

MINUTES

OF THE

SPECIAL MEETING OF THE COUNCIL

HELD ON

MONDAY, 4 APRIL 2022

AT 6.00PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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 6:00pm and invited Cr Jane Edinger to read the Acknowledgement of Country and advised those present of the Disclaimer, the Affirmation of Civic Duty and Responsibility and the Audio Recording Advice.

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

WARD

Cr T Fitzgerald (<i>from 6:10pm</i>) (Deputy Mayor)	Palmyra – Melville - Willagee (<i>electronic attendance</i>)
Cr K Wheatland (<i>from 6:03pm</i>)	Palmyra – Melville – Willagee (<i>electronic attendance</i>)
Cr J Edinger	Bicton – Attadale – Alfred Cove (<i>electronic attendance</i>)
Cr N Robins (<i>from 6:10pm</i>)	Bateman – Kardinya – Murdoch (<i>electronic attendance</i>)
Cr D Macphail	Bateman – Kardinya - Murdoch
Cr M Woodall	Bull Creek – Leeming (<i>electronic attendance</i>)
Cr J Spanbroek	Bull Creek – Leeming (<i>electronic attendance</i>)
Cr N Pazolli	Applecross – Mount Pleasant (<i>electronic attendance</i>)
Cr C Ross	Applecross – Mount Pleasant
Cr K Mair	Central
Cr M Sandford	Central

3. IN ATTENDANCE

Mr M Tieleman	Chief Executive Officer
Mr S Cope	Director Urban Planning
Mr M McCarthy	Director Technical Services
Ms C Newman	Governance Coordinator

At the commencement of the meeting, there was one member of the public in the Council Chambers, 5 members of the public and one representative from the Press in attendance electronically.

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

Mr A Ferris
Mr T Cahoon

Director Corporate Services
A/Director Community Development

4.2 APPROVED LEAVE OF ABSENCE

Cr G Barber

Bicton – Attadale – Alfred Cove

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

Nil.

7. DECLARATIONS OF INTEREST**7.1 FINANCIAL INTERESTS**

Nil.

At 6:03pm Cr Wheatland joined the meeting electronically.

7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Woodall – P22/3980 – Proposed Child Care Centre Premises – Lot 300 (No.3) Worley Street, Willagee. Interest under the Code of Conduct.
- Cr Mair – Item T22/3975 – Mount Pleasant Bowling Club Asbestos Removal Cost Estimate. Interest under the Code of Conduct.

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

At 6:05pm Cr Ross moved, seconded Cr Wheatland –

That the applications for new leave of absence submitted by Cr Edinger and Cr Macphail on 4 April 2022 be granted.

At 6:05pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (10/0)

9. REPORTS OF THE CHIEF EXECUTIVE OFFICER

Disclosures of Interest

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

At 6:05pm having declared an interest in this matter, Cr Woodall electronically disconnected from the meeting.

P22/3980 – PROPOSED CHILD CARE CENTRE PREMISES – LOT 300 (NO.3) WORLEY STREET, WILLAGEE (REC) (ATTACHMENTS)

Ward	: Palmyra - Melville - Willagee Ward
Category	: Operational
Application Number	: DAP-2021-18
Property	: Lot 300 (No.3) Worley Street, Willagee
Proposal	: Proposed Child Care Centre Premises
Applicant	: Alan Stewart, Stewart Urban Planning
Owner	: Land Holding Three Pty Ltd
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: 13.3 Petition – Opposition to Child Care Centre, Leach Highway and Worley Street, Willagee – Ordinary Meeting of Council 15 March 2022
Responsible Officer	: Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

P22/3980 –PROPOSED CHILD CARE CENTRE PREMISES – LOT 300 (NO.3) WORLEY STREET, WILLAGEE (REC) (ATTACHMENTS)**KEY ISSUES / SUMMARY**

- This RAR is referred to Council for information in accordance with Local Planning Policy 1.1, having been called up by Cr Wheatland.
- Approval is sought for a child care centre premises at Lot 300 (No.3) Worley Street, Willagee. The cost of the development is \$2.3 million and the applicant has opted that the application be determined by the Metro Inner South Joint Development Assessment Panel.
- The application is for the demolition of the existing dwelling and structures on site, and the construction of a Child Care Centre Premises in its place.
- The building is proposed to be two storeys in height and will comprise of five activity rooms and three outdoor play areas, with amenities including staff rooms, offices and a kitchen facility;
- The Child Care Centre has been designed to accommodate 79 children and 15 staff members of the following age demographics;
 - 24 places for children aged 0-2 years;
 - 15 places for children aged 2-3 years; and
 - 40 places for children aged 3-5 years.
- The operating hours of the centre are between 6:30 am and 6:30 pm Monday to Friday.
- 19 on-site car bays (including one ACROD bay) have been provided.
- Landscaping, including the retention of an existing tree on site is also proposed as part of the development.
- The proposed development has been assessed against the provisions of Local Planning Scheme No.6 (LPS6), Local Planning Policy 1.12 Child Minding Centres and Family Day Cares (LPP1.12), as well as a number of local and state planning policies.
- The Responsible Authority Report (RAR) has been prepared by officers and is required to be submitted to the JDAP under the *Planning and Development (Development Assessment Panel) Regulations 2011* by midday 5 April 2022.
- The proposal was the subject of public consultation in accordance with LPP 1.1: Planning Process and Decision Making.
- During the advertising period one (1) petition containing 221 signatures objecting to the development, and 60 individual written submissions were received – 22 objecting to the proposal and 38 submissions in support.
- The recommendation of the RAR is that the JDAP conditionally approve the proposed development.
- A copy of the resolution of the Ordinary Meeting of Council will be forwarded to the JDAP as an attachment to the RAR.

P22/3980 –PROPOSED CHILD CARE CENTRE PREMISES – LOT 300 (NO.3) WORLEY STREET, WILLAGEE (REC) (ATTACHMENTS)



