

**MINUTES
OF THE
SPECIAL MEETING OF THE COUNCIL
HELD ON
MONDAY, 4 NOVEMBER 2019
AT 7:00PM IN THE COUNCIL CHAMBERS
MELVILLE CIVIC CENTRE**

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MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 7:00PM ON MONDAY 4 NOVEMBER 2019.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 7:04pm.

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

Cr N Pazolli (Deputy Mayor)
Cr S Kepert,
Cr N Robins
Cr C Robartson, Cr M Woodall
Cr J Barton
Cr K Mair (*until 7:05pm*)
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
Central
Palmyra – Melville - Willagee

3. IN ATTENDANCE

Mr M Tieleman
Ms C Young
Mr S Cope
Mr M McCarthy
Ms K Johnson
Mr B Taylor

Mr B Dawkins
Mr J Hobbs
Ms C Newman
Ms T Wright

Chief Executive Officer
Director Community Development
Director Urban Planning
Director Technical Services
Executive Manager Organisational Development
A/Executive Manager Governance and Legal Services
Manager Neighbourhood Amenity
Senior Strategic Urban Planner
A/Manager Governance and Property
Governance Officer

At the commencement of the meeting there were approximately two members of the public and one representative from the Press in the Public Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Mr A Ferris

Director Corporate Services

4.2 APPROVED LEAVE OF ABSENCE

Cr D Macphail

Bateman – Kardinya - Murdoch Ward

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. DEPUTATIONS

7.1 Mr N Krummel (Pharmacy 777) and Ms K de Graaf (Shendals One Salon)
Item CD19/8121 - Temporary Suspension of Parking Fees and Charges at Riseley Centre

8. DECLARATIONS OF INTEREST

The Members' and Officers' attention is drawn to the following provisions of the *Local Government Act 1995* regarding disclosures of interest;

8.1 FINANCIAL INTERESTS

Nil.

8.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Mair, CD19/8121- Temporary Suspension of Parking Fees and Charges at Riseley Centre, Proximity Interest.

9. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

11. REPORTS OF THE CHIEF EXECUTIVE OFFICERDisclosure of Interest

Member	Cr Katy Mair
Type of Interest	Proximity Interest
Nature of Interest	Director of Company which owns property opposite Riseley Centre
Request	Leave
Decision	Leave

At 7:05pm having declared an interest Cr Mair left the Chambers.

At 7:06pm Ms C Young entered the Chambers.

At 7:06pm Mr S Cope entered the Chambers.

At 7:06pm Mr M McCarthy entered the Chambers.

At 7:06pm Mr N Krummel and Ms K de Graaf entered the Chambers for the purpose of making a deputation on Item CD19/8121 – Temporary Suspension of Parking Fees and Charges at Riseley Centre, which concluded at 7:18pm. [Presentation N Krummel Riseley Centre Parking](#). At 7:32pm Mr Krummel and Ms K de Graaf departed the Chambers.

At 7:32pm Mr J Hobbs (Senior Strategic Urban Planner) and Mr B Dawkins (Manager Neighbourhood Amenity) entered the Chambers for the purpose of providing a presentation on Item CD19/8121 – Temporary Suspension of Parking Fees and Charges at Riseley Centre, which concluded at 7:41pm. [Presentation City of Melville Riseley Centre Parking](#). At 7:50pm Mr Hobbs and Mr Dawkins departed the Chambers.

At 7:32pm Cr Robins left the Chambers and returned at 7:33pm

At 7:33pm Cr Wheatland left the Chambers and returned at 7:35pm

CD19/8121- TEMPORARY SUSPENSION OF PARKING FEES AND CHARGES AT RISELEY CENTRE (REC)

Ward	: Applecross - Mt Pleasant
Category	: Policy
Subject Index	: Parking Control and Schemes
Customer Index	: Riseley Centre
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item P14/3502 – City of Melville Car Parking Strategy – 17 June 2014 Ordinary Meeting of Council. Item P16/3688 – Adoption of Parking Management Plans for Canning Bridge and Riseley Centres – 15 March 2016 Ordinary Meeting of Council Item CD/8113 – Parking Management Riseley Centre – 18 June 2019 Ordinary Meeting of Council. Item 13.2 Petition – Parking Riseley Street – 15 October 2019 Ordinary Meeting of Council.
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Bruce Taylor Manager Governance and Property

