other scenario taking a more holistic approach to project planning based on the layout plan proposed in the Attadale Alfred Cover Foreshore Master Plan.
- The level of risks and extent of stakeholder engagement vary between the scenarios, with scenario one having increased risks and a limited engagement process and scenario two have less risks and a more extensive stakeholder engagement process.
- Officers are recommending scenario two as the preferred process.

**BACKGROUND**

The Council made two resolutions of relevance to this item at the 15 March 2022 Ordinary Meeting of Council.

The first was for item 16.3 “Funding Grant for Construction of New Premises for the Melville Bowling Club” as outlined below.

- “1. *Council resolves to investigate the funding of the replacement of the current 65 year old Melville Bowling Club rooms and facilities with new buildings and amenities to facilitate the expansion of this Community Association's Constitutional objectives to become the Melville Community Centre and Bowling Club.*

*The project includes opening up the area around the Atwell Arts Centre and adjacent to the Melville Bowling Club to create an active and passive recreational precinct, accessible from and complementary to both Centres.*

2. *Council directs the CEO to appoint a senior officer to prepare a report to be presented to an EMES within four weeks with a draft plan to:*
  - (A) *Consult with the MBC and Atwell Arts Centre to produce a layout plan that accommodates the needs of the various stakeholders who are likely to call the new facility home when complete; and*
  - (B) *includes a proposed timetable and estimated costs of preliminary work that is required to produce drawings and associated information and necessary approvals to take the project to the final design stage.”*

**T22/3983 - ATWELL ARTS CENTRE AND MELVILLE BOWLING CLUB PRECINCT – DRAFT PROJECT PLAN (REC) (ATTACHMENT)**

The second was in relation to the Attadale Alfred Cove Master Plan where Council resolved the following.

“That the Council:

1. *Acknowledge the Attadale Alfred Cove Foreshore Master Plan as advertised and the recommended changes to the Plan identified in the Summary Table of Key Issues and Enquiries Report.*
2. *Investigate the feasibility of progressing the whole of foreshore, precinct based and staging recommendations as the basis for implementing the Attadale Alfred Cove Foreshore Master Plan with funding for projects to be considered individually by Council as part of the annual budget process and Long-Term Financial Plan.*
3. *Approve the engagement of a suitably qualified consultant to prepare a layout plan for the Atwell Precinct and Melville Bowling Club (ACAH-08) as a Short-Term Recommendation.*
4. *Appoint a consultant to progress the establishment of the Melville Bird Sanctuary as a Short-Term Recommendation.”*

This report is aimed at addressing resolution 2A and B from the item 16.3 based on 2 scenarios being:

- Scenario 1 – Scope based on work completed to date for proposed new facilities.
- Scenario 2 – Whole of precinct scope based on recommendations in the Attadale Alfred Cove Foreshore Master Plan.

**DETAIL**

The City has an established City’s Project Management Framework that it uses to take a project from the project development phase through to the project execution phase. The project development phase includes three main components being concept, options, and business case.

Business cases are usually prepared by the City as a key input into the annual budget process. Business cases for new major projects are generally presented to Council following review by the Executive Leadership Team (ELT). The redevelopment of the Melville Bowling Club and the Atwell Gallery are both considered major new projects.

Each of the scenarios investigated have different timeframes, stakeholder engagement requirements and risks. A summary is provided below and the detailed report [3983 Melville Bowling Club Atwell Arts Timeline](#) provides further information.

**Scenario 1 – Project proceeds from existing work done for Melville Bowling Club and Atwell Gallery Facilities.**

This scenario would build upon the work completed to date for the Melville Bowling Club redevelopment and new building planned for the Atwell Gallery.

**T22/3983 - ATWELL ARTS CENTRE AND MELVILLE BOWLING CLUB PRECINCT – DRAFT PROJECT PLAN (REC) (ATTACHMENT)**

As well as the building designs themselves, the scope of work would also include investigations into key factors impacted by the proposed buildings such as traffic, parking access and connectivity to prepare a limited layout plan covering a portion of the Melville Bowling Club/Atwell Arts Precinct.

The timeframe assumes that a business case would be prepared for the scenario, including a needs assessment. Stakeholder engagement would be limited to key stakeholders directly involved in the redeveloped facilities or required to be consulted to secure the necessary approvals. There are a number of risks related to this scenario related to extent of consultation, misalignment with the Master Plan recommendations, managing stakeholder expectations and progressing the projects without detailed site investigations.

Scenario 2 – Commence new project to develop all recommendations identified for the precinct in the Attadale Alfred Cove Foreshore Master Plan

This scenario is for a holistic layout plan and assessment of the MBC and Atwell precinct based on the Master Plan recommendations including the Atwell Common, Boardwalk, living stream and associated path connections.

The timeframe assumes a full business case, detailed needs assessment and the development of concept options in accordance with the City's Project Management Framework. A further and more extensive stakeholder engagement process would be undertaken that leverages off, and builds upon, the Master Plan consultation feedback and ideas including a wide variety of community engagement exercises across the diverse range of stakeholders with an interest in the area.

Although the timeframe is longer using this approach, there are considered less risks given the extent of community engagement and open process in gathering widespread feedback.

**FINANCIAL IMPLICATIONS**

It is estimated that Scenario 1 would take about 12 - 15 months to get to detailed design stage at a cost of \$100,000, with construction expected to be completed within 3 to 4 years if approved.

It is estimated that Scenario 2 would take about almost 2 years to get to detailed design stage at a cost of \$250,000 to \$300,000, with construction expected to be completed within 4 to 5 years if approved.

**T22/3983 - ATWELL ARTS CENTRE AND MELVILLE BOWLING CLUB PRECINCT – DRAFT PROJECT PLAN (REC) (ATTACHMENT)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement &amp; Consequence</b>	<b>Level of Risk</b>	<b>Risk Treatment</b>
Community criticism of the limited consultation and lack of transparency related to Scenario 1.	Moderate consequences which are likely, resulting in a <b>High</b> level of risk	Prepare communications strategy and opportunity for wider public to comment on Melville Talks.
Misalignment of Scenario 1 with Master Plan principles and recommendations.	Moderate consequences which are possible, resulting in a <b>Medium</b> level of risk	Progress the other recommendations in the Master Plan.
Setting of undesirable precedent in Council funding the project management process and costs associated with sport facility upgrades.	Moderate consequences which are possible, resulting in a <b>Medium</b> level of risk	Prepare communications strategy outlining rationale and ensure a wide range of community uses are incorporated into any redeveloped facilities.

**POLICY IMPLICATIONS**

Environmental Policy CP-030 – Policy Statement

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

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

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

Physical Activity Policy (CP-028) – To increase opportunities for physical activities and improve health and wellbeing of the community.

**T22/3983 - ATWELL ARTS CENTRE AND MELVILLE BOWLING CLUB PRECINCT – DRAFT  
PROJECT PLAN (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**Alternative Options

Scenario 1 is considered an alternative option for the purposes of this report, given the reasons outlined above.

Another alternative option would be to not proceed with Scenario 1 or Scenario 2 based on the requirement to progress proposals to a detail design phase and progress the Council resolution 3 below related to the Master Plan.

- “3. Approve the engagement of a suitably qualified consultant to prepare a layout plan for the Atwell Precinct and Melville Bowling Club (ACAH-08) as a Short Term Recommendation.”*

This Master Plan recommendation alternative would be completed to include a precinct scale concept layout prior to progressing toward business plan preparation, schematic design and construction as a staged program in accordance with the City’s Project Management Framework for priority projects determined through a comprehensive consultation process. This alternative also enables the inclusion of multiple Master Plan recommendations additional to the layout plan including the Atwell Common, the Boardwalk near Atwell Common and viewing platform adjacent to Melville Bowling Club.

**CONCLUSION**

The Council resolution for item 16.3 from the 15 March 2022 requires somewhat of a departure from the City’s usual Project Management Framework process and is aimed at streamlining and advancing priority redevelopment projects to achieve detail design earlier than would otherwise be achieved. There are some risks identified in progressing Scenario 1 due to community concerns and equity in funding project management costs for sporting facilities upgrades that would usually be undertaken by Associations and Clubs benefitting.

