

**MINUTES**

**OF THE**

**ORDINARY MEETING OF THE COUNCIL**

**TUESDAY, 18 AUGUST 2020**

**AT 6.30PM IN THE COUNCIL CHAMBERS**

**MELVILLE CIVIC CENTRE**

**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 directives with regard to public gatherings and physical distancing only a limited number of the public were able to physically attend this meeting.

This meeting was publically broadcast to the community and the minutes and the audio recording of the meeting available on the City's website as soon as practicable after the meeting to meet the requirements of Regulation 14E(3)(b)(i) and (ii) of the *Local Government (Administration) Regulations 1996*

**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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## 1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:31pm and invited Cr Steve Kepert to read the Acknowledgment of Country:

“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.”

The Presiding Member requested Mr B Taylor, Manager Governance and Property to read aloud the Disclaimer and then Mayor, Honourable George Gear, advised that the meeting was being recorded for minute taking purposes and read aloud the following Affirmation of Civic Duty and Responsibility.

### **Affirmation of Civic Duty and Responsibility**

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

Mayor Honourable George Gear advised that Cr Fitzgerald was in attendance electronically with his approval.

## 2. PRESENT

Mayor Honourable G Gear

### **COUNCILLORS**

Cr N Pazolli (Deputy Mayor)  
Cr S Kepert  
Cr D Macphail, Cr N Robins  
Cr C Robartson, Cr M Woodall  
Cr G Barber, Cr J Barton  
Cr K Mair, Cr M Sandford  
Cr T Fitzgerald  
Cr K Wheatland

### **WARD**

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

### **3. IN ATTENDANCE**

Mr M Tieleman	Chief Executive Officer
Ms C Young	Director Community Development
Mr S Cope	Director Urban Planning
Mr M McCarthy	Director Technical Services
Mr A Ferris	Director Corporate Services
Mr L Hitchcock	Executive Manager Governance and Legal Services
Mr B Taylor	Manager Governance and Property
Ms C Newman	Governance Coordinator
Ms J Head	Governance Officer

#### Officers in Attendance

Ms K Brosztl ( <i>until 8:13pm</i> )	Manager Engineering ( <i>electronic attendance</i> )
Mr P Handcock ( <i>until 8:14pm</i> )	Asset Management Coordinator ( <i>electronic attendance</i> )
Mr P Molony ( <i>until 9:34pm</i> )	Manager Resource Recovery & Waste ( <i>electronic attendance</i> )
Ms L Hartill ( <i>until 9:01pm</i> )	Manager Neighbourhood Development
Mr G Edwards ( <i>until 9:09pm</i> )	Leisure Planning Officer
Mr P Prendergast ( <i>until 9:09pm</i> )	Manager Statutory Planning

At the commencement of the meeting, there were 41 members of the public in the Council Chambers and 17 members of the public and 1 representative from the Press in attendance electronically.

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

Nil.

**4.2 APPROVED LEAVE OF ABSENCE**

Nil.

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

Nil.

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

Nil.

## **6. QUESTION TIME**

### **6.1 Questions Received with Notice**

#### **6.1.1 Ms C Gillam, Alfred Cove**

##### Question 1

*Can the Council advise the date when the decision to rezone Reserve 39764, 11 Cottrill Street, Myaree, Phil Ward Park Local Open Space to Residential R40 was made please?*

##### Response

The zoning change to Phil Ward Park from Local Open Space to Residential R40 took place as part of the preparation and approval of Local Planning Scheme 6. This was approved by the Council on 12 May 2015 and gazetted by the State Government on 27 May 2016.

#### **6.1.2 City of Melville Resident & Ratepayers Association**

##### Question 1

*We refer to our 24 June 2020 email to the City's CEO Mr Marten Tieleman with the questions, as outlined below which remain unanswered, over a month later. Could Council please provide a status update on the City's progress in relation to the 27 June 2019 City of Melville Authorised Inquiry recommendations?*

##### Response

Updates on the progress of the actions that have been taken is available to the public on the City's website <https://www.melvillecity.com.au/our-city/our-council/authorised-inquiry>. In addition to this a more detailed response was provided to the Association on 4 August 2020.

##### Question 2

*1.1 Council continue to review their public question time policy on a regular basis to ensure it is clear, concise, and transparent.*

##### Response

A revised Council Policy CP-014 Public Question Time at Council or Committee Meetings was adopted by the Council at its Ordinary Meeting held 11 December 2018, which was implemented in February 2019. The Council has recently proposed some changes to this Policy, which will be reviewed and considered by the Council in the near future. All Council Policies are reviewed on a two yearly cycle.

##### Question 3

*1.2 That consideration be given by the Council to engage an independent person to review and act on complaints about City processes and decisions for a period of 3 months from the date of this report.*

6. *Question Time, continued*

Response

Customer Science, a CSIA certified organisation, was selected to undertake the independent review and following that review a final report was provided in December 2019. A report was presented to the 16 June 2020 Ordinary Meeting of Council that included information relating to the review. The Council deferred that item which will now be considered by the Council at this meeting.

Question 4

*1.3 All senior staff undertake training in complaint management and dealing with unreasonable complainants within 3 months from the date of this report?*

Response

All senior staff have undertaken training in complaint management.

Question 5

*1.4 The City undergo an independent governance review as determined appropriate by the Director General within 3 months of the date of this report and provide the Director General with a copy of the full report upon its completion?*

Response

Further to a resolution of the Council of 16 July 2019, the City has engaged the Australian Institute of Company Directors, (who were determined to be the appropriate body by the Department) to undertake the Governance Review as required by Recommendations 4 and 5 of the Authorised Inquiry Outcome Report.

The first review, Recommendation 4, was completed prior to the 2019 Local Government Election and the outcome reported to the Council. It was intended that an Elected Members workshop, facilitated by the AICD, would be held in March however, due to social distancing and essential travel only restriction required by COVID-19, AICD advised that they had at the time withdrawn all in-person contacts.

Question 6

*1.5 The City undergo a further independent governance review as determined appropriate by the Director General 6 months after the local government elections held in October 2019 and provide the Director General with a copy of the full report upon its completion?*

Response

In scoping the second review, Inquiry Recommendation 5, a comparative analysis between the first review and the second review has been included in the scope and this will be presented to Elected Members at the conclusion of the process, anticipated to be in October 2020. The Department agreed to an extension of time to conduct the second review due to the unavailability of AICD due to COVID-19.

6. *Question Time, continued*

Question 7

1.6 *The City implement processes and/or procedures to ensure that unauthorised acquisition of properties or any other assets does not re-occur?*

Response

The City has implemented processes and procedures to ensure compliance with this recommendation.

Question 8

1.7 *Within 6 months of the date of this report the Chief Executive Officer is to deliver a comprehensive report to the Director General of the Department outlining:*

- i. The steps taken in response to the above recommendations;*
- ii. identifying the number of senior staff that have undergone the training as setout in recommendation 3;*
- iii. updating the status of the Governance Review in relation to the number of elected members and staff who have participated;*
- iv. the processes the City has put in place in response to recommendation 5; and*
- v. the impact, if any, of the updated policies on Public Question Time, Managing Unreasonable Conduct by Customers, Legal Representation and the Complaint Management Policy.*

Response

The response has been provided to the Director General of the Department as required.

**6.1.3 City of Melville Residents and Ratepayers Association (Inc.) (part 2)**

Question 1

1. *A major priority for Council should be the health and safety of its employees and the safety of the Melville community (noting that media coverage has focussed on public safety in Melville in recent times – flooding at school crossings, overhanging construction cranes, footpath incidents, and unsafe screen fencing)?*

Response

As detailed in our Corporate Business Plan and Annual Community Reports there is a focus on the outcome of Safe & Secure within the community. The specific goals and relevant community data are available on the website through the Community Outcome Reporting dashboard.

Wellbeing is one of our four organisational values and the organisation has an organisational occupational health and safety management system externally certified against AS/NZS 4801.

6. *Question Time, continued*

Question 2

2.1 *How does Council assure itself that these issues are being well managed and monitored by Council administration?*

Response

The key process for Council review is through the Financial, Management, Audit, Risk and Compliance Committee meeting. At each Committee meeting there is a standard report on insurance and risk management which includes information on workers compensation claims, organisational safety performance and public liability claims.

The annual independent review report from SGS on the certified management system against AS/NZS 4801 (Occupational health and safety management systems) is also provided to Council through to the Financial, Management, Audit, Risk and Compliance Committee.

Question 3

2.2 *How often does Council receive a detailed report on occupational health and safety and community safety including statistics on lost time injuries, medically treated injuries, near misses and public safety incidents?*

Response

As indicated in the previous response there is a standing item on insurance and risk management at each quarterly Financial Management, Audit, Risk and Compliance Committee Meeting which includes information on workers compensation claims, organisational safety performance and public liability claims.

Question 4

2.3 *When was the last time Council was provided a “root cause analysis” report of an injury to either employees or a public injury related to Council facilities?*

Response

In the reports on insurance and risk management to the Financial Management, Audit, Risk and Compliance Committee Meetings there is an outline of the type of injuries for workers compensation and public liability claims. Any root cause analysis undertaken is done and reviewed at an operational level.

Question 5

2.4 *Would Council support the establishment of a Council Safety Committee to ensure that safety is appropriately prioritised and monitored?*

6. *Question Time, continued*

Response

The Administration would not recommend to the Council that a Council Safety Committee be established as in addition to the Financial, Management, Audit, Risk and Compliance Committee the City also has a Road Safety and TravelSmart Committee and a Safer Melville Advisory Committee. Both of these Committees have community members, State Government agencies and elected members, along with City Officers.

Performance of the Safe and Secure Outcome area is reviewed by elected members as part of the Corporate Business Planning process.

Question 6

2.5 *Why is safety of employees and the public not listed as a responsibility for the CEO or another senior officer?*

Response

There is a fundamental legal obligation on the CEO and all employees to act within the duty of care requirements of the Occupational Safety and Health Act 1984 (WA) & Regulations 1996. The CEO and all Officers are required to comply with the City of Melville Code of Conduct which specifically details requirements to 'promote the safety, security and health of all who work for the City of Melville, reside in the City of Melville or visit the City of Melville', and also highlights the statutory obligations under the Occupational Health and Safety Act 1984. This requirement to provide safe and healthy work conditions is also included in section 5.40 of the Local Government Act 1995.

Question 7

2.6 *Is there a register of all injuries to either employees or to the public which lists the injury, the root causes, recommendations arising from the root cause report and monitors whether those recommendations have been implemented? If so, is this register provided to Councillors?*

Response

Injuries to members of the public which are notified as public liability claims, and employee workers compensation claims and organisational safety performance are reported quarterly to the Financial Management, Audit, Risk and Compliance Committee.

Within the City of Melville's certified occupational safety and health management system all employee recorded incidents involving staff, contractors, volunteers or public are documented and reviewed for possible contributing factors (basic cause). Actions/controls are identified to prevent a recurrence and these are documented in our safety system and tracked for completion. Incident forms and endorsed actions also go through to Managers, Directors and the Chief Executive Officer.

6. *Question Time, continued*

Monitoring of open actions is undertaken and any outstanding are reported bi-monthly to the Occupational Safety and Health Committee which has been established in accordance with the Occupational Safety and Health Act (WA) 1984.

Whilst the Council has the role of governing the local government's affairs and the performance of the local government's functions it is the Chief Executive Officer, under section 5.41 of the Local Government Act 1995 who has the legal function of management of employees. As such, details on employees that report to the Chief Executive Officer is managed within that legislative function.

Question 8

2. *We refer to our unanswered 29 July 2020 email to CEO Marten Tieleman, copied to Council, with 5 questions in relation to footpath safety;*

3.1 *Please repeat those questions and provide answers publicly.*

Response

A response was provided to the Association on 18 August 2020. The five specific questions and the responses provided were:

We would appreciate you clarifying if the City is aware of

Question a) *any incidences since 2015 in which any pedestrians have suffered any injuries whilst using any of the City's footpaths? and*

Response Since 2015 there have been 25 insurance claims submitted for injuries relating to footpaths of which 23 have been declined.

Question b) *if the City is aware of any claims made and/or paid out (by the City, its contractors, or insurers) since 2015 as a result of injuries sustained by members of the public as a result of public footpath and/or stair usage?*

Response Two claims were paid by the City's insurers, with no liability for \$210.10 and \$3,500.00

Question *We are aware of many examples of damaged footpaths across the City that could lead to unnecessary injuries to pedestrians; a few photos are attached. Unfortunately we could provide many, many more examples of damaged and/or shonky footpaths that pose a risk of injury to pedestrians?*

Response Please advise of the precise location of paths requiring maintenance and the City will arrange repairs and maintenance works. (The details on how to report maintenance requests was provided).

6. *Question Time, continued*

Question 9

1. *How many reports the City previously received about the dangerous McKimmie Road footpath (photos provided)?*

Response

In regards to the McKimmie Road footpath the City had received one customer request regarding this location in 2012 which was actioned at the time (path was ground down to be level), and the request received immediately after this tragic event was actioned that week.

Question 10

2. *How many reports the City had since 1 January 2019 about damaged and/or unsafe footpaths; and how many of those reports were actioned to rectify the damage within 2 weeks?*

Response

From 1 January 2019 until 30 July 2020 the City has received 565 maintenance requests for paths and walkways. (552 are now Closed and 13 are still open). This does not include similar requests logged under different pathway categories.

Of these 565 requests 435 were closed within 10 days. There are currently (as of 30 July 2020) 13 Open (which were within the month of July).

Question 11

3. *Why the City is prioritising spend on building new footpaths in low use areas (that create future liabilities) vs properly maintaining existing high traffic footpaths*

Response

The City does not prioritise new paths over renewals. The City fully funds the renewal of paths. The City renews and maintains paths as identified by audits, staff and the community in order to provide a safe, accessible path network. New and upgrade works have not taken funds away from the City's renewal and maintenance works. The City constructs new paths as identified by reviews, staff and the community in order to improve pedestrian safety, accessibility and amenity. The approved Long term financial plan includes:

Category	Type	Amount
Cycleways	New / Upgrade	\$ 200,000
General Paths	New / Upgrade	\$ 430,000
Linking paths	New / Upgrade	\$ 200,000
Path Maintenance	Maintenance	\$ 615,000
Path Renewal	Renewal	\$ 690,000
<b>Total</b>		<b>\$ 2,135,000</b>

6. *Question Time, continued*

Question 12

4. *If you will put a recommendation to Council to direct all available 2020/21 and 2021/22 footpath funding towards repairing all existing footpaths as an absolute priority over the installation of new footpaths in low traffic/residential areas?*

Response

The repairing of paths is an ongoing priority for the City based on the information identified from the audits and in responding to requests received from residents and customers. Based on the progress in implementing the maintenance programs, consideration for additional funding can be considered at the mid-year budget review or additional funding considered for the 2021/22 budget. The City is working through its repair schedule and plans its maintenance activities on an annual basis and in the intervening years between audits, which are undertaken every 3 years (next audit due in late 2021).

Question 13

5. *What is the City going to improve its administrative capability to ensure all existing footpaths are properly maintained to ensure they are safe?*

Response

The three year audit process identifies and categorises the condition of path sections as well as spot hazards. The results of the audit are used to inform the maintenance program, whilst directing resources to higher risk hazards as a priority. The City is satisfied that the level of resources and administrative capacity is adequate to manage its paths in a responsible manner in accordance with appropriate standards and guidelines.

6. *Question Time, continued*

Question 14

3. *Council routinely passes resolutions requiring the CEO to complete future tasks (Resolutions), such as for Item M19/5697 – the Report on the outcome report of the Authorised Inquiry into the City of Melville; as opposed to passing resolutions to finalise officer recommendations such as investment statements. For each year since 2018:*

*How many Resolutions were made requiring the CEO to complete future tasks, and how many of these were completed on or before the date specified to Council's satisfaction.*

Question 15

*How many Resolutions have not yet been completed to Council's satisfaction.*

Question 16

*What are the incomplete Resolutions and which ones are unlikely to be completed by the date specified.*

Response questions 14, 15 and 16

Implementation of Council Resolutions are tracked and monitored by the Executive Leadership Team (ELT) via the Executive Performance Report. In addition to that, the Finance Management, Audit, Risk and Compliance Committee also receives an Internal Audit Report on the Status of Council Resolutions. The latest report was presented to the Audit Committee at its 10 August 2020 meeting and since January 2014 to June 2020, of the 1106 Council resolutions, 65 were in action. Actions that have a date set by resolution are actioned within those times or the Council advised of reasons, generally outside the control of the Council, why actions cannot be concluded within timeframe. The Council is advised of the status of each outstanding resolution in the Report to the Committee.

Question 17

4. *We refer to our 20 September 2018 FOI Application for a copy of the audio visual of the 18 September 2018 Ordinary meeting of Council and our 22 June 2019 letter to CEO Marten Tieleman and our 11 March 2020 letter to Council (enclosed) in relation to the advice the City's legal manager provided Council at the 18 June 2019 OMC in response to Cr Karen Wheatland's questions. Finally, on 6 August 2020 we received the City's incomplete response to our September 2018 FOI application, almost 2 years since our initial September 2018 FOI application. Please confirm:*
- 5.1 *How many FOI applications the City received since 1 January 2017 (by year) and:*  
a) *How many of these were responded to within < 20 days, < 30 days, < 45 days and after 45 days.*

6. *Question Time, continued*

Response

Under the FOI Act 1992 Section 13(3) the **permitted period** is *45 days after the access application is received or such other period as is agreed between the agency and the applicant or allowed by the Commissioner*. Information relating to s13 affairs is provided to the Information Commissioner (IC) on a financial year basis under s111. This is to facilitate IC's Annual Report to Parliament. Therefore, linking to information held or controlled by the Office of the Information Commissioner statistics on a calendar year will not align to functions out of the City's control (refer Q 18-21).

<b>Financial Year</b>	<b>Under 45 Days</b>	<b>Over 45 Days</b>
2017/18	46	8
2018/19	41	23
2019/20	36	5

**Note:** General increase in files for 2018/19 year is predominately related to the dominance of application related to the Inquiry into City of Melville affairs where some files with large and all-encompassing demands for documents required extensive negotiations to achieve a conciliated outcome. Most overdue files were processed by agreement with the applicant and/or else preliminary decisions were made prior to due date partially giving access to urgent document before the due date.

Question 18

b) *How many applications were the subject of internal review; and of these how many resulted in additional information being provided.*

Response

The number of internal reviews for 2017/18 and 2018/19 is publically available information on the Information Commissioners website in their Annual Reports. Matters where a decision is either varied or reversed would mostly constitute decisions that would have led to the provision of additional documentation. The draft 2019/20 data identifies four internal reviews of which three decisions were confirmed and one varied.

Question 19

c) *How many applications were the subject of external reviews?*

Response

Reporting on the number of valid external reviews is the responsibility of the Office of the Information Commissioner to report. Information on the number of external reviews for each agency is available on the Information Commissioner's Website.

6. *Question Time, continued*

Question 20

- d) *How many of the external reviews resulted in additional information being provided post the request for an internal review?*

Response

Statistics in relation to the specific information requested is not collected. These outcomes are only known by the Office of the Information Commission as they may liaise with third parties directly. Further comment about how these reviews are resolved including additional information provided is for the Office of the Information Commission to report.

Question 21

- e) *How many of the applications resulted in additional information being provided by the City more than 6 months after the initial application.*

Response

The City can only address response times for activities within the locus of control being the initial application and any internal reviews. External reviews of applications is coordinated by the Office of the Information Commissioner and may involve conciliation on the release of some information which may extend response timeframes.

Question 22

- f) *What is the distribution of the times between the City receiving notice of the external review from the Information Commissioner and the time it took for the external review to be finalised and additional records provided for each of the applications subject to an external review?*

Response

Provision of documents subject to external reviews is dealt with on or before the timeframes stipulated by the Office of the Information Commissioner. The City does not keep statistics on the information requested as the external review process is coordinated by the Office of the Information Commissioner.

Question 23

- 5.2 *Is Council satisfied with the CEO's performance with respect to complying with the objectives set-out in sections 3 and 4 of the Freedom of Information Act 1992 (attached); for example is it acceptable that we had to wait almost 2 years to access simple records that the Federal, State and other local governments*

6. *Question Time, continued*

Response

Freedom of Information functions are conducted in accordance with the Freedom of Information Act, which is administered by the Office of the Information Commissioner. The Information Commissioner monitors compliance with the Act and reports to Parliament about agency performance and any non compliance with the Act by an agency would be brought to the attention of the agency and reported in the Office of the Information Commission Annual Reports published on their website.

The City's FOI activities are also reported to the Finance Management, Audit, Risk Compliance Committee on a regular basis.

Question 23

5.3 *When will Council respond to our 11 March 2020 letter?*

Response

This matter has been referred to the Mayor for response

**6.2 Questions Received Without Notice**

**6.1.1 Ms J Edinger, Melville**

Question 1

On the 10<sup>th</sup> August a comment, "Sack the Mayor" was made multiple times on multiple posts on the Council's official Facebook page. At 5pm on Tuesday 13<sup>th</sup> August, the comments were still up and had been added to.

Can the Council please advise the following:

1.1 *Does the official Facebook page have one, two or more administrators?*

Response

The City Facebook page has more than two administrators.

6. *Question Time, continued*

Question 2

1.2 *Do the administrators undergo any formal training in using Facebook for Council purposes?*

Response

All Facebook administrators receive training on the City of Melville Social Media Policy, Procedure and Terms and Conditions.

Question 3

1.3 *Who provides this training, is it undertaken in-house or provided by an external third party?*

Response

Training is undertaken in-house.

Question 4

1.4 *If the training is provided in-house have the officers presenting the training undergone Facebook-specific training by an accredited third party?*

Response

There are no third parties, accredited by Facebook, that provide training specific to the City's needs. Facebook does not endorse or accredit any third party training for their platform.

Question 5

1.5 *Are the administrators full-time employees, contractors or is a third party used?*

Response

The administrators are full-time employees.