Figure 1: Aerial image of the subject site

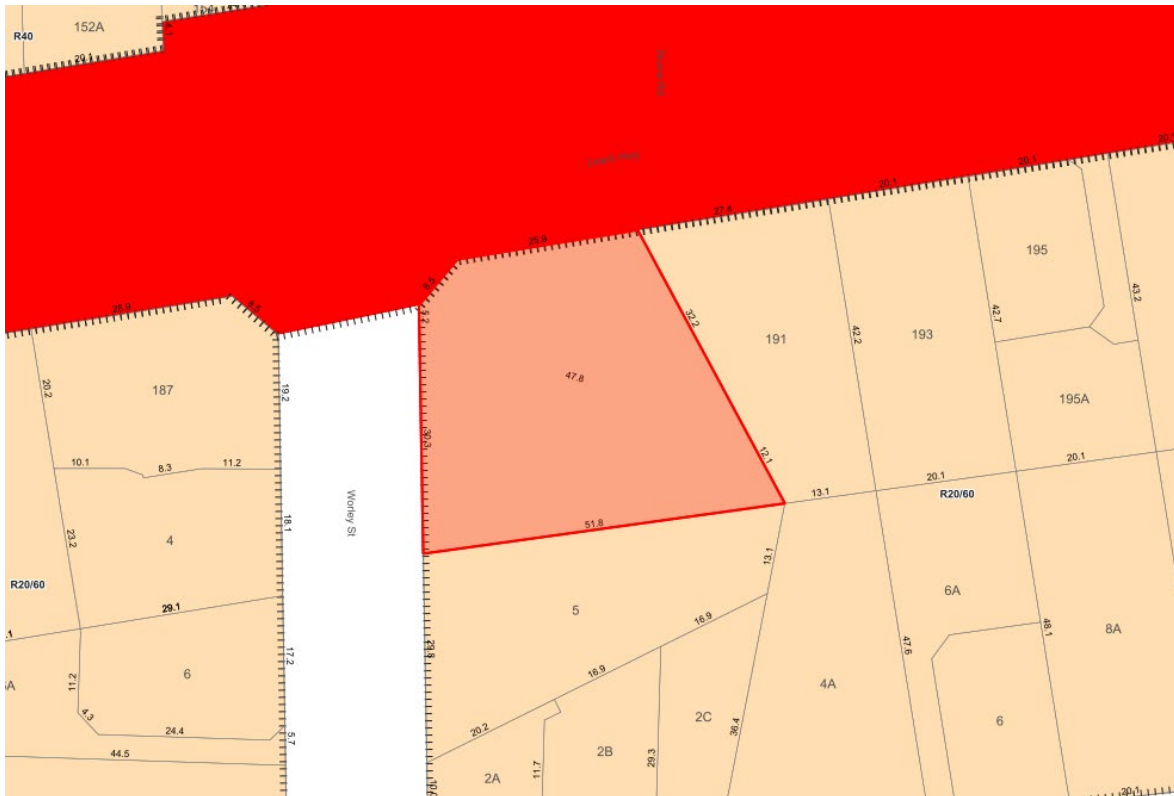


Figure 2: Zoning map of the subject site.

P22/3980 –PROPOSED CHILD CARE CENTRE PREMISES – LOT 300 (NO.3) WORLEY STREET, WILLAGEE (REC) (ATTACHMENTS)**BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
LPS Zoning	:	Residential
Structure Plan Zoning	:	Willagee
R-Code	:	R20/R60
Use Type	:	Child Care Premises
Use Class	:	'A' Use

Site Details

Lot Area	:	1702.00m ²
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc)	:	Yes
Site Details	:	Refer to Figure 1 above

DETAIL

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

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

[3980 DAP RAR 3 Worley Street, Willagee - Proposed Child Care Premises](#)

[3980 Attachment 1 Development Plans](#)

[3980 Attachment 2 Landscape Plans](#)

[3980 Attachment 3 Town Planning Report](#)

[3980 Attachment 4 Operational Management Plan](#)

[3980 Attachment 5 Waste Management Plan](#)

[3980 Attachment 6 Traffic Impact Assessment](#)

[3980 Attachment 7 Acoustic Assessment](#)

[3980 Attachment 8 Air Quality Report](#)

[3980 Attachment 9 Main Roads Referral Response](#)

[3980 Attachment 10 Town Planning Report 2](#)

P22/3980 –PROPOSED CHILD CARE CENTRE PREMISES – LOT 300 (NO.3) WORLEY STREET, WILLAGEE (REC) (ATTACHMENTS)**STAKEHOLDER ENGAGEMENT**

Refer to the RAR attached to this report.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

None applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

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

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

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

P22/3980 –PROPOSED CHILD CARE CENTRE PREMISES – LOT 300 (NO.3) WORLEY STREET, WILLAGEE (REC) (ATTACHMENTS)**OFFICER RECOMMENDATION (3980)****APPROVAL**

That the Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to APPROVE, with conditions, the application for the proposed Child Care Centre Premises at Lot 300 (No.3) Worley Street, Willagee.

Alternate Motion**COUNCIL RESOLUTION**

At 6:06pm Cr Wheatland moved, seconded Cr Ross –

That the Metro Inner-South Joint Development Assessment Panel be advised that the Council of the City of Melville REJECTS the recommendation of the Responsible Authority Report to APPROVE, with conditions, the application for the proposed Child Care Centre Premises at Lot 300 (No.3) Worley Street, Willagee.

At 6:09pm, the Mayor declared the alternate motion

CARRIED UNANIMOUSLY (9/0)

Reasons for the alternate motion as provided by the Council

1. The Council has previously resolved (Amendment No 13 to Local Planning Scheme No 6, Child Care Premises) to exclude Child Care Centres on Primary Regional Roads and this this proposal abuts Leach Highway.
2. Page 14 of RAR acknowledges the advertisement of the amendment to Local Planning Scheme 6 to prohibit Child Care Centres on Leach Highway and that this should be taken into account in the deemed to comply provisions. As a seriously entertained proposal the proposed amendment should be given consideration.

At 6:10pm Cr Robins joined the meeting electronically.

At 6:10pm Cr Fitzgerald joined the meeting electronically.

At 6:11pm Cr Woodall electronically returned to the meeting.

Disclosures of Interest

Item P22/3969 – Three Storey Single House – Lot 2 (No 4) Dee Road, Applecross, WA 6153 was deferred at the Special Meeting of Council held 7 February 2022. Officers have provided an Addendum to this Item – [Addendum](#)

LATE ITEM P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD APPECROSS WA 6153 (REC) (ATTACHMENT)

Ward : Applecross - Mount Pleasant Ward
 Category : Operational
 Application Number : DA-2021-1275
 Property : Lot 2 (No.4) Dee Road APPECROSS WA 6153
 Proposal : Single House
 Applicant : Urbane Projects
 Owner : Ms S M Bennett
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P22/3969 – Three Story Single House – Lot 2 (No 4) Dee Road Applecross - Special Meeting of Council held 7 February 2022.
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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<input checked="" 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 P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD
APPLECROSS WA 6153 (REC) (ATTACHMENT)**

KEY ISSUES/SUMMARY

- Development approval is sought for a proposed three storey single house at Lot 2 (No.4) Dee Road, Applecross.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), the provisions of State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes) and relevant local planning and council policies.
- In accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making, the proposed development was advertised to the adjoining owners and occupiers.
- Two submissions were received which objected to the front setback, rear boundary setback, building height, driveway gradient and permeability of retaining walls,
- Notwithstanding the objections received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes.
- The application was referred to the Development Advisory Unit (DAU) on 25 January 2022. The DAU determined that the application be recommended for approval subject to conditions.
- Following the DAU meeting, the development application was called up to Council by Cr Pazolli for determination in accordance with the procedures outlined in the Local Planning Policy 1.1.
- The item was considered at a Special Meeting of Council held 7 February 2022, at which it was resolved “That the Motion be deferred for up to four weeks to allow for the applicant and affected landowners to negotiate resolution of their concerns.”
- As the item was deferred the Officer Report and recommendation presented to the Special Meeting has not been amended and an Addendum has been provided advising that the expressed concerns of the third parties are now resolved.
- It is recommended that the Council approve the application subject to conditions.