Scenario 2 suggests a holistic approach more aligned to the Master Plan layout recommendation as resolved by Council, but with an abridged process which departs somewhat from the City’s usual Project Management Framework process. This scenario is preferred by officers, noting that its scope includes additional work to achieve final detail design stage and thereby would cost more (\$250,000 to \$300,000) compared to the layout plan recommended in the Master Plan (estimated cost \$150,000) which would achieve a concept design outcome for further consideration by Council in regards to projects requiring detail design.

An alternative could be to not progress the item 16.3 resolution from the 15 March 2022 Ordinary Meeting of Council and progress the Attadale Alfred Cove Foreshore Master Plan recommendation to engage a consultant to prepare a layout plan for the Atwell Precinct and Melville Bowling Club site as a short term recommendation.

**T22/3983 - ATWELL ARTS CENTRE AND MELVILLE BOWLING CLUB PRECINCT – DRAFT PROJECT PLAN (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION (3983)**

**APPROVE**

That the Council progress the Scenario 2 approach described in the attached report [3983 Melville Bowling Club Atwell Arts Timeline](#) that is more aligned to the layout plan recommendation contained in the Attadale Alfred Cove Foreshore Master Plan for the Atwell Precinct and Melville Bowling Club site.

*At 7:34pm Cr Barber returned to the meeting.  
At 7:36pm Cr Wheatland returned to the meeting.*

**Alternate Motion**

At 7:34pm Cr Ross moved, seconded Cr Edinger –

That the Council progress the Scenario 1 approach described in the attached report [3983\\_Melville Bowling Club Atwell Arts Timeline](#) for the Atwell Precinct and Melville Bowling Club site.

*At 7:45pm Mr Ferris left the meeting.*

**Procedural Motion**

**COUNCIL RESOLUTION**

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

**That Item T22/3983 be deferred until the layout plan for the Alfred Cove Attadale Foreshore Masterplan has been completed.**

At 7:50pm, the Mayor declared the motion

**CARRIED (7/6)**

<b>Yes</b>	7	Cr Wheatland, Cr Robins , Cr Pazolli, Cr Fitzgerald, Cr Spanbroek, Cr Woodall, Cr Macphail
<b>No</b>	6	Cr Ross, Cr Barber, Cr Mair, Cr Sandford, Mayor Gear, Cr Edinger

This Item was deferred at the Ordinary Meeting of Council held 19 April 2022. An officer advice note was circulated in relation to the amendment submitted by Cr Mair in relation to this item - [Advice Note - Amendment by Cr Mair - P22/3981](#)

**P22/3981 - REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)  
(ATTACHMENTS)**

Ward	:	All
Category	:	Policy
Application Number	:	Not applicable
Property	:	Not applicable
Proposal	:	Review of Local Planning Policy 3.1 Residential Development
Applicant	:	Not applicable
Owner	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	<p>P11/3248 Final Adoption Urban Planning Policies – Residential Development Policy – 20 September 2011.</p> <p>P13/3438 Amendment to Council Policy 078 Residential Development 19 November 2013.</p> <p>P16/3728 Review of Council Policy CP-078 – Ordinary Meeting of Council held 15 November 2016.</p> <p>P16/3718 Review of Planning Policies – Ordinary Meeting of Council held 20 September 2016.</p> <p>P21/3934 Review Of Local Planning Policy 3.1 Residential Development and LPP 1.17 Additional Development Exemptions – Ordinary Meeting of Council held 20 July 2021.</p> <p>P21/3950 Review of Local Planning Policy 3.1 residential Development – Ordinary Meeting of Council held 16 November 2021.</p>
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)**  
**(ATTACHMENTS)**

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

- At the July 2021 Ordinary Council Meeting, Council resolved to advertise proposed changes to Local Planning Policy 3.1 Residential Development (LPP3.1).
- Two submissions were received during the consultation period, each making suggested changes to the planning policy which will be discussed in further detail below.
- Minor modifications are proposed in response to the submissions received.
- The matter was presented to Council for final consideration as part of the November 2021 OMC cycle, but was deferred to an Elected Members Education Session (EMES) after the Agenda Briefing Forum (ABF) due to the number of questions raised by Elected Members at the ABF meeting.
- An EMES was held on 22 March 2022, and a document circulated to Elected Members which answered all of the concerns and queries previously raised.
- A notice to advise the public of the changes to the local planning policies will be published in the local newspaper and on the City's website.

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)  
(ATTACHMENTS)****BACKGROUND**

The City of Melville has maintained a Residential Development policy in its current format since 2011 and has reviewed this periodically in response to changes to the planning framework, including the R-Codes. The policy modifies a number of the deemed to comply provisions of the R-Codes to ensure that development is of a high quality, taking into account the character and amenity of residential areas, and those specific to certain aspects of residential development in the City of Melville.

During 2020 in response to the state of emergency brought about by COVID-19, the State Government initiated a range of planning reform measures aimed at stimulating the economy by making it easier for people to make minor changes to their homes or businesses. A review of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) also occurred in 2020, with the aim of simplifying the process and reducing “red tape” by exempting development from the need to obtain development approval. These changes to the R-Codes were gazetted in July 2021.

In July 2021, a report was presented to Council recommending a number of changes to Local Planning Policy 3.1 Residential Development (LPP3.1) in response to the changes to the R-Codes. At this meeting, Council resolved to require the proposed changes to the policy be advertised for public comment.

[3981 Previous Report July P20/3934](#)

[3981 LPP3.1 Residential Development Policy With Changes from June OMC Accepted](#)

[3981 LPP3.1 With Changes in Response to Submissions](#)

**Scheme Provisions**

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

**Site Details**

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

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)  
(ATTACHMENTS)****DETAIL**

The detail regarding the proposed changes to LPP3.1 was provided previously (P21/3934 refers. see attachment). In response to the submissions received as a result of the advertising of this revised policy content, the following proposed further changes are of note:

**Garage Width**

One of the submissions received raised concerns and made recommendations regarding the removal of the garage width provisions from Local Planning Policy 3.1. This submission notes that narrow lots are common in the City of Melville and there is a market expectation to provide double garages when such lots are developed rather than single or tandem garages as envisaged by the R-Codes and the current LPP. By removing the garage width provisions from the policy, and placing full reliance on the R Code provisions, it is likely that the City will experience increased development application numbers for single homes where they are proposed on narrow lots and where a double width garage is included. To avoid this it is suggested that an updated clause to promote high quality design outcomes for single storey homes on lots between 10 and 12 metres wide be introduced.

The City acknowledges that in the absence of a policy to guide garage width, landowners, designers and developers would not have certainty in relation to the City's expectations leading to lengthy assessment timeframes and potentially inconsistent outcomes across the City. This is not consistent with the State Government's planning reform agenda, which promotes a planning system that is contemporary, easy to navigate, streamlined and consistent.

The proposed policy provisions are a minor modification to the garage width provisions in the existing adopted version of LPP3.1. The key changes being:

- Provisions expanded to capture lots between 10-12 metres, rather than 10.5-12 metres. 10 metre wide lots are common in the City of Melville and the City regularly deals with Development applications for single storey dwellings on 10 metre wide lots.
- The garage shall be setback a metre from the alignment of the habitable room, rather than 0.5 metres, thereby minimising and adverse streetscape impacts.
- Further guidance is provided regarding the design of the entry feature to improve the relationship with the street.
- A landscaping plan is required.

These provisions will ensure that landowners, designers and developers have certainty in relation the City's expectations for lots between 10 and 12 metres, while maintaining high levels of streetscape engagement.

**Front setback**

The policy is proposed to be modified to allow eaves of a building to protrude forward of the minimum setback. Eaves are considered to be a positive building element, contributing to the articulation of buildings and improving their environmental performance.

**Boundary walls**

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)  
(ATTACHMENTS)**

The policy is proposed to be modified to clarify that boundary walls are permitted to each boundary in areas coded R30 and higher. This is consistent with the established approach in areas coded R20 and R25 and allows for the effective use of space on smaller lots associated with these density codes.

**STAKEHOLDER ENGAGEMENT**

Advertising Required:	Yes
Neighbour's Comment Supplied:	2 submissions received – refer comments below.
Reason:	As per council resolution
Support/Object:	Support with comments.

**I. COMMUNITY**

The *Regulations* came into effect on 19 October 2015. Clause 5 of Schedule 2 of the Regulations contains requirements for amending a local planning policy. At the July 2021 Ordinary Council Meeting, Council resolved to advertise proposed changes to Local Planning Policy 3.1 Residential Development (LPP3.1). A summary of the comments received during the consultation period along with an officer response is provided in the comment section below.