Question 6

1.6 *Are there Council mandated guidelines for the management of posts, comments and messages?*

6. *Question Time, continued*

Response

There is a Council policy regarding Elected Members use of social media, however all policies in regards to the City's use and management of social media are considered to be administrative. The City has a Social Media Policy, Social Media Procedure and Social Media Terms and Conditions. Further information of our Social Media Terms and Conditions can be found at <https://www.melvillecity.com.au/our-city/connect-with-us/social-media>

Question 7

1.7 *How are the administrators (sic) tasked with closely monitoring Facebook post comments and messages – is it a structured or ad hoc process?*

Response

It is a structured process. The City's Social Media Terms and Conditions state the City of Melville does not accept responsibility for external comments on its social media pages and that any comments made are not representative of the opinions or views of the City of Melville. As a result, by users 'liking' or following any of our social media pages, they acknowledge that the City cannot check the accuracy of every post and does not take any responsibility for reliance on posts on their page. Further information of our Social Media Terms and Conditions can be found at <https://www.melvillecity.com.au/our-city/connect-with-us/social-media>

Question 8

1.8 *Are administrators given any guidelines or support when responding to comments and Messages?*

Question 9

1.9 *Are guidelines provided outlining what constitutes a derogatory or unsavory (sic) comment?*

Response to questions 8 and 9

General guidelines are provided and it is at the discretion of trained staff to determine whether something is considered defamatory, slanderous or derogatory, which may rely in part on the particular circumstances of the comment.

Question 10

1.10 *Do the administrators have the ability to use personal judgement as to whether a comment should be left up or removed, or a message responded to?*

6. *Question Time, continued*

Response

There are guidelines in place to give direction to administrators on what should or should not be responded to, however there is an exercise of discretion when determining if a particular comment or message contravenes our Social Media Terms and Conditions. The City retains absolute discretion regarding whether a post or comment is to be responded or hidden.

Question 11

1.11 *Is priority given to removing derogatory comments from Facebook posts in the same way that offensive graffiti removal is expedited from Council property?*

Question 12

1.12 *If removing offensive comments is not a priority can the Council please advise why this is so.*

Response to questions 11 and 12

If posts are defamatory, they are removed from the City's social media pages at the earliest opportunity. All other posts that contravene our Social Media Terms and Conditions are removed at the absolute discretion of the City of Melville and at the earliest possible opportunity.

Question 13

1.13 *Are there guidelines on determining if a response is from a real or fake profile and, if so, is the fake profile automatically blocked?*

Response

The City does not attempt to determine if people are using a real or fake profile.

Question 14

1.14 *Why, 3 days after they appeared, there are still "Sack the Mayor" comments on a number of posts, along with responses from a range of entities.*

Response

*These comments are not considered to be defamatory so have not been removed. They are a statement of opinion and we have exercised our discretion not to remove them.*

Question 15

1.15 *Are there KPI's for responding to messages sent via the Facebook Messenger app?*

6. *Question Time, continued*

Response

The City attempts to respond to messages at the earliest possible opportunity, which will depend on the nature of the enquiry, however we endeavour to respond within 12 hours.

Question 16

Recently I had cause to search the Council's website for Council's policies, procedures and local laws relating to meetings.

*Can the Council please advise why, on the "Meeting Structure and Procedures" page on the Council website there is no in-page link to the Council's policies, procedures and local laws relating to same?*

Response

There is no particular reason why there is not a link, but the City is always open to feedback on how to improve our website, so we will look into this suggestion.

**6.2.2 Mr D Knowles, Bicton**

If possible, I would like to raise a few questions to the Council over the MBC Lease and in response to the petition raised by the Greater Melville Community Association as a rate payer living in Bicton.

For the record, having been on several committees at Melville Soccer Club, Leeming Cricket Club and others, I am not against long leases for sporting associations, rather more trying to understand on what premise such a long lease was granted. My Questions are:

Question 1

*Why was not the advice provided by the Strategic Property Executive (as attached) given more due process and time for further review undertaken by the council prior to making such a unique decision, in particular Point 4, which states "Any ground lease term that is 20 years or longer requires Western Australian Planning Commission (WAPC) consent pursuant to the requirements of the Planning Development Act 2005 (see Section 136 of the Planning and Development Act 2005)." Why was this not addressed prior to granting this lease?*

Response

This question has been referred to the Mayor for discussion with the Elected Members and response.

Question 2

*2.1 Why was not Cr Woodall's proposal of 10 years lease also given more time or more consideration, given also this potentially was within the remit of the CEO to grant, such that, a 10 year lease would allow further engagement within the community in order to correctly allow consideration under the WAPC. Refer "In addition the City's Chief Executive Office has delegation limits applicable to the Leasing and Licensing of City assets under DA-007. Under*

*the delegation authority extends to a maximum lease/license terms up to 10 years with an annual rental or license fee payment not exceeding \$100,000 p.a.”*

#### Response

This question has been referred to the Mayor for discussion with the Elected Members and response. The audio recording of the discussion in relation to this matter is available on the City website.

#### Question 3

*2.2 As part of same question, given that the MBC Lease expired on 30 June 2017 and for which they were operating under a month by month lease, can the Council advise as to what lease duration was requested by the MBC? My understanding is that the MBC did not request more than 10 years and as such, why was not then Council considering their application for lease extension in its entirety only for the period requested?*

#### Response

The previous lease to Melville Bowls Club expired on 30 Jun 2017 and the City and Club agreed on 19 December 2016 to the “holding-over” clause on the same terms and conditions as the expired lease. This was to permit sufficient time for the Club to continue its Bowls activities whilst the new club facility was being constructed at Tompkins Park as part of the sporting hub masterplan.

#### Question 4

*2.3 Can the Council confirm or clarify, whether the current building occupied by the Melville Bowling Club has asbestos products ie roofing etc or not? In event that there is pre-existing asbestos, then on what premise would then Council even grant such a 50 year plus 49 year lease, as over an additional 99 year period , the exposure to asbestos contamination would increase, so did the council consider this aspect when granting such a long lease? Has the Council undertaken any HSE and/or environmental study to support such granting of such a long lease? As a side note, in event that the MBC wanted a new building or to renovate and remove, then such a requirement might justify having a long lease due to capital investment, but to my knowledge, this aspect was not part of any justification, so to grant a 10 year lease would allow greater reviews or due process to be considered. Please clarify*

#### Response

The City ensures all its building assets leased are fit for purpose and meeting public health and safety standards. Asbestos has been identified on the site, mainly in out buildings and has been assessed and included in the City’s Asbestos Materials Register as a low level of risk that can be managed as per the developed Asbestos Management Plan. The City maintains an active building audit and maintenance program for its building assets including the Melville Bowling Club premises. The City is aware of the Clubs intention to upgrade/replace the building however, has not received any formal approach in respect to this matter.

#### Question 4

*2.4 How will council consider now further such leases, given it could be considered that granting such an extensive lease period will create a precedent and who will Council mitigate a potential flood gate of lease extensions?*

*I refer Council to a post on the Melville Glades Golf Course website, which stated (seems now removed):*

*"For those of you who live in the City of Melville you may have read that the Melville Bowling Club have been offered a new 50-year lease. The bowling club's tenure was effectively given a reprieve with the proposed wave park project being declined. We have already approached the City of Melville to reopen our lease discussions which were put on hold due to COVID-19. With this unbelievable precedent being set for the bowling club we are hopeful that we also will be given a fair hearing."*

**Response**

This question has been referred to the Mayor for discussion with the Elected Members and response. Also refer response provided to 6.2.3 below.

*2.5 How will Council then ensure other clubs are equally and reasonably considered whilst ensuring obligations under WAPC and other such requirements are complied with? As its clear that some clubs consider likewise an opportunity to obtain similar conditions.*

**Response**

This question has been referred to the Mayor for discussion with the Elected Members and response.

**6.2.3 Ms V Di Giusto, Alfred Cove**Question 1

1. *As a precedent has been set by the signing of the lease with the Melville Bowling Club, can you confirm if other sporting teams in the City of Melville will be given the same lease arrangements?*

Response

Elected Council moved a motion to approve a new long term lease to Melville Bowling Club which is not consistent with the City's position to provide sporting clubs in Melville with shorter term leases usually not exceeding 10 years in term or Management Licenses to use the premises for fixed periods. The City has not received requests from other sporting and recreation clubs in Melville for similar lease arrangements to that which Melville Bowling Club is seeking.

Question 2

2. *If yes, please advise which other sporting clubs in the City of Melville have the opportunities to these same lease arrangements as the Melville Bowling Club?*

Response

The City would not support other club lease or management license arrangements being amended to reflect those proposed for the Melville Bowling Club. Ultimately, if a club requested similar terms and Council moved a motion to support it, then other clubs could have the same opportunity as Melville Bowling Club. This decision would rest with the Council.

Question 3

3. *If no, please advise why other sporting clubs in the City of Melville are not provided the same leasing opportunities as the Melville Bowling Club?*

Response

The City provides concessional leases/licenses to community, sporting and recreational clubs to facilitate their activities for the benefit of their members and the Melville public. The lease terms offered allow for change of use of the City's assets by different sporting clubs over time which may come and go but gives the clubs the ability to continue their activities by either extending the leases or entering into new term leases/licenses. These are not commercial leases and reflect the concessions offered by the City for the purpose of community benefit. Long term leases of more than 20 years would only be offered on a commercial lease basis where the lease rent would be assessed against market valuation.

Question 4

4. *Why was the Melville Bowling Club provided such an extensive lease with such poor monetary value to the City of Melville?*

Response

Again this was a decision of Elected Council and would need to be responded to by the Mayor or Elected Council

The reasons presented by the Member that raised the motion at the Meeting are recorded in the minutes. The setting of the lease fee is answered in the response to question 6.2.7.

#### Question 5

5. *Why wasn't the Melville community not consulted with regards to 99 year lease arrangement?*

#### Response

To conclude lease negotiations with the Melville Bowling Club and sign the new lease agreement within 28 days in accordance with the Council resolution, there was insufficient time for the City to conduct community consultation on the proposed new long term lease.

#### Question 6

6. *Can the councillors confirm, if they have any conflict of interests with the Melville Bowling Club, that should have been disclosed as part of the lease discussions before signing a lease with the Melville Bowling Club?*

#### Response

Members declared their interests at the July Council Meeting prior to voting to approve a new lease to the Melville Bowling Club for a period of at least 50 years. The declarations of interest made are on the record of the Council minutes.

### **6.2.4 Mr S Green, Booragoon**

#### Question 1

1. *Inclusive of costs for mounting his 20m signage "Vote George Gear for Mayor – He'll Fix the Mess" along Canning Hwy, his campaign launch, his promotional events eg Curry Night and his celebratory function, what payment did Mayor Gear make to the Melville Bowling Club in payment for all items of assistance provided to him during the election period by the Melville Bowling Club?*

#### Response

This matter has been referred to the Mayor for response.

#### Question 2

2. *Will the Mayor indicate the total value of funding he received from the Alfred Cove Action Group during his 2019 campaign?*

#### Response

This matter has been referred to the Mayor for response.

**6.2.5 Ms J Green, Boorgoon**Question 1

1. *Is the CEO aware of his responsibilities under the Local Govt Act to maintain competitive neutrality in dealing with the leases of publicly owned land under ownership of the City of Melville?*

Response

Clause 7 of the Competition Principles Agreement states that the principles apply to local government, with each State being responsible for applying those principles to their local governments. The WA Local Government Act does not impose any responsibilities on local governments or their CEOs with respect to maintaining competitive neutrality in dealing with leases or any other transactions.

Question 2

2. *How is the CEO's duty to maintain competitive neutrality reflected in the lease arrangements being offered to the Melville Bowling Club?*

Response

The legislation does not impose a duty on the City or the CEO to maintain competitive neutrality in lease agreements. Council Policy CP-005 – the City's Land and Property Retention, Disposal and Acquisition Policy does not require the City to apply competitive neutrality principles to land disposal. All the City's leases to community groups are either heavily discounted from market value or charged only a nominal administration fee.

**6.2.6 Mr B Don, Willagee**Question 1

1. *In the article "Bowlers Secure 50-year Lease" printed in the Melville Gazette dated 23<sup>rd</sup> July 2020, Melville Bowling Club President Tim Smith states that the 50 year lease for the Club was "a reward for helping George secure Melville's mayoralty". Would Mayor Gear please itemise all items of "help" he received from the Club to gain his election as Mayor?*

Response

This matter has been referred to the Mayor for response.

Question 2

2. *Why did Mayor Gear fail to publicly disclose all items of electoral support provided by Melville Bowling Club in making a declaration of the full extent of his impartiality interests prior to voting at the Meeting of Council on 21<sup>st</sup>, 22<sup>nd</sup> of July?*

Response

This matter has been referred to the Mayor for response.

### **6.2.7 Mr K Emery, Melville**

#### Question 1

1. *In lieu of the extraordinary financial benefit Mayor George Gear received from the Alfred Cove Action Group (ACAG) & the clear financial conflict of interest involved, on whose advice did he determine not to declare a financial interest and leave Chambers during debate and voting of the Speccail (sic) Meeting of Council on 22nd of July 2020?*

#### Response

This matter has been referred to the Mayor for response.

#### Question 2

2. *In regards to the lease for the Melville Bowls Club (MBC) voted on during the Special Meeting of Council on 22nd of July 2020- what, if any, methodology was used to determine Fair Market rent value for the lease agreement of the MBC?*

#### Response

The annual lease rent is set by the Council at the Budget meeting each year and is determined by reference to the City's Annual Administration Fee charge that is applied to all eligible community, sporting & recreation associations. The current annual fee is \$691.00 and the fee is indexed to CPI. As the Melville Bowls Club is an exempt association under the Local Government Act 1995, a market valuation of the lease is not required and nor is Section 3.58 public notice required.

### **6.2.8 Ms A Hall, Bateman**

#### Question 1

I object to the unreasonable favouritism toward Melville Bowling Club in terms of the proposed lease arrangements. No other club in history has been offered a lease of 50 years with the option of a further extension at an annual rate of \$100.

- 1.1 *Why is there such a discrepancy of lease arrangements between the Melville Bowling Club and other Melville clubs?*

#### Response

The objection is noted. The item on the Bowling Club Lease Agreement was submitted by an Elected Member as a Motion with Notice to the 21 June 2020 Council Meeting. An Officer Advice Note was prepared and presented to the Council. The decision to grant the Melville Bowls Club a new lease with an initial term of 50 years was made by the Elected Council and the reasons supporting the extension are recorded in the minutes.

#### Question 2

1.2 *Why wasn't there community consultation on this unprecedented arrangement?*

Response

The Motion with Notice to the 21 June 2020 Council Meeting and the Council resolution for the administration to finalise the new lease terms within 28 days does not allow time for community consultation.

**6.2.9 Mr D Knowles, Bicton**

Question 1

Beach Street footpath

*Can the Council explain, why this Late Item has been submitted, recommending actions other than what what (sic) previously agreed within prior Council Minutes. The July 2020 motion proposed in Item 3 to “resident’s be notified of the outcome of the discussions with Elected Members and invited to respond”, then to be brought back to August Ordinary Meeting. As one impacted Resident, we have not received any notification nor feedback from any discussion nor matters. In fact, this Late Item submission is recommending “against” any prior discussions and engagement, so we seek to understand, how the residents will be notified and to what extent they will be invited to respond, as to now proposed standard crossovers and cut throughs (sic) to ALL crossovers in Beach St impacted, is not what was previous outlined nor discussion with residents during individual on site meetings.*

Response

Following a presentation at an Elected Member Information Session on Tuesday 11 August 2020, and subsequent discussions with the Mayor and the Deputy Mayor, officers progressed with their recommendation (based on Council policies and the City’s guidelines and specifications) which included the alternate option in the officer’s report for consideration by the Council. This matter is dealt with later at this meeting.

**6.2.10 Mr G Wieland, Bicton**

Question 1

Item 13 Petitions. Question relates to any proposed lease extension of the Melville Bowling Club.

*Due to concerns raised by ratepayers during the previous change of sport redevelopment proposed for this area. Will the CoM be preparing an environmental report to be presented prior to the council’s decision regarding the leasing of the land by the MBC contained within its boundaries with reference to any fertiliser, chemical drain off into any abutting waterways, be it water streams or rivers, also any impact on Alfred Cove nature reserve by night lighting and any noise spillage, thus ensuring the council are fully aware of any impact on the natural surrounds. Through this report the Council will be able to apply mitigation on any environmental impacts moving forward?*

Response

This level of information is generally not included in lease documentation related to City facilities, however, any development proposal put forward by Lessees would require information as outlined in the question to be provided for the City's to assess.

The Melville Bowling Club site is located within a Development Control Area and therefore any development proposals would be required to be referred to the Western Australian Planning Commission and the Department of Biodiversity, Conservation and Attractions for approval.

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

#### **Ordinary Meeting of Council – 21 and 22 July 2020**

##### **6.3.1 Ms J Edinger, Melville**

###### Question 1

*On Monday 13 July The West Australia (sic) reported on a number of Councils providing ex gratia payments to departing staff. Can the Council please advise if the City of Melville has ever made ex gratia payments to departing staff and, if this has been the case, the total value of the payments broken down by financial year?*

###### Response

The City of Melville has not made any ex-gratia payments to departing staff.

###### Question 2

*Can the Council please advise why the online public question time submission form that was available earlier this year is not currently available, and why there are special "State of Emergency" forms for Deputations and Public Question Time, both which are routine Council meeting items?*

###### Response

A State of Emergency was declared in Western Australia on 16 March 2020 in response to the COVID-19 pandemic. The State of Emergency provides for alternative meeting protocols to be utilised by local government, including the electronic attendance at meetings. The State of Emergency forms for Deputations and Public Questions reflect the current protocols for meetings under the State of Emergency. Both Public Questions and Deputations are still accepted at Council meetings, however the meetings may be conducted in alternative formats whilst Western Australia is in a State of Emergency.

**7. AWARDS AND PRESENTATIONS**

Nil.

**8. CONFIRMATION OF MINUTES****8.1 ORDINARY MEETING OF THE COUNCIL – 21 AND 22 JULY 2020  
Minutes 21 and 22 July 2020****COUNCIL RESOLUTION**

At 6:43pm Cr Barton moved, seconded Cr Barber –

**That the Minutes of the Ordinary Meeting of the Council held on Tuesday 21 and Wednesday 22 July 2020, be confirmed as a true and accurate record.**

At 6:43pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**8.2 NOTES OF AGENDA BRIEFING FORUM – 4 AUGUST 2020  
Notes 4 August 2020****COUNCIL RESOLUTION**

At 6:43pm Cr Kepert moved, seconded Cr Wheatland –

**That the Notes of Agenda Briefing Forum held on Tuesday, 4 August 2020, be received.**

At 6:43pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**8.3 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE  
COMMITTEE – 10 AUGUST 2020****COUNCIL RESOLUTION**

At 6:43pm Cr Wheatland moved, seconded Cr Macphail –

**That the Minutes of the Financial Management, Audit, Risk and Compliance Committee Meeting held on Monday, 10 August 2020, be noted.**

At 6:44pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**NB: Minutes to be confirmed at next meeting of the Financial Management, Audit, Risk and Compliance Committee.**

8. *Confirmation of Minutes, continued*

**8.4 GOVERNANCE COMMITTEE – 13 AUGUST 2020**

**COUNCIL RESOLUTION**

At 6:44pm Cr Pazolli moved, seconded Cr Kepert –

**That the Minutes of the Governance Committee Meeting held on Thursday, 13 August 2020, be noted.**

At 6:44pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**NB: Minutes to be confirmed at next meeting of the Governance Committee.**

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

- Cr Mair – P20/3869 – Late Item T20/3870 – RFT192020 Shirley Strickland Reserve Redevelopment Project. Financial Interest

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

- Cr Sandford – 13.1 – Petition – Rescind Council Decision to grant 50 year Lease to Melville Bowling Club. Impartiality Interest.
- Cr Barber – 13.1 – Petition – Rescind Council Decision to grant 50 year Lease to Melville Bowling Club. Impartiality Interest.
- Mayor Gear – 13.1 – Petition – Rescind Council Decision to grant 50 year Lease to Melville Bowling Club. Impartiality Interest.
- Cr Pazolli – 13.1 – Petition – Rescind Council Decision to grant 50 year Lease to Melville Bowling Club. Impartiality Interest/Interest under the Code of Conduct.

**10. DEPUTATIONS**

Nil.

**11. APPLICATIONS FOR NEW LEAVES OF ABSENCE****COUNCIL RESOLUTION**

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

**That the application for new leave of absence submitted by Cr Mair on 18 August 2020 be granted.**

At 6:45pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

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

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

- **T20/3868 - Late Item** RFT202103 Disposal Of Bulk Verge And Commercial General Waste
- **T20/3870 - Late Item** RFT192020 Shirley Strickland Reserve Redevelopment Project
- **P20/3869 - Late Item** RFT202101 Review of Canning Bridge Activity Centre Plan
- **C20/5769 - Late Item** - Report From Governance Committee, RFQ202111 Service Review of Customer Interactions

**13. PETITIONS**

At 6:47pm Mayor Gear brought forward Item 13.2 – Petition – Stopping the Development of Buildings at Bert Jeffrey Park and Rescinding Council's 18/09/2018 Decision for the convenience of the public gallery.

**13.2 Petition – Stopping the Development of Buildings at Bert Jeffrey Park and Rescinding Council's 18/09/2019 Decision.**

A petition signed by 41 residents of the City of Melville was received on 17 August 2020 and reads as follows:

*"We the undersigned, all being electors of the City of Melville, respectfully request that the Council passes motions to the effect of stopping the development of buildings at Murdoch's Bert Jeffrey Park and rescinding Council's 18/09/2018 motion in relation to the proposed location of the amenities buildings at Bert Jeffrey Park."*

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

At 6:48pm Cr Macphail moved, seconded Cr Wheatland –

**That the petition in requesting that the Council stop the development of buildings at Murdoch's Bert Jeffrey Park and rescind Council's 18 September 2018 motion in relation to the proposed location of the amenities building at Bert Jeffrey Park be acknowledged and be dealt with in conjunction with Item CD20/8131 - Petition to the City Of Melville – Bert Jeffery Park to be considered later in this meeting.**

At 6:48pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

At 6:49pm Mayor Gear brought forward Item CD20/8131 – Petition to City of Melville – Bert Jeffrey Park for the convenience of the public gallery.