Figure 1 – Aerial Photography

**LATE ITEM P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD
APPLECROSS WA 6153 (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS6 Zoning	: Residential
R-Code	: R12.5
Use Type	: Residential
Use Class	: Permitted

Site Details

Lot Area	: 994m ²
Retention of Existing Vegetation	: No
Street Tree(s)	: Yes to be retained
Street Furniture (drainage, pits, etc.)	: Not applicable
Site Details	: Refer photo above – Figure 1

DETAIL

In November 2021 a development application was lodged for a three storey single house at Lot 2 (No.4) Dee Road; Applecross.

[3969 Applicants Copy DA 2021 1275 Two Storey Single Dwelling with Undercroft 4 Dee Road Applecross](#) – please refer to [Addendum](#)

The application has been assessed against the provisions of Local Planning Scheme No. 6 (LPS6), State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) and relevant local planning and council policies. A performance assessment is required in respect of the matters listed below.

[State Planning Policy 7.3 Residential Design Codes Vol. 1](#)

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 5.1.3 Lot Boundary Setbacks	6 metres - Rear Setback	Minimum 2 metres on the ground floor and 3.6 metres on the first floor.	Requires a performance assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

LATE ITEM P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD
APPLECROSS WA 6153 (REC) (ATTACHMENT)

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
5.3.7 Site Works	Fill and retaining walls to not exceed 0.5 metres within 1 metre of the lot boundary; and site works to not exceed 0.5m within front setback area	Cut approximately 2-3 metres on the western side	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

Local Planning Policy 3.1 Residential Development

Design Element	Deemed to Comply standard	Proposed	Comments	Delegation to approve variation
Clause 1 Part C2.1(iii)	Building setbacks in R12.5 3.75 metre minimum 7.5 metre average	Ground floor Minimum 1.3 metres Average 4.6 metres First Floor Minimum 5.1 metres Average 7.36 metres	Requires assessment against the Design Principles of the R-Codes.	Manager Statutory Planning
Clause 4 Fences and Street Walls	Walls located within the front setback area are to be visually permeable above 1.2 metres	Portions of the fencing exceed the 1.8 metre maximum height requirement	Requires assessment against the Design Principles of the R-Codes.	Development Advisory Unit (DAU)

**LATE ITEM P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD
APPLECROSS WA 6153 (REC) (ATTACHMENT)**

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comments Supplied: Yes
 Reason: Required pursuant to LPP 1.1 Planning Process and
 Decision Making Clause 1.7.6
 Support/Object: 2 objections were received

A summary of the objection received and a response is provided in the table below.

Summary of Issues Raised	Comments	Action (Condition/ Uphold/ Not Uphold)
Encroachment of the development into the rear setback area will create a bulk impact to the dwelling under construction	Refer to the comments section of this report.	Not Uphold
Rear setback is not compliant	Refer to the comments section of this report.	Not Uphold
Height of the building is not compliant	The height of the development is compliant with the City's LPP 1.9 Height of Buildings.	Not Uphold
The front setback is not compliant	The proposal is considered to satisfy the design principles contained within C 5.1.2 <i>Street Setbacks</i>	Not Uphold
The terraced area does not have any balustrading which will cause a safety hazard. Any future balustrading will increase the size of the wall	In lieu of balustrading, the applicant has proposed a large amount of landscaping to act as a buffer between the entertaining space and the edge. Any future balustrading will be required to meet with the requirements of the BCA and the visual permeability requirements of the R Codes.	Not Uphold
The retaining walls within the front setback effectively comprise the front fence of the property and all exceed the height limits and permeability requirements.	Refer to the comments section of this report.	Not Uphold
The eastern driveway comprises a ramp which utilises the Council's front verge and the Council would have the responsibility of maintaining the ramp and any dangers caused by said ramp. This ramp will hinder the Council's ability to change the footpath	The applicant is not proposing to modify the existing levels of the verge as part of this application. The proposed ramp begins within the subject site and the gradient meets the relevant standards. In addition sufficient vehicle sightlines are provided.	Not Uphold

**LATE ITEM P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD
APPLECROSS WA 6153 (REC) (ATTACHMENT)****II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City refuse the application or impose a condition that the applicant does not agree with they have 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 is no strategic, risk, or environmental management implications with this application.

POLICY IMPLICATIONS

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

COMMENT**Rear (western) Boundary setback**

4 Dee Road, Applecross is zoned Residential with a density coding of R12.5 under the provisions of Local Planning Scheme No. 6. As per Clause 5.1.3 Lot Boundary Setbacks and Table 1 of the R-Codes, a 6.0 metre rear setback is required to meet the deemed-to-comply provisions.

The proposed development provides a minimum rear setback of 2.0 metres with an average of 4.6 metres to the ground floor, and a setback minimum of 3.9 metres and an average of 6.5 metres to the first floor (Figure 2 and 3). Therefore the development requires assessment against the relevant design principles of the R-Codes.

**LATE ITEM P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD
APPLECROSS WA 6153 (REC) (ATTACHMENT)**

For example the dwellings at the rear of the subject site have been approved with 1-1.5 metre side setbacks, resulting in minimal separation (Figure 4).



Figure 5: Aerial Snapshot of the immediate locality

The dwelling under construction at 40B Fraser Road has been designed in a manner to ensure that the primary outdoor and indoor spaces are orientated westward, optimising the view towards the Swan River. The secondary views from this property are in an easterly direction towards and along the driveway. The development will be visible from the ground floor study and a first floor bedroom, noting that the orientation of the window ensures this view is oblique in nature, reducing the bulk impact of these walls (Figure 5).