AUTHORITY / DISCRETION

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

**CD19/8121 - TEMPORARY SUSPENSION OF PARKING FEES AND CHARGES AT
RISELEY CENTRE (REC)****KEY ISSUES / SUMMARY**

- A meeting was held on Monday 28 October 2019 with representatives of shop owners and operators (owners) from the Riseley Street Centre (centre) to discuss the recently installed parking machines and paid parking.
- Subsequent to that meeting a request for a Special Meeting of Council to be held Monday 5 November 2019 was received to discuss the option of temporarily suspending the parking fees at the precinct.
- This report presents information regarding the parking and the request of the attending business owners to temporarily suspend the parking fees and charges.
- In response to four petitions presented to and considered by the Council at the October 2019 Meeting, an officer report will be presented to a future meeting of Council relating to the parking restrictions and the request for parking permits for staff.

BACKGROUND

At the October 2019 Meeting of the Council four petitions relating to paid parking at the Riseley Centre were considered by the Council. The Council resolved to acknowledge the petitions and that a report be presented to the Council.

At the request of the Mayor, representatives of business owners at the Riseley Centre met with officers and Ward members on Monday 28 October 2019. While the petitions requested that:

“there be parking meters that offer three hour free parking” and

“there be some viable safe options made available for the staff who work in the businesses in this area” and

“the City of Melville consider a solution such as parking permits for staff that work in this area”

the main discussion at the meeting related to the impact that paid parking and the removal of 15 minute parking bays was having on the viability of the businesses. There was also discussion on the different parking operations and arrangements that exist between bays owned by various businesses and those owned by the City.

In accordance with Section 5.4 of the *Local Government Act 1995* – Calling council meetings - a request for a Special Meeting of Council to be held was received on 29 October 2019. The request was *that a Special Meeting of the Council be convened on Monday 4 November 2019 to discuss the suspension of fees and charges relating to paid parking at the Riseley Centre.*

**CD19/8121 - TEMPORARY SUSPENSION OF PARKING FEES AND CHARGES AT
RISELEY CENTRE (REC)****DETAIL**

The officer report, to be presented to a future meeting of Council, responding to the petitions will provide background information relating to the previous reports and decisions of the Council relating to parking matters, decisions to install parking meters and the charging of fees. The resolutions from the various Council meetings are listed below:

- **17 June 2014 Ordinary Meeting of Council - The City of Melville Car Parking Strategy (Item P14/3502)**

That the Council adopt the City of Melville Car Parking Strategy as provided in Attachment 1 3502_Attachment_1 as a guide to future decision-making and management of car parking issues.

- **15 March 2016 Ordinary Meeting of Council - Parking Management Riseley Centre (Item CD19/8113)**

That the Council:

1. Approves the Parking Management Plans for the Canning Bridge and Riseley Centres as detailed in Attachment 1, *except for Quick Action Number 10 in Canning Bridge, which is amended by extending first hour free parking to all on street and off street Council controlled parking in Moreau Mews, Sleat Road and Kishorn Road.*
2. Requests that a Communications Plan be prepared to inform the community of the Parking Management Plans for the Canning Bridge and Riseley Centres and the actions recommended.
3. Directs that the actions recommended be considered in future budgets.

- **18 June 2019 Ordinary Meeting of Council - Adoption of Parking Management Plans for Canning Bridge and Riseley Centres (Item P16/3688)**

That the Council:

1. By Absolute Majority Decision approves parking fees of first hour free with subsequent hours \$1.70 per hour and \$8.50 all day between the hours of 8:00am – 6:00pm for 41b Simpson Street Ardross and 1 Willcock Street Ardross.
2. Approves parking fees of first hour free with subsequent hours being charged at the rate of \$2.20 per hour between the hours of 8:00am – 6:00pm for onstreet parking on Kearns Crescent Ardross.
3. Designates 41b Simpson Street Ardross and 1 Willcock Street Ardross to be established as Parking Stations Number 28 and 29 respectively and that the provisions of the Parking Local Law 2016, of the City of Melville apply to these car parks.