The proposed changes to the policy in response to the submissions received are minor in nature and are not considered to require further advertising. A notice of the revised policy will be published in the local newspaper and on the City's website if it is adopted by Council.

**II. OTHER AGENCIES / CONSULTANTS**

Clause 4(4) of Schedule 2 of the Regulations requires that Council advise the Western Australian Planning Commission (WAPC) if it is of the opinion that it is inconsistent with any State Planning Policy.

The proposed changes align LPP 3.1 with the recent changes made to the R-Codes. The changes to the R-Codes were advertised to various stakeholders for comment in 2020 by the Department of Planning, Lands and Heritage.

Clause 7.3.1(a) of the R-Codes allows local planning policies to be adopted which amend or replace specific deemed to comply provisions. The proposed policy provisions only deal with the allowed matters and as such are permitted without the involvement of the WAPC.

Given the above, the WAPC is not required to be consulted in relation to this matter.

**STATUTORY AND LEGAL IMPLICATIONS**

No statutory or legal implications have been identified as a part of this review. Properly adopted local planning policies are required to be given due regard by the decision maker.

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)**  
**(ATTACHMENTS)**

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The local planning policies which are the subject of this report have been reviewed to ensure they remain consistent with the current planning framework. This review will ensure these continue provide a sound basis for the assessment and determination of planning applications.

The proposed policy changes are considered to be consistent with the State Government's planning reform agenda, which promotes a planning system that is contemporary, easy to navigate, streamlined and consistent.

**COMMENT**

The following table contains a summary of the issues raised during the submission period and an officer comment in response.

<b>Issue</b>	<b>Officer comment</b>	<b>Action taken</b>
Policy should allow eaves to protrude forward of the building line.	Eaves are a positive building element in terms of building aesthetics and energy efficiency. This suggestion is supported.	Policy updated to include clarification regarding eaves.
Garage width provisions should be expanded to capture 10 to 12 metre wide lots and improve streetscape outcomes.	Comment provided under the detail section of this report.	Policy updated with garage width provisions.
Blade walls should be excluded from averaging.	This suggestion is considered to be too specific to include in a policy provision. Blade walls typically do not occupy a large footprint and therefore can be offset as a part of a buildings average front setback with limited impact on the functionality of the dwelling.	No change proposed.

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)**  
**(ATTACHMENTS)**

<b>Issue</b>	<b>Officer comment</b>	<b>Action taken</b>
Secondary street averaging should be as per the R-Codes.	This matter was detailed in the report to the July Council Meeting. The secondary street provisions result in higher levels of building articulation, better passive surveillance and reduced building bulk compared to the standard R-Codes provisions. These provisions have been in place for a number of years and operate successfully.	No change proposed.
Policy should accommodate setbacks on lots with angled boundaries.	While the City is supportive of the sentiment expressed in the submission, Clause 7.3.1 of the R-Codes does not permit a change to the lot boundary setback provisions contained in Clause 5.1.3 C3.1 and therefore this change cannot be accommodated.	No change proposed.
Policy should accommodate a reduced setback for bench height kitchen or scullery windows.	Refer comment above.	No change proposed.
The policy should allow for a portion of solid fence for services.	This provision is contained under Clause C4.4 of Fences and Street Walls.	No further change proposed.
The permeability requirements of the policy should be updated to allow for solid fencing at T-junctions and round-a-bouts.	Allowing solid front fencing as of right is not supported. The design principles of the R-Codes allow for appropriate design responses to deal with traffic impacts on higher order roads, however this needs to be considered as a part of a development application.	No change proposed.
Residents should be able to choose solid fencing to the secondary street for privacy and security.	The policy provisions balance resident privacy and security with the need to create an engaging streetscape with opportunities for passive surveillance.	No change proposed.

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)  
(ATTACHMENTS)**

Issue	Officer comment	Action taken
Residents should be able to choose a fence higher than 1.8 metres where needed for security and privacy.	The policy provisions balance resident privacy and security with the need to create an engaging streetscape with opportunities for passive surveillance.	No change proposed.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Council may choose not to adopt the amended policy however this is not recommended as it may lead to inconsistency between the R-Codes and the City's Local Planning frameworks. Council may also choose to make further changes to the proposed policy however this may result in the need for the policy to be advertised to the general public and the WAPC.

**CONCLUSION**

It is proposed to amend LPP 3.1 Residential Development to take account of the changes proposed as outlined in this report. . The proposed changes to the policy which are proposed in response to the submissions received are minor and are permissible under the provisions of the R-Codes. LPP 3.1 retains key development controls relating to streetscapes which will continue to deliver quality residential development across the City.

The adopted changes would be advertised in the local newspaper and on the City's website following the Council decision as required by the Regulations.

**OFFICER RECOMMENDATION (3981)**

**APPROVAL**

At 6:50pm (19 April 2022) Cr Fitzgerald moved, Seconded Cr Pazolli –

**That the Council:**

1. Pursuant to clause 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts the changes to Local Planning Policy 3.1 Residential Development.

[3981 LPP3.1 Residential Development Policy 3.1 With Changes in Response to Submissions.](#)

2. Endorses the publication of a notification of the changes in the local newspaper and on the City's website as required by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

At 7:52pm Cr Wheatland left the meeting and returned at 7:53pm.

At 7:53pm Mr Ferris returned to the meeting.

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)  
(ATTACHMENTS)**

This item was deferred at the Ordinary Meeting of Council held 19 April 2022. At the time of the deferral the following Elected Members had spoken on the amendment:

- Cr Mair as the mover of the amendment
- Cr Fitzgerald against the amendment
- Cr Barber as the seconder of the amendment

Section 9.12 of the Meeting Procedures Local Law applies as follows:

**“9.12 Speaking twice**

*A Member is not to address the Council more than once on any motion or amendment except-*

- (a) as the mover of a substantive motion, to exercise a right of reply;*
- (b) to raise a point of order; or*
- (c) to make a personal explanation.”*

**Amendment**

At 6:51pm, (19 April 2022) Cr Mair moved, seconded Cr Barber –

**That a new Item 3. Fences and Street Walls be inserted:**

- 3. C4.7 Fencing at T-junctions and round-a-bouts on Local Distributor Roads may be solid.**

At 7:56pm, (17 May 2022) the Mayor declared the motion

**LOST (3/10)**

<b>Yes</b>	3	Cr Barber, Cr Mair, Cr Ross
<b>No</b>	10	Cr Wheatland, Cr Sandford, Cr Robins, Mayor Gear, Cr Pazolli, Cr Fitzgerald, Cr Edinger, Cr Spanbroek, Cr Woodall, Cr Macphail

At 8:07pm Cr Edinger electronically left the meeting and electronically returned at 8:10pm.

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)  
(ATTACHMENTS)**

An officer advice note had been circulated regarding the below amendment submitted by Cr Mair.  
[Advice Note - Amendment by Cr Mair - P22/3981.](#)

**Amendment**

At 7:57pm Cr Mair moved, seconded Cr Ross –

**3. C4.7 In accordance with the R-Codes Volume 1 approval process, the design principles deemed-to-comply provisions may be varied to allow solid walls for front fencing on road boundaries at T-Junctions or roundabouts based on the merits of the proposal, including traffic attenuation, privacy, topography or other relevant assessment.**

At 8:37pm, the Mayor declared the motion

**LOST (6/7)**

<b>Yes</b>	6	Cr Ross, Cr Barber, Cr Mair, Cr Sandford, Cr Edinger, Cr Spanbroek,
<b>No</b>	7	Cr Wheatland, Cr Robins, Mayor Gear, Cr Pazolli, Cr Fitzgerald, Cr Woodall, Cr Macphail

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

At 6:50pm (19 April 2022) Cr Fitzgerald moved, Seconded Cr Pazolli –

**That the Council:**

- Pursuant to clause 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts the changes to Local Planning Policy 3.1 Residential Development.**

**[3981 LPP3.1 Residential Development Policy 3.1 With Changes in Response to Submissions.](#)**

- Endorses the publication of a notification of the changes in the local newspaper and on the City's website as required by the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