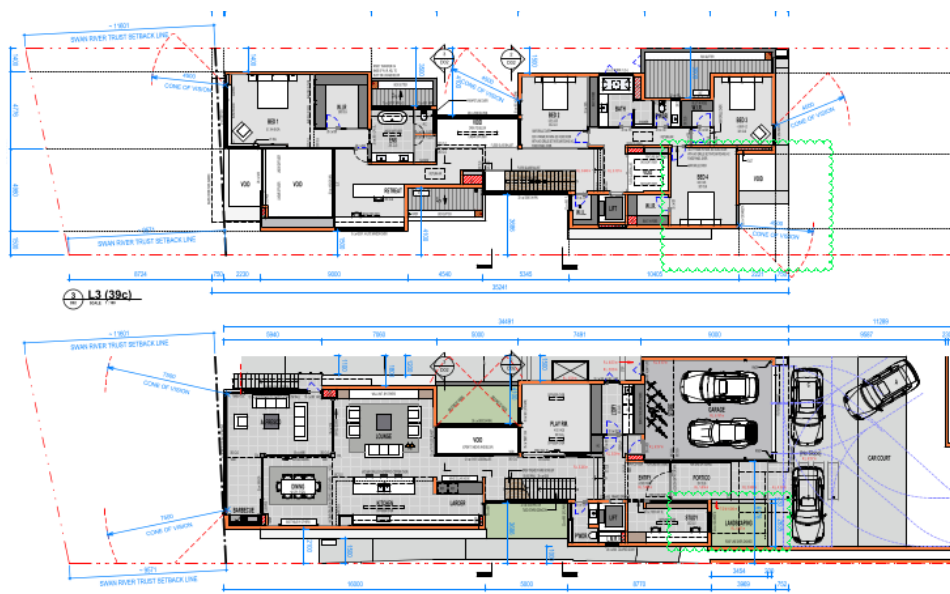


Figure 5: Ground floor and first floor of the approved development at 40B Fraser. Areas highlighted in green will have a view of the proposed development

**LATE ITEM P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD
APPLECROSS WA 6153 (REC) (ATTACHMENT)**

The subject site is located on the southern boundary of the neighbouring property and is compliant in regards to visual privacy. As such there are no adverse impacts in respect of visual privacy or solar access.

Site Works, Retaining and Front Fences

The deemed to comply provisions of the R-Codes allow for site works including retaining walls, fill and excavation between the street boundary, and street setback and lot boundaries to be a height of 0.5 metres above or below the natural ground level, except where it is necessary to provide for pedestrian universal and/or vehicular access, drainage or access of natural light to a dwelling.

The proposed fill in front of the dwelling associated with the pedestrian entrance meets the deemed-to-comply requirements; however the proposed excavation works on the western portion of the site and within the verge requires a performance assessment against the relevant design principles.

The proposed excavation is considered to meet the design principles for the following reasons:

- The excavation restores a natural fall towards the river.
- The excavation results in increased setbacks to the street compared to the existing dwelling.
- This front setback area will be developed with a substantial amount of landscaping both in front of and on top of the retaining wall, which softens the impact on the street.
- The textured finish of the retaining wall, which allows for it to blend into the development;
- The applicant has indicated that balustrading will not be required on top of the raised outdoor area due to the extent of landscaping provided however this detail will be finalised at the building permit stage. In order to ensure that any required balustrading does not have a bulk impact on the street, a condition has been applied requiring this to be a clear material such as glass.

As noted above the fill associated with the proposed pedestrian entrance meets the relevant deemed to comply provisions. Despite this, the height of the balustrade exceeds the deemed to comply provisions for fence height in LPP 3.1. This policy states that fence height is measured from the natural ground level at the verge and includes the height of retaining walls. The proposed balustrade is one metre high and constructed of clear glass. This is considered to meet the relevant design principle which requires street fencing to be low in height to permit surveillance of the street. In addition to the above, the landscaping is proposed in front of the retaining wall, reducing its visual bulk and enhancing the streetscape interface, consistent with the design principle.

**LATE ITEM P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD
APPLECROSS WA 6153 (REC) (ATTACHMENT)**



Figure 6: Render of the proposed development displaying the raised podium on the western boundary and the pedestrian entrance to the centre



Figure 7: View of the middle portion of the existing home as viewed from Dee Rd

LATE ITM P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD
APPLECROSS WA 6153 (REC) (ATTACHMENT)



Figure 8: Existing driveway serving the above ground garage on the eastern boundary



Figure 9: Area of retaining and fill which is to be removed within the verge and front setback on the western boundary

**LATE ITEM P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD
APPLECROSS WA 6153 (REC) (ATTACHMENT)**



Figure 10: Access leg servicing the rear neighbour at 40B Fraser Rd. This access leg will alleviate the bulk impact from the proposed development

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may choose to refuse to grant approval for the proposed development and provide a reason for doing so. If the Council chooses to refuse the application, the applicant may exercise a right of review to the State Administrative Tribunal.

CONCLUSION

Given the design principle assessment that has been applied in this case concludes that the development is acceptable in principle, it is recommended that approval for the development be granted, subject to conditions.

**LATE ITEM P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD
APPLECROSS WA 6153 (REC) (ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3969)****APPROVAL**

At 6:13pm Cr Sandford moved, seconded Cr Macphail –

1. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the City.
2. All stormwater generated on site is to be retained on site.
3. Prior to commencement of construction a crossover application shall be submitted to and approved in writing by the City's Technical Services department. The crossover shall be designed to be;
 - A maximum width of 4.5m;
 - located a minimum of 2m away from the outside of the trunk of any street tree; and
 - A minimum of 1m from any existing street infrastructure.

The approved crossover is to be constructed prior to the initial occupation of the development to the satisfaction of the City.

4. The street walls and fencing marked in red on the approved plans are required to comply with the definition of 'Visually Permeable' found in *State Planning Policy 7.3 Residential Design Codes Volume 1*, to the satisfaction of the City.
5. Where a driveway meets the street, walls or fencing within sight line areas are to meet the requirements contained under clause 5 of Local Planning Policy *LPP3.1 Residential Development*, to the satisfaction of the City.
6. All balustrading located within the front setback area is to be constructed of a clear material to the satisfaction of the City.
7. Prior to the initial occupation of the development, the external surface of the retaining wall/s which are visible from the adjoining properties shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the City.
8. Construction is not permitted to obstruct traffic without prior written consent from the City's Technical Services department. Should the construction require a lane or road closure, a Traffic Management Plan is required to be approved by the City prior to any such works.
9. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, sales, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the City and are to be removed prior to initial occupation of the development.

**LATE ITEM P22/3969 - THREE STOREY SINGLE HOUSE – LOT 2 (NO.4) DEE ROAD
APPLECROSS WA 6153 (REC) (ATTACHMENT)**

10. Prior to the initial occupation of the development, the on-site tree (as marked in red on the approved plans) shall be planted and maintained thereafter in perpetuity, to the ongoing satisfaction of the City.
11. All trees on the City's verge to be managed in accordance with Tree Policy (CP-029) unless otherwise approved in writing by the City, all street tree/s shall be protected throughout construction via the installation of a Tree Protection Zone (TPZ). Each TPZ shall be installed prior to commencement of development, in accordance with the following criteria to the satisfaction of the City:
 - A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
 - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
 - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
 - The following actions shall not be undertaken within any TPZ:
 - Storage of materials, equipment fuel, oil dumps or chemicals
 - Servicing and refuelling of equipment and vehicles
 - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
 - Open-cut trenching or excavation works (whether or not for laying of services)
 - Changes to the natural ground level of the verge
 - Location of any temporary buildings including portable toilets
 - The unauthorised entry by any person, vehicle or machinery
 - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.