**CD20/8131 - PETITION TO THE CITY OF MELVILLE – BERT JEFFERY PARK (REC)  
(ATTACHMENT)**

Ward : Bateman – Kardinya – Murdoch  
 Category : Operational  
 Subject Index : Recreation  
 Customer Index : City of Melville  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : M18/5605 – Bert Jeffrey Park – Special Meeting of Electors 1 February 2018  
 CD18/8107 – Development of Amenities Building at Bert Jeffrey Park, Ordinary Meeting of Council 15 May 2018  
 CD18/8107 – Development of Amenities Building at Bert Jeffrey Park, Ordinary Meeting of Council 18 September 2018.  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Todd Cahoon  
 Manager Healthy Melville

**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>

**CD20/8131 - PETITION TO THE CITY OF MELVILLE – BERT JEFFERY PARK (REC)  
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- A petition signed by 105 residents of the City of Melville, and one non-resident, was received on 27 May 2020 requesting Council to stop the development of an amenity building at Bert Jeffery Park, Murdoch.
- This petition was presented to the Ordinary Meeting of Council, 16 June 2020, where Council resolved to acknowledge the petition and requested a report be prepared (to report back to council).
- This report follows the aforementioned resolution.
- Funding to construct the amenity building formed part of the Annual Budget for 2019/2020, and was carried forward to the 2020/2021 Annual Budget.
- Officers recommend proceeding with the construction of the amenity building, as planned.

**BACKGROUND**

The Murdoch sub-division commenced development in the late 1980's, at this time, in November 1985, a Reticulation and Development Plan for Bert Jeffery Park was created and adopted by Council. This plan had a minor revision in May 1987 (reticulation added, park renamed Bert Jeffery Park, from its original name, Murdoch Park). This plan includes a proposed 'Hall' along Johanson Promenade, depicted to be constructed at street level and be approximately 312m<sup>2</sup> in size. The plan also included a proposed internal car park of 29 bays, also located off Johanson Promenade.

**[8131 Bert Jeffery Park Technical Services Plan](#)**

Bert Jeffery Park has been used sporadically for sport over the years since its development into a park, varying uses have been both structured and unstructured and include, Dog Training, Soccer (Football), Australian Rules Football and Cricket.

A summary of use in recent years can be located in item CD18/8107 18 September 2018 Ordinary Meeting of Council.

As per item CD18/8107, a budget request was made and subsequently adopted by Council for the 2019/2020 Annual Budget to complete stage 1 of the project (of 2 stages). Officers considered there were efficiencies both in cost and construction impact to have the project completed in a single stage, as a result, a request for additional funding to complete the amenity building in a single stage was made to the Mid Year Budget Review 2019/2020, in March 2020, which was adopted by the current Council.

The design of the utility services and amenity building has progressed to detailed design which is due for completion in late early August 2020 at which time a request will be issued and construction contract signed. The construction of the amenity building is due for commencement in September 2020 and completion by early November 2020.

**CD20/8131 - PETITION TO THE CITY OF MELVILLE – BERT JEFFERY PARK (REC)  
(ATTACHMENT)**

The City of Melville received a petition in May 2020, signed by 105 residents of the City of Melville, and one non-resident, it read as follows:

“We the undersigned, all being electors of the City of Melville respectfully request that the Council passes motions to the effect of stopping the development of buildings at Murdoch’s Bert Jeffery Park and rescinding Council’s 18/09/2018 motion in relation to the proposed location of the amenities building at Bert Jeffery Park.”

A council resolution regarding this petition was carried at the Ordinary Meeting of Council 16 June 2020, the wording for which is as follows:

***“That the petition in requesting that the Development at Bert Jeffery Park be stopped, signed by 105 residents and one non-resident be acknowledged and a report be prepared.”***

**DETAIL****Amenity Building**

The amenity building, to be managed by the City and will be available for booking by residents and community sporting clubs and groups, and will be composed of two change rooms, a kitchenette, a universally accessible toilet and an awning facing the centre of the park, the approximate size for which, as reported in item CD18/8107, was 105m<sup>2</sup>.

The original Reticulation and Development Plan for Bert Jeffery Park, from 1985, depicted a proposed hall of approximately 312m<sup>2</sup>, furthermore, the independent consultant procured to assist in developing the Active Reserve Infrastructure Strategy (2020) recommended, based on the size, function and capacity of the space that a building of 250m<sup>2</sup> with an outdoor covered area of 50m<sup>2</sup> was appropriate.

In listening to some residents concerns regarding the installation of a facility at Bert Jeffery Park and balancing the need for a basic level of supporting infrastructure required on active reserves to facilitate use, the schematic design of the amenity building to be delivered, including all components listed in the first paragraph shows a building of approximately 65m<sup>2</sup> of internal space and a covered awning area of approximately 35m<sup>2</sup>, a total of 100m<sup>2</sup>.

[8131 Bert Jeffery Park Amenity Building – Floor Plan](#)

[8131 Bert Jeffery Park Amenity Building – Site Plan](#)

The Parks and Natural Areas team will also install a drink fountain with dog water bowl at the base to complement the amenity of Bert Jeffery Park.

**Petition**

The petition received in May 2020 and signed by 105 residents of the City of Melville contained 43 signatures from residents of the suburb of Murdoch from 23 different households. There are 22 residential blocks (and houses) directly facing Bert Jeffery Park, of these households, nine were signatories of the petition, noting that some houses had multiple signatories.

**CD20/8131 - PETITION TO THE CITY OF MELVILLE – BERT JEFFERY PARK (REC)  
(ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

A summary of previous consultation regarding the Bert Jeffery Park Amenity Building can be located in item CD18/8107.

Recently, local residences have been informed, by letter, of any milestone related to the design and construction of the amenity building project. A project page was also developed for the project to assist in informing local residents and the broader community.

The project page, letters to residents local to Bert Jeffery Park and related information can be located at the following link: <https://www.melvillecity.com.au/our-city/about-our-city/projects-and-works/bert-Jeffery-park-amenity-building-project>

**II. OTHER AGENCIES / CONSULTANTS**

The Western Australian Cricket Association provided a support letter to the City of Melville in regard to the installation of a turf wicket within the City. The Department of Sport and Recreation (now known as the Department of Local Government, Sport and Cultural Industries) also provided grant funding of \$40,000.

**STATUTORY AND LEGAL IMPLICATIONS**

Not Applicable

**FINANCIAL IMPLICATIONS**

The total project budget is \$497,500 of which \$395,000 was carried forward to the 2020/2021 Annual Budget. The current committed funding is \$102,672.80 largely related to two contracts with Slavin Architects, for architectural services and Porter Consulting Engineers, for design of utility services headworks and superintendency.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Access to basic facilities to enable community use is not delivered at Bert Jeffery Park.	Major consequences which are almost certain, resulting in an Extreme level of risk.	Deliver the amenity building, servicing basic community need, as planned.

**CD20/8131 - PETITION TO THE CITY OF MELVILLE – BERT JEFFERY PARK (REC)  
(ATTACHMENT)****POLICY IMPLICATIONS****CP-028 Physical Activity**

The policy objective is, “To increase opportunities for physical activity; leading to the improved health and wellbeing of the community.”

The amenity building at Bert Jeffery Park aligns to this policy and facilitates the basic requirements for use at the site.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

An alternate option would be to support the petition and not build the basic amenity building, which would therefore not support a range of uses at Bert Jeffery Park, and further impact other reserves throughout the City that are currently overused.

Users of any Active Reserve should have access to a toilet and basic change facilities.

As per People Places Participation; A Strategic Community Plan for the City of Melville 2016-2026, the project links to supporting the aspiration of Healthy Lifestyles, the objective for which is, “Opportunities for healthy activities both indoors and out and about in local parks and suburbs walking, running, cycling and exercising individually or in groups. Not delivering the amenity building at Bert Jeffery Park, impacts the City’s ability to contribute to this aspiration.

Aligning to the Strategic Community Plan is the City of Melville Corporate Business Plan 2016-2020, one of the five key priority areas of focus is, “Meeting the demand to provide fit for use/appropriate infrastructure into the future”. The amenity building at Bert Jeffery Park also contributes to this priority for the City of Melville.

Additionally, significant investment made by a community sporting group, in the Applecross Cricket Club, may be in danger of redundancy as the West Australian Suburban Cricket Association, the West Australian Cricket Association also require basic facilities (those that are planned) to facilitate use.

The City has committed funds towards the following contracts RFQ192035 (Porter Consulting Engineers) and RFQ192087 (Slavin Architects), which would require payment of services rendered to date by negotiation, should the alternate option be taken.

**CONCLUSION**

A basic level of infrastructure is required on Active Reserves to facilitate the use.

Council provided direction as to the location of the amenity building at Bert Jeffery Park in item CD18/8107.

Subsequently, funding for the project was requested and approved by Council and as a result Officers have set about delivering the amenity building project.

A significantly reduced building size (over that which was previously planned or recommended) shows compromise for the concern some residents have shown whilst also servicing the basic needs of current and future use at Bert Jeffery Park.

**CD20/8131 - PETITION TO THE CITY OF MELVILLE – BERT JEFFERY PARK (REC)  
(ATTACHMENT)**

The amenity building will be available for a range of users, including current structured and unstructured sporting use and community use.

The construction of the amenity building should proceed as planned.

**OFFICER RECOMMENDATION (8131)**

**NOTES**

**That the Council having considered the petitioners requests:**

- 1. notes the petition received, requesting that the development at Bert Jeffery Park be stopped; and**
- 2. notes that the building has been significantly reduced in size over that which was previously planned and envisaged; and**
- 3. directs the CEO to advise the lead petitioner of the outcome.**

**Reject and Replace**

At 6:52pm Cr Sandford moved, seconded Cr Barton –

**That the Council, having considered the petitioners requests:**

- 1. notes the petition received requesting that the development at Bert Jeffery Park be stopped; and**
- 2. refers the matter back to an Elected Member Information Session prior to returning to the next available Council Meeting for a decision.**
- 3. directs the CEO to advise the lead petitioner of the outcome.**

At 7:30pm the Mayor declared the motion

**LOST (4/9)**

<b>Vote Result Summary</b>	
Yes	4
No	9

Cr Barton	Yes
Cr Kepert	Yes
Cr Pazolli	Yes
Cr Sandford	Yes
Cr Barber	No
Cr Fitzgerald	No
Cr Mair	No
Cr Macphail	No
Cr Robartson	No
Cr Robins	No
Cr Wheatland	No
Cr Woodall	No
Mayor Gear	No

*At 6:56pm Cr Fitzgerald electronically disconnected from the meeting due to technical issues and returned at 6:57pm.*

*At 7:08pm Cr Wheatland left the meeting and returned at 7:09pm.*

**CD20/8131 - PETITION TO THE CITY OF MELVILLE – BERT JEFFERY PARK (REC)  
(ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8131)****NOTES**

At 7:30pm Cr Macphail moved, seconded Cr Wheatland –

**That the Council having considered the petitioners requests:**

- 1. notes the petition received, requesting that the development at Bert Jeffery Park be stopped; and**
- 2. notes that the building has been significantly reduced in size over that which was previously planned and envisaged; and**
- 3. directs the CEO to advise the lead petitioner of the outcome.**

At 7:33pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

Disclosures of Interest

Member	Cr Sandford
Type of Interest	Impartiality Interest
Nature of Interest	Former social member of Melville Bowling Club and husband is a member of Melville Bowling Club
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

Member	Cr Barber
Type of Interest	Impartiality Interest
Nature of Interest	Husband is a social member of Melville Bowling Club and I used to be a social member
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

Member	Mayor Gear
Type of Interest	Impartiality Interest
Nature of Interest	Social member of Melville Bowling Club
Request	Stay, discuss and vote
Decision	Stay, discuss and vote

Member	Cr Pazolli
Type of Interest	Impartiality Interest/Interest under the Code of Conduct
Nature of Interest	Referenced Melville Bowls Club in my electoral platform
Request	Leave
Decision	Leave

*At 7:35pm Cr Pazolli having declared an interest left the meeting.*

**13.1 Petition – Rescind Council Decision to grant 50 year Lease to Melville Bowling Club**

A petition signed by 159 residents of the City of Melville and 7 non-residents was received on 13 August 2020 and reads as follows:

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

*Rescind the Council decision on 21 July 2020 to grant a 50 year lease to the Melville Bowling Club (MBC) and replace it with a new term & conditions, in accordance with points 1 to 4 below:*

- 1. The term of the lease to be determined by the professionally qualified staff of the City, but be no longer than 10 years in duration.*
- 2. All other lease conditions to be determined by the City’s staff, within a reasonable time frame as stipulated by the staff, to ensure the conditions provide benefit consistent with other similar clubs & sporting organisations.*
- 3. Noting support provided to Mayor Gear by the MBC during the October 2019 Local Government Election & his ongoing membership with the club, the Mayor acknowledges his interest, leaves the Chamber during the debate & refrains from voting on this item.*
- 4. All other elected members duly re-consider their own interests and, where appropriate, leave the Chamber during the debate & refrain from voting on this item.”*

- 13.1 *Petition – Rescind Council Decision to grant 50 year Lease to Melville Bowling Club, continued.*

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

#### **OFFICER RECOMMENDATION**

At 7:36pm Cr Woodall moved, seconded Cr Robins –

**That the petition in requesting that the Council rescind the decision to grant a 50 year Lease to Melville Bowling Club, signed by 159 residents and 7 non-residents be acknowledged and a report be prepared.**

#### Amendment

At 7:36pm Cr Barton moved, seconded Cr Barber –

**That the words “and a report be prepared” be deleted from the officer recommendation**

At 7:45pm following discussion, debate and advice that due to the timing of the receipt of the petition, there had not been an opportunity for an officer report to be prepared on this matter, the Mayor deemed the amendment out of order.

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

At 7:36pm Cr Woodall moved, seconded Cr Robins –

**That the petition in requesting that the Council rescind the decision to grant a 50 year Lease to Melville Bowling Club, signed by 159 residents and 7 non-residents be acknowledged and a report be prepared.**

At 7:48pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

*At 7:48pm Cr Pazolli returned to the meeting.*

**14.1 REPORTS OF THE CHIEF EXECUTIVE OFFICER**

**P20/3862 - LOCAL DEVELOPMENT PLAN – LOT 42 (23) BUCKINGHAM CRESCENT, KARDINYA (REC) (ATTACHMENT)**

Ward : Bateman – Kardinya - Murdoch  
 Category : Operational  
 Application Number : DA-2020-406  
 Property : 23 Buckingham Crescent, Kardinya  
 Proposal : Local Development Plan  
 Applicant : Pindan  
 Owner : Pindan  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Nil  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P20/3862 - LOCAL DEVELOPMENT PLAN – LOT 42 (23) BUCKINGHAM CRESCENT,  
KARDINYA (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- In 2016 the Metro Central Joint Development Assessment Panel (JDAP), granted approval for the construction of 107 single and two storey grouped dwellings at Buckingham Crescent, Kardinya. Stage 1 of the development is nearing completion.
- The City has now received a proposed Local Development Plan (LDP). This is intended to apply to Stage 2 of the development.
- The requirement for a LDP for Stage 2 is a condition of the subdivision approval granted by the WAPC. The development associated with Stage 3 will also require the approval of a LDP as and when development activity associated with that stage of the development commences.
- The LDP seeks to vary the existing development provisions that apply under State Planning Policy 7.3 – ‘Residential Design Codes’, Volume 1 (R-Codes) and Local Planning Policy 3.1 ‘Residential Development’ (LPP 3.1). In granting approval for the 107 lot grouped dwelling development, detailed designs for the development of individual lots within the development were also approved.
- In practice this has proved to be inflexible for the developer in attempting to respond to the specific site and development requirements of individual potential purchasers, noting that there are no permitted development provisions under the *Planning & Development (Local Planning Schemes) Regulations 2015* (the Regulations) associated with grouped dwelling development.
- This means that each time a change is proposed to one of the approved grouped dwellings on site, a new development application is required to be lodged with the City for consideration, even if the proposal meets all the relevant provisions of the R-Codes and local planning policies.
- Stage 2 was recently approved by the Western Australian Planning Commission (WAPC) on 13 December 2019 as part of subdivision application DA-2019-975 (WAPC Ref. 766-19). The area in question is highlighted as shaded in blue in Figure 2 below.
- The LDP has been assessed in accordance with Part 6 of the Regulations. In accordance with Clause 50 (3) the proposed LDP has not been advertised as its provisions do not impact upon residents located outside of the planned residential estate, there being no shared boundaries with existing adjoining dwellings.
- In accordance with Council Delegation *DA-020: Planning and Related Matters*, the application is referred to Council for determination.
- It is recommended that the proposed LDP be approved.

**P20/3862 - LOCAL DEVELOPMENT PLAN – LOT 42 (23) BUCKINGHAM CRESCENT, KARDINYA (REC) (ATTACHMENT)**



Figure 1: Aerial image of the site



Figure 2: Staging Plan

**BACKGROUND**

Development Approval has previously been granted for 107 Grouped Dwellings at Lot 42 (No.23) Buckingham Crescent, Kardinya. The initial approval was granted by the then named Metro Central Joint Development Assessment Panel (JDAP) at its meeting held 25 February 2016. Since then, a number of amended development approvals have been endorsed by the JDAP on 29 June 2016, 21 February 2017, 1 August 2017, 26 November 2018 and by the City on 8 August 2018 and 27 June 2019.

As stated, the requirement for an Local Development Plan (LDP) comes from the subdivision approval for Stage 2 approved by the WAPC. Condition 11 of which states as follows:

A Local Development Plan being prepared and approved for lots shown on the approved plan of subdivision dated 22 August 2019, that is consistent with the approved development, and addresses the following:

- Guidance for lots with an area of less than 260sqm. The LDP has been specifically written for stage two as all the lots within this stage are all less than 260sqm therefore this requirement has been addressed;
- Interface with public open space for lots. This requirement has been addressed via fencing provisions within the proposed LDP; and
- Noise management requirements.

**P20/3862 - LOCAL DEVELOPMENT PLAN – LOT 42 (23) BUCKINGHAM CRESCENT,  
KARDINYA (REC) (ATTACHMENT)**

It is noted that the noise management requirement has been addressed via the Acoustic Report prepared by Lloyd George Acoustics dated 26 November 2015, which is attached to this report. The report does not identify any lots within stage 2 as requiring increased construction standards or notifications on title.

**Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	Residential
R-Code	:	R60
Use Type	:	N/A
Use Class	:	N/A

**Site Details**

Lot Area	:	10,300sqm (Stage 2)
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	Refer to Figure 1 above

**DETAIL**

An LDP is a mechanism used to coordinate and assist in achieving the desired built form outcomes by linking lot design to future development. Under Clause 46 Schedule 2 Part 6 of the Regulations, a LDP is defined as a plan setting out specific and detailed guidance for a future development including one or more of the following –

- (a) site and development standards that are to apply to the development:
- (b) specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relates.

An LDP is also referenced in Clause 7.3.1 of the R-Codes as being one of the mechanisms by which some of the deemed to comply provisions of the R-Codes may be amended or replaced.

*Site Context*

The subject site for the LDP incorporates Stage 2 of the 107 lot grouped dwelling development, as shown in Figure 2 above. The site is bordered by Stage 1 to the west which is already established with single and two storey grouped dwellings, Stage 3 to the east, Alan Edwards Park to the north, and North Lake Senior Campus to the south.

[3862 Acoustic Report](#)

[3862 Local Development Plan Stage 2 10](#)

[3862 DA 2020 406 App Plans](#)

**P20/3862 - LOCAL DEVELOPMENT PLAN – LOT 42 (23) BUCKINGHAM CRESCENT,  
KARDINYA (REC) (ATTACHMENT)***Proposal*

The proposed LDP is intended to modify development controls applicable to the site in order to facilitate a diverse housing product and exempt the developer from the requirement to obtain development approval for what constitute minor design changes to the original grouped dwelling layout and design, noting that to date the developer has amended the original Development Approval on (6) separate occasions in order to cater for the ongoing diversity of housing product types being sought by interested buyers.

The LDP will enable prospective purchasers a greater choice of housing product applicable to individual lots. This is in contrast to the current controls whereby each lot has approval for a specific house type/design associated with it. It is this inflexibility which has result in the developer seeking amended development approvals to accommodate the requirements of specific purchasers.

The LDP remains consistent with the applicable planning framework, with some minor variations to State Planning Policy 7.3 – ‘Residential Design Codes’, Volume 1 (R-Codes) and Local Planning Policy 3.1 ‘Residential Development’ (LPP 3.1) provisions.

The provisions contained within the LDP involve modifications to the following elements of Local Planning Scheme No. 6, Local Planning Policies and the Residential Design Codes (R-Codes):

- Primary & Secondary Street Setbacks;
- Boundary Walls;
- Garage Setbacks
- Street Fences
- Vehicle Access & Garages and
- Incidental Development
- Solar Access

All other development standards continue to apply.

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

Advertising Required: No  
Reason: In accordance with Schedule 2 Cl. 50 (3) of the Regulations

The proposed LDP is within a lot where planning approval was granted for 107 grouped dwellings and the variations to the R-Codes and LPP 3.1, along with the additional development provisions outlined above are not considered to adversely affect any owners or occupiers within the area covered by the LDP or any adjoining areas.

**P20/3862 - LOCAL DEVELOPMENT PLAN – LOT 42 (23) BUCKINGHAM CRESCENT,  
KARDINYA (REC) (ATTACHMENT)****II. OTHER AGENCIES / CONSULTANTS**

Required: No  
Reason: In accordance with Schedule 2 Cl. 50 (1) (b) of the Regulations

**STATUTORY AND LEGAL IMPLICATIONS**

The City will follow the requirements of the Deemed Provisions of *Planning and Development (Local Planning Schemes) Regulations 2015*.

Should the City of Melville determine not to approve the LDP, the applicant has the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

**FINANCIAL IMPLICATIONS**

There are no financial implications for the City relating to this proposal.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Refer to the comment sections below for commentary on this section.

**COMMENT**

Development Approval has previously been granted for 107 single and two storey grouped dwellings. The existing approval incorporates dwellings which already have reduced primary street setbacks, two storey boundary walls and reduced garage setbacks.

As the whole development comprises grouped dwellings, any changes to the approved dwelling designs, irrespective of whether those changes align with the deemed to comply provisions of the R-Codes and Council Policy, requires the benefit of an amended development approval. The purpose of this LDP is to enable flexibility to modify the design of the approved dwellings on each lot without the need to lodge an amended development application each time, provided the changes requested fall within the design parameters set by the LDP.

**P20/3862 - LOCAL DEVELOPMENT PLAN – LOT 42 (23) BUCKINGHAM CRESCENT,  
KARDINYA (REC) (ATTACHMENT)**

Comments below are provided in response to the key provisions proposed.

*Primary & Secondary Street Setbacks*

The deemed to comply provisions of the City's Local Planning Policy 3.1 'Residential Development' (LPP 3.1) allows for an average 2m, minimum 1m setback to the primary street and average 1.5m, minimum 1m, to the secondary street.