At 8:37pm, (17 May 2022) the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**P22/3982 – NEW POLICY LOCAL PLANNING POLICY 1.22 - CONSTRUCTION MANAGEMENT PLANS (REC) (ATTACHMENTS)**

Ward : All  
 Category : Operational  
 Application Number : Not applicable  
 Property : Not applicable  
 Proposal : Not applicable  
 Applicant : Not applicable  
 Owner : Not applicable  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Item 16.1 Policy for Major Development Construction Management Plans - Ordinary Council Meeting 18 May 2021  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P22/3982 – NEW POLICY LOCAL PLANNING POLICY 1.22 - CONSTRUCTION MANAGEMENT PLANS (REC) (ATTACHMENTS)****KEY ISSUES / SUMMARY**

- In May 2021, Council resolved to require the preparation of a Local Planning Policy to guide the management of the construction process.
- In response to this resolution, City officers have reviewed various examples of construction management policies across the Perth Metropolitan area and more broadly.
- Construction management plan policies vary in their breadth and scope however, in general these are aimed at minimising the impact of construction on adjoining land owners and businesses.
- The draft Local Planning Policy 1.22 Construction Management Plan (LPP1.22) is proposed to apply to major developments. It is designed to ensure that a suitable amount of information is provided to the City to ensure the City's assets are being appropriately protected, that the impact on amenity of neighbours is reduced, that stakeholder engagement occurs prior to construction and that complaints processes are clear and transparent. The draft LPP1.22 is proposed to be accompanied by a Pro Forma which will be completed by an applicant when submitting the Construction Management Plan (CMP).
- Under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), a local government may prepare local planning policies on a range of matters. A local planning policy must be based on sound town planning principles and may address operational matters such as construction management.
- Where a local planning policy is based on sound town planning principles and is properly adopted under the provisions of the Regulations, it is to be given regard in the decision making process.
- It is recommended that the LPP1.22 be advertised for a minimum of 21 days. Following the advertising process a further report will be prepared which will analyse the submissions received and make recommendations on how to proceed with the policy.

**BACKGROUND**

At its meeting held on 18 May 2021 the Council resolved:

*That Council requests that the Chief Executive Officer:*

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

**P22/3982 – NEW POLICY LOCAL PLANNING POLICY 1.22 - CONSTRUCTION MANAGEMENT PLANS (REC) (ATTACHMENTS)**

The City has a standard condition which requires the submission of a CMP prior to the commencement of development. This condition is generally applied to major developments or where there is a particular site constraint such as access being from a higher order road. This condition has been applied for a number of years. The standard condition covers a range of matters including hours of operation, traffic management, parking arrangements, deliveries and storage of materials.

**Scheme Provisions**

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

**Site Details**

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

**DETAIL**

The objectives of the draft LPP 1.22 are summarised as follows:

- to minimise the impact that construction activity has on the surrounding community;
- to provide clear guidance on the information to be provided in a construction management plan;
- to ensure clear communication and effective complaints management;
- to protect City assets.

The proposed policy requirements contained in Clauses 1-7 are designed to ensure that the above objectives are delivered.

**[3982 Local Planning Policy 1.22 Construction Management Plans](#)**

The key policy clauses are discussed in detail below.

**Policy Scope**

It is proposed to require a construction management plan for all major developments across the City of Melville. Major development is defined in Local Planning Policy 1.1 Planning Process and Decision Making as development comprising more than 10 dwellings or more than 2,000m<sup>2</sup> of non-residential floor space. Due to the size of these developments, the amount of materials required and the workforce associated with the construction, there is potential for the construction phase to have negative amenity impacts.

**P22/3982 – NEW POLICY LOCAL PLANNING POLICY 1.22 - CONSTRUCTION MANAGEMENT PLANS (REC) (ATTACHMENTS)**

In addition, it is proposed to include a secondary clause which allows the City to use its judgement to require a CMP for smaller projects. This requirement could be for a range of reasons including access or parking constraints in the proximity of the site, the size or complexity of the development or any other complicating factor.

**Stakeholder engagement, complaints management and compliance.**

The proposed LPP1.22 requires applicants to undertake a stakeholder engagement process, prior to submitting the CMP, in order to ensure that adjoining landowners, residents and businesses are aware of the proposed construction and the measures which are being put in place to manage this. Once approved the CMP will be made available to the public to view.

In relation to complaint management the CMP will detail the measures to be put in place to ensure that complaints are appropriately addressed, in the first instance by the builder on site. If complaints remain unresolved, then escalation to appropriate personnel will follow.

The responsibility for complying with the CMP rests with the landowner, the builder and associated staff. If it comes to the City's attention that the CMP is not being complied with, compliance action may be undertaken having regard to the provisions of the *Planning and Development Act 2005* and the City's compliance procedures.

**Managing footpaths, verges, roads and City infrastructure**

The CMP is required to demonstrate how City assets will be protected during the construction phase. In order to do this a dilapidation report will be required to be submitted along with the CMP. In addition, the CMP will be required to demonstrate how trees will be protected and cared for.

One of the objectives of the CMP is to ensure that vehicle, pedestrian and cyclist movement is safe and convenient. On this basis the CMP will be required to demonstrate how interruption or inconvenience is minimised during construction particularly in areas such as activity centres or along key transport routes.

The resolution of Council relating to the development of a Construction Management Plan was specific in requiring that all construction parking be off site. This requirement has not been placed in the draft LPP1.22. Clause 3d of the draft policy states that is a preference for all parking to be off street and requires a transport plan to accompany the CMP. This transport plan is required to cover a range of matters including;

- details of the details of the number of personnel on site at each stage of the development;
- any arrangements to secure parking in the local area;
- the location of all parking facilities and active transport options; and
- details of any measures being used to encourage active transport options.

**P22/3982 – NEW POLICY LOCAL PLANNING POLICY 1.22 - CONSTRUCTION MANAGEMENT PLANS (REC) (ATTACHMENTS)**

The reasons for this recommendation are as follows:

- On street car parking is generally permitted across the City of Melville unless there are specific restrictions which apply. Where a vehicle is parked legally on the road there is no compliance action which can be taken by City staff including rangers or planning compliance. There is a risk that approval of a LPP which requires all parking to be on site may simply not be enforceable, and may therefore raise expectations for the surrounding community which are unable to be met.
- It is often difficult to determine if a vehicle is associated with a particular building site, is associated with trade activities at another premise, is a visitor or a landowner or resident in the area. It would therefore be very difficult to take compliance action as noted above.
- It is proposed that contractors are provided with information regarding the various parking options within an area, before they first visit the site so they are able to park conveniently and safely without causing congestion which is associated with vehicles circulating a precinct looking for a bay.
- Equally providing contractors with information regarding the various active transport options, such as public transport and cycle paths, may result in more people taking up these options particularly in a city centre type of environment like Canning Bridge where much of the parking is controlled.
- The City does not seek to control how any other employees or patrons arrive in a locality or where they park. For example, if a customer for a local hospitality venue decides to park in an area where free all day parking is available and walks to the site, this is a legitimate option.
- Under the provisions of the *Planning and Development (Local Planning Regulations) 2015* a Local Planning Policy may cover a range of matters however must be based on sound town planning principles. For the reasons outlined above, the requirement for all contractor parking to be on-site may be seen as onerous and not based on sound principles.
- Where a LPP is not based on sound planning principles there is a risk that it will be given little weight by the decision maker. This will limit its application.

**Environmental Management**

The proposed LPP1.22 requires an applicant to consider a range of matters to control the environmental impact of construction. This ensures the landowner is aware of the all the potential issues and put measures in place to address these.

**Site storage, amenities and cranes**

The CMP needs to consider these issues and obtain relevant approvals or consent from landowners.

**P22/3982 – NEW POLICY LOCAL PLANNING POLICY 1.22 - CONSTRUCTION MANAGEMENT PLANS (REC) (ATTACHMENTS)****CMP Proforma**

A draft proforma has been developed to help guide applicants through the range of information which is required for the CMP to be complete. This will be made publicly available along with the policy and will be required as a part of each CMP submitted to the City

**[3982 Construction Management Plan Proforma \(updated\)](#)****STAKEHOLDER ENGAGEMENT**

Advertising Required:	Yes
Neighbour's Comment Supplied:	N/A
Reason:	To be advertised following Council approval
Support/Object:	N/A

**I. COMMUNITY**

As required by the *Planning and Development (Local Planning Regulations) 2015*, the draft LPP 1.22 is required to be advertised for a minimum of 21 days. This will occur via a range of formats including an advertisement in the local newspaper and information on Melville Talks. The final stakeholder engagement plan will be prepared in consultation with the City's Stakeholder Engagement services.