**CD19/8121 - TEMPORARY SUSPENSION OF PARKING FEES AND CHARGES AT
RISELEY CENTRE (REC)**

There are approximately 1,026 parking spaces within the Riseley Centre with 310 spaces (30%) being managed by the City of Melville and the remaining (70%) managed privately by owners. Most of the parking areas are therefore the responsibility of the owners, not the City.

The City's paid parking (1st hour free) applies between 8:00am-6:00pm Monday-Saturday consistently across 203 (20%) of the parking spaces in the Centre consisting of on street parking on Kearns Crescent (144 bays), the Simpson Street Parking Station (27 bays) and Willcock Street parking station (32 bays). The parking meters were installed in July 2019 and following an amnesty period went live in September 2019.

Prior to the introduction of paid parking (1st hour free) on Kearns Crescent, parking management involved time restrictions consisting of four 15 minute bays and one hundred and forty 2 hour time restricted bays. Surveys undertaken by the independent parking consultant Cardno (2016) found that despite the time restrictions parking duration was consistently longer than the allowable limit which in turn caused issues of availability for the customers of local businesses.

Land owners and businesses are responsible for the management of car parking on private land. Parking management techniques adopted by business include a combination of:

- Allocated staff only
- Allocated customer only
- Unallocated bays
- Time restrictions (10min, 15min, 30min, 1hr, 90min, 2hr)
- Paid ticket parking (1st hour free)
- Wheel clamping zones
- Tow away zones
- Video Surveillance
- Business issued staff parking permits

At the meeting of 28 October 2019 the owners present indicated that the introduction of paid parking is having a detrimental impact on customers and is significantly affecting the viability of their businesses. Owners were concerned about the immediate impact on their business and were seeking an immediate solution to the problem instead of waiting until the Council can consider and respond to the petitions.

The owners requested that parking fees be temporarily suspended until the officer report considering the requests of the petition and the future of paid parking in the centre can be considered.

Should the Council resolve to temporarily suspend paid parking as proposed by the owners the parking meters would need to be temporarily deactivated and the parking meters and signs would need to be covered and clearly marked informing customers that parking restrictions do not apply temporarily.

At the meeting the owners agreed to attend a facilitated meeting to discuss opportunities to standardise the various parking arrangements that exist between the 70% of the centres privately managed bays and the 30% of bays managed by the City of Melville in an attempt to standardise parking restrictions at the Centre.

**CD19/8121 - TEMPORARY SUSPENSION OF PARKING FEES AND CHARGES AT
RISELEY CENTRE (REC)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The meeting, that prompted the request for the Special meeting of Council, was held with 26 owners of Riseley Centre business premises, City staff, the Mayor and Ward members on 28 October 2019.

II. OTHER AGENCIES / CONSULTANTS

Consultants were appointed to prepare the City of Melville Car Parking Strategy (2014) and the Riseley and Canning Bridge Activity Centres Parking Management Plans (2016), however, there has been no engagement with agencies or consultants relating to the request to suspend the parking fees and charges.

STATUTORY AND LEGAL IMPLICATIONS

Fees and charges relating to Riseley Street Precinct Parking are listed in the adopted 2019-2020 Fees and Charges Schedule.

The *Local Government Act 1995* requires local public notice of the intention to impose any fees or charges after the annual budget has been adopted, but is silent on the need to advertise a temporary suspension of fees and charges. As the imposition of fees and charges requires an absolute majority decision of the Council any decision to suspend a fee or charge should also be by an absolute majority decision.

Section 6.16 of the Act relates to the imposition of fees and charges:

6.16. Imposition of fees and charges

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

(a) imposed during a financial year; and*

(b) amended from time to time during a financial year.*

**Absolute majority required.*

FINANCIAL IMPLICATIONS

The projected estimated income of \$27,500 to be received from the Riseley precinct parking has been provided in the 2019-2020 budget. Income would not be received during a period of any suspension of the charging of parking fees.

Fifty percent of the income received through paid parking within the Riseley Centre is allocated for reinvesting in public realm improvements in consultation with local businesses and land owners.

**CD19/8121 - TEMPORARY SUSPENSION OF PARKING FEES AND CHARGES AT
RISELEY CENTRE (REC)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Removing parking restrictions or any suspension of the City's parking management (paid parking), may result in motorists parking for longer periods of time (or for park and ride purposes) which will mean less bays available for customers.	Moderate consequences which are likely, resulting in a High level of risk	As there will be no parking restrictions in place, the City will have no mechanisms to manage the parking.
As only one meeting has taken place, the present owners view may not represent all stakeholders.	Moderate consequence which is possible, resulting in a medium level of risk.	Engage with all stakeholders prior to implementing significant changes to parking management.