The proposed development controls in the LDP will allow a front setback of between 1m and 1.5m, whilst in respect to the secondary street setbacks it is proposed that these be a minimum of 1m. This will introduce a level of consistency with those lots that already benefit from approval for setbacks of this nature.

*Boundary Walls*

LPP 3.1 allows boundary walls up to 3.5m in height with an average of 3m for two-thirds the length of the balance of the lot boundary behind the front setback line. The proposed development controls in the LDP will allow for two storey boundary walls up to 7m high behind the front setback line.

In order to protect direct sun and ventilation to outdoor living areas, rear setback restrictions have been incorporated into the LDP to limit the extent of such walls thereby ensuring the integrity of outdoor living areas is not compromised.

*Garage Setbacks*

The current deemed to comply provisions of LPP 3.1, require garage set backs to be 4.5m from the primary street boundary line, noting that this length may be reduced where the garage adjoins a dwelling. The proposed development controls in the LDP will allow for garages to be setback a minimum 1.5m where either the dwelling protrudes past the garage or the dwelling includes an upper floor with a major opening fronting the Communal Street. For lots with rear loaded laneway access, setbacks can be reduced to 0.5m.

*Uniform Fencing & Interface with Public Open Space*

There are currently no provisions within the R-Codes or Council Policy with regards to fencing between a dwelling and a reserve. This provision of the LDP will ensure that fences are designed to an appropriate standard, are visually permeable, and allow a high level of passive surveillance to adjoining public open spaces.

*Vehicle Access & Garages*

This provision will ensure that garages constructed at lots 58-67 which are 6m wide are exclusively located at the rear of the lots thus resulting in a primary street streetscape without adverse garage dominance.

*Incidental Development*

This provision will ensure that the location of incidental fixtures and development are not visually intrusive to the public realm and do not detract from the streetscape.

**P20/3862 - LOCAL DEVELOPMENT PLAN – LOT 42 (23) BUCKINGHAM CRESCENT,  
KARDINYA (REC) (ATTACHMENT)***Solar Access*

The LDP proposes that the solar access provisions of the R Codes do not apply. It is noted that the LDP allows for walls to be built up to the boundary line on both sides of the lot and up to a maximum height of 7m on the basis that the shadow created by these boundary walls will cast only over the roof area of the dwelling on the southern side. To protect direct sun and ventilation to outdoor living areas, rear setbacks restrictions have been incorporated into the LDP to prevent boundary walls been constructed along the entire side boundary line. These provisions will serve to safeguard solar access for residents. In addition, where necessary the developer will install sky lights in dwellings where additional natural light is deemed to be necessary.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council could determine that the LDP be refused, in which case the applicant will have an option of appeal to the State Administrative Tribunal.

**CONCLUSION**

Based on the above, the proposed Local Development Plan is considered to align with the strategic objectives of the City's Local Planning Strategy and with State Planning Policy 7.3- *Residential Design Codes 7.3, Volume 1*. On that basis, it is recommended that the Local Development Plan be approved as proposed.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3862)****APPROVAL**

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

**That the Council in accordance with Schedule 2 Clause 52 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves the Local Development Plan for Lot 42 (no.23) Buckingham Crescent, Kardinya.**

At 7:49pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**



**LATE ITEM T20/3872 – BEACH STREET FOOTPATH CONSTRUCTION (REC)  
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The City is proposing to construct a path along Beach Street to provide safe access to the foreshore and river for residents in Bicton.
- The proposed path along Beach Street was chosen as the only viable and accessible connection between Point Walter Road and the Bicton foreshore.
- A Council resolution in November 2019 approved the construction of the path, but requested a review of crossovers with a view to retain as many existing approved crossovers and identifying solutions for unapproved or substandard crossovers.
- While most of the residents (22) accepted the construction of the path through the crossover, 11 residents have objections relating mainly to the path cutting through aggregate crossovers and a perceived loss of amenity.
- Following a report on the review of the crossovers in July 2020, Council resolved to undertake a site visit, write to residents for further feedback, present outcomes to an Elected Member Information Session and report back to Council in August 2020.
- The Council resolution from 19 November 2019 requires a departure from the usual process the City undertakes for the construction of paths and is not consistent with the City's policies, guidelines and specifications related to paths and crossovers.
- Based on the need to ensure the safest, most accessible, cost effective and equitable outcome, it is recommended that the Beach Street footpath (Harris Road to Blackwall Beach Parade) be constructed in accordance with Council Policies and applicable best practice standards and guidelines.

**BACKGROUND**

In 2018, the City had planned to upgrade the stormwater drainage in the vicinity of Beach Street and renew the road surface. The drainage works were completed in 2018, however it was noted that it was proposed to construct a pathway in 2019 and there would be efficiencies in combining the road resurfacing and footpath construction projects into one program.

It was decided to delay the road renewal project until 2019 and merge with the proposed path construction as this would also minimise disruption to residents. For example, changes to kerbing would affect both the road and path projects.

The path construction was accepted as part of the 2019-2020 works program and, in mid-2019, a path concept design was prepared and community consultation initiated as part of the City's improved resident engagement process.

There have been a number of attempts since 2002 to build a path along Beach Street. The rationale for the proposed construction of the path on Beach Street is that this alignment is the only viable and most logical access point between Point Walter Road and the Bicton foreshore.

The path would also enable Bicton residents from the surrounding area to have safe pedestrian access to the foreshore without traversing on the road.

**LATE ITEM T20/3872 – BEACH STREET FOOTPATH CONSTRUCTION (REC)  
(ATTACHMENT)**

Beach Street is the natural focus for residents living east of Point Walter Road and those living either side of Point Walter Road (e.g. Coldwells Street, Thurloe Road, Cavan Street, Malsbury Street,) that do not have “off road” pedestrian access to the foreshore and rely upon Braunton Street, Beach Street, Crewe Street or Kent Street through the existing on road access arrangement.

Beach Street has the easiest gradient of all the four roads that connect Point Walter Road to Blackwall Reach Road and is the safest and most accessible path alignment.

See the attached plan which shows the local road network, existing and proposed paths and the resident catchment expected to utilise and benefit from the Beach Street path [3872 Attachment Overall Area Map](#).

Following the submission of a petition presented to Council on 19 November 2019 covering a range of issues that were responded to by officers, Council resolved the following:

*“That the Council:*

1. *Notes the two petitions received.*
2. *Instructs the Chief Executive Officer to proceed with construction of the path along the southern side of Beach Street ensuring that all crossovers are maintained and that the footpath is constructed either side of crossovers, so as to, where possible, not require the removal of crossovers. In the event of a substandard or unapproved crossover, the City is to discuss removal of the crossover with the property owner, with the issue to come back to Council for a decision if the issue cannot be resolved.*
3. *Notify the petitioners of the outcome of the Council decision.”*

This resolution required officers to adopt an alternative approach to the construction of the path that was contrary to the following the City’s policies, guidelines and specifications including:

- CP-033 - Path Policy
- CP-101: Crossover Policy
- Crossover Guidelines and Specifications
- Path Guidelines and Specifications

These policies and supporting operational guidelines were prepared by the City in accordance with the strategic documents prepared for Local Government path and crossover construction, namely:

- WALGA - Guidelines and Specifications for Residential Crossovers (September 2017)
- Department of Transport – Planning and Designing for Pedestrians Guidelines (December 2016)

**LATE ITEM T20/3872 – BEACH STREET FOOTPATH CONSTRUCTION (REC)  
(ATTACHMENT)**

Officers implemented the 19 November 2019 resolution and a report was prepared and presented to Council on 21 July 2020 for the 10 unresolved crossovers (at that time) where the property owner did not agree with the City's recommended treatment (to cut through the crossover as undertaken for all path construction projects in the City) in preference to retaining the crossover as an alternate option.

The Council resolution from the 21 July meeting, via a reject and replace motion, was as follows.

*"That this Item*

1. *be referred back to the Elected Members Information Session for further discussion*
2. *be discussed at an onsite meeting prior to that EMIS with Officers, the Mayor, Deputy Mayor, Ward Councillors and other available Councillors to discuss the crossovers for retention and adjustment.*
3. *resident's be notified of the outcome of the discussions with Elected Members and invited to respond*
4. *be brought back to the next Ordinary Council Meeting in August."*

Officers met with the Mayor and Ward Councillors on 3 August 2020 to inspect the crossovers and discussed alternate options for the construction of the path, following which the residents with unresolved issues were notified of the outcome of the inspection on 4 August 2020 and given an invitation to provide feedback by 10 August 2020.

A presentation was undertaken at the Elected Members Information Session (EMIS) on 11 August 2020. The presentation included feedback received from one of the property owners with unresolved issues related to the replacement of the crossover.

This report is now presented to Council for consideration and resolution.

**DETAIL**

All Local Governments across Australia construct and maintain paths for their community.

The *Local Government Act 1995 and Regulations* provides the authority for the City to disturb any structures to construct or manage infrastructure (paths drainage, road resurfacing, road widening), noting *Schedule 9.1, Clause 7 of the Local Government (Uniform Local Provisions) Regulations 1996* states that an application to the Local Government must be made by the landowner to request approval to construct a crossover.

Paths allow safe, easily accessible, inclusive routes for commuter and other residents to partake in physical activity and while enhancing the liveability of the City. Paths are important in keeping pedestrian's safe, enabling accessibility and improving amenity for the following reasons:

**LATE ITEM T20/3872 – BEACH STREET FOOTPATH CONSTRUCTION (REC)  
(ATTACHMENT)**

- Pedestrians form the largest single road-user group.
- In 2010, pedestrians formed 13% of fatalities on roads in the Perth metropolitan region.
- Pedestrian fatalities are comprised disproportionately of the very young and the elderly.
- Two out of three people over 75 have a disability and the prevalence of disability will increase further with the ageing of the Australian population.
- Paths increase community amenity through encouraging more people on the streets to access areas through designated routes.

Path construction is supported by the State Government including the Department of Transport, Main Roads WA and the Western Australian Planning Commission (WAPC), the latter via references within the Liveable Neighbourhoods document.

With more than 30% of roads in the City lacking a path, the City has an active path construction program that targets areas of most need through an objective scoring and ranking process against relevant criteria.

Every community wide survey and associated consultation undertaken by the City has indicated that the community want to be safe when walking alongside roads, with the ability to connect to places such as shops and parks as part of a healthy lifestyle.

Each year the City constructs between around 6 kilometres of new paths (averaging 14 path projects, depending on cost) at various locations across the City at a cost of around \$770,000 (including grant funding).

The City rarely has issues with residents opposing a path as the large majority of residents support paths as an important community asset that they can use and enjoy. Some residents do not support the construction of a path through the crossover, however further consultation and communication between City officers and the property owners usually resolve most issues to mutual satisfaction.

Consultation is a key part of the path planning, designing and construction process and feedback is used to refine designs to address issues where practicable.

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

As part of the City's drive to improve consultation, a new process was introduced in 2019-2020 to provide a greater level and more opportunities for the City to consult with residents regarding path construction projects.

Previously, the City informed residents when construction works were about to commence and measures proposed to minimise disruption and inconvenience. This communication was undertaken through written correspondence and provided an opportunity for the resident to raise any issues regarding the path construction works.

**T20/3872 – BEACH STREET FOOTPATH CONSTRUCTION (REC) (ATTACHMENT)**

Where issues have been raised in the past by residents regarding path construction, the most common issues relate to concerns over damage to irrigation, verge treatments and crossover changes. In all of these circumstances, the City reinstates these aspects satisfactorily.

As the Strategic Community Plan had identified aspirations for residents in the City to have paths to support increased connectivity and accessibility, the City has put in place an improved consultation process as outlined in Council Policy CP-002 Stakeholder Engagement.

This new and improved process was used for consultation on Beach Street path, and a number of other path construction projects during 2019 and 2020, and involved a three stage consultation process including:

- an initial letter advising of proposed path construction and a copy of the design for comment.
- responses from the City back to residents regarding any feedback received on the path design and construction.
- a standard letter advising of the path construction as previously undertaken.

The results from the improved consultation process for path design and construction has been generally well received by residents consulted, with the exception of Beach Street that involved a concerted effort from residents in opposing the path.

To provide context, the results of negative responses for the five paths in the 2019-2020 program are outlined below.

Path	Negative Resident Responses
Beach Street, Bicton	47
Conon Road, Applecross	3
Lamond Street, Melville	0
Pitt Way, Booragoon	0
Theakston Green, Leeming	0

It is clear from the above that the negative feedback on the Beach Street path construction is not representative of other path construction projects undertaken across the City using the improved consultation process.

Based on the above responses to other path construction projects, some of which required cutting through recently constructed exposed aggregate crossovers to construct the path, the majority of residents are generally happy with the level of consultation and the balance between communication and planned works.

As noted in previous reports, the consultation process has resulted in a four-fold increase in design and consultation costs (currently in excess of \$37,000, not including officer time involved in additional site visits and oversight of design work) as well as time delays in excess of six months.

**LATE ITEM T20/3872 – BEACH STREET FOOTPATH CONSTRUCTION (REC)**  
**(ATTACHMENT)**

In addition, the follow up consultation and inspections involving residents has unnecessarily raised expectations and led to greater levels of community dissatisfaction amongst some residents, whilst leading to consideration of practices that would reduce safety and accessibility outcomes through compromised path construction standards.

**II. OTHER AGENCIES / CONSULTANTS**

No engagement with other agencies or consultants has occurred.

**STATUTORY AND LEGAL IMPLICATIONS**

There are no statutory or legal implications associated with the construction of the path. However in accordance with *Schedule 9.1, Clause 7 of the Local Government Act 1995 and Regulation 12, 13 and 15 of the Local Government (Uniform Local Provisions) Regulations 1996*, an application to the Local Government must be made by the landowners to request approval to construct a crossover.

**FINANCIAL IMPLICATIONS**

The amount of \$150,289 was approved in the 2019-2020 budget to construct the path. The budget was carried forward to 2020-2021. This amount includes a provisional sum for crossover replacement works and verge regrading. The full extent of these works was not known when the budget was prepared.

As at 11 August 2020, \$37,027 has been spent on design and surveys for the Beach Street path. This does not include some 200 hours of staff time to deal with the additional workload related to Council resolutions and the increased level of consultation undertaken in response to issues raised by residents.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
If the path is not constructed, people travelling along the road will have a higher level of risk of injury or death than users of a path.	Possible likelihood with Moderate consequences which are likely, resulting in a <b>Medium</b> level of risk.	Construct the path.
Construction of the path will increase the runoff along the verge.	Possible likelihood with Moderate consequences which are likely, resulting in a <b>Medium</b> level of risk.	The current design provides for gradients and mitigates risk.
Construction of the path will reduce the visual amenity of the street.	Possible likelihood with Minor consequences which are likely, resulting in a <b>Medium</b> level of risk.	Engage with the residents to reduce the impact of the changes in levels through crossovers and plant additional street trees to increase amenity and shade.

**LATE ITEM T20/3872 – BEACH STREET FOOTPATH CONSTRUCTION (REC)  
(ATTACHMENT)****POLICY IMPLICATIONS**

There are policy implications in that the Council resolution is not consistent with Council Policy CP 101-Crossover Policy, Council Policy CP-033 – Path Policy and the City's path and crossover guidelines and specifications as noted in this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

A range of alternate options were investigated aimed at achieving the intent of the Council resolution from 19 November 2019, whilst constructing a path that resulted in acceptable safety and accessibility outcomes.

Only one of the constructed crossovers at the time has been approved by the City, with the remaining crossovers being unapproved and non-compliant.

This situation created difficulties for officers in putting forward recommendations that were contrary to Council Policies adopted by Council in March 2020, but met the intent of the Council resolution passed on 19 November 2019.

The alternate option for the 11 unresolved issues were discussed in detail at the Elected Member Information Session on 11 August 2020 and summarised below following further discussions with the Mayor and Deputy Mayor.

*“Retain 6 unapproved crossovers with minor non-compliances and remove wings (2A, 4, 14A, 16, 22, 26A Beach Street) and re-construct 5 exposed aggregate crossovers to achieve acceptable grades (16A and 26/28A/28 Beach Street and 28 Blackwall Reach Parade).”*

This alternate option retains all 11 crossovers with unresolved issues, with adjustments to crossovers to achieve acceptable grades and access requirements. This alternate option is not as safe as the Officer recommendation and has the potential to set an undesirable precedent for future path construction projects that would lead to increased expectations from property owners, increased delays and increased costs for path construction projects throughout the City.

**CONCLUSION**

The construction of a path along Beach Street as a continuous grey concrete path that cuts through existing crossovers will provide the safest and most accessible pedestrian connection between the Bicton community and the Bicton foreshore.

Council's resolutions to maintain some crossovers would compromise the City's ability to construct the path to meet adopted Policies and best practice guidelines and specifications and is likely to lead to increased resident expectations, costs and timeframes for future path construction projects.

Following significant consultation with affected residents and Elected Members, it has become clearer that the safest, most cost effective and equitable solution is to construct the footpath in accordance with the Council's Policies and the best practice standards and guidelines.

**LATE ITEM T20/3872 – BEACH STREET FOOTPATH CONSTRUCTION (REC)  
(ATTACHMENT)****OFFICER RECOMMENDATION (3872)****APPROVAL**

That the Council In light of the need to ensure the safest, most accessible, cost effective and equitable outcome the Beach Street (Harris Road to Blackwall Beach Parade), approves the recommendation that the footpath be constructed in accordance with Council Policies and applicable best practice standards and guidelines.

**Reject and Replace**

At 7:51pm Cr Barber moved, seconded Cr Barton –

That the Council rejects the Officers' Recommendation based on Option #1 presented to the Elected Member Information Session of 11 August 2020 and replaces it with Option #3, that is

“Retain 6 unapproved crossovers with minor non-compliances (2A, 4, 14A, 16, 22, 26A) and remove wings”.

During this discussion and debate on this matter the mover and the seconder consented to the inclusion of information to include that the one approved crossover at 14 Beach Street be retained.

**Reject and Replace****COUNCIL RESOLUTION**

At 7:51pm Cr Barber moved, seconded Cr Barton –

That the Council rejects the Officers' Recommendation based on Option #1 presented to the Elected Member Information Session of 11 August 2020 and replaces it with Option #3, that is

“Retain the one approved and 6 unapproved crossovers with minor non-compliances (2A, 4, 14, 14A, 16, 22, 26A) and remove wings”.

At 8:08pm the Mayor declared the motion

**CARRIED (10/3)**

**LATE ITEM T20/3872 – BEACH STREET FOOTPATH CONSTRUCTION (REC)  
(ATTACHMENT)**

<b>Vote Result Summary</b>	
Yes	10
No	3

Cr Barber	Yes
Cr Barton	Yes
Cr Fitzgerald	Yes
Cr Kepert	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Woodall	Yes
Mayor Gear	Yes
Cr Sandford	Yes
Cr Mair	No
Cr Macphail	No
Cr Wheatland	No

*At 7:51pm Cr Woodall left the meeting and returned at 7:52pm.*

*At 7:53pm Cr Kepert left the meeting and returned at 7:56pm.*

*At 8:03pm Cr Robins left the meeting and returned at 8:06pm.*

**Reasons for the Reject and Replace as Provided by Cr Barber**

1. A large number of residents of lower Beach Street (47 compared with 3 in Conon Road, Applecross) did not want a footpath down their street, but following the recent extensive consultation most residents have come to terms with having a footpath at the front of their property.
2. Officers met with the Mayor and Ward Councillors on 3 August 2020 to inspect the crossovers and discussed alternative options for the construction of the path, and the consensus appeared to be that Option 3 was the best solution, i.e. "Retain on approved and 6 unapproved crossovers with minor non-compliances and remove wings (2A, 4, 14, 14A, 16, 22, 26A Beach Street)
3. I understand that Option 3 enables 6 crossovers to be maintained without affecting the safety of pedestrians. These crossovers do not require slope engineering works by the City and no reconstruction of crossovers is required.
4. Although Option 3 does not conform exactly to current design criteria, it does meet all safety standards and may be regarded as a special case in transition to a tighter and more consistent approval regime for future crossovers.

At 8:07pm Mayor Gear foreshadowed that the Beach Street path project is a special circumstance requiring resolution and that Council will not get involved in this process in future, with officers to manage the path construction process in line with Council Policies and the City's guidelines and specifications. Elected Members requested that this statement be recorded in the minutes.

**CD20/8131 - PETITION TO THE CITY OF MELVILLE – BERT JEFFERY PARK (REC)  
(ATTACHMENT)**

**Item brought forward.**  
See page 32.

Officers provided an Advice Note on this matter [Advice Note ARIS Policy](#) and an updated attachment [Amended Active Reserve Infrastructure Policy](#).

**CD20/8132 – NEW POLICY - COUNCIL POLICY CP- 116 ACTIVE RESERVE INFRASTRUCTURE POLICY (REC) (ATTACHMENT)**

Ward : All  
 Category : Strategic  
 Subject Index : Recreation  
 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 : CD20/8130 – Active Reserve Infrastructure Strategy, 16 June 2020  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Peter de Lang  
 Healthy Melville Coordinator Leisure 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 (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>

**CD20/8132 – NEW POLICY - COUNCIL POLICY CP- 116 ACTIVE RESERVE  
INFRASTRUCTURE POLICY (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- This report and the Active Reserve Infrastructure Policy propose principles of development to provide direction for projects on Active Reserves.
- The principles applied in the Active Reserve Infrastructure Policy align to strategic direction provided in the Department Local Government, Sport and Cultural Industry's (formerly Department of Sport & Recreation) Strategic Directions 2016-2020 (SD6).
- The principles applied in the Active Reserve Infrastructure Policy align to the principles of development from the Active Reserve Infrastructure Strategy.
- Policies that are defined as Council Policy require the approval of Council.

**BACKGROUND**

The City of Melville greatly values the benefits of an active lifestyle and has a strategic goal in place to contribute to a healthy and active community. The provision of sporting reserves and infrastructure is a major factor in achieving this goal; however the City of Melville for some time now has been currently facing a severe overuse of a number of its Active Reserves, as well as ageing infrastructure that no longer meets the needs of the community and must implement plans to resolve these issues.

An Active Reserve is a reserve or park that is principally used for structured sport and associated recreational uses.

The Active Reserve Infrastructure Strategy was developed to guide the provision of infrastructure and investment on Active Reserves for the next 20 years. At the Ordinary Meeting of Council for June 2020, council noted support of the Active Reserve Infrastructure Strategy.