**II. OTHER AGENCIES / CONSULTANTS**

No other agencies are required to be consulted as a part of the stakeholder engagement process.

**STATUTORY AND LEGAL IMPLICATIONS**

As noted above, under the provisions of the *Planning and Development (Local Planning Regulations) 2015* a Local Planning Policy may cover a range of matters however must be based on sound town planning principles. Where a LPP is not based on sound planning principles there is a risk that it will be given lesser weight by the decision maker and not applied or not applied in full.

**FINANCIAL IMPLICATIONS**

Not applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are not considered to be any strategic, risk or environmental management implications associated with this matter other than those identified elsewhere in this report.

**P22/3982 – NEW POLICY LOCAL PLANNING POLICY 1.22 - CONSTRUCTION MANAGEMENT PLANS (REC) (ATTACHMENTS)****POLICY IMPLICATIONS**

Once this policy is adopted it will become part of the local planning framework and will be given due regard during the assessment process.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Elected Members may resolve not to proceed with the policy or alternatively make modifications to the draft prior to it being advertised. Any amendments should be based on sound planning principles.

At 8:37pm the Mayor Adjourned the Meeting.

*At 8:37pm, during the adjournment Cr Macphail left the meeting and did not return.*

At 8:42pm the Mayor resumed the meeting.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3982)****APPROVAL**

At 8:42pm Cr Pazolli moved, seconded Cr Woodall –

- 1. That the Council endorse the new Local Planning Policy 1.22 Construction Management Plans, for advertising for a minimum of 21 days as required by the *Planning and Development (Local Planning Schemes) Regulations*.**
- 2. If no submissions are received during the advertising period, the Council delegate authority to the CEO to proceed with the policy without modification and for a notice to be published in the local newspaper as required by the *Planning and Development (Local Planning Schemes) Regulations***

At 8:42pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**T22/3979 - ATTADALE JUNIOR FOOTBALL CLUB REQUEST FOR PARKING AT TROY PARK  
(REC)**

**Item Brought Forward.**  
See Page 11

**T22/3983 - ATWELL ARTS CENTRE AND MELVILLE BOWLING CLUB PRECINCT – DRAFT  
PROJECT PLAN (REC) (ATTACHMENT)**

**Item Brought Forward**  
See Page 22

**M22/5000 – COMMON SEAL REGISTER (REC)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report details the documents to which the City of Melville Common Seal has been applied for the period from 17 March 2022 up to and including 19 April 2022 for the Council's noting.

**M22/5000 – COMMON SEAL REGISTER (REC)**

**BACKGROUND**

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

**DETAIL**

<b>Register Reference</b>	<b>Parties</b>	<b>Description</b>	<b>ECM Reference</b>
CS2197	City of Melville, Tamara Kauz and Landgate	Section 70A – 16 Dann Court, Willagee – Lot 600 & Lot 601 on Deposited Plan 422284.	DA-2022-210
CS2198	City of Melville & Kingspoint Corporation Pty Ltd	Common Seal & CEO Sign Off For Notification 70A for Lot 23 (57) Townsing Road, Kardinya 6163	DA-2022-157

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**M22/5000 – COMMON SEAL REGISTER (REC)****STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There are no policy implications in this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**M22/5000 – COMMON SEAL REGISTER (REC)****CONCLUSION**

This is a standard report for the Elected Members' that details the documents to which the City of Melville Common Seal has been applied for the period from 17 March 2022 up to and including 19 April 2022 for the Council's noting.

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

**That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 17 March 2022 up to and including 19 April 2022 for the Council's noting.**

At 8:48pm, the Mayor declared the motion

**CARRIED EN BLOC BY ABSOLUTE MAJORITY (12/0)**

**C22/6000 - INVESTMENT STATEMENTS FOR MARCH 2022 (REC)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
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<input checked="" type="checkbox"/>	Information	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

This report presents the investment statements for the period ending 31 March 2022 for the Council's information and noting.

**C22/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2022 (REC)**

**BACKGROUND**

The City has cash holdings as a result of timing differences between the collection of revenue and its expenditure. The City also holds funds in reserve which are required for future asset renewal/asset replacement or required for a future liability.

Whilst these funds are held by the City they are invested in appropriately rated and liquid investments.

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

**DETAIL**

The following statement details the investments held by the City as at 31 March 2022.

<b>CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 MARCH 2022</b>		
<b>SUMMARY BY FUND</b>		
Municipal		\$45,291,001
Reserve		\$151,564,893
Trust		\$-
Citizen Relief		\$224,057
<b>TOTAL</b>		<b>\$197,079,951</b>
<b>SUMMARY BY INVESTMENT TYPE</b>		
11AM		\$8,757,428
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$163,722,523
<b>TOTAL</b>		<b>\$197,079,951</b>
<b>SUMMARY BY CREDIT RATING</b>		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$136,079,235
A Category (A+ to A-)	A+	\$11,500,716
	A	
	A-	
BBB+ Category	BBB+	\$49,500,000
<b>TOTAL</b>		<b>\$197,079,951</b>

**C22/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2022 (REC)**

Exposure to an individual institution is limited according to Council policy and in March 2022 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	\$ 33,700,000	17.10%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 24,500,000	12.43%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 25,000,000	12.69%	15.00%	✓
CBA	AA-	AA Category	\$ 21,000,000	10.66%	30.00%	✓
Macquarie	A+	A Category	\$ 3,000,716	1.52%	25.00%	✓
NAB	AA-	AA Category	\$ 50,537,676	25.64%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 8,500,000	4.31%	25.00%	✓
Westpac	AA-	AA Category	\$ 30,841,560	15.65%	30.00%	✓
<b>TOTAL</b>			<b>\$ 197,079,951</b>	<b>100%</b>		

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

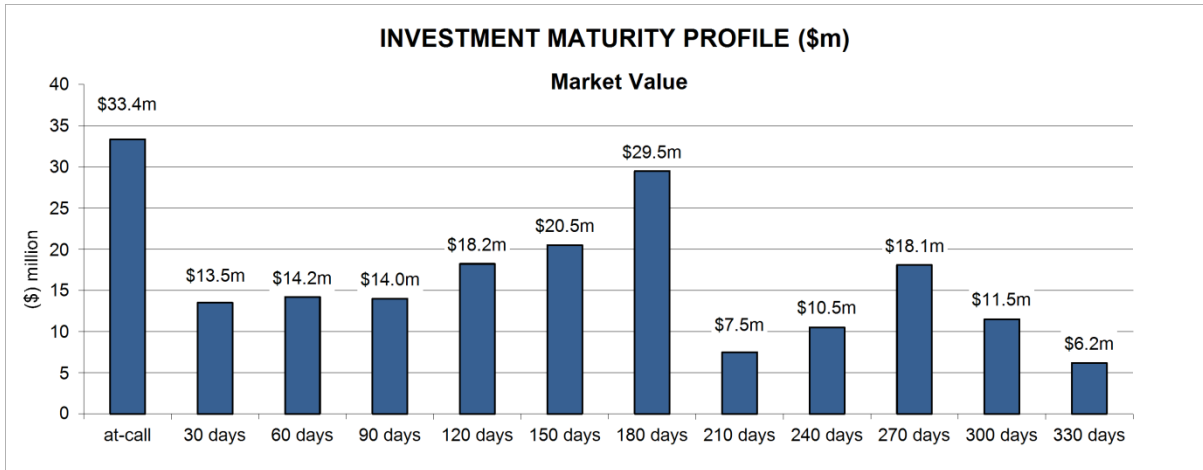
The City's investments were invested within the limits allowed within each category rating for March 2022.

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-)	\$ 136,079,235	69%	80%	✓
A Category (A+ to A-)	\$ 11,500,716	6%	50%	✓
BBB+ Category	\$ 49,500,000	25%	25%	✓
<b>TOTAL</b>	<b>\$ 197,079,951</b>	<b>100%</b>		

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

**C22/6000 - INVESTMENT STATEMENTS FOR 31 MARCH 2022 (REC)**

The below graph summarises the maturity profile of the City’s investments at market value as at 31 March 2022. 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.