POLICY IMPLICATIONS

There are no implications foreseen with regard to the Parking Policies. The Parking Local Law 2016 is not impacted by this item or proposed actions.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Alternative options to any proposal to temporarily suspending paid parking are:

- temporarily extend the 1st hour free parking period,
- not suspend paid parking, continue to monitor the parking management situation, and undertake further engagement with the local businesses prior to implementing significant changes,
- to take no action until the officer report considering the two petitions is presented to the Council along with an officer recommendation.

Should the Council wish to temporarily suspend the charging of parking fees a possible course of actions may be:

**CD19/8121 - TEMPORARY SUSPENSION OF PARKING FEES AND CHARGES AT
RISELEY CENTRE (REC)**

That the Council:

1. temporarily suspends the charging of parking fees at the Riseley Centre Precinct up to midnight 29 February 2020, unless the Council resolves otherwise before this date [Absolute Majority decision of the Council. Required]
2. notes that the owners in attendance at the meeting held 28 October 2019 agreed to attend a facilitated meeting to discuss opportunities to standardise the various parking arrangements that exist between privately managed bays and the public bays managed by the City in an attempt to standardise parking restrictions in the centre.
3. requests the CEO to consider the outcome of the facilitated business owners discussion and the petitions presented to the Council and prepare a report on the parking arrangements to be implemented to be presented to the February 2020 Ordinary Meeting of Council.

CONCLUSION

The implementation of time restricted parking is an appropriate means of managing parking and has been implemented after consideration by the Council of a car parking management plan and community engagement.

The Council may consider that the temporary suspension of the charging of parking fees to be appropriate until the Council is presented with and can consider the officer report responding to the petitioners requests relating to introducing the first 3 hour free parking and the possible introduction of parking permits for staff.

The officer recommendation is that the Council note the information contained in this report and it remains for Elected Members to present an appropriate resolution for the Council to consider and vote on.

OFFICER RECOMMENDATION (8121)**NOTING**

That the Council note the information contained in this report.

**CD19/8121 - TEMPORARY SUSPENSION OF PARKING FEES AND CHARGES AT
RISELEY CENTRE (REC)****Reject and Replace**

At 7:54pm Cr Sandford moved, seconded Cr Kepert –

That the Council:

1. **Suspends the charging of parking fees at the Riseley Centre precinct forthwith until the Council resolves otherwise, by absolute majority;**
2. **Notes that the owners in attendance at the meeting held 28 October 2019 agreed to attend a facilitated meeting to discuss opportunities to standardise the various parking arrangements that exist between privately managed bays and the public bays managed by the City in an attempt to standardise parking restrictions in the Centre;**
3. **Requests the CEO to consider the outcome of the facilitated business owners discussion and the petitions presented to the Council and prepare a report on the parking arrangements to be implemented, to be presented to the February 2020 Ordinary Meeting of Council.**

Amendment**COUNCIL RESOLUTION**

At 8:13pm Cr Woodall moved, seconded Cr Wheatland -

That the Reject and Replace be amended by the inclusion of the following words at the end point 1:

“and directs the CEO to contact Riseley Centre businesses and request that they do the same.”

At 8:17 pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (10/0)

**CD19/8121 - TEMPORARY SUSPENSION OF PARKING FEES AND CHARGES AT
RISELEY CENTRE (REC)**

Reject and Replace as Amended

At 7:54pm Cr Sandford moved, seconded Cr Kepert –

That the Council:

- 1. Suspends the charging of parking fees at the Riseley Centre precinct forthwith until the Council resolves otherwise, by absolute majority, and directs the CEO to contact Riseley Centre businesses and request that they do the same;**
- 2. Notes that the owners in attendance at the meeting held 28 October 2019 agreed to attend a facilitated meeting to discuss opportunities to standardise the various parking arrangements that exist between privately managed bays and the public bays managed by the City in an attempt to standardise parking restrictions in the Centre;**
- 3. Requests the CEO to consider the outcome of the facilitated business owners discussion and the petitions presented to the Council and prepare a report on the parking arrangements to be implemented, to be presented to the February 2020 Ordinary Meeting of Council.**