The Active Reserve Infrastructure Policy provides strategic direction specifically for Active Reserves in the City.

**DETAIL**

All policies are held under one of two categories being, Council Policies or Operational Policies. The policies that are required to be approved by the Council relate to:

- Strategic Direction of Council
- Executive Functions
- Legislative Functions
- Chief Executive Officer and Senior Officer Appointments
- Termination payments in excess of contracts of employment or Award provisions.

The Active Reserve Infrastructure Policy has been developed for Council to provide Strategic Direction.

**CD20/8132 – NEW POLICY - COUNCIL POLICY CP- 116 ACTIVE RESERVE  
INFRASTRUCTURE POLICY (REC) (ATTACHMENT)**

The [8132 Active Reserve Infrastructure Strategy](#) contains the research, engagement reports, recommendations, a detailed cost plan and schedule for investment on Active Reserves over a 20 year period and informs the Active Reserve Infrastructure Policy.

The Active Reserve Infrastructure Policy leverages the significant work done in the Active Reserve Infrastructure Strategy to produce a high level Council Policy to provide supported direction for officers.

This policy aligns to principles used in the Department Local Government, Sport and Cultural Industry's (formerly Department of Sport & Recreation) Strategic Directions 2016-2020 (SD6). Relevant principles from SD6 include:

- Inclusivity;
- Universal access;
- Fair play;
- Sustainability;
- Adaptive delivery;
- Excellence;
- Collaborative relationships.

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

No engagement process was conducted for the Active Reserve Infrastructure Policy. Significant engagement processes were conducted for the Active Reserve Infrastructure Strategy and there is no determined need to replicate this work at this stage.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

The policies are consistent with the current Local Government Act 1995 and relevant Regulations.

**FINANCIAL IMPLICATIONS**

Nil.

**CD20/8132 – NEW POLICY - COUNCIL POLICY CP- 116 ACTIVE RESERVE  
INFRASTRUCTURE POLICY (REC) (ATTACHMENT)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Overuse of Active Reserves leading to a decline in quality of the infrastructure, temporary closure of reserves or increased risk of injury.	Moderate consequences which are almost certain, resulting in an Extreme level of risk	Active Reserve Infrastructure Policy to be adopted by Council.
Facilities are ageing and not fit for purpose resulting in key community outcomes not being met.	Major consequences which are almost certain, resulting in an Extreme level of risk.	Active Reserve Infrastructure Policy to be adopted by Council.

**POLICY IMPLICATIONS**

An extensive documentation review was conducted in the development of the Active Reserve Infrastructure Strategy of City of Melville related documents, policies and strategies as well as a review of State and National guidelines, Plans and Strategies.

This information was utilised in the production of the Active Reserve Infrastructure Policy.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

An alternate option would be to not endorse Active Reserve Infrastructure Policy however this option significantly reduces the direction provided by the Council and impacts the City's ability to meet community aspirations identified in People Places Participation - A Strategic Community Plan for the City of Melville 2016-2026. Not endorsing this policy would also provide little confidence to community sporting clubs/associations/organisations which will impact on their ability to plan for the future.

**CONCLUSION**

The Active Reserve Infrastructure Policy sets strategic direction for the provision of sustainable, fit-for-purpose, multi-use, quality and inclusive community infrastructure at Active Reserves within the City of Melville.

**CD20/8132 – NEW POLICY - COUNCIL POLICY CP- 116 ACTIVE RESERVE INFRASTRUCTURE POLICY (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION (8132)**

**APPROVAL**

That the Council resolves to adopt new Council Policy CP-116 - Active Reserve Infrastructure Policy as attached [Amended Active Reserve Infrastructure Policy](#) and that this Policy be published on the City of Melville website.

**Reject and Replace**

At 8:11pm Cr Mair moved, seconded Cr Sandford –

**That the Council refers proposed Council Policy CP-116 Active Reserve Infrastructure Policy to an Elected member Information Session for further discussion and brings the Policy back to the next available Ordinary Meeting of Council.**

At 8:24pm during the discussion and debate on the matter and following advice from the CEO, the words “next available” were included after the words “Policy back to the”, and the words “in September” were deleted.

**Reject and Replace**

**COUNCIL RESOLUTION**

At 8:11pm Cr Mair moved, seconded Cr Sandford –

**That the Council refers proposed Council Policy CP-116 Active Reserve Infrastructure Policy to an Elected Member Information Session for further discussion and brings the Policy back to the next available Ordinary Meeting of Council.**

At 8:32pm the Mayor declared the motion

**CARRIED (11/2)**

Vote Result Summary	
Yes	11
No	2

Cr Barber	Yes
Cr Barton	Yes
Cr Fitzgerald	Yes
Cr Mair	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Sandford	Yes
Cr Woodall	Yes
Mayor Gear	Yes
Cr Kepert	No
Cr Wheatland	No

**CD20/8132 – NEW POLICY - COUNCIL POLICY CP- 116 ACTIVE RESERVE  
INFRASTRUCTURE POLICY (REC) (ATTACHMENT)**

*At 8:16pm Cr Barber left the meeting and returned at 8:18pm.*

*At 8:16pm Cr Robartson left the meeting and returned at 8:19pm.*

*At 8:29pm Cr Robins left the meeting and returned at 8:29pm.*

**Reasons for the Reject and Replace as provided by Cr Mair:**

1. While the inclusions in the amended Active Reserve Infrastructure Policy have been improvements, more changes need to be considered since this is a guiding document which will commit \$60million over the next 20 years.
2. Some of the changes I will propose is in the wording under Policy Statement:
  - Dot point one: the words “directed to” be changed to “focused on”. The reason is that the previous words are limited and need to be more flexible.
  - At the end of the dot point the inclusion of these words . . .”but does not exclude single use facilities from attracting funding.”
3. Floodlighting dot point should be removed since it is a technical matter rather than a policy matter. If it stays, it should read “Floodlight all active reserves used for sport to a minimum training standard for large ball sports.” Standard can change over time.
4. Include a new dot point: “Funding to be set aside in the budget for the purchase of additional open space centrally located in the city for the purposes of sports.”

At 8:33pm the Mayor brought forward Item T20/3870 – RFT192020 Shirley Strickland Reserve Redevelopment Project for the convenience of the public gallery.

**LATE ITEM T20/3870 – RFT192020 SHIRLEY STRICKLAND RESERVE REDEVELOPMENT PROJECT (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 : Item 16.2 21 April 2015 Ordinary Meeting of Council, Item CD16/8093 – Shirley Strickland Reserve Concept Plan 13 December 2016 Ordinary Meeting of Council.  
 Works Programme : Not Applicable  
 Funding : Funded from various internal reserves and external funding secured from Lotterywest and the Department of Local Government, Sport and Cultural Industries (CSRFF fund)  
 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"/>	<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>

**LATE ITEM T20/3870 – RFT192020 SHIRLEY STRICKLAND RESERVE  
REDEVELOPMENT PROJECT (REC) (CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

To recommend the acceptance of a tender submitted for the Shirley Strickland Reserve Redevelopment Project.

**BACKGROUND**

The City of Melville (Principal), is seeking a suitably qualified and experienced Contractor to undertake the construction of the Shirley Strickland Reserve Redevelopment Project (Project). Shirley Strickland Reserve is located in Coogee Road Ardross.

The Project includes the construction of:

- A two-storey multi-use community facility which incorporates change rooms, sporting clubrooms and multi-purpose rooms.
- Sports field lighting.
- Hard and soft landscaped works.
- Verge improvements.
- Irrigation works.
- A path network.
- A nature playground, BBQ and picnic facilities.
- Outdoor exercise equipment.

**DETAIL**

The tender was advertised on 3 June 2020 and closed on 9 July 2020. A total of 8 compliant tenders were received and subsequently assessed by the Evaluation Panel. Qualitative scores were achieved by joint agreement of the Evaluation Panel members at the evaluation meeting after each panel member had scored the tender submission individually.

The City set four qualitative criteria for this Request being:

- Demonstrated Experience
- Capacity to Deliver
- Sustainable Procurement, and
- Methodology.

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

The recommendation was supported by the Contract and Tender Advisory Unit (CTAU) at its meeting on 11 August 2020 and is put forward as part of the recommendation to the Council.

**LATE ITEM T20/3870 – RFT192020 SHIRLEY STRICKLAND RESERVE  
REDEVELOPMENT PROJECT (REC) (CONFIDENTIAL ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Planning for the Shirley Strickland Reserve Redevelopment commenced in 2015. Since this time, and at each phase of the project's development, there has been comprehensive and detailed engagement with the local community, reserve users and the De la Hunty (née Strickland) family. The feedback and input received during the community consultation phases of the project has significantly influenced the final composition and scope of work related to the redevelopment project.

The engagement since 2015 occurred over two distinct phases, the Concept Plan (2015 – 2016) and the progression from the Concept Plan to Detailed Design (2018-2020). The stakeholder engagement process and outcomes are best summarised by the Melville Talks pages and can be found at the following links:

<https://www.melvillecity.com.au/our-city/connect-with-us/melville-talks/engagements/shirley-strickland-reserve-concept-plan-2016>

<https://www.melvillecity.com.au/our-city/connect-with-us/melville-talks/engagements/shirley-strickland-reserve-redevelopment>

**II. OTHER AGENCIES / CONSULTANTS**

Architectural, engineering, landscape architecture, and tender evaluation support services have been provided by Donovan Payne Architects.

Cost estimation, value engineering and tender evaluation support services have been provided by Turner and Townsend.

Planning services have been provided by Roberts Day.

The Planning Approval process included a presentation of the Project design to the Design Review Panel in March 2019. Comments from the Design Review Panel were incorporated into a revised design which was subsequently granted Planning Approval in May 2019 (DA-2019-167).

Development Approval for the replacement and upgrade of the Sports Field Lighting was granted in August 2020 (DA-2020-583)

**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".

**LATE ITEM T20/3870 – RFT192020 SHIRLEY STRICKLAND RESERVE  
REDEVELOPMENT PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

Pre-Tender Estimate	\$8,142,252
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation	Not applicable, within budget.

A total of \$1.51million of external grants has been secured for the project from Lotterywest and the Department of Local Government Sport and Cultural Industries (CSRFF fund).

It is critical to ensure the project construction commences as soon as practicable as this triggers the grant agreement contract for both grants received for the project, and enables the City to draw down on these vital funds.

The grant agreement between the City and both funding agencies has been extended on two occasions for each grant and the funding agencies have indicated that further extensions are unlikely to be granted. This is particularly relevant to the Lotterywest grant for which future funding has been redirected by the State Government toward new stimulus projects, as a response to the COVID-19 pandemic.

The remainder of the Project funding is drawn from various internal reserves.

**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. Actions taken to address identified risks are listed in a confidential attachment included in the Contract and Tender Advisory Unit Meeting Minutes of 11 August 2020.

**POLICY IMPLICATIONS**

CP-023 Procurement of Products or Services

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The only alternative to approving this tender is to not proceed with the Project. Given the considerable amount of community engagement that has been undertaken during the course of the development of this Project this would likely lead to broad ranging outrage from the community and sporting clubs. In addition as noted above, the external funding secured for the Project would be lost for the community.

**LATE ITEM T20/3870 – RFT192020 SHIRLEY STRICKLAND RESERVE  
REDEVELOPMENT PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

*At 8:33pm Cr Barton left the meeting*

**CONCLUSION**

The CTAU is satisfied that the recommended supplier has demonstrated that they have the necessary demonstrated experience, appropriate capacity to deliver, follow sustainable practices and follow a methodology in line with the City's expectations.

The recommended supplier offers the lowest cost to the City of the shortlisted submissions whilst satisfying the City's qualitative requirements therefore they offer the best value for money.

The confidential attachments are included in the Contract and Tender Advisory Unit Meeting Minutes of 11 August 2020 available on the Elected Members Portal.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3870) APPROVAL**

At 8:34pm Cr Robartson moved, seconded Cr Barber –

- 1. Accept the recommendation as contained in the Confidential Attachment – RFT192020 Contract and Tender Advisory Unit Minutes, and**
- 2. Upon resolution of the recommendation, directs that the successful respondents' names be inserted below this point 2:**

**McCorkell Constructions (WA) Pty Ltd ABN: 16 152 825 351**

At 8:35pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**ADDENDUM CD20/8126 NEW POLICY - COUNCIL POLICY CP-112 CUSTOMER FEEDBACK POLICY (REC) (ATTACHMENT)**

This item was deferred from the 16 June 2020 Ordinary Meeting of Council and should be read in conjunction with the additional information below:

ADDITIONAL INFORMATION

This Report was deferred from the 16 June 2020 Ordinary Meeting of Council to allow Elected Members to consider correspondence received from the community in relation to this item.

*“That Item CD20/8126 - New Council Policy CP-112 Customer Feedback Policy be deferred to the 21 July 2020 Ordinary Meeting of Council to allow Elected Members to consider correspondence received from the community in relation to this item.”*

Feedback was considered and determined that the presented Policy, drafted by accredited Customer Service Institute of Australia practitioners remains applicable as a strategic policy. The presented Policy is in response to the Findings and Recommendations in the Complaints Review Report which was the result of an independent review recommended in the Inquiry Report from the Western Australia Department of Local Government, Sport and Cultural Industries remains

The policy is also based on Best Practice and in compliance with the International Customer Service Standard (ICSS 2015-2020) and the Customer Service Institute of Australia’s Customer Complaints Framework, which the City is assessed regularly for accreditation.

Community feedback was aimed at an operational level not at a strategic policy standard. Consideration of the feedback received was provided to Elected Members on the 10 July 2020 for comment and none was received.

**CD20/8126 NEW POLICY - COUNCIL POLICY CP-112 CUSTOMER FEEDBACK POLICY (REC) (ATTACHMENT)**

Ward	: All
Category	: Policy
Subject Index	: Policy & Policy Development
Customer Index	: Community Development Policies & Procedures
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item CD16/8087- Complaints Management Policy Ordinary Meeting of the Council 26 September 2016 Item CD20/8126 - New Council Policy CP-112 Customer Feedback Policy – Ordinary Meeting of Council 16 June 2020 (deferred)
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Leanne Hartill Manager Neighbourhood Development

**CD20/8126 - NEW POLICY - COUNCIL POLICY CP-112 CUSTOMER FEEDBACK POLICY (REC) (ATTACHMENT)**

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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 (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**KEY ISSUES / SUMMARY**

This item proposes that a Customer Feedback Policy be endorsed by the Council. The primary objectives being to:

- Value and welcome customer feedback (compliments, complaints and suggestions)
- Provide a framework to ensure customer feedback is managed in a friendly, respectful, confidential, transparent and timely manner
- Use data and information obtained to drive improvements to policies, processes, products and services and
- Demonstrate the City's commitment to continuous improvement.

To establish this new policy, and in accordance with best practice details provided by the Customer Services Institute of Australia, there is a further recommendation to revoke CP-107 – Managing Unreasonable Conduct by Customers, as the matters covered by this policy will be addressed operationally.

**CD20/8126 - NEW POLICY - COUNCIL POLICY CP-112 CUSTOMER FEEDBACK POLICY (REC) (ATTACHMENT)****BACKGROUND**

In September 2016, the [Complaints Management Policy \(CP- 101\)](#) was adopted by Council following a Notice of Motion for a Council Policy to be developed. Prior to this all customer services related policies were at an operational policy level.

In November 2016, a new section heading: 'reporting to the Council' was added to CP - 101, via a notice of motion. (Item 16.1 – Amendment to Complaints Management Policy- CP101).

*'That the Council resolve to amend Council Policy **CP-101 Complaints Management Policy** as follows:*

*1. After External Review on page 3 add a new section heading and text as follows:  
"Reporting to the Council: Annually, at the first Governance Committee meeting held at least two months after the close of the relevant financial year, the Chief Executive Officer will report to the Committee, in a report intended for review by the Council, to inform the Council on customer service data, trends, issues and improvements as a minimum, while protecting the privacy and confidentiality of all parties, unless a written law requires otherwise. For avoidance of doubt the report for the 2015/2016 financial year will be made through the next available Governance Committee meeting after this policy is adopted.*

*At 9:00pm the Deputy Mayor submitted the motion, which was declared **CARRIED UNANIMOUSLY (10/0)**"*

A review of the effectiveness of the proposed new policy will be reported to the Council on an annual basis.

In July 2018, the Council policy: [8126 CP 107 Managing Unreasonable Conduct by Customers](#) was endorsed. This policy aimed to provide guiding principles and a fair mechanism for dealing with unreasonable conduct by customers to provide a safe working environment for staff, volunteers and Elected Members, whilst meeting the genuine needs of customers fairly and equitably, representing the best interests of the interests the community.

The City of Melville has proactively participated in benchmarking customer excellence programs, to promote best practices across the organisation. A sample of these programs includes:

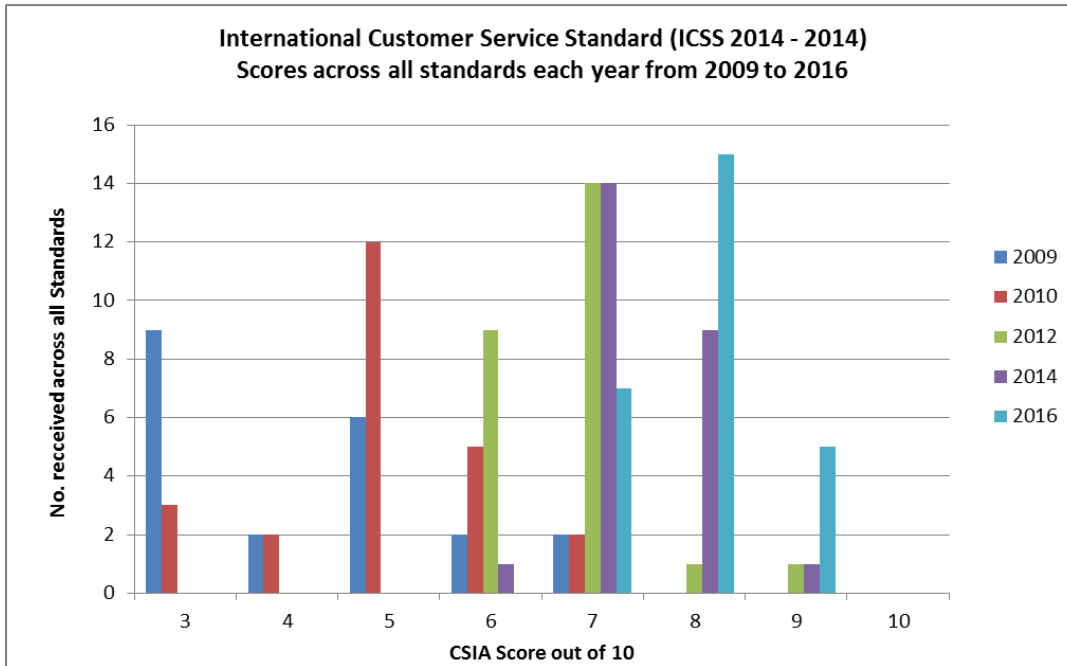
- Australian Business Excellence Framework
- Customer Service Excellence Certification

These programs recognise the focus on continuous improvement and the delivery of products and services that enhance customer satisfaction and community wellbeing.

In order to achieve certification by the Customer Services Institute of Australia (CSIA), the City is independently assessed against a set of internationally recognised standards and criteria demonstrating a commitment to sustainable results, leadership, people, systems and processes.

The City has participated in the Customer Service Excellence Certification since 2008. The last certification was obtained in 2018. This is a bi-annual program for the City and has guided all the improvements since 2009. The following table shows the improvement scores up to 2016.

CD20/8126 - NEW POLICY - COUNCIL POLICY CP-112 CUSTOMER FEEDBACK POLICY (REC) (ATTACHMENT)



In 2018 the certification standard was updated and the scores attained by the City are shown in the following table with the scoring standard criteria also explained:

ASSESSMENT MATRIX

	INTENTION			IMPLEMENTATION			INTEGRATION				
	0	1	2	3	4	5	6	7	8	9	10
<b>Service Perspective</b>											
1.1											○
1.2										○	
2.1											○
2.2											○
3.1										○	
3.2										○	
3.3										○	
3.4										○	
3.5										○	
<b>Finance &amp; Governance Perspective</b>											
4.1										○	
4.2										○	
5.1										○	
6.1										○	
6.2											○
6.3											○
<b>Operational Perspective</b>											
7.1											○
7.2											○
8.1										○	
8.2											○
8.1											○
<b>Learning &amp; Growth Perspective</b>											
10.1											○
10.2											○
10.3											○
11.1											○
11.2											○
12.1										○	
12.2											○

THE INTERNATIONAL CUSTOMER SERVICE STANDARD SCORING CRITERIA

	OBSERVATION	SCORE
Intention	No evidence (or only anecdotal evidence), to show that the attribute is to be addressed.	0
	Evidence exists to show that the attribute is to be addressed in the next business planning phase.	1
	Evidence exists to show that the attribute is being addressed in the current business planning phase.	2
Implementation	Evidence exists to show that the attribute has been implemented in parts of the organisation.	3
	Evidence exists to show that the attribute has been implemented in the majority of the organisation.	4
	Evidence exists to show that the attribute has been implemented in the majority of the organisation and success measures have been identified.	5
Integration	Evidence exists to show that the attribute is integrated over the majority of the organisation.	6
	Evidence exists to show that the attribute is fully integrated across the organisation.	7
	Evidence exists to show that the attribute is fully integrated across the entire organisation and success measures are being monitored.	8
	Evidence exists to show that the organisation is learning from measuring the attribute and is implementing improvement opportunities.	9
	Evidence exists to show that the organisation is considered <i>best practice</i> for the attribute.	10

**CD20/8126 - NEW POLICY - COUNCIL POLICY CP-112 CUSTOMER FEEDBACK POLICY (REC) (ATTACHMENT)**

In March 2019, the City was further certified to the Complaints Handling Framework (CSIA – CHF 2015) via the Customer Service Institute of Australia. This certification is based on the International Standards Organisation (ISO) 10002:2014 – ‘Quality Management – Customer Satisfaction – Guidelines for complaint management in organisations.’

Of the 23 elements assessed, seven were assessed at a score of six (*Evidence exists to show that the attribute is integrated over the majority of the organisation*), seven were assessed at a score of five (*Evidence exists to show that the attribute has been implemented in the majority of the organisation and success measures have been identified*), seven at a score of four (*Evidence exists to show that the attribute has been implemented in the majority of the organisation*) and two at a score of three (*Evidence exists to show that the attribute has been implemented in parts of the organisation*).