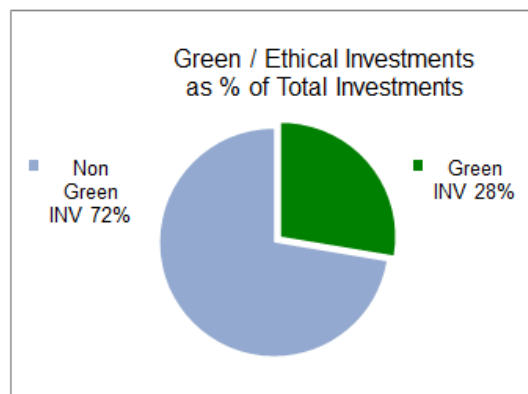


Green investments are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries.

The City’s largest Green Term Deposits holder, the Commonwealth Bank of Australia (CBA), is not in a position to offer more Green Investments or roll them over as the pool of funds with them has reached full capacity. However, CBA offered the new Environmental, Social & Governance Term Deposit (ESGTD) which is a similar product to Green investments.

ESGTD’s provide the opportunity to invest in products that seek to mitigate environmental and social risks. In March the City invested \$2m and will continue to exercise 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 of return and risk diversification are fully satisfied.

The total investment in green/ethical investments, as at 31 March 2022 was \$54,500,000 or 28% of total investment holdings, compared to \$55,000,000 (28%) in February 2022. The total investments holding for March and February were \$197,079,951 and \$199,379,462 respectively.



**C22/6000 - INVESTMENT STATEMENTS FOR MARCH 2022 (REC)**

Green / Ethical Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 25,000,000
CBA	AA-	AA Category	\$ 21,000,000
Suncorp	A+	A Category	\$ 8,500,000
<b>TOTAL</b>			<b>\$ 54,500,000</b>

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

The following legislation is relevant to this report:

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

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

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

**FINANCIAL IMPLICATIONS**

For the period ending 31 March 2022:

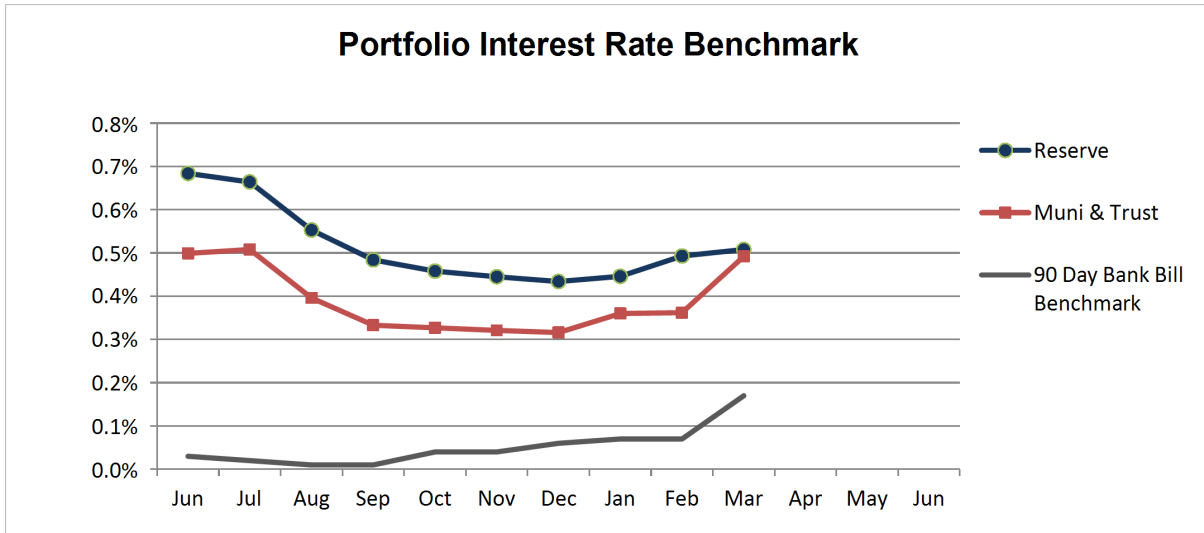
- Investment earnings on Municipal and Trust Funds were \$97,186 against a year to date budget of \$117,091 representing a negative variance of \$19,905.

The weighted average interest rate for Municipal and Trust Fund investments as at 31 March 2022 was 0.49% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.17%.

- Investment earnings on Reserve accounts were \$527,438 against a year to date budget of \$541,500 representing a negative variance of \$14,062.

**C22/6000 - INVESTMENT STATEMENTS FOR MARCH 2022 (REC)**

The weighted average interest rate for Reserve account investments as at 31 March 2022 was 0.51% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.17%.



**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

**Strategic**

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

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

**Risk**

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

**Environmental**

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

**C22/6000 - INVESTMENT STATEMENTS FOR MARCH 2022 (REC)****POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as this report only presents information for noting.

**CONCLUSION**

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.49% to 0.51% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.17%.

28% 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 28% in February 2022.

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

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

**That the Council notes the Investment Report for the period ending 31 March 2022.**

At 8:48pm, the Mayor declared the motion

**CARRIED EN BLOC BY ABSOLUTE MAJORITY (12/0)**

**C22/6001 – SCHEDULE OF ACCOUNTS PAID FOR MARCH 2022 (REC) (ATTACHMENT)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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<input checked="" type="checkbox"/>	Information	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

This report presents the details of payments made under delegated authority to suppliers for the period of March 2022 and recommends that the Schedule of Accounts Paid be noted.

**C22/6001 – SCHEDULE OF ACCOUNTS PAID FOR MARCH 2022 (REC) (ATTACHMENT)**

**BACKGROUND**

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

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

**DETAIL**

The Schedule of Accounts Paid for March including Payment Register numbers, Cheques: 815-816, Electronic Funds Transfers batches: 755-760, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 29 April 2022.

A total of \$9,855,845 direct creditor payments were paid during the month, of which, 23% of payments (excluding \$804,036 of payment of ESL payment to DFES) were paid to suppliers located within the City of Melville and 34% to suppliers within the South West Group, compared to 21% and 33% of total of \$9,894,607 direct creditor payments made over February 2022 respectively. The biggest payment of \$964,222 made during the month was the FOGO and over compaction charges to the Southern Metropolitan Regional Council (SMRC). Approximately 96% of supplier invoices are paid within 30 days of receipt of the invoices.

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

<b>SCHEDULE OF PAYMENTS MADE</b>		
<b>MARCH 2022</b>		
<i>Payments made under Delegated Authority DA-035</i>		
<b>MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS</b>		
<b>Cheques</b>	Chq Payment Register No. 815 and 816	\$848.27
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	-
<b>Electronic Funds Transfers</b>	EFT Payment Register No. 756,758 and 760	\$9,103,293.55
	EFT Payment on Restricted Funds Register No. 755,757,759 and 118	\$204,828.15
	Less Cancelled EFTs	(\$7,530.79)
		<b>\$9,301,439.18</b>
<b>Direct Debits</b>	Bank Fees	\$25,509.92
	Ampol Fuel	\$127,891.57
<b>Direct Payments</b>		\$401,004.75
	<b>Total Direct Creditor Payments</b>	<b>\$9,855,845.42</b>
<b>Payroll</b>	Total Pay 18,19 and 20	\$5,717,468.17
	<b>Total Payroll</b>	<b>\$5,717,468.17</b>
<b>Cards</b>	Westpac Corporate Cards	\$14,981.20
	Westpac Purchase Cards	\$54,519.10
	American Express	\$3,942.30
	<b>Total Card Payments</b>	<b>\$73,442.60</b>
<b>Total Direct Creditor Payments from Municipal Account</b>		<b>\$15,646,756.19</b>

**C22/6001 – SCHEDULE OF ACCOUNTS PAID FOR MARCH 2022 (REC) (ATTACHMENT)**

*Schedule of Payments Made continued.*

<b>INTERFUND &amp; INVESTMENT TRANSACTIONS</b>			
<b><i>Interfund Transfers</i></b>			
Loan			\$0.00
Citizen Relief Trust			\$0.00
Citizen Relief Operating			\$0.00
Municipal			(\$2,435,786.30)
Reserve			\$2,435,786.30
Trust			\$0.00
<b><i>Total Interfund Transfers</i></b>			<b>\$0.00</b>
<b><i>New Municipal Investments</i></b>			
Westpac Bank	2/03/2022		\$1,000,000.00
Westpac Bank	3/03/2022		\$3,300,000.00
ANZ Bank	8/03/2022		\$1,500,000.00
ANZ Bank	8/03/2022		\$2,000,000.00
ANZ Bank	11/03/2022		\$1,500,000.00
ANZ Bank	11/03/2022		\$1,700,000.00
Westpac Bank	18/03/2022		\$1,300,000.00
Commonwealth Bank	23/03/2022		\$2,000,000.00
Westpac Bank	25/03/2022		\$500,000.00
<b><i>Total New Investments</i></b>			<b>\$14,800,000.00</b>
<b>Grand Total</b>			<b>\$30,446,756.19</b>

Details of the payments are shown in attachment [6001 Payment Details March 2022](#).