At 6:17pm the Mayor declared the recommendation

CARRIED (12/0)

Disclosures of Interest

Member Cr Mair
 Type of Interest Interest under the Code of Conduct
 Nature of Interest Social Member of Mount Pleasant Bowling Club
 Request Leave
 Decision Leave Leave

T22/3975 – MOUNT PLEASANT BOWLING CLUB ASBESTOS REMOVAL COST ESTIMATE (REC)

Ward : Applecross - Mt Pleasant
 Category : Operational
 Subject Index : Mount Pleasant Bowling Club
 Customer Index : Mount Pleasant Bowling Club
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : T21/3958 – Mount Pleasant Bowling Club/Melville Cares Refurbishment works – Ordinary Meeting of Council held 14 December 2021
 T21/3900 Mount Pleasant Bowling Club – Improvements and Refurbishment – Ordinary Meeting of Council held 16 February 2021
 CD20/8140 – Mount Pleasant Bowling Club Review - Ordinary Meeting of Council held 8 and 9 December 2020
 Works Programme : To be allocated to the existing project in the 2021-2022 capital works programme
 Funding : Additional funding of \$63,084 requested to fund the removal of asbestos in areas affected by the refurbishment, bringing total funding for the project to \$677,193.
 Responsible Officer : Mario Murphy, Manager City Buildings

AUTHORITY / DISCRETION

DEFINITION

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

T22/3975 – MOUNT PLEASANT BOWLING CLUB ASBESTOS REMOVAL COST ESTIMATE (REC)**KEY ISSUES / SUMMARY**

- This item follows the resolution arising from item T21/3958 – Mount Pleasant Bowling Club/Melville Cares Refurbishment Works (December 2021 Ordinary Meeting of Council):
*“That the Council directs the Chief Executive Officer:
2. to investigate the cost of Asbestos removal from the Mt Pleasant Bowling Club and report back to Council on the matter”.*
- Total estimated cost for the full removal and make good of asbestos within the facility amounts to \$427,000 inclusive of all contingencies, fees and overheads.
- Total estimated cost for removal of asbestos in areas affected by the refurbishment works amounts to \$162,000 including all contingencies, fees and overheads.
- The inclusion of full asbestos removal would result in a total project cost of \$929,823 versus a total project cost of \$677,193 for asbestos removal in areas only affected by refurbishment works.
- The City follows the guidelines laid out in the National Strategic Plan for Asbestos Awareness and Management 2019-2023 (NSP). The management of low to medium risk asbestos in-situ is permitted under the NSP and removal is not mandated.
- The City’s approach to asbestos containing materials (ACM) has been to remove when opportunity arises during refurbishment works and to manage the remainder to minimise risks using recognised practices. This was the approach originally approved by Council under item T21/3900 Mount Pleasant Bowling Club – Improvements and Refurbishment.
- The City has additional funding of \$850,000 in the Long Term Financial Plan for an Asbestos Removal Programme to remove as much ACM from the portfolio as is practicable over the next five years.
- The City has identified 65 facilities within the building portfolio that contain asbestos and is clearing asbestos from 16 of these this financial year for a total cost of \$160,000.
- There are a number of buildings where full ACM removal would be extremely costly and require a risk-based analysis to determine a practicable scope. Mount Pleasant Bowling Club is one such facility.
- The removal of all ACM from the building portfolio would require additional funding of at least \$2m to be added to the Asbestos Removal Programme.
- It is recommended that Council approves additional funding of \$63,084 to fund the removal of asbestos in areas affected only by the refurbishment works, bringing total funding for the project to \$677,193.

T22/3975 – MOUNT PLEASANT BOWLING CLUB ASBESTOS REMOVAL COST ESTIMATE (REC)**BACKGROUND**

At the December 2020 Ordinary Meeting of Council it was resolved arising from item CD20/8140 Mount Pleasant Bowling Club Review:

“Directs the CEO to provide a report to the February 2021 Ordinary Meeting of Council on the arrangements for such works required to be implemented by the City to ensure that the accessibility improvements to the Clubhouse occur, and erect a movable partition in the Clubrooms including the removal of all asbestos as is rendered necessary by such works, to be practically completed by no later than 30 December 2021.”

Following this resolution, City Officers engaged with members of the Mount Pleasant Bowling Club to prepare a scope of work and cost estimate. These were presented to Council in February 2021 in item T21/3900 Mount Pleasant Bowling Club – Improvements and Refurbishment where Council resolved:

“That Council approves the proposed improvements and refurbishment of the Mount Pleasant Bowling Club with total funding of \$330,000 to be provided through the DAIP Programme (\$100,000), and Asbestos Removal Programme (\$45,000) from the 2020-2021 budget, and \$185,000 in the 2021-2022 Capital Works Program.”

In May 2021, the member for Bateman, Kim Giddens MLA, informed the City that the State Government had committed \$100,000 for building upgrades at Mount Pleasant Bowling Club related to Melville Cares. This funding is to be provided through the Department of Local Government Sport and Community Industries (DLGSCI).

Engagement continued with the Mount Pleasant Bowling Club and Melville Cares to refine a scope of work that meets the requirements of the Council resolutions of December 2020 and February 2021. The Mount Pleasant Bowling Club requested additional scope items that were not covered under the original Council-approved scope of work. These items were presented to Council at the December 2021 Ordinary Meeting of Council under item T21/3958 – Mount Pleasant Bowling Club/Melville Cares Refurbishment works (December 2021). Council resolved:

“That the Council directs the Chief Executive Officer:

- 1. to progress the Original Scope of works and a request for a new entry foyer and access ramps from the Additional Scope of works for the refurbishment of the Mount Pleasant Bowling Club facility to detailed design and tender for construction based on the cost estimate of \$541,383 plus contingencies, fees and overheads.*
- 2. to investigate the cost of Asbestos removal from the Mt Pleasant Bowling Club and report back to Council on the matter.*
- 3. Endorse continued officer support to be provided to Mount Pleasant Bowling Club and Melville Cares in seeking external grant funds and other sources of funding for improvements based on the additional scope work for the facility improvements requested.”*

T22/3975 – MOUNT PLEASANT BOWLING CLUB ASBESTOS REMOVAL COST ESTIMATE (REC)

This report details the outcome of the investigation of costs required to fully remove the asbestos and make-good at Mount Pleasant Bowling Club in accordance with resolution 2.

DETAIL

Asbestos Removal Cost Estimate

Further to the December 2021 OMC resolutions, City Officers commissioned the Quantity Surveyor, HW and Associates, and the architect, Norda Architects Pty Ltd, to prepare a cost estimate for the scope of work required to fully remove asbestos from the facility and make good.

The cost estimate is summarised below:

Removal of Asbestos Materials	\$281,000
Contingencies (20%)	\$56,000
Authority Costs	\$2,000
Professional Fees 12%	\$41,000
Internal Overheads	\$15,000
Escalation to Tender	\$32,000
<u>Total Cost</u>	<u>\$427,000</u>

The previous cost estimate for the removal and make-good of the asbestos in the areas affected by the proposed refurbishment works amounted to \$162,000 including all contingencies, fees and overheads.