As with all certification processes the focus is on addressing the areas of most concern with the objective of improving the processes to achieve better outcomes for customers and, in this instance, complainants.

In June 2019, the Department of Local Government, Sport and Cultural Industries released the Report of the Inquiry into the City of Melville.

Recommendation 2 stated “*That consideration be given by the Council to engage an independent person to review and act on complaints about City processes and decisions for a period of three months from the date of this report.*”

Customer Science, a CSIA certified organisation, was selected to undertake the independent review and following that review a final report was provided in December 2019. This independent review included verification of a number of operational documents and the following Council Policies as part of understanding the City’s practice in the handling of complaints and achieving resolutions:

- CP- 101 Complaints Management Policy
- CP-107 Managing Unreasonable Conduct by Customers
- Customer Feedback Complaints Procedure and
- The recommendations from the CSIA Complaints Handling Framework.

The review also included on site assessments including interviews, observations and viewing of other pertinent systems and documentation. The recommendations in this report are based on findings and observations detailed from this report.

In all of these reports opportunities for improvement were identified including the need for the review of all customer related policies and procedures. The recommendations from these reports inform this current item before Council for consideration.

**DETAIL**

Every organisation that deals with the public receives feedback. The community expects government organisations to be customer/citizen focused and responsive to feedback provided.

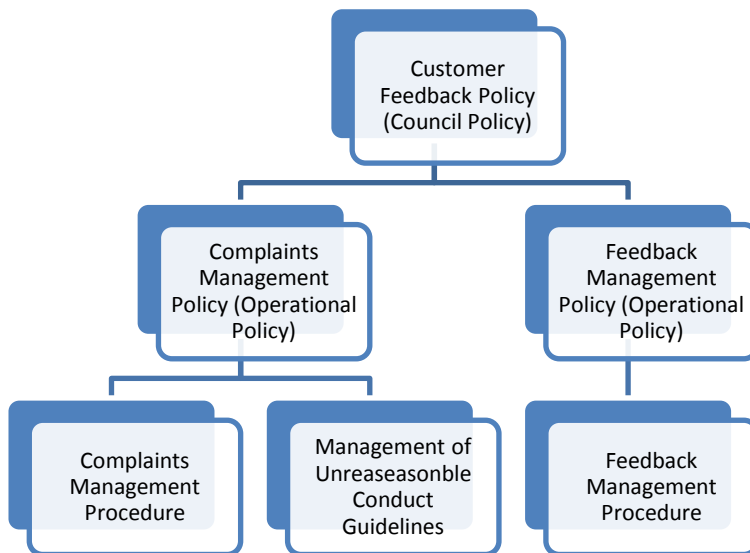
**CD20/8126 - NEW POLICY - COUNCIL POLICY CP-112 CUSTOMER FEEDBACK POLICY (REC) (ATTACHMENT)**

The International Customer Service Standard (ICSS 2015-2020) recommends that every organisation has a formal feedback management strategy and subsequent processes to empower staff to resolve customer issues and complaints.

The data collected through feedback from customers provides meaningful management information designed to highlight trends or systemic problems associated with City of Melville policies, products or service provision. This information is considered and, as appropriate, used to improve business processes.

The proposed [8126 CP-112 Customer Feedback Policy](#) aims to provide the organisation with a strategic uniform and effective mechanism for the management of formal and informal customer feedback. Feedback includes suggestions, compliments and complaints.

The diagram below shows where the proposed Council Policy will align with the updated suite of customer related policy documents:



Following are comments and the key recommendations from the Complaints Management Review December 2019:

**1. Definition of Complaint and Feedback**

*‘Update the Complaints Management Policy, Customer Feedback Policy and Customer Feedback - Complaints Procedure to clarify and consistently align the definition of a complaint.’*

The report identified that the use of the terms ‘feedback’ and ‘complaint’ were confusing for the customer, especially if they want to complain.

The Customer Science report has reviewed the current operational policies and a new policy (Feedback Management Policy) has been drafted to separate customer complaints from feedback.

**CD20/8126 - NEW POLICY - COUNCIL POLICY CP-112 CUSTOMER FEEDBACK POLICY (REC) (ATTACHMENT)**

The operational Feedback Management Policy provides a framework for all compliments and suggestions received by the City. It also enables the City to use the data and information received to drive improvements to processes, policies, products and services.

**2. Complaints Management Policy (CP- 101)**

- *'The Policy does not outline clearly the steps that will be taken to investigate and resolve a complaint.'*
- *'Currently the owner of the complaints policy and process resides in one of the Directorates and should be elevated to the CEO.'*

Complaints management is about resolving individual complaints and identifying opportunities to make systemic improvements. The actions to be taken to rectify an issue and improve a service are operational matters; hence this policy is identified as an operational document, along with the Feedback Management Policy (new). These operational policies will be owned by the Chief Executive Officer (CEO)

**3. Managing Unreasonable Conduct by Customers (CP- 107)**

- *'This policy could benefit from being pitched at high level and align with the Customer Service Charter which is already in place and focussed on the protection of employees.'*

Additional comments from the Complaints Handling Framework Report by the Customer Service Institute of Australia also informed the development of this current policy:

- *'The City is encouraged to seek alternatives to the "Managing Unreasonable Conduct by Customers" policy and procedure as this is seen as a combative approach to the problem. That might impact negatively on the organisation's culture towards complainants and complaint handling.'*
- *'Develop a blanket approach to protect individual identity of staff from customers without reducing staff effectiveness or adversely restricting their personal life.'*

The Managing Unreasonable Conduct by Customers council policy's objectives align with the City's Customer Service Charter, which aims to establish a formal customer relationship by:

- Setting behavioural boundaries
- Setting expectations for all parties
- Setting acceptable service levels and
- Establishing acceptable limits.

As such this current Council policy will form the basis for a set of guidelines for staff when dealing with unreasonable conduct, including unreasonable behaviours, demands, persistence and arguments. It will be a practical tool for staff on the frontline and those who are dealing with customers on a daily basis.

The guidelines will be based on existing research and literature published by expert organisations such as the Ombudsman Western Australia and implemented via compulsory training, as part of the existing Customer Service training program.

**CD20/8126 - NEW POLICY - COUNCIL POLICY CP-112 CUSTOMER FEEDBACK POLICY (REC) (ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

The community will be informed of the new policies and procedures via the City's website.

The *Complaints Review Report (2019)* recommended that every formal feedback acknowledgement provided to the customer includes reference to the relevant policies and processes. This will make it easy for customers to understand the clear steps and timelines.

The Complaints process also includes ongoing audits such as the Customer Effort Score informed by survey of customers of the point of complaint resolution. This data will inform further improvements in current processes.

**II. OTHER AGENCIES / CONSULTANTS**

Review and feedback has taken place with the following agencies / consultants:

- Customer Service Institute of Australia.
- Department of Local Government, Sport and Cultural Industries. An Authorised Inquiry which reviewed a broad range of matters including the City's complaint handling processes.
- Customer Science who conducted an independent review of the City's complaint management processes and decisions from 27 June 2019 for a period of three months, as per recommendation two of the Authorised Inquiry Report into the City of Melville.

**STATUTORY AND LEGAL IMPLICATIONS**

Not Applicable.

**FINANCIAL IMPLICATIONS**

Not Applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk*</b>	<b>Risk Mitigation Strategy</b>
The CP-107 – Managing Unreasonable Conduct by Customers is not revoked	Medium	Operational procedures developed to implement the policy will need to link to the Council Policy instead of an Operational Policy

**CD20/8126 - NEW POLICY - COUNCIL POLICY CP-112 CUSTOMER FEEDBACK POLICY (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

The proposed Customer Feedback Policy will be the overarching policy for the organisation. This policy aims to demonstrate the importance of customer feedback (complaints, compliments and suggestions). It is recommended in the Complaints Management Review report that this should be a Council Policy.

The Council Policy – Managing Unreasonable Conduct by Customers (CP- 107) is recommended to be revoked, as it does not provide staff with practical guidelines. The content of CP – 107 will be included in the Customer Service Charter which includes tools to deal with various types of unreasonable behaviour especially for all frontline staff

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

In order to improve our customer service interactions and approach we have sought the input and review of our current policies, processes and procedures from external sources with specific expertise in the area of customer service. An alternate option would be to ignore the recommendations outlined in the reports provided and continue with our current approach. This is not recommended if we seek to improve our operations in the area of customer service with clarity of roles and responsibilities for both customers and staff.

**CONCLUSION**

This Item responds to recommendations made in several key reports, based on assessments conducted by independent Customer Service Institute of Australia endorsed practitioners and in accordance with best practice and the International Standard Organisation (ISO 10002:2014) and the International Customer Service Standard (ICSS 2015:2020).

These International Standards provide guidance for the design and implementation of an effective and efficient feedback handling process for all types of commercial and non-commercial activities, including local government authorities.

**OFFICER RECOMMENDATION (8126)****APPROVAL**

At 8:35pm Cr Fitzgerald moved, seconded Cr Robins –

**That the Council resolves to:**

- 1. Revoke the policy: 8126 CP-107 – Managing Unreasonable Conduct by Customers.**
- 2. Adopt new Council Policy as attached 8126 CP-112 - Customer Feedback Policy as the overarching policy for customer feedback and that this policy be published on the City of Melville website.**

*At 8:36pm Mr Ferris left the meeting and returned at 8:37pm.*

**CD20/8126 - NEW POLICY - COUNCIL POLICY CP-112 CUSTOMER FEEDBACK POLICY (REC) (ATTACHMENT)**

**Amendment**

**COUNCIL RESOLUTION**

At 8:36pm Cr Pazolli moved, seconded Cr Kepert –

**Replace Item 2 of the Officer Recommendation with the following:**

- 2. Notes the draft Council Policy as attached [8126 CP-112 - Customer Feedback Policy](#) and refers it to a Council Workshop for discussion and amendment before returning for decision at a future meeting of Council.**

At 8:59pm the Mayor declared the motion

**CARRIED (11/2)**

Vote Result Summary	
Yes	11
No	2

Cr Barber	Yes
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Robins	Yes
Cr Sandford	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Mayor Gear	Yes
Cr Fitzgerald	No
Cr Robartson	No

*At 8:37pm Cr Barton returned to the meeting.*

**Reasons for the Amendment as provided by Cr Pazolli**

1. The proposed draft Policy does not provide sufficient protection of the rights of complainants to have their concerns / questions addressed by the City in a manner that:
  - Provides a comprehensive response to customer complaints;
  - Responds to a complaint within a reasonable timeframe objective (eg better than 10 working days);
  - Incorporates processes that provide complainants with rights of appeal and review within the City of Melville (eg to Council), rather than via external bodies (eg Public Sector Commission, Ombudsman, etc.) that may result in excessive delays before resolution.
  - Includes processes that informs Elected Members of the nature of complaints received that may entail significant issues requiring development of appropriate Council policies.

**CD20/8126 - NEW POLICY - COUNCIL POLICY CP-112 CUSTOMER FEEDBACK POLICY (REC) (ATTACHMENT)**

2. It is not practical to amend the current draft policy document to include these requirements in the format of an Ordinary Meeting of Council and therefore it is proposed that Council discuss these, and any other requirements, in a Councillor workshop/EMIS session.
3. A specific date for reconsideration at a Council Meeting is not specified in the motion to allow flexibility for Council to undertake the required discussions as it sees fit.

**Substantive Motion as Amended****COUNCIL RESOLUTION****That the Council resolves to:**

At 8:35pm Cr Fitzgerald moved, seconded Cr Robins –

1. **Revoke the policy: [8126 CP-107 – Managing Unreasonable Conduct by Customers.](#)**
2. **Notes the draft Council Policy as attached 8126 CP-112 - Customer Feedback Policy and refers it to a Council Workshop for discussion and amendment before returning for decision at a future meeting of Council.**

At 9:00pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**M20/5759 - STANDARDS PANEL REPRESENTATION LEGAL ASSISTANCE – LEGAL REPRESENTATION POLICY (REC) (ATTACHMENT)**

**Item Withdrawn.**

**M20/5763 - DELEGATES TO THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING 2020 (REC)**

Ward	:	All
Category	:	Operational
Subject Index	:	Legal Matters and Documentation
Customer Index	:	Western Australian Local Government Association
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	M19/5682 – Delegates to the Western Australian Local Government Association Annual General Meeting – Ordinary Meeting of Council held 21 and 28 May 2019.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Corrine Newman Governance Coordinator

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**M20/5763 - DELEGATES TO THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING 2020 (REC)****KEY ISSUES / SUMMARY**

- The Western Australian Local Government Association (WALGA) Annual General Meeting will be held on Friday 25 September 2020.
- The Council may nominate two voting delegates and two proxy delegates represent the City and attend the Western Australian Local Government Association Annual General Meeting.

**BACKGROUND**

The City of Melville is a member of the Western Australian Local Government Association (WALGA). Membership entitles the City to nominate two voting delegates and two proxy voting delegates to attend the Annual General Meeting of WALGA and to vote on the City's behalf.

**DETAIL**

Due to COVID-19 the WA Local Government Convention and Trade Exhibition for 2020 has been cancelled. The WALGA Annual General Meeting is usually held in conjunction with this event each year.

This year, WALGA Annual General Meeting will be held at Crown Perth on Friday 25 September 2020, alongside other minor events, including a breakfast with Paul Hasleby and a Political Forum. The City is entitled to nominate two voting and two proxy voting delegates to attend the Annual General Meeting and vote on the City's behalf. The City is required register its voting delegates by Friday 28 August 2020.

Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of member Councils. Delegates may be Elected Members or serving officers. Each year the City nominates Elected Members to attend and vote on the Annual General Meeting agenda items.

The Council's South Metropolitan Zone members are Cr Macphail, Cr Barton and Cr Kepert, with Cr Pazolli being the Deputy Member.

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

No engagement with the City's community is required for this report.

**II. OTHER AGENCIES / CONSULTANTS**

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

**STATUTORY AND LEGAL IMPLICATIONS**

There are no statutory or legal implications in this report.

**M20/5763 - DELEGATES TO THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING 2020****FINANCIAL IMPLICATIONS**

There are no registration costs associated with the City's delegates attending the WALGA Annual General Meeting.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There is no Council Policy that relates to the selection of delegates.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council may choose to not nominate delegates and consequently, the City's vote on the matters affecting Local Government both in Western Australia and nationally would be lost.

**CONCLUSION**

The City has an entitlement to be represented at the Annual General Meeting and the Council may choose two voting delegates and two proxy voting delegates.

**Nomination and election of representatives**

The following nominations for the positions of City of Melville Voting Delegates for the 2020 Western Australian Local Government Association Annual General Meeting, were received at the meeting:

1. Cr K Wheatland
2. Cr N Robins
3. Cr S Kepert

The Chief Executive Officer conducted a secret ballot, with Cr Wheatland and Cr Robins being designated as the City representatives.

The following nominations were received for the positions of City of Melville Proxy Voting Delegates for the 2020 Western Australian Local Government Association Annual General Meeting:

1. Cr S Kepert
2. Cr G Barber

**M20/5763 - DELEGATES TO THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING 2020****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5763)                      APPROVAL**

At 9:08pm Cr Sandford moved, seconded Cr Woodall –

**That the Council:****1      Nominates the following Elected Members as the City of Melville voting delegates:**

- 1.    Cr Wheatland**
- 2.    Cr Robins**

**and the following Elected Members to be proxy voting delegates:**

- 1.    Cr Kepert**
- 2.    Cr Barber**

**to the Western Australian Local Government Association Annual General Meeting to be held on 25 September 2020.**

**2      Confirms that Councillor Kepert is to be the Proxy Member one and Councillor Barber is the Proxy Member two.****3      Requests the Chief Executive Officer to forward advice of the City of Melville nominees for the Western Australian Local Government Association Annual General Meeting to the Western Australian Local Government Association.**

At 9:08pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

At 9:08pm the Mayor brought forward Item CD20/8134 – Tompkins Park Redevelopment Update for the convenience of the public gallery.

**LATE ITEM CD20/8134 –TOMPKINS PARK REDEVELOPMENT UPDATE (REC)**

Ward : Applecross - Mt Pleasant  
Bicton - Attadale – Alfred Cove

Category : Strategic

Subject Index : Tompkins Park

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 : CD16/8081\_City\_of\_Melville\_Lawn\_Bowls Strategy June 2016; CD16/8089 City of Melville Lawn Bowls Strategy – 16 October 2016; CD16/8088 Community Sport and Recreation Facilities Fund Annual Forward Planning Grants Round – 18 October 2016; CD17/8098 Tompkins Park Concept Plan – 20 June 2017; Item 16.2 Motion with Notice, Review of Redevelopment of Tompkins Park Facility – 21 May 2019; CD19/8114 Tompkins Park Review – 18 June 2019; Motion With Notice Mount Pleasant Bowling Club Review – 19 December 2019; CD20/8125 Tompkins Park Redevelopment Review - March 2020

Works Programme : Not Applicable

Funding : \$3,360,000 (Approved)

Responsible Officer : Todd Cahoon  
Manager Healthy Melville

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**LATE ITEM CD20/8134 –TOMPKINS PARK REDEVELOPMENT UPDATE (REC)****KEY ISSUES / SUMMARY**

- This Report responds to the Council resolution requesting an update on the Tompkins Park facility redevelopment.
- Council approved a revised scope for the Tompkins Park Redevelopment in March 2020 and work has progressed since this time.
- Officers are recommending that this report on the progress of the Tompkins Park be noted.

**BACKGROUND**

In May 2019 a Councillor motion was endorsed relating to the Tompkins Park Redevelopment requesting the Chief Executive Officer to:

- 1. Put on hold the further implementation of the redevelopment of the Tompkins Park facility pending a review by Council of redevelopment options and community requirements for the Tompkins Park facility.**
- 2. Facilitate and arrange workshops and/or EMIS meetings for Council to consider the community requirements and redevelopment options including appropriate community consultation for the Tompkins Park facility as an input into the following review of the Tompkins Park facility.**
- 3. Undertake a review of options for the redevelopment of the Tompkins Park facility taking into consideration and addressing:**
  - the change in circumstances resulting from the Surf Wave Park Ground Lease should it not proceed;
  - the refusal of the Melville Bowls Club to shift to a new Tompkins Park Bowls facility;
  - the reduction in the numbers of Mt Pleasant Bowls Club members likely to join in a new Tompkins Park Bowls facility;
  - the financial status of the Mt Pleasant Bowls Club;
  - the financial status of the Tompkins Park Community and Recreational Association;
  - the financial sustainability of a re-organised Tompkins Park Community and Recreational Association with and without a Function Centre and/or café business;
  - the requirements for additional public open space and Dunkley Ave storm flood mitigation;
  - any other relevant considerations.
- 4. Provide a report to Council on the results of the review of the Tompkins Park facility for Council approval before any further work proceeds.**

Workshops were held with Elected Members to establish key principles/goals for any development at Tompkins Park. A statement developed from the workshops, which reflects the overall goal of the review, is;

**LATE ITEM CD20/8134 –TOMPKINS PARK REDEVELOPMENT UPDATE (REC)**

*To develop Tompkins Park as the premier multi-functional sporting site within the City of Melville which provides a financially sustainable, efficient and fit for purpose sporting and recreational hub to cater for current and future community needs whilst maintaining a high level of amenity for City residents.*

At the March 2020 Ordinary Meeting of Council officers prepared a report seeking council approval to not proceed with the Tompkins Park Redevelopment as detailed in CD17/8098 – Tompkins Park Concept Plan and the allocation of funds for the essential maintenance and improvements to facilities as Tompkins Park Sporting Hub. The following substantive motion as amended was approved:

**That the Council:**

5. **Does not proceed with the Tompkins Park Redevelopment as detailed in CD17/8098 – Tompkins Park Concept Plan.  
8125\_Tompkins\_Park\_Redevelopment**
6. **Rescinds 3b of the resolution from item 8125\_CD16/8089\_City\_of\_Melville\_Lawn\_Bowls\_Strategy\_being 3b. facilitate the Melville Bowling Club and the Mount Pleasant Bowling Club to amalgamate and relocate to a new facility at the expanded Tompkins Park Hub.**
7. **Approves the allocation of \$3,060,000 from the Tompkins Park Redevelopment budget to the essential maintenance and improvements to the facilities at Tompkins Park Sporting Hub.**
8. **Approves the allocation of \$300,000 for fire services or other compliance upgrades if the works are deemed to be required.**
9. **Allocate the remaining funds approved by item 8125\_CD19/8114\_Tompkins\_Park\_Review\_to continuing the management model review and the revision of the initial Tompkins Park concept plan which will include appropriate community engagement within the next 12 months.**
10. **Notes the current review and investigation process regarding the Mount Pleasant Bowling Club, as per 8125\_Motion\_With\_Notice\_Mount\_Pleasant\_Bowling\_Club\_Review.**
7. **Directs the Chief Executive Officer to commence discussions with Mount Pleasant Bowling Club and Tompkins Park Community and Recreational Association regarding the establishment of payment plans to enable clubs to recommence loan repayments, noting payments will not commence until after the conclusion of the:**
  - **Mount Pleasant Bowling Club Review; and**
  - **Tompkins Park Operational Management Model Review.”**

Following the Council approval the City commenced working with the Tompkins Park Community and Recreational Association (TPCRA) in regards to establishing a sustainable management model and works timeline to suit all parties.

**LATE ITEM CD20/8134 –TOMPKINS PARK REDEVELOPMENT UPDATE (REC)**

The COVID-19 Pandemic restrictions resulted in the closure of the facilities at Tompkins Park and unfortunately caused delays to the commencement of planning for the execution of the Tompkins Park redevelopment works by the City.

The basis of a new management arrangement for the facility has been worked through with the TPCRA board and there is consensus between both parties that TPCRA will manage a reduced footprint of facilities compared to current operations as a tenant under the overall management of the facility by the City.

Given the closure and in preparation for the implementation of the shared management arrangement and to enable the building works to be completed it was agreed that the City will take over temporary management and responsibility of the entire facility from 1 June 2020 until the completion of Stage 1 works, which is anticipated to be mid November 2020.

A MOU between the City and TPCRA was established highlighting that both parties are working proactively to improve the sustainability of the Tompkins Park facility for the TPCRA, Sporting Clubs and the City.