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

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**C22/6001 – SCHEDULE OF ACCOUNTS PAID FOR MARCH 2022 (REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable as this report presents information for noting only.

**CONCLUSION**

The Schedule of Payments for the month totals \$30,446,756.19.

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001)****NOTING**

**That the Council notes the Schedule of Accounts paid for the period March 2022 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 Payment Details March 2022](#).**

At 8:48pm, the Mayor declared the motion

**CARRIED EN BLOC BY ABSOLUTE MAJORITY (12/0)**

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2022 (AMREC)  
(ATTACHMENTS)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

<p>This report presents:</p> <ul style="list-style-type: none"> <li>• The Statements of Financial Activity by Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 31 March 2022 and recommends that they be noted by the Council.</li> <li>• The variances for the month of 31 March 2022 and recommends that they be noted by the Council.</li> <li>• The Budget amendments required for the month of 31 March 2022 and recommends that they be adopted by Absolute Majority decision of the Council.</li> </ul>
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**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2022 (AMREC)  
(ATTACHMENTS)****BACKGROUND**

The Statements of Financial Activity for the period ending 31 March 2022 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 March were \$197.0m of which the Municipal cash balance at the end of the month was \$45.2m and \$151.6m was held in reserve accounts, which are restricted to the defined purpose for which the reserve account was established.
- The Green investment in authorised banking institutions as at 28 March 2022 was \$54.5m or 28% of total investment holdings, compared to \$55m (28%) in February 2022.
- Rates raised as at March 2022 were \$92.08m with a positive variance of \$0.36m compared to the approved budget of \$91.7m. This increase is mainly due to interim rate adjustments processed on various residential improved properties.
- Total debtor collections for March 2022 equalled \$8.8m. The Rates collection target is 92.5% and the actual collection is tracking slightly higher at 93%. The year to date total outstanding debtors (including all rates and sundry debtors) is \$9.98m.
- The Financial Management Review was completed by Moore Australia.

**DETAIL**

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

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

**Variances**

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

- [6002B Statement Nature Type March 2022](#): Rate Setting Statement by Nature or Type  
[6002H Statement of Variances March 2022](#): Statement of Variances in Excess of \$100,000

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2022 (AMREC)**  
**(ATTACHMENTS)**

**Revenue**

Rates raised as at March were \$92,081,847, compared to a year to date budget of \$91,725,357. The positive variance of \$356,490 is due to interim rate adjustments processed on various residential improved properties.

**Rates Collection**

<b>SUMMARY OF RATE DEBTOR MOVEMENT</b>					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	6,491,862	6,491,862	0%	9,142,487	-29%
Debtors Raised	118,508,431	118,458,117	0%	102,091,016	16%
Payments Received	(115,633,187)	(107,291,544)	8%	(101,037,145)	14%
Closing Balance	9,367,106	17,658,435	-47%	10,196,359	-8%

Total rate debtor collections for the month equalled \$8,341,643.

**Sundry Debtor Movement**

<b>SUMMARY OF SUNDRY DEBTOR MOVEMENT</b>					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	882,151	882,151	0%	1,238,865	-29%
Invoices Raised	4,733,152	4,407,745	7%	4,649,762	2%
Receipts	(5,000,617)	(4,568,896)	9%	(5,038,667)	-1%
Prepayments	3,755	(32,602)	-112%	22,440	-83%
Closing Balance	618,440	688,398	-10%	872,400	-29%

Sundry debtor balances decreased by \$69,958 over the course of March from \$688,398 to \$618,440, of which, total 90 day sundry debtors over \$1,000 for the month is \$129,644, representing 17% of total sundry debtors.

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

Not applicable for March 2022.

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2022 (AMREC)  
(ATTACHMENTS)****Budget Amendments**

Details of Budget Amendments requested for the month of March 2022 that reflect effective changes to budgets are shown in attachment [6002J March 2022](#). 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 March 2022 are highlighted in the attachment.

**Financial Management Review**

The Local Government (Financial Management) Regulations require the Chief Executive Officer (CEO) to establish efficient financial management systems and procedures. Every 3 years the CEO is required to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures and report to the results of those reviews.

An independent review was undertaken by Moore Australia during February/March 2022. There were a number of matters noted for improvement, with a report to be presented to the Financial Management, Audit, Risk and Compliance Committee in May. However, overall the City's systems and procedures were deemed to be robust.

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

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

There were no debts written off for the month of March 2022.

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2022 (AMREC)  
(ATTACHMENTS)**

The following attachments form part of the Attachments to the Agenda for the month of March 2022.

<b>DESCRIPTION</b>	<b>LINK</b>
Statement of Financial Activity By Nature or Type	<a href="#"><u>6002A Statement Nature Type March 2022</u></a>
Rate Setting Statement by Program	<a href="#"><u>6002B Rate Setting Program March 2022</u></a>
Rate Setting Statement by Nature or Type	<a href="#"><u>6002B Rate Setting Nature Type March 2022</u></a>
Representation of Net Working Capital	<a href="#"><u>6002E Net Working Capital March 2022</u></a>
Reconciliation of Net Working Capital	<a href="#"><u>6002F Reconciliation Net Working Capital March 2022</u></a>
Notes on Rate Setting Statement reporting on variances of 10% or \$100,000 whichever is greater	<a href="#"><u>6002H Notes Rate Setting Statement March 2022</u></a>
Details of Budget Amendments requested	<a href="#"><u>6002J Budget Amendments March 2022</u></a>
Summary of Rates Debtors	<a href="#"><u>6002L Summary Rate Debtors March 2022</u></a>
Graph Showing Rates Collections	<a href="#"><u>6002M Rates Collections Graph March 2022</u></a>
Summary of General Debtors aged 90 Days Old or Greater	<a href="#"><u>6002N General Debtors Aged 90 Days March 2022</u></a>

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2022 (AMREC)  
(ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

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

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

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

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

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

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

(4) A statement of financial activity, and the accompanying documents referred to in 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.

**FINANCIAL IMPLICATIONS****Variances**

Variances are detailed and explained in attachment [6002H Notes Rate Setting Statement March 2022](#): Notes on Statement of Variances in excess of \$100,000 by Nature or Type.

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2022 (AMREC)  
(ATTACHMENTS)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

The attached financial reports reflect a positive financial position of the City of Melville as at 31 March 2022.