The total project costs arising from the scope of works agreed at the December 2021 OMC, with both asbestos removal scenarios is as follows:

Total Project Cost including:

a) Removal of asbestos in areas of works only	\$677,193
b) Full asbestos removal throughout building	\$929,823

Asbestos Removal Approach at the City of Melville

The National Strategic Plan for Asbestos Awareness and Management 2019-2023 (NSP) is coordinated by the Australian Asbestos Safety and Eradication Agency (ASEA). Within Western Australia the Department of Mines, Industry Regulation and Safety is the lead agency for implementation of the NSP. Under the NSP, *'the management of low to medium risk ACMs in-situ is permitted and removal is not mandated. Where practicable, removal should be planned during opportunities for remedial works, such as refurbishment or upgrade works'*.

This approach regarding the management of low to medium risk ACM, with removal when the opportunity arises during refurbishment works, is one the City has followed for a number of years. This is the approach that was originally approved for the Mount Pleasant Bowling Club refurbishment in the Council item: T21/3900 Mount Pleasant Bowling Club – Improvements and Refurbishment (February 2021). The bulk of the ACM present in the facility is considered low to medium risk, the only high risk ACM being the ceiling space contamination that will be addressed as part of the refurbishment works.

T22/3975 – MOUNT PLEASANT BOWLING CLUB ASBESTOS REMOVAL COST ESTIMATE (REC)

In addition to ACM removal during refurbishment works, the City has committed \$850,000 to a 5-year Asbestos Removal Programme to remove as much asbestos as practicable from the City's building portfolio. To date there have been asbestos audits carried out on 99 buildings with 65 found to contain ACM. The City currently has a contract let under the Asbestos Removal Programme to remove ACM from 16 community facilities at a cost of \$160,000. These facilities are those considered the 'low-hanging fruit' within the portfolio with low amounts of easily-removed ACM. The next stage of the Asbestos Removal Programme will address approx. 10 buildings with higher levels of ACM. There are a number (circa 15) of buildings within the portfolio where the full removal of ACM would be extremely costly and require a risk-based analysis to determine the practicable scope for ACM removal. The Mount Pleasant Bowling Club is one such building.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

City Officers have engaged with the following during the course of the discussions on this project:

- Mount Pleasant Bowling Club: The President and other members of the Club
- Melville Cares: The previous and current CEO.

II. OTHER AGENCIES / CONSULTANTS

Environmental Consultant	QED (Asbestos Audits)
Architect	Norda Architects Pty Ltd
Quantity Surveyor	H W and Associates

STATUTORY AND LEGAL IMPLICATIONS

Under the National Strategic Plan for Asbestos Awareness and Management 2019-2023 (NSP 2019-2023), Western Australian State and Local Government agencies are required to identify and assess the risks associated with asbestos-containing materials within government-controlled buildings, land and infrastructure. WA State and Local Government requirements under the NSP are detailed as follows:

- *identify and assess the risk of ACM in the buildings and facilities that they own or occupy;*
- *develop and maintain risk based management plans for management of asbestos, including schedules and processes for the prioritised safe removal and disposal of the asbestos where required or feasible opportunities exist (**NOTE: The management of low to medium risk ACMs in-situ is permitted and removal is not mandated. Where practicable, ACM removal should be planned during opportunities for remedial works, such as refurbishment or upgrade works. Reporting to ASEA will therefore focus on the removal of high-risk asbestos.**);*
- *provide six-monthly NSP 2019-2023 progress reports to the Department of Mines, Industry Regulation and Safety (DMIRS), which DMIRS will then collate and submit; and*
- *include information in their annual reports on NSP 2019-2023 targets*

There is therefore no statutory or legal requirement to fully remove asbestos from the Mount Pleasant Bowling Club.

FINANCIAL IMPLICATIONS

The original approved project budget arising from the February 2021 OMC resolution was \$330,000. Further to the December 2021 OMC resolutions, the approved budget increased to \$614,109. The balance of the funding (\$284,109) was requested at mid-year budget review which was approved at the February 2022 OMC. This funding does not include the \$100,000 State Government funding through the Member of Bateman, Kim Giddens MLA, that is to fund additional upgrade requests for Melville Cares.

The December 2021 OMC resolutions approved the construction of the new foyer and access ramps, but did not approve the additional cost for the removal and make-good of the ACM associated with these works. As a consequence, the currently approved budget stands at \$614,109. As noted previously, the total project cost when all ACM removal associated with the project works is included is \$677,193 - an additional cost of \$63,084 above the currently approved budget. The total project cost including full asbestos removal throughout the building is estimated at \$929,823. This is an increase of \$315,714 above the currently approved budget.

The full removal of asbestos from the Mount Pleasant Bowling Club is not a cost that was envisaged in the original budget estimate from February 2021, and is not a cost that is covered under the current Asbestos Removal Programme which aims to remove as much ACM as is practicable. Should full removal of all ACM from the City's portfolio be mandated by the City, additional funding of at least \$2m would be required to cover the additional costs.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The residual risk of not removing all ACM in the facility is as follows. This is considered acceptable when managed properly as per the Asbestos Management Plan and is consistent with the NSP.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Potential health issues arising from remaining asbestos in facility	Major consequences which are rare, resulting in a Medium level of risk	Manage remaining ACM as per the Asbestos Management Plan

POLICY IMPLICATIONS

None

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternative to the Officer's Recommendation is the full removal of ACM from the facility. This would necessitate an additional \$315k funding for the project, with at least an additional \$2m required above current Asbestos Removal Programme funding if full removal of ACM is mandated by the City across the entire building portfolio. As noted above, the full removal of ACM from facilities is not a mandated requirement under the National Strategic Plan for Asbestos Awareness and Management 2019-2023.

T22/3975 – MOUNT PLEASANT BOWLING CLUB ASBESTOS REMOVAL COST ESTIMATE (REC)**CONCLUSION**

The cost estimate for the full removal of asbestos from the Mount Pleasant Bowling Club amounts to \$427,000. This is an additional \$265,000 above the cost to remove the ACM from the areas affected by the refurbishment works. There is no mandated requirement under the National Strategic Plan for Asbestos Awareness and Management 2019-2023 to fully remove asbestos from facilities.

The additional funding of \$63,084 for asbestos removal is expected to be spent in the 2022-2023 financial year and will be budgeted accordingly.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3975)**APPROVAL**

At 6:17pm Cr Mair moved, seconded Cr Sandford –

That the Council include in the 2022-2023 draft budget additional funding of \$63,084 required to allow for removal and make good of asbestos in areas of the Mount Pleasant Bowling Club facility affected by the refurbishment works. This will result in the total approved funding for the project to \$677,193 inclusive of all contingencies, professional fees and overheads.