At 8:20pm the Mayor submitted the motion, which was declared

LOST - DID NOT ACHIEVE ABSOLUTE MAJORITY (5/5)

Vote Result Summary	
Yes	5
No	5

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Pazolli	Yes
Cr Sandford	Yes
Mayor	Yes
Cr Fitzgerald	No
Cr Robartson	No
Cr Robins	No
Cr Wheatland	No
Cr Woodall	No

**CD19/8121 - TEMPORARY SUSPENSION OF PARKING FEES AND CHARGES AT
RISELEY CENTRE (REC)****Reject and Replace**

At 8:20pm Cr Robins moved, seconded Cr Fitzgerald –

That the Council:

1. That the Council temporarily extend the ‘first hour free’ parking period to a ‘first three hours free’ parking period at the Riseley Centre Precinct up to midnight 29 February 2020, unless the Council resolves otherwise before this date (absolute majority decision of the Council required).
2. Notes that the owners in attendance at the meeting held 28 October 2019 agreed to attend a facilitated meeting to discuss opportunities to standardise the various parking arrangements that exist between privately managed bays and the public bays managed by the City in an attempt to standardise parking restrictions in the centre.
3. Requests the CEO to consider the outcome of the facilitated business owners discussion and the petitions presented to the Council and prepare a report on the parking arrangements to be implemented to be presented to the February 2020 Ordinary Meeting of Council.

At 8:27 Mr Dawkins entered the meeting to respond to questions, and left at 8:31pm.

At 8:32pm Mr Hobbs entered the meeting to respond to questions.

During the discussion and debate on the Reject and Replace motion it was requested that the date in the first dot point be amended to 17 March 2020.

Reject and Replace**COUNCIL RESOLUTION**

At 8:20pm Cr Robins moved, seconded Cr Fitzgerald –

That the Council:

1. That the Council temporarily extend the ‘first hour free’ parking period to a ‘first three hours free’ parking period at the Riseley Centre Precinct up to midnight 17 March 2020, unless the Council resolves otherwise before this date (absolute majority decision of the Council required).
2. Notes that the owners in attendance at the meeting held 28 October 2019 agreed to attend a facilitated meeting to discuss opportunities to standardise the various parking arrangements that exist between privately managed bays and the public bays managed by the City in an attempt to standardise parking restrictions in the centre.
3. Requests the CEO to consider the outcome of the facilitated business owners discussion and the petitions presented to the Council and prepare a report on the parking arrangements to be implemented to be presented to the February 2020 Ordinary Meeting of Council.

At 8:33pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (10/0)

**CD19/8121 - TEMPORARY SUSPENSION OF PARKING FEES AND CHARGES AT
RISELEY CENTRE (REC)**Reasons for the Reject and Replace as provided by Cr Robins

It is acknowledged that local businesses within the Riseley Centre have concerns about the detrimental impact the introduction of paid parking is having on their businesses. A short-term measure to mitigate this negative impact must be introduced until further discussions can take place and an acceptable long-term solution agreed upon.

Paid parking was introduced at the Riseley Centre to manage use of the bays, and to encourage a more frequent turnover of bay users. Prior to paid parking being introduced, it was common for staff of local businesses and/or members of the public to occupy bays all day, limiting the number of bays available for visitors to the centre. It is likely that a complete suspension of parking fees will encourage the return of this kind of behaviour.

If the Council were to move to suspend all parking fees until further discussions take place, and at a later date business owners and City representatives decided that charges in some form should be reintroduced, it is likely the reintroduction of fees would be met with opposition from the community. Introducing paid parking, removing it and then reintroducing it should be avoided. It is considered that immediately suspending all parking fees in the Riseley Centre limits the number of options for future parking arrangements in the area.

Encouraging visitors to the centre through the implementation of appropriate parking arrangements must be balanced with the need to discourage all day use. Three hours free parking will ensure that those wishing to visit the centre for some shopping, a meal or a coffee, or to carry out a few errands can still do so without being penalised, but bays are not being occupied for the entire day by those wishing to take public transport into the CBD, or other car users wishing to take advantage of the free parking.

12. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear declared the meeting closed at 8:33pm.