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MARCH 2022 (AMREC)  
(ATTACHMENTS)**

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

**That the Council:**

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 March 2022 as detailed in the following attachments:**

<b>DESCRIPTION</b>	<b>LINK</b>
Statement of Financial Activity By Nature or Type	<a href="#"><u>6002A Statement Nature Type March 2022</u></a>
Rate Setting Statement by Program	<a href="#"><u>6002B Rate Setting Program March 2022</u></a>
Rate Setting Statement by Nature or Type	<a href="#"><u>6002B Rate Setting Nature Type March 2022</u></a>
Representation of Net Working Capital	<a href="#"><u>6002E Net Working Capital March 2022</u></a>
Reconciliation of Net Working Capital	<a href="#"><u>6002F Reconciliation Net Working Capital March 2022</u></a>
Notes on Rate Setting Statement reporting on variances of 10% or \$100,000 whichever is greater	<a href="#"><u>6002H Notes Rate Setting Statement March 2022</u></a>
Details of Budget Amendments requested	<a href="#"><u>6002J Budget Amendments March 2022</u></a>
Summary of Rates Debtors	<a href="#"><u>6002L Summary Rate Debtors March 2022</u></a>
Graph Showing Rates Collections	<a href="#"><u>6002M Rates Collections Graph March 2022</u></a>
Summary of General Debtors aged 90 Days Old or Greater	<a href="#"><u>6002N General Debtors Aged 90 Days March 2022</u></a>

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for March 2022 [6002J BUDGET AMENDMENTS MARCH 2022](#)**

At 8:48pm, the Mayor declared the motion

**CARRIED EN BLOC BY ABSOLUTE MAJORITY (12/0)**

**15. EN BLOC ITEMS**

*At 8:44pm Cr Robins left the meeting and returned at 8:47pm.*

**COUNCIL RESOLUTION**

At 8:43pm Cr Mair moved, seconded Cr Wheatland –

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

**M21/5000 Common Seal Register**

**C21/6000 Investment Statements for March 2022**

**C21/6001 Schedule of Accounts Paid for March 2022**

**C21/6002 Statements of Financial Activity for March 2022**

At 8:48pm, the Mayor declared the motion

**CARRIED EN BLOC BY ABSOLUTE MAJORITY (12/0)**

Disclosure of Interest

Member Cr Edinger  
 Type of Interest Financial Interest  
 Nature of Interest One of the tenderers is a client of the company I work for.  
 Request Leave  
 Decision Leave Leave

*At 8:48pm having declared an interest, Cr Edinger was electronically removed from the meeting.*

**LATE ITEM - T22/3985 – RFT 212219 CHANGE ROOM UPGRADE WINTHROP RESERVE  
(REC) (CONFIDENTIAL ATTACHMENT)**

Ward : Central  
 Category : Operational  
 Subject Index : Tender  
 Customer Index : City of Melville  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Not Applicable  
 Works Programme : Not Applicable  
 Funding : Capital Works Budget  
 Responsible Officer : Mario Murphy – Manager City Buildings

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**T22/3985 – RFT 212219 CHANGE ROOM UPGRADE WINTHROP RESERVE (REC)  
(CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

To recommend the acceptance of a tender submitted for the change room upgrades at Winthrop Reserve.

**BACKGROUND**

The City of Melville (“City”), is seeking a suitably qualified and experienced contractor to undertake the demolition of the existing change room and construction of the new change room.

**DETAIL**

Qualitative scores were achieved by joint agreement of the evaluation panel members at the evaluation meeting after each panel member had scored the submission individually. The City set five qualitative criteria for this Request, being:

- Demonstrated Experience;
- Key Personnel;
- Environmental Sustainability;
- Aboriginal Business or Disability Enterprise;
- Methodology.

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

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.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

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

**T22/3985 – RFT 212219 CHANGE ROOM UPGRADE WINTHROP RESERVE (REC)  
(CONFIDENTIAL ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

**FINANCIAL IMPLICATIONS**

As detailed in confidential attachments.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

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

**POLICY IMPLICATIONS**

CP-023 Procurement of Products or Services.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternate options have been identified.

**CONCLUSION**

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

**T22/3985 – RFT 212219 CHANGE ROOM UPGRADE WINTHROP RESERVE (REC)  
(CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3985)          APPROVAL**

At 8:49pm Cr Mair moved, seconded Cr Wheatland –

**That the Council:**

- 1.     Accept the recommendation as contained in the Confidential Attachment – RFT212219 Contract and Tender Advisory Unit Minutes, and**
- 2.     Upon resolution the recommendation, directs that the successful respondents' name be inserted below this point 2, awarded;**

**Solution 4 Building Pty Ltd  
ABN 21 151 188 859**

At 8:49pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (11/0)**

*At 8:49pm Cr Edinger was returned to the meeting electronically.*

**16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**Disclosures of Interest

Member	Cr Barber
Type of Interest	Interest under the Code of Conduct
Nature of Interest	A family member has an apartment in the CBACP
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

Member	Cr Mair
Type of Interest	Financial Interest
Nature of Interest	Director of a property that owns property in the area/precinct
Request	Leave
Decision Leave	Leave

*At 8:50pm having declared an interest, Cr Mair left the meeting.*

**16.1 CBACP Review Advertising and CRG Feedback, submitted by Cr Sandford****Motion****COUNCIL RESOLUTION**

At 8:51pm Cr Sandford moved, seconded Cr Ross –

**That the Council:**

- 1. Acknowledges the report on the CBACP Review of the Community Reference Group (CRG); and directs the CEO to advertise the CRG report, contemporaneously with the full CBACP Review report prepared for the council by Hatch Roberts Day (HRD), for public comment for the statutory period of 60 days as soon as is reasonably practicable.**
- 2. If the City's-proposed two addendums to the HRD report regarding green linkages and the Canning Highway traffic proposals are not finalised and approved by Council as in order for advertising at or before the June 2022 Ordinary Meeting of Council, the CEO should proceed to advertise the HRD Report without such addendums, together with the CRG report, no later than 30 June 2022.**

At 8:59pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (11/0)**

**Reasons for the Motion as provided by Cr Sandford:**

1. Council has been responsive to the criticisms by the community to the way in which the existing CBACP has failed them. For this reason Council is keen to ensure that the community most affected by past decisions is given every chance to have their say. The formal consultative process that was a part of the HRD work gave many local residents the chance to have their say at the start of the process. A group of citizens took it upon themselves to go further. They devoted their own time to come up with a report based on what they believe are sound planning principles. As a Council we appreciate the work they have done for the community. It is only right that their work should be exposed to the scrutiny of their fellow citizens and I know they welcome it.

Reasons as provided by Cr Sandford, continued.

2. There has been much consideration of how council can accommodate both the HRD and CRG reports and recommendations and administrative changes that might have to be made to issue them as one document. The simple answer is, let the public decide by exposing both documents to public scrutiny.
3. Given the recent advice to Council by the DLGSCI of the urgent need to commence advertising of the CBACP Review, this is the fastest way that we can get the information on the CBACP out for public comment.

At 9:02pm Ms Newman left the meeting and returned at 9:02pm.

At 9:02pm Cr Mair returned to the meeting.

## **16.2 Courtesy Construction Management Plan, submitted by Cr Barber**

At 9:00pm the Mayor advised the meeting that an officer advice note relating to this item had been circulated for consideration. [Advice Note - Motion with Notice 16.2 - Cr Barber.](#)

### **Motion**

### **COUNCIL RESOLUTION**

At 8:59pm Cr Barber moved, seconded Cr Sandford –

**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.**

At 9:09pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

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

1. The State Residential Design Codes have eliminated the requirement for neighbours to be consulted before development occurs in the adjacent block to their residence.
2. As we have approximately 2000 residential developments occurring in the City of Melville at any one time, this means ~ 6000 residents are affected and they are often oblivious to the planned building development next to them.
3. Neighbour dissatisfaction occurs when they are "shocked" at the development occurring next to them.
4. Various neighbour disputes may be eliminated if proper communication occurs before the building development is initiated.
5. We owe it to our residents to create a policy that considers their health and well-being.

### **16.3 Terms of Reference Design Review Panel, submitted by Cr Fitzgerald**

At 9:09pm the Mayor advised the meeting that an officer advice note relating to this item had been circulated for consideration. [Advice Note - Motion with Notice 16.3 - Cr Fitzgerald](#).

#### **Motion**

#### **COUNCIL RESOLUTION**

At 9:09pm Cr Fitzgerald moved, seconded Cr Pazolli –

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

- 1. Undertake a review of LPP 1.2 - Design Review Panel and the Terms of Reference for the Canning Bridge Structure Plan Design Review Panel.**
- 2. Arrange for presentation of that review to an Elected Member Engagement Session at an appropriate time.**

At 9:12pm, the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

#### **Reasons for the Motion as provided by Cr Fitzgerald:**

As the City of Melville was the first LGA in Western Australia to adopt a Design Review Panel, we undertook that process without the benefit of later recommendations about the composition, structure and processes for such a panel.

This motion gives rise to an opportunity to review the structure, composition and function of the DRP and formalise an appropriate Terms of Reference for that Panel.

### **17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**

Nil.

### **18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil.

### **19. CLOSURE**

There being no further business to discuss, Mayor Gear confirmed Cr Fitzgerald, Cr Spanbroek, Cr Woodall, Cr Pazolli, Cr Spanbroek and Cr Edinger were still in attendance electronically and declared the meeting closed at 9:12pm.