At 6:18pm the Mayor declared the recommendation

CARRIED (12/0)

**C22/5896 – NEW COUNCIL POLICY – CP-120 CLIMATE ACTION POLICY (REC)
(ATTACHMENT)**

Ward	:	All
Category	:	Policy
Subject Index	:	Climate Change Energy Sustainability
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	:	Not Applicable
Responsible Officer	:	Alan Ferris Director Corporate Services

AUTHORITY / DISCRETION

DEFINITION

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

**C22/5896 – NEW COUNCIL POLICY – CP-120 CLIMATE ACTION POLICY (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The City declared a Climate Emergency in June 2021
- The City is working towards a Climate Action Plan but continuing its actions in parallel which will integrate with the plan and contribute towards the plan's objectives when it is operationalised.
- A Policy for Climate Action has been developed that guides on prioritising Climate Change considerations across the organisation and in the region as an integrated approach and core business activity
- This Policy promotes a proactive approach on greenhouse gas emissions reduction across the City's supply chain and provides direction to focus on appropriately achieving carbon neutrality targets through a data driven scientific approach and rigorous assessment, ensuring best value outcomes that are sustainable, Carbon Neutral without compromising the level of service provided to the Melville community

BACKGROUND

The Climate Action Policy applies to all services, programs, projects, facilities and strategic and operational factors which the City has control or where the City may exert influence (e.g. community behaviour; advocating to other levels of government).

The policy will influence most of the City's strategies, plans and decisions for work undertaken by the City and by decisions of Council.

DETAIL

The City of Melville will provide robust leadership on Sustainability with a stronger focus on Climate Action in accordance with the Council's Climate Emergency declaration made in June 2021, with a target to achieve carbon neutrality by 2030 for the organisation and by 2050 for the geographic region.

To support these targets, the Climate Action Policy has been developed based on scientifically proven methods to establish the underlying guidance on how to achieve these targets. This Policy promotes a proactive approach on greenhouse gas emissions reduction across the City's supply chain and provides direction to focus on appropriately achieving carbon neutrality targets through a data driven scientific approach and rigorous assessment, ensuring best value outcomes that are sustainable, Carbon Neutral without compromising the level of service provided to the Melville community

The proposed Climate Action Policy CP-120 is provided in the attachment [5896 CP-120 Climate Action Policy](#)

**C22/5896 – NEW COUNCIL POLICY – CP-120 CLIMATE ACTION POLICY (REC)
(ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

This policy is a fundamental guiding document laying principles responding to the requirements of the Climate Emergency and Climate Action Planning which was established through petition from the community and is a rising expectation.

These principles will help in initiating engagement within the city and with the community. The policy will assist in legitimising changes across processes, templates and information flows within the organisation that will improve decision making and prioritise climate action considerations.

STATUTORY AND LEGAL IMPLICATIONS

This is Voluntary Action by the City at this stage however prepares it against the rising global expectations that may influence National / State legislation in the near future.

FINANCIAL IMPLICATIONS

1. There will be associated costs in improving the way business adopts the policy and undertake further actions that may be absorbed in the budget.
2. The improvements will provide longer term benefits and sustainability across the City Region through improved decision making and consideration of life cycle factors.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The Policy will help in improving risks analysis across all aspects of any action or decision making in the City and bring transparency to City's actions and performance.

POLICY IMPLICATIONS

The Policy will have implications across numerous City processes, Plans and other policies. The implications would enable stronger focus on life cycle considerations, stronger monitoring reporting and verification systems, transparency, integrated focus on socio-economic and environmental aspects, highlight efficiency and provide more information on associated emissions and resilience aspects for any decision.

These implications will be further evaluated by each service area in partnership with City's Sustainability services subsequent to adoption of this policy.

CONCLUSION

Adoption of this policy by the Council will help in setting up the context for stronger Climate Action considerations across every aspect of City's business and decision making.

**C22/5896 – NEW COUNCIL POLICY – CP-120 CLIMATE ACTION POLICY (REC)
(ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5896) APPROVAL**

At 6:18pm Cr Fitzgerald moved, seconded Cr Ross –

That the Council adopt new Council Policy [CP-120 Climate Action Policy](#) and that this policy be published on the City of Melville website.

At 6:19pm, the Mayor declared the recommendation

CARRIED (12/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16.1 Mount Pleasant Senior Citizens Site Being Public Open Green Space, submitted by Cr Sandford**

This motion was deferred from the Ordinary Meeting of Council held 15 February 2022 and then deferred again, from the 15 March 2022 Council Meeting.

An Officer Advice Note is associated with this motion – [Advice Note](#)

Motion

That the Council directs the CEO to prepare a report to be presented to the May 2022 Ordinary Meeting of Council on restoring the former Mt Pleasant Senior Citizens site at 13 The Esplanade/ 64 Kishorn Road, Mt Pleasant to community use as public open green space with tree plantings.

Alternate Motion

At 6:25pm Cr Mair moved, seconded Cr Wheatland –

That the Council directs the CEO to prepare a Report on 13 The Esplanade/64 Kishorn Road Mt Pleasant to be presented to the May 2022 Ordinary Meeting of Council:

- 1. On restoring the former Canning Bridge Senior Citizens site to community use as public open green space with tree planting;**
- 2. On the option of selling the site;**
- 3. On identification of appropriate locations for POS in the Canning Bridge area;**
- 4. On possible future uses for the site including commercial uses;**
- 5. On how and when public consultation for uses or selling of the site is appropriate.**

At 6:27pm, during discussion and debate, the mover and seconder consented to amending the date in the first sentence from “May 2022” to “July 2022”.

16.1 *Mount Pleasant Senior Citizens Site Being Public Open Green Space, submitted by Cr Sandford, continued.*

Alternate Motion

COUNCIL RESOLUTION

At 6:25pm Cr Mair moved, seconded Cr Wheatland –

That the Council directs the CEO to prepare a Report on 13 The Esplanade/64 Kishorn Road Mt Pleasant to be presented to the July 2022 Ordinary Meeting of Council:

- 1. On restoring the former Canning Bridge Senior Citizens site to community use as public open green space with tree planting;**
- 2. On the option of selling the site;**
- 3. On identification of appropriate locations for POS in the Canning Bridge area;**
- 4. On possible future uses for the site including commercial uses;**
- 5. On how and when public consultation for uses or selling of the site is appropriate.**

At 6:51pm the Mayor declared the alternate motion

CARRIED (9/3)

Yes	9	Cr Fitzgerald, Cr Macphail, Cr Mair, Cr Pazolli, Cr Robins, Cr Spanbroek, Cr Wheatland, Cr Woodall, Mayor Gear
No	3	Cr Edinger, Cr Ross, Cr Sandford

Reasons for the Alternate Motion as provided by Cr Mair

1. The Council did not support the Officers' Recommendation to go ahead with the ground lease agreement with Oryx Community Melville Pty Ltd. This left the door open for other uses to be considered.
2. Many other uses for this site should be investigated by the officers and then put out for public consultation.
3. To investigate only one option is very limited and does not take into consideration numerous opportunities that could be available to the City nor does it give any opportunity for public consultation.