At the July 2020 Ordinary Meeting of Council the following Councillor Motion with Notice was approved:

**That the Council directs the Chief Executive Officer in consultation with the Tompkins Park Community and Recreational Association to develop urgently a detailed management plan, scope of works, budget and program for the Tompkins Park Redevelopment Stage One for presentation at the August Ordinary Meeting of Council. Prior to the report being prepared for the August 2020 Ordinary Council meeting that a meeting be held to include the Councillors, the Association and the Officers.**

**DETAIL**

A budget and scope of works for the project has already been developed and was presented to the Council at the March 2020 meeting (Item CD20/8125 Tompkins Park Redevelopment Review). The budget of \$3.36 million was approved for essential maintenance and improvement works at Tompkins Park and a summary of the scope of works was included in the March 2020 report.

Following the Council item in March 2020 officers have been working with the TPCRA to assist the Association to develop a sustainable business model and to progress planning on the works to the facilities. A key principle has been to minimise impact on and ensure delivery of essential works for their re-opening under their new model.

COVID-19 has presented challenges for both the City and the Association. To support the Association during this time and assist with works preparation, as of June 2020 the City has temporarily taken over management responsibility of all facilities at Tompkins Park. The Association still operates from the facility and have a number of events they are conducting to support the Clubs usage of the reserve.

**LATE ITEM CD20/8134 –TOMPKINS PARK REDEVELOPMENT UPDATE (REC)****Management Model Progress**

The City will play a more active role in the management of the Tompkins Park facility and will directly manage areas of the building. It is proposed that the City will manage the southern community function room, the upstairs 'Riverview' room, common toilets/foyer and the sports change rooms. An additional tenant under the City's management will be the existing commercial gym arrangement.

The overall oversight of the facility going forward will be through the City's Leisure Facilities team within Healthy Melville Services. This is similar to the management arrangement and relationship the City has with the Melville Bridge Club at LeisureFit Melville and how the new facilities at Shirley Strickland Reserve will be managed.

TPCRA is progressing well with the development of their management plan and the City is assisting where and if required. It is noted that the TPCRA board are committed to implementing a sustainable operating model going forward. The planned model (based on TPCRA operating from the Sports Bar (River Room), Kitchen and Club Bar) will see the facility move from being predominately run as a commercial function centre to a 'Club' facility which will provide more access for the member clubs and the wider community (recreational members).

**Works**

To limit the impact on both the clubs and TPCRA and ensure the TPCRA facilities will be available for their relaunch in early December 2020 the works have been staged as follows:

- Stage 1: River room and kitchen maintenance and upgrade works by early December 2020. Stage 1 will be managed by TPCRA directly as these works are considered tenant fitout.
- Stage 2: Sports flood light upgrade to LED lights by February 2021. (Essentially changing from older style globes to LED – there is no replacement of towers or installation of additional towers)
- Stage 3: Remaining internal building works including air-conditioning replacement and sports change room upgrades to commence January 2021 through to mid 2021
- Stage 4: External works including; sports club storage, carpark improvements, Playground renewal, improved access to public UATs, paved apron area improvements, sports field and practice area modifications and improvements. To commence ~mid 2021 and subject to a formal development application and approval process through the Department of Biodiversity, Conservation and Attractions and the Western Australian Planning Commission.

It should be noted that the staging elements are still indicative (particularly stage 3 & 4) as they are based on advice at this time. If some elements can be brought forward it will be considered.

**LATE ITEM CD20/8134 –TOMPKINS PARK REDEVELOPMENT UPDATE (REC)**

Other items that form part of the project and in progress now by the City include: general ongoing maintenance, Access Control, new furniture for the community spaces (that will be managed by the City, security system replacement and investigation of the possible inclusion of CCTV.

The City is also investigating the requirement of a lift to the Riverview room. If required the funding could come from the City's disability access and inclusion budget or the \$300,000 building compliance budget that was approved in March 2020.

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

Continued engagement and consultation with the sporting clubs impacted and the TPCRA has been conducted.

City officers continue to attend the TPCRA monthly committee meetings and have also attended a strategy planning session held by the association. It is noted that TPCRA have had concerns with the detail of scope and timeframes of staging but since a recent meeting it seems that the board are satisfied with the direction the project is heading in.

As planning progresses further updates will be provided to key community stakeholders including local residents. Project information will be contained on the following webpage: <https://www.melvillecity.com.au/our-city/about-our-city/projects-and-works/tompkins-park-redevelopment>

A meeting with Councillors, TPCRA board and City officers was held on the 6 August 2020. An update was presented by officers and the TPCRA President and overall the session confirmed that while the board had recent concerns, they were now satisfied with the direction of the project.

**II. OTHER AGENCIES / CONSULTANTS**

The Department of Local Government, Sport and Cultural Industries have been contacted in regards to the City submitting a CSRFF application for the Sports Flood Lighting.

The Department of Biodiversity and Attractions were notified of the review of the project and aware of the future development application for the external works.

**STATUTORY AND LEGAL IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

A budget of \$3,360,000 was approved at the March 2020 Ordinary Meeting of Council and has been included in the 2020/2021 budget.

**LATE ITEM CD20/8134 –TOMPKINS PARK REDEVELOPMENT UPDATE (REC)**

As highlighted in the March 2020 report to Council there is acknowledgement that some funding is supporting the commercial nature of the Tompkins Park operations. Given the significant capital outlay by the City and potential ongoing maintenance costs which in some way support these commercial activities, the City is working with the TPCRA board on lease terms that will see a contribution from the operations of the facility towards these costs.

Initially it is proposed that funds paid to the City through the lease arrangement are used to pay down the TPCRA's self supporting loan.

The TPCRA board are also looking to include a minimum % of profit to be retained in a sinking fund for future fitout, maintenance and replacement within their leased area

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Risk of declining solvency of the TPCRA due to delays in the delivery of the stage one works detailed in this report.	Minor consequences which are almost certain, resulting in a <b>High</b> level of risk	Support the TPCRA in managing the stage one fitout works.
Risk of further declining sustainability of Tompkins Park facility due continued operations.	Moderate consequences which are likely, resulting in a <b>High</b> level of risk	Implement Operational management whereby the City plays a more active role in the management of facilities. Continue to support TPCRA in changing their operating model.

**POLICY IMPLICATIONS**

Reference is given to several Council Policies that guide the decision making by Council in consideration to this report and include the following Council Policies:

CP-028 Physical Activity Policy highlights the increased opportunities for physical activity; leading to the improved health and wellbeing of the community.

CP-037 Neighbourhood Development – Community Hub Policy highlights that gaining the greatest community benefit can be achieved through the provision of facilities consolidated into community hubs.

CP-031 Asset Management Policy highlights that assets must be reviewed on a regular basis to ensure they remain relevant, have a demonstrated community need and are achieving optimal levels of service in a cost effective manner over the asset lifecycle.

**LATE ITEM CD20/8134 –TOMPKINS PARK REDEVELOPMENT UPDATE (REC)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Nil

**CONCLUSION**

TPCRA is progressing well with the development of their management plan and the City is assisting where and if required.

To limit the impact on both the clubs and TPCRA the works have been separated in staged with works commencing onsite around October 2020 and the final stages of the works to be finalised by late 2021.

Officers, in collaboration with the TPCRA, are working to ensure an opening of their lease area early in December 2020, to enable the Association to meet their financial modelling and commence operations.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8125)****APPROVAL**

At 9:08pm Cr Wheatland moved, seconded Cr Barton –

**That the Council notes the Tompkins Park Redevelopment Update.**

At 9:09pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**M20/5000 – 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 &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	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 18 June 2020 up to and including 20 July 2020 for the Council's noting.

**M20/5000 – 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>
CS2148	City of Melville and Department of Planning Land and Heritage	Conditional Tenure Transfer of Lot 15050 on deposited Plan 37306 (Heathcote)	5677558
CS2149	City of Melville and Landgate	"Gallery" Estate, Carawatha Redevelopment Project Willagee  1. Appointment of Century Settlements as Settlement agent. 2. Land Title Verification Identity Forms. Signature from CEO and Mayor together with the application of the Common Seal where indicated on the forms.	5731522

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**M20/5000 – 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.

**CONCLUSION**

This is a standard report for the Elected Members' information.

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

**That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 18 June 2020 up to and including 20 July 2020.**

At 9:10pm the Mayor submitted the motion, which was declared

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

**C20/6000 - INVESTMENT STATEMENTS FOR JUNE 2020 (REC)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report presents the investment statements for the period ending 30 June 2020 for the Council's information and noting.

**C20/6000 - INVESTMENT STATEMENTS FOR 30 JUNE 2020 (REC)**

**BACKGROUND**

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

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

**DETAIL**

The following statement details the investments held by the City as at 30 June 2020.

<b>CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 JUNE 2020</b>		
<b>SUMMARY BY FUND</b>		
Municipal		\$3,882,006
Reserve		\$174,342,960
Trust		\$-
Citizen Relief		\$219,651
<b>TOTAL</b>		<b>\$178,444,617</b>
<b>SUMMARY BY INVESTMENT TYPE</b>		
11AM		\$5,648,973
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$148,020,473
Units (Local Govt Hse)		\$175,171
<b>TOTAL</b>		<b>\$178,444,617</b>
<b>SUMMARY BY CREDIT RATING</b>		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$109,969,446
A Category (A+ to A-)	A+	\$36,300,000
	A	
	A-	\$2,000,000
BBB+ Category	BBB+	\$30,000,000
Units (Local Government House)		\$175,171
<b>TOTAL</b>		<b>\$178,444,617</b>

**C20/6000 - INVESTMENT STATEMENTS FOR 30 JUNE 2020 (REC)**

Exposure to an individual institution is limited according to Council policy and in June 2020 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	\$ 6,000,000	3.36%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 27,000,000	15.13%	15.00%	✓
ING Bank	A-	A Category	\$ 2,000,000	1.12%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 3,000,000	1.68%	15.00%	✓
CBA	AA-	AA Category	\$ 23,500,000	13.17%	30.00%	✓
Macquarie	A+	A Category	\$ 18,000,000	10.09%	25.00%	✓
NAB	AA-	AA Category	\$ 33,227,886	18.62%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 18,300,000	10.26%	25.00%	✓
Westpac	AA-	AA Category	\$ 47,241,560	26.47%	30.00%	✓
Units in Local Govt House	NA	NA	\$ 175,171	0.10%	100.00%	✓
<b>TOTAL</b>			<b>\$ 178,444,617</b>	<b>100%</b>		

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

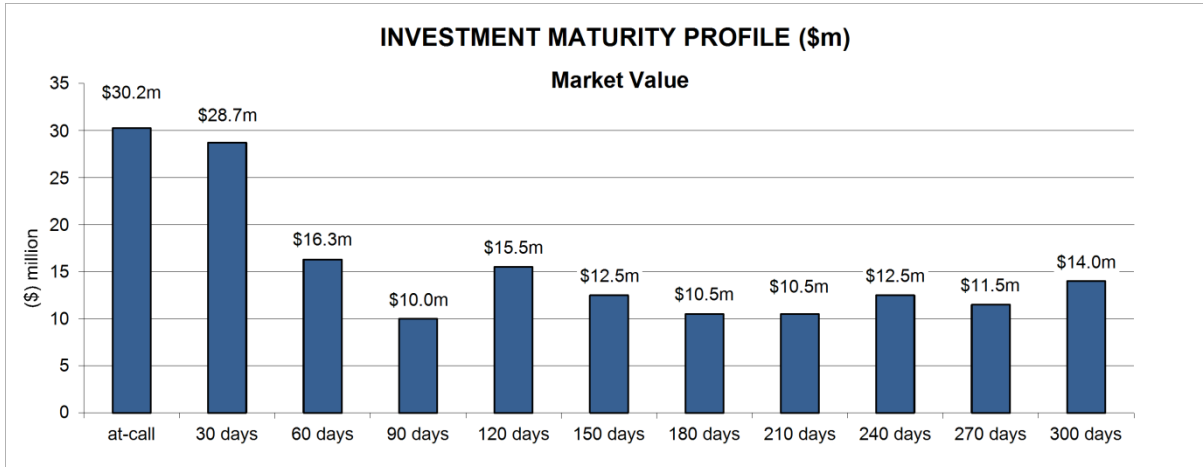
The City's investments were invested within the limits allowed within each category rating for June 2020.

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-)	\$ 109,969,446	62%	80%	✓
A Category (A+ to A-)	\$ 38,300,000	21%	50%	✓
BBB+ Category	\$ 30,000,000	17%	25%	✓
Units in Local Govt House	\$ 175,171	0%	100%	✓
<b>TOTAL</b>	<b>\$ 178,444,617</b>	<b>100%</b>		

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

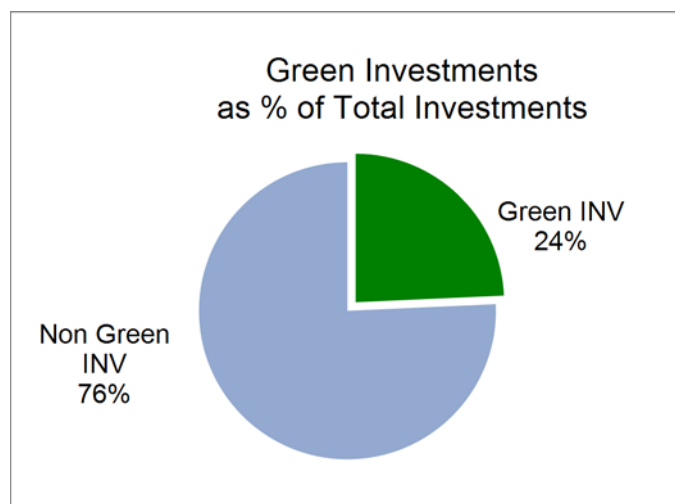
**C20/6000 - INVESTMENT STATEMENTS FOR 30 JUNE 2020 (REC)**

The below graph summarises the maturity profile of the City’s investments at market value as at 30 June 2020. 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 total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 30 June 2020 was \$43,300,000 or 24% of total investment holdings being in non-fossil fuels institutions, compared to \$47,300,000 (25%) in May 2020. The total investments holding for June and May were \$178,444,617 and \$187,444,018 respectively.



**C20/6000 - INVESTMENT STATEMENTS FOR 30 JUNE 2020 (REC)****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.

**C20/6000 - INVESTMENT STATEMENTS FOR 30 JUNE 2020 (REC)**

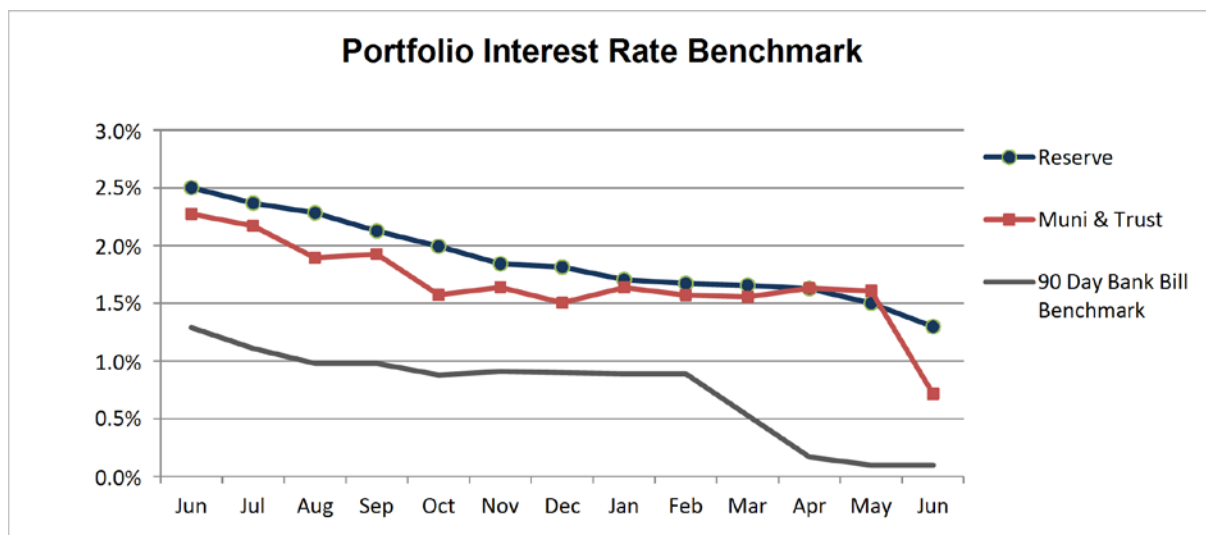
**FINANCIAL IMPLICATIONS**

For the period ending 30 June 2020:

- Investment earnings on Municipal and Trust Funds were \$196,879 against the annual budget of \$255,000 representing a negative variance of \$58,121 due to Reserve Bank interest rates reduction. The weighted average interest rate for Municipal and Trust Fund investments as at 30 June 2020 was 0.72% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.10%.
- Investment earnings on Reserve accounts were \$3,485,817 against an annual budget of \$4,037,000 representing a negative variance of \$551,183. This variance will have no impact on the City’s operating result at year end.

The weighted average interest rate for Reserve account investments as at 30 June 2020 was 1.30% which compares favorably to the benchmark three month bank bill swap (BBSW) reference rate of 0.10%.

- In March, the Reserve Bank reduced the cash rate twice to a record low 0.25 per cent amid coronavirus pandemic. Only the first rate cut was factored into review of interest revenue in the mid-year review process.
- The total investment as at 30 June has fallen by \$8,999,401 to \$178,444,617, or 4.80 per cent compared to last month due to slow recovery of the City's revenue collection as a result of COVID 19 and higher creditor payments at the end of the financial year.



**C20/6000 - INVESTMENT STATEMENTS FOR 30 JUNE 2020 (REC)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS****Strategic**

The interest earned on invested funds assists in addressing the following key priority area identified in The City of Melville Corporate Business Plan 2016-2020.

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

**Risk**

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

**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.

It should be noted that Green Investment has increased from 22% in January to 24% in June 2020

**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.

**C20/6000 - INVESTMENT STATEMENTS FOR 30 JUNE 2020 (REC)****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 0.72% to 1.30% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.10%.

24% of the City's investment portfolio is invested in authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels. This compared to 25% in May 2020.

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 30 June 2020.**

At 9:10pm the Mayor declared the motion

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

**C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2020 (REC) (ATTACHMENT)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that September be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	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 June 2020 and recommends that the Schedule of Accounts Paid be noted.

**C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2020 (REC) (ATTACHMENT)****BACKGROUND**

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

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

**DETAIL**

The Schedule of Accounts Paid for June including Payment Register numbers, Cheques: 757-760, Electronic Funds Transfers batches: 648-653, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 4 August 2020.

In line with the COVID-19 Response, Relief and Recovery Plan, the City has introduced the weekly creditor payment run with effect from 1st April to minimise the financial hardship on City local businesses and suppliers. A total of \$7,908,466 direct creditor payments were made over the month, of which, 30% of payments were paid to suppliers located within the City of Melville and 51% to suppliers within the South West Group, compared to 13% and 22% of the total of \$6,403,757 direct creditor payments made over May, respectively.

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

C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2020 (REC) (ATTACHMENT)

<b>SCHEDULE OF PAYMENTS MADE</b>		
<b>June 2020</b>		
<i>Payments made under Delegated Authority DA-035</i>		
<b>MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS</b>		
<b>Cheques</b>	Chq Payment Register No. 757 to 760	\$31,207.56
	Chq Payment on Restricted Funds Register No. 758	\$1,900.00
	Less Cancelled Chqs	(\$411.95)
<b>Electronic Funds Transfers</b>	EFT Payment Register No. 649,650,652 and 653	\$7,680,681.35
	EFT Payment on Restricted Funds Register No. 96,648 and 651	\$195,738.65
	Less Cancelled EFTs	(\$650.00)
		<b>\$7,908,465.61</b>
<b>Direct Debits</b>	Bank Fees	\$8,797.42
	Caltex Fuel	\$67,489.20
<b>Direct Payments</b>		\$883.70
	<b>Total Direct Creditor Payments</b>	<b>\$7,985,635.93</b>
<b>Payroll</b>	Total Pay 25 and 26	\$3,378,408.95
		<b>Total Payroll</b>
<b>Cards</b>	Corporate Cards	(\$511.10)
	Purchase Cards	\$50,490.70
	American Express	\$2,930.67
	<b>Total Card Payments</b>	<b>\$52,910.27</b>
<b>Total Direct Creditor Payments from Municipal Account</b>		<b>\$11,416,955.15</b>

**C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2020 (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		\$8,999,401.41
Reserve		(\$8,999,401.41)
Trust		\$0.00
<b>Total Interfund Transfers</b>		<b>\$0.00</b>
<b><i>New Municipal Investments</i></b>		
Commonwealth Bank Green	3/06/2020	\$1,500,000.00
Commonwealth Bank Green	3/06/2020	\$1,000,000.00
Commonwealth Bank Green	3/06/2020	\$1,000,000.00
National Australia Bank	3/06/2020	\$1,000,000.00
Westpac Bank	11/06/2020	\$1,000,000.00
Westpac Bank	16/06/2020	\$2,000,000.00
Westpac Bank	22/06/2020	\$3,000,000.00
<b>Total New Investments</b>		<b>\$10,500,000.00</b>
<b>Grand Total</b>		<b>\$21,916,955.15</b>

Details of the payments are shown in attachment [6001 Payment Details June 2020](#). 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**

**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.

**C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2020 (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 \$21,916,955.15.