16.2 Weir Report, submitted by Cr Mair

This motion was deferred from the Ordinary Meeting of Council held 15 February 2022 and then deferred again, from the 15 March 2022 Council Meeting.

That the Council directs the CEO to prepare a report on the findings of the Weir Report with a list of actions to be taken and present it to an EMES for discussion prior to a Council Meeting for a decision.

The above deferred Motion was withdrawn by Cr Mair and replaced with the following Motion with Notice.

An Officer Advice Note is associated with this motion – [Advice Note](#)

Motion

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

That the Council directs the CEO to prepare a report on

- 1. The findings of the Weir Report,**
- 2. A list of actions to be taken and present it to an EMES for discussion prior to a Council Meeting for a decision, and**
- 3. The CEO to invite the complainants to the Elected Members Engagement Session to present, and discuss their feedback on the Weir report, on the proposed recommendations and any further recommendations they may have.**

Amendment

At 7:02pm Cr Pazolli moved, seconder Cr Woodall –

That point 3 of the motion be amended to read:

“The CEO to invite the complainants to the Elected Members Engagement Session to present their feedback on the proposed recommendations and any further recommendations they may have.”

At 7:03pm during, discussion and debate, the mover and the seconder of amendment consented to the inclusion of the words “in 30 minutes each” being included after the word “present” in point 3.

16.2 Weir Report, submitted by Cr Mair, continued.

Amendment

COUNCIL RESOLUTION

At 7:02pm Cr Pazolli moved, seconder Cr Woodall –

That point 3 of the motion be amended to read:

“The CEO to invite the complainants to the Elected Members Engagement Session to present their feedback, in 30 minutes each, on the proposed recommendations and any further recommendations they may have.”

At 7:11pm, the Mayor declared the motion

CARRIED (7/5)

Yes	7	Cr Fitzgerald, Cr Mair, Cr Pazolli, Cr Robins, Cr Wheatland, Cr Woodall, Mayor Gear
No	5	Cr Edinger, Cr Ross, Cr Macphail, Cr Sandford, Cr Spanbroek

Substantive Motion as Amended

COUNCIL RESOLUTION

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

That the Council directs the CEO to prepare a report on

- 1. The findings of the Weir Report,**
- 2. A list of actions to be taken and present it to an EMES for discussion prior to a Council Meeting for a decision, and**
- 3. The CEO to invite the complainants to the Elected Members Engagement Session to present their feedback, in 30 minutes each, on the proposed recommendations and any further recommendations they may have.**

At 7:13pm, the Mayor declared the motion

CARRIED (10/2)

Yes	10	Cr Edinger, Cr Fitzgerald, Cr Mair, Cr Pazolli, Cr Robins, Cr Ross, Cr Sandford, Cr Spanbroek, Cr Woodall, Mayor Gear
No	2	Cr Macphail, Cr Wheatland

16.2 *Weir Report, submitted by Cr Mair, continued.*

Reasons for motion as provided by Cr Mair

1. The Council agreed provide a budget for the Weir Report and it cost approximately \$126,000. I understand this does not include officers' time, or the residents' time in preparing and presenting information for the report. Since the Council approved the compilation of this report and its budget, officers should prepare a report and present it to Council.
2. Since the Council approved the compilation of this report and its budget, Officers should prepare a Report and Recommendations and present it to Council for discussion and adoption.
3. The Weir Report was circulated to Elected Members in September 2021 but no Report has been prepared as yet dealing with the issues contained in this document.
4. At the Annual Electors Meeting on 2 February, the Electors passed a Motion of no confidence in the City's planning, building and environmental services function. By dealing with issues in the Weir Report, the Council will be demonstrating that it is acting on the deficiencies in the City.
5. Holding an Elected Member Engagement Session with the complainants who contributed to the Weir Report will give an opportunity for the affected parties to give their feedback on the Report and assist Elected Members with more clarity on the issues going forward.

Note: Motion with Notice 16.3 Funding Grant for construction of new premises for the Melville Bowling Club, submitted by Cr Ross, was dealt with at the Ordinary Meeting of Council held 15 March 2022.

An Officer Advice Note is associated with this motion – [Advice Note](#)

This motion was deferred from the Ordinary Meeting of Council held 15 March 2022.

16.4 Scheme Amendment to Rezone 13 Parks and Reserves, Submitted by Cr Mair

That the Council directs the CEO to prepare a report on putting forward a further scheme amendment to rezone 13 parks and reserves from residential to public open space. These 13 Parks and Reserves are: Harry Clemens, Norm Godfrey, Reg Seal, Ces Deceau, Jack Martin, Marguerite Smith and Laurie Withers Reserve: Jack Jeffery, Hugh Corbett, Pitman and Prosser Parks and two unnamed sites.

At 7:14pm the Director Urban Planning provided the following update on this matter:

“Amendment 10 to Local Planning Scheme 6 sought to amend the zoning of 20 existing parks/reserves from “Residential” to “Public Open Space”. The amendment was supported by Council at its meeting on 17 August 2021 and forwarded to the Western Australian Planning Commission (WAPC) and the Minister for Planning for approval. On 9 December 2021, the Minister made a decision requiring that the amendment be modified and resubmitted for determination. The modifications required the removal of 13 parks from the amendment. These 13 parks involved land owned by the State of Western Australia.

The amendment documentation was modified in accordance with the Minister’s mandatory direction and returned to the State Government for approval. In the meantime the City and many members of the community expressed concern with the modifications required by the Minister.

On 28 March 2022, the City received advice from the Minister that the original requirement for the modification of the amendment had been reconsidered. A new direction was provided by the Minister that the amendment be modified to accord with the original resolution from Council in August 2021. The direction to modify the amendment also included an administrative change to reflect the correct wording for a Watercorp owned reserve on portion of Robert Henwood Park.

As with the earlier direction from the Minister, the requirement to modify the amendment is mandatory and there is no further input or decision required from Council. The modified documentation has been prepared and is currently awaiting signing and is expected to be returned to the Minister’s Office later this week. The Minister’s final approval and subsequent Gazettal of the amendment is expected in the coming weeks. It is reiterated that the final steps of the amendment process are administrative and no further action or decision is required from Council.”

At 7:16pm Cr Mair expressed her delight with the updated information and withdrew her motion.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

13. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

14. CLOSURE

There being no further business to discuss, the Mayor confirmed that Cr Woodall, Cr Pazolli, Cr Edinger, Cr Spanbroek, Cr Wheatland, Cr Robins and Cr Fitzgerald were still in attendance electronically and declared the meeting closed at 7:19pm.