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 June 2020 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 Payment Details June 2020](#).**

At 9:10pm the Mayor declared the motion

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

**C20/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2020  
(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 Preliminary Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 30 June 2020 and recommends that they be noted by the Council.</li> <li>• The preliminary variances for the month of 30 June 2020 and recommends that they be noted by the Council.</li> <li>• The Budget amendments required for the month of 30 June 2020 and recommends that they be adopted by Absolute Majority decision of the Council.</li> </ul> <p>It should be noted that the final audited financial statements for 2019-2020 are yet to be finalised. Year end accounting processes and adjustments are still underway and therefore the final audited financial statements for 2019-2020 may be materially different to what is presented in this report.</p>
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**C20/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2020  
(AMREC) (ATTACHMENTS)****BACKGROUND**

The Statements of Financial Activity for the period ending 30 June 2020 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

**OVERALL SUMMARY OF THE CITY FINANCIAL POSITION**

- End of financial year processes for 2019-2020 are still underway and therefore the final figures for 2019-2020 may be materially different to what is presented in this report.
- The preliminary financial reports reflect a favourable net operating result as at 30 June 2020 with the year to date result being \$3.170M better than the revised budget. The net result includes losses from the write down or sale of assets totalling \$1.084M mainly relating to the demolition of three properties and losses recorded on sale of fleet assets. The accrual process for 2019-2020 is yet to be finalised and will change this operating result.
- Year to date capital expenditure was \$20,588,270 against the annual capital budget of \$50,519,157 representing a positive variance of \$29,930,887. The end of year expenditure accrual process is yet to be finalised and will materially change the overall spend. Incomplete capital works projects may be carried to the 2020-2021 financial year.
- A total of \$155,218 in revenue was waived in June, \$155,108 related to the Community Stimulus Package adopted by Council on 9 April. Waivers under the Community Stimulus Package, for the year ended 30 June 2020, totalled \$157,072.
- Rates raised at the end of June were \$89,836,825 with the positive variance of \$269,762 compared to the revised annual budget. Rates collection including prior year arrears as at 30 June is 92.7% which is below the target of 96%, amounting to \$113,301,258.
- Total debtor collections for June equalled \$1,262,244 and year to date total debtors including rates, and sundry debtors were \$ 10,799,376 which is materially higher than the total debtors of \$7,040,637 at the same time of the previous year.
- In the month of June, the total investments have reduced by \$8,999,401 or 4.8% to \$178,444,617. This was due to the slower recovery in the City's revenue collection as a result of COVID-19 and higher creditor payments at the end of the financial year. 98% of the City's investment is held in reserve accounts are restricted to the defined purpose for which the reserve account was established.
- The Reserve Bank reduced the cash rate twice in March 2020. The first interest rate cut was factored into a review of interest revenue in the mid-year review process. The expected investment earnings on Municipal and Trust Funds at 30 June is \$196,879 against the annual budget of \$255,000, representing a negative variance of \$58, 121, mainly due to subsequent rate deduction announced by Reserve bank in March.

**C20/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY for June 2020  
(AMREC) (ATTACHMENTS)**

- Investment income on from the City’s reserve accounts for the year totalled \$3,485,817, which represents a negative variance of \$551,183 against the annual budget of \$4,037,000. This variance will have no impact on the City’s operating result at year end.

**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 Sub-Program  
Provides further breakdown on the Program classifications.

**Variations**

A detailed summary of variations and comments based on the Rate Setting Statement by Sub-Program is provided in attachments:

[6002C Statement Sub Program June 2020](#): Rate Setting Statement by Sub-Program  
[6002H Statement of Variations June 2020](#): Statement of Variations in Excess of \$50,000

**Revenue**

Rates raised as at June were \$89,836,825, compared to a year to date budget of \$89,567,063. The positive variance of \$269,762 is due to additional interim rates income generated subsequent to the Mid Year Budget review from various properties including the Woolworths property at 39 Reynolds Road, Mount Pleasant.

**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	6,607,681	6,607,681	0%	4,712,838	40%
Debtors Raised	116,254,088	116,209,018	0%	113,569,475	2%
Payments Received	(113,301,258)	(112,284,237)	1%	(111,674,550)	1%
Closing Balance	9,560,511	10,532,462	-9%	6,607,764	45%

Total rate debtor collections for the month equalled \$1,017,021.

**C20/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2020  
(AMREC) (ATTACHMENTS)**

**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	432,873	432,873	0%	488,748	-11%
Invoices Raised	7,866,842	7,642,095	3%	7,693,528	2%
Receipts	(7,075,640)	(6,830,417)	4%	(7,737,974)	-9%
Prepayments	14,790	32,399	-54%	(11,430)	-229%
Closing Balance	1,238,865	1,276,950	-3%	432,873	186%

Sundry debtor balances decreased by \$38,085 over the course of June from \$1,276,950 to \$1,238,865 of which total 90 day sundry debtors over \$1,000 for the month is \$629,155, representing 51% of total sundry debtors.

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

Not applicable for June 2020.

**Budget Amendments**

Details of Budget Amendments requested for the month of June 2020 are shown in attachment [6002J June 2020](#) and includes an amendment of \$ 200,000 which represents an increase to budgeted funds used from the infrastructure asset management reserve to fund essential unplanned drainage works at Camm Avenue/Ewing Avenue intersection.

Variances greater than \$50,000 processed in June 2020 are highlighted in the attachment.

**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.

The following debts totalling \$155,218.39 were waived in June.

- Under the Delegation DA-032, an amount of \$110.00 sundry debtor was written off due to a company being deregistered.
- Various waivers due to the Melville Community Stimulus Package approved by the Council on 9 April.
  - a. \$57,067.50 of lease payments and outgoings for not for profits/sporting associations
  - b. \$98,040.89 of loan repayments for sporting clubs/associations

**C20/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2020  
(AMREC) (ATTACHMENTS)**

The following attachments form part of the Attachments to the Agenda for the month of June 2020.

<b>DESCRIPTION</b>	<b>LINK</b>
Statement of Financial Activity By Nature and Type	<a href="#"><u>6002A Statement Nature Type June 2020</u></a>
Rate Setting Statement by Program	<a href="#"><u>6002B Rate Setting Program June 2020</u></a>
Rate Setting Statement by Sub-Program	<a href="#"><u>6002C Rate Setting Sub Program June 2020</u></a>
Representation of Net Working Capital	<a href="#"><u>6002E Net Working Capital June 2020</u></a>
Reconciliation of Net Working Capital	<a href="#"><u>6002F Reconciliation Net Working Capital June 2020</u></a>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater	<a href="#"><u>6002H Notes Rate Setting Statement June 2020</u></a>
Details of Budget Amendments requested	<a href="#"><u>6002J Budget Amendments June 2020</u></a>
Summary of Rates Debtors	<a href="#"><u>6002L Summary Rate Debtors June 2020</u></a>
Graph Showing Rates Collections	<a href="#"><u>6002M Rates Collections Graph June 2020</u></a>
Summary of General Debtors aged 90 Days Old or Greater	<a href="#"><u>6002N General Debtors Aged 90days June 2020</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:

**C20/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2020  
(AMREC) (ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

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

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

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

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

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

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

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

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

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

The variance adopted by the Council is 10% or \$50,000 whichever is greater.

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

**FINANCIAL IMPLICATIONS****Variances**

Variances are detailed and explained in attachment [6002H Notes Rate Setting Statement June 2020](#): Notes on Statement of Variances in excess of \$50,000 by Sub-Program.

**C20/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2020  
(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 preliminary financial reports reflect a positive financial position of the City of Melville as at 30 June 2020. The financial position reflects an accruals basis of accounting which recognises revenue when it is raised and therefore does not reflect the cash flow impact of the slower pace at which rates and other debtors are paying their debt. It is noted that the debts owing to the City have increased which does impact on the Municipal Fund cash position. The Municipal Fund cash position will require further monitoring particularly in July and August prior to the expected commencement of 2020-2021 rate revenue. Final accounts for the City will be prepared and presented following the external audit.

**C20/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2020  
(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 30 June 2020 as detailed in the following attachments:**

<b>DESCRIPTION</b>	<b>LINK</b>
Statement of Financial Activity By Nature and Type	<a href="#"><u>6002A Statement Nature Type June 2020</u></a>
Rate Setting Statement by Program	<a href="#"><u>6002B Rate Setting Program June 2020</u></a>
Rate Setting Statement by Sub-Program	<a href="#"><u>6002C Rate Setting Sub Program June 2020</u></a>
Representation of Net Working Capital	<a href="#"><u>6002E Net Working Capital June 2020</u></a>
Reconciliation of Net Working Capital	<a href="#"><u>6002F Reconciliation Net Working Capital June 2020</u></a>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater	<a href="#"><u>6002H Notes Rate Setting Statement June 2020</u></a>
Details of Budget Amendments requested	<a href="#"><u>6002J Budget Amendments June 2020</u></a>
Summary of Rates Debtors	<a href="#"><u>6002L Summary Rate Debtors June 2020</u></a>
Graph Showing Rates Collections	<a href="#"><u>6002M Rates Collections Graph June 2020</u></a>
Summary of General Debtors aged 90 Days Old or Greater	<a href="#"><u>6002N General Debtors Aged 90days June 2020</u></a>

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for June 2020 [6002J Budget Amendments June 2020](#)**

At 9:10pm the Mayor declared the motion

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

**LATE ITEM CD20/8134 –TOMPKINS PARK REDEVELOPMENT UPDATE (REC)**

**Item brought forward.**  
See page 87.

**LATE ITEM T20/3872 – BEACH STREET FOOTPATH CONSTRUCTION (REC)  
(ATTACHMENT)**

**Item brought forward.**  
See page 49.

**15. EN BLOC ITEMS**

At 9:10pm Cr Wheatland moved, seconded Cr Robins –

**That the recommendations for items, M20/5000, C20/6000, C20/6001 and C20/6002 be carried En Bloc.**

At 9:10pm the Mayor submitted the motion, which was declared  
**CARRIED UNANIMOUSLY (13/0)**

**16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

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

Nil.

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

Disclosures of Interest

Member	Cr Mair
Type of Interest	Financial Interest
Nature of Interest	Potential inheriting property through company ownership in CBAPC
Request	Leave
Decision	Leave

*At 9:13pm Cr Mair having declared an Interest, left the meeting*

**COUNCIL RESOLUTION**

At 9:13pm Cr Kepert moved, seconded Cr Wheatland –

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

At 9:13pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

At 9:13pm the Mayor adjourned the meeting.

At 9:17pm the Mayor resumed the meeting.

*At 9:13pm Mr McCarthy left the meeting and returned at 9:15pm.*

*At 9:13pm Cr Wheatland left the meeting and returned at 9.16pm.*

*At 9:13pm Cr Macphail left the meeting and returned at 9:17pm*

**LATE ITEM P20/3869 RFT202102 REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (CONFIDENTIAL ATTACHMENT)**

Ward	: All
Category	: Operational
Subject Index	: Tender
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P19/3817 Review of Canning Bridge Activity Centre Plan - Project Scope 20 and 27 August 2019 Ordinary Meeting of Council; P19/3831 Amendment to Canning Bridge Activity Centre Plan Limit to Bonus Height Results of Engagement Special Meeting of Council 27 November 2019 P20/3852 Review of Canning bridge Activity Centre Plan Finalise Project Scope Special Meeting of Council 4 May 2020.
Works Programme	: Not Applicable
Funding	: Various operational budgets
Responsible Officer	: Gavin Ponton – Manager Strategic Urban Planning

**LATE ITEM P20/3869 RFT202102 REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (CONFIDENTIAL ATTACHMENT)**

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

To recommend the acceptance of a tender submitted for the Review of Canning Bridge Activity Centre Plan.

**BACKGROUND**

The Council has resolved to commence a review of the Canning Bridge Activity Centre Plan (CBACP). The anticipated focus of the review is to examine height controls, transition between different height zones, the operation of the bonus height provisions and response to general aspects of the Plan. The scope of the project recognises that issues regarding building height and the awarding of bonus height cannot be examined in isolation.

The overall purpose of this project is to undertake a review of the CBACP and the preparation of a modified content to the CBACP that responds to the key issues and actions identified in the project scope of services. The consultant is to understand the current operation of the CBACP, understand the position of the state agencies with respect to the CBACP, understand the range of issues and concerns raised by stakeholders with respect to the operation of the CBACP and respond to these and other matters with informed and innovative solutions. The need for the review relates largely to the emergence of different expectations amongst different stakeholder groups. The goal of the project is to respond to these different viewpoints and explore options to arrive at unified solutions.

**LATE ITEM P20/3869 RFT202102 REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (CONFIDENTIAL ATTACHMENT)**

**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 three qualitative criteria for this Request, being Demonstrated Experience, Key Personnel and Methodology.

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

The recommended respondent then presented to Elected Members at a Special Elected Member Information Session (EMIS) on 6 August 2020.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Extensive stakeholder engagement will be undertaken throughout this project.

**II. OTHER AGENCIES / CONSULTANTS**

No other agencies/consultants has been required or undertaken for this tender.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

**FINANCIAL IMPLICATIONS**

Pre-Tender Estimate	\$400,000.00
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation	Not applicable, within budget.

**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*.

**LATE ITEM P20/3869 RFT202102 REVIEW OF CANNING BRIDGE ACTIVITY CENTRE PLAN (REC) (CONFIDENTIAL ATTACHMENT)**

There is no residual risk implications following the invitation and evaluation process conducted for this item. Actions taken to address identified risks are listed in a confidential attachment.

**POLICY IMPLICATIONS**

CP-023 Procurement of Products or Services.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternate options have been identified.

**CONCLUSION**

The Evaluation Panel is satisfied that the recommended supplier has demonstrated that they have the necessary demonstrated experience, appropriate capacity to deliver, and follow a methodology in line with the City's expectations.

The recommended supplier is well positioned to meet the request conditions and represents value for money.

The confidential attachments are included in the Special EMIS Minutes of 6 August 2020 available on the Elected Members Portal.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3869) APPROVAL**

At 9:17pm Cr Pazolli moved, seconded Cr Woodall –

- 1. Accept the recommendation as contained in the Confidential Attachment – RFT202102 Special Elected Members Information Session Minutes, and**
- 2. Upon resolution the recommendation, directs that the successful respondents' names be inserted below this point 2, awarded;**

**Roberts Day Pty Ltd – ABN 53 667 373 703**

- 3. Further to 1 above, confirms that the agreed approach for the review of the Canning Bridge Activity Centre Plan is the Respondents Alternative proposal.**

At 9:27pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

*At 9:28pm Cr Mair returned to the meeting.*

**LATE ITEM T20/3870 – RFT192020 SHIRLEY STRICKLAND RESERVE  
REDEVELOPMENT PROJECT (REC) (CONFIDENTIAL ATTACHMENT)**

**Item brought forward.**  
See page 66

**LATE ITEM T20/3868 –RFT202103 DISPOSAL OF BULK VERGE AND COMMERCIAL GENERAL WASTE (REC) (CONFIDENTIAL ATTACHMENT)**

Ward : All  
 Category : Operational  
 Subject Index : Tender  
 Customer Index : City of Melville  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Not Applicable  
 Works Programme : Not Applicable  
 Funding : Various operational budgets  
 Responsible Officer : Paul Molony – Manager Resource Recovery and Waste

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**LATE ITEM T20/3868 – RFT202103 DISPOSAL OF BULK VERGE AND COMMERCIAL GENERAL WASTE (REC) (CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

To recommend the acceptance of a tender submitted for the Disposal of Bulk Verge and Commercial General Waste.

**BACKGROUND**

The City is seeking a suitably qualified and experienced Contractor for the disposal and recycling of the material collected by the City's verge waste fleet during the 2020 and 2021 Bulk and Whitegoods Verge Waste Collection and the disposal of the commercial general waste.

In 2019, the City's bulk verge waste was taken to SUEZ Recycling & Recovery facility at 65 Howson Street, Bibra Lake where the 2,100 tonnes of bulk verge waste was sorted, recycled and disposed of. Prior to 2019, the commercial waste has been taken to the City of Cockburn's Henderson Waste Recovery Facility at 920 Rockingham Road, where waste collected was landfilled.

To procure these services the City released a Request for Tender (RFT) as a collective RFT with two separable portions, as follows:

- (1) Disposal of Bulk Verge
- (2) Disposal of Commercial General Waste

The preference is to award the services to a single Contractor that offers best value for money. However, recognising that some suppliers may offer preferable solutions for recovery of materials or drop off locations, separable portions have been provided.

The Contract period is for an initial term of one year with an additional 12 month option period which will be exercised at the sole discretion of the City.

**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 four qualitative criteria for this Request, being Demonstrated Experience, Capacity to Deliver, Sustainable Procurement and Methodology.

The Evaluation Panel reviewed all Respondent 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.

**LATE ITEM T20/3868 – RFT202103 DISPOSAL OF BULK VERGE AND COMMERCIAL GENERAL WASTE (REC) (CONFIDENTIAL ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

No other agencies/consultants has been required or undertaken for this tender.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

**FINANCIAL IMPLICATIONS**

Pre-Tender Estimate	\$675,000.00
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation	Not applicable, within budget.

**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 is no residual risk implications following the invitation and evaluation process conducted for this item. Actions taken to address identified risks are listed in a confidential attachment included in the Contract and Tender Advisory Unit Meeting Minutes of 21 July 2020.

The provision of these goods has a positive environmental implication since it results in less waste going to landfill.

**POLICY IMPLICATIONS**

CP-023 Procurement of Products or Services

**LATE ITEM T20/3868 – RFT202103 DISPOSAL OF BULK VERGE AND COMMERCIAL  
GENERAL WASTE (REC) (CONFIDENTIAL ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternate options have been identified.

**CONCLUSION**

The CTAU is satisfied that the recommended supplier has demonstrated that they have the necessary demonstrated experience, appropriate capacity to deliver, follow sustainable practices and follow a methodology in line with the City's expectations.

The recommended supplier offers the lowest cost to the City of the shortlisted submissions when taking into account the distance of the receiving point whilst satisfying the City's qualitative requirements therefore they offer the best value for money.

The confidential attachments are included in the Contract and Tender Advisory Unit Meeting Minutes of 21 July 2020 that are available on the Elected Members Portal.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3868)                      APPROVAL**

At 9:28pm Cr Woodall moved, seconded Cr Kepert –

- 1. Accept the recommendation as contained in the Confidential Attachment – RFT202103 Contract and Tender Advisory Unit Minutes, and**
- 2. Upon resolution the recommendation, directs that the successful respondents' names be inserted below this point 2, awarded.**

**SUEZ Recycling and Recovery Pty Ltd, Trading as SUEZ Recycling and  
Recovery for the Disposal of Bulk Verge and Commercial General Waste.  
ABN 70 002 902 650**

At 9:29pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

**14.2 REPORT FROM THE GOVERNANCE COMMITTEE**

**LATE ITEM C20/5769 – REPORT FROM GOVERNANCE COMMITTEE, RFQ202111  
SERVICE REVIEW OF CUSTOMER INTERACTIONS (REC) (CONFIDENTIAL  
ATTACHMENTS)**

Ward	: All
Category	: Operational
Subject Index	: Tender (Request for Quote)
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	: C20/5752 Late Item – Confidential Item M20/5755 Independent Review – Special Meeting of Council, held 29 June 2020
Works Programme	: Not Applicable
Funding	: Operating Expenditure Budget 2020-2021
Responsible Officer	: Alan Ferris – Director Corporate Services

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**LATE ITEM C20/5769 – REPORT FROM GOVERNANCE COMMITTEE, RFQ202111  
SERVICE REVIEW OF CUSTOMER INTERACTIONS (REC) (CONFIDENTIAL  
ATTACHMENTS)****KEY ISSUES / SUMMARY**

- This matter was considered by the Governance Committee on 13 August 2020.
- This report addresses the Governance Committee recommendation to accept a quote submitted for the Service Review of Customer Interactions.

**BACKGROUND**

The City of Melville is seeking at all times to improve the services that it provides to its residents. As a Local Government we have decided that one way in which we can improve our standards is to learn from our interactions with residents. The Council has resolved that it will seek an independent review of its dealings with two residents who have had issues with the handling of their concerns. It is the intention of the Council to have these issues analysed independently and if necessary make adjustments to our service provision.

**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 three qualitative criteria for this Request, being Demonstrated Experience, Key Personnel and Methodology.

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

The recommendation of the Evaluation Panel was considered by the Governance Committee at its meeting held 13 August 2020. At the meeting, Mayor Gear tabled confidential information, which was a resume of the second preferred respondent.

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

Stakeholder engagement has taken place between the City and the ratepayers relevant to this review of customer interactions. All parties agreed on the scope prior to advertising the request.

**II. OTHER AGENCIES / CONSULTANTS**

No external agencies were consulted.

**LATE ITEM C20/5769 – REPORT FROM GOVERNANCE COMMITTEE, RFQ202111  
SERVICE REVIEW OF CUSTOMER INTERACTIONS (REC) (CONFIDENTIAL  
ATTACHMENTS)**

**STATUTORY AND LEGAL IMPLICATIONS**

There are no Statutory or legal implications associated with this report.

**FINANCIAL IMPLICATIONS**

Budget	\$60,000
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation	Not applicable, within budget.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no residual risk implications following the invitation and evaluation process conducted for this item. Actions taken to address identified risks are listed in a confidential attachment.

**POLICY IMPLICATIONS**

Council Policy CP-023 Procurement of Products or Services applies to this matter.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The only alternative to approving one of the quotes provided, would be to not proceed with the Project.

**CONCLUSION**

The Evaluation Panel Report recommended a supplier that had the necessary demonstrated experience, appropriate capacity to deliver and follow a methodology in line with the City's expectations and offered the lowest cost to the City of the shortlisted submissions whilst satisfying the City's qualitative requirements therefore they offer the best value for money.

The Governance Committee supported the appointment of the second preferred respondent contained in the report, based on the additional confidential information tabled at its meeting.

**LATE ITEM C20/5769 – REPORT FROM GOVERNANCE COMMITTEE, RFQ202111  
SERVICE REVIEW OF CUSTOMER INTERACTIONS (REC) (CONFIDENTIAL  
ATTACHMENTS)**

**COMMITTEE RECOMMENDATION AND COUNCIL RESOLUTION**

**APPROVAL**

At 9:30pm Cr Pazolli moved, seconded Cr Mair –

**That's the Council adopt the Governance Committee recommendation that the Council:**

- 1. Note the Confidential Attachment –RFQ202111 Quote Evaluation Report, and**
- 2. Based on the additional confidential information tabled at the Governance Committee meeting, supports the appointment of the second preferred respondent contained in the RFQ202111 Quote Evaluation Report.**
- 3. Upon resolution the recommendation, directs that the successful respondents' name be inserted below this point 3:**

**Quantum Consulting Australia.**

At 9:43pm the Mayor declared the motion

**CARRIED (12/1)**

<b>Vote Result Summary</b>	
Yes	12
No	1

Cr Barber	Yes
Cr Barton	Yes
Cr Fitzgerald	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Sandford	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Mayor Gear	Yes
Cr Robins	No

**COUNCIL RESOLUTION**

At 9:43pm Cr Wheatland moved, seconded Cr Kepert –

**That the meeting comes out from behind closed doors.**

At 9:44pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (13/0)**

No members of the community returned to the meeting.

**19. CLOSURE**

There being no further business to discuss, Mayor Honourable George Gear confirmed that Cr Fitzgerald was still in attendance electronically and declared the meeting closed at 9:44pm.