



City of
Melville

MINUTES

ORDINARY MEETING OF THE COUNCIL

6.30pm Tuesday, 16 August 2022

Held in the Council Chambers, Melville Civic Centre
10 Almondbury Road Booragoon

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

Minutes to be confirmed at the next Ordinary Council Meeting

These minutes are hereby confirmed as true and accurate

Mayor Gear _____

Date _____



Our Vision

Engaging with our diverse community to achieve an inclusive, vibrant and sustainable future.

Our Mission

To provide good governance and quality services for the City of Melville community.

Our Values

Excellence

Striving for the best possible outcomes

Participation

Involving, collaborating and partnering

Integrity

Acting with honesty, openness and with good intent

Caring

Demonstrating empathy, kindness and genuine concern



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Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

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Audio Recording/ Access to Recording

In accordance with the Council Policy CP- 088 Creation, Access and Retention of Audio Recordings of the Public Meetings this meeting is electronically recorded. All recordings are retained as part of the City's records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government Records. The Audio recording may be accessed at www.melvillecity.com.au/agendas.

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REPORTS

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Without Previous Notice

Nil.

1 OFFICIAL OPENING

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

At 6:31pm the Mayor brought forward Applications for New Leaves of Absence due to extenuating circumstances.

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

COUNCIL RESOLUTION

At 6:31pm Cr Fitzgerald moved, seconded Cr Macphail–

That the application for new leave of absence submitted by Cr Mair and Cr Wheatland on 16 August 2022 be received.

At 6:31pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

2 ATTENDANCE AND APOLOGIES

In Attendance

Honourable G Gear

Mayor

Councillors

Cr T Fitzgerald
Cr N Pazolli
Cr C Ross
Cr D Macphail
Cr N Robins
Cr J Edinger
Cr G Barber
Cr J Spanbroek
Cr M Sandford
Cr K Mair

Ward

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

Officers

Mr A Ferris
Mr M Duncan
Mr M McCarthy
Mr S Cope
Ms G Bowman
Ms C Newman
Ms R Davis

A/Chief Executive Officer
A/Director Corporate Services
Director Environment and Infrastructure
Director Urban Planning
Director Community Development
Head of Governance
Governance Officer

At the commencement of the meeting:

Public Gallery	14
Electronic	4
Press	0

Apologies

Nil.

On Approved Leave of Absence

Mr M Tieleman
Cr M Woodall
Cr K Wheatland

Chief Executive Officer
Bull Creek – Leeming
Palmyra – Melville – Willagee

DECLARATIONS BY MEMBERS

3.1 Declarations by Members who have not read and given due consideration to all matters contained in the business papers presented before the Meeting.

Nil.

3.2 Declarations by Members who have received and not read the Elected Members Bulletin.

Nil.

4 ANNOUNCEMENTS BY THE MAYOR (WITHOUT DISCUSSION)

Approved Deputations:

- **Ms Lisa Tuang, Booragoon**
Item UP22/4000 – Proposed 13 Aged and Dependent Persons Dwellings No.11 (Lot No.98)
Chetwynd Way, Booragoon
- **Mr M McLerie, Bicton**
Item 15.3 Review of 14 Beach Street Boundary Foundation and Retaining by An Independent Registered Building Surveyor.

Written Submissions:

- **Mr D Hollingworth (Lateral Planning)**
Item UP22/3988 Proposed Two Storey Single House with Roof Terrace at Lot 90 (No.23)
Carron Road, Applecross [Written Submission](#)

5 DISCLOSURES OF INTEREST

5.1 Financial or Proximity Interests

Under sections 5.60A and/or 5.60B of the *Local Government Act 1995*

Nil.

5.2 Disclosure of Interest That May Cause a Conflict

Under *22 Local Government (Model Code of Conduct) Regulations 2021* or a City of Melville Code of Conduct)

Nil.

6 PUBLIC QUESTION TIME

The Mayor opened Public Question Time at 6:34pm.

6.1 Questions Received with Notice

6.1.1 Mr G Keally, Western Australians Against Corruption in Local Government (WAACLG)

Mr Keally was not in attendance at the meeting to ask the questions submitted with notice. A summary of the questions and response is provided below:

Question 1

For each year how many applications under FOI have been received by the City from residents/ ratepayers & community organisations?

Response

The City is required to report on its FOI activities on a financial year basis and publish this information in its Annual Report each year. The Annual Reports are available on the City's Website.

For 2021 financial year the City received 61 applications. For the year ending 30 June 2022 the information that will be provided on the 2021-2022 annual report is that there were 56 applications received.

For the 2022 calendar year 39 applications have been received noting eleven of these are from the one applicant.

Question 2

For each year how many of those applications under FOI were not initially fulfilled to the applicants' satisfaction; as attested by applicants making a request for an internal review?

Response

The information on the number of internal reviews requested each year is also reported in the City's and the Office of the Information Commission (OoIC) Annual Report.

For 2021 financial year the City received 11 requests for Internal Review. For the year ending 30 June 2022 the information that will be provided on the 2021-2022 annual report is that there were 12 requests for internal.

Question 3

In regard those requests for internal reviews, how many in each year ended up unresolved and hence became requests to the Office of the Information Commissioner for an external review? and

6.1.1 *Mr G Keally, Western Australians Against Corruption in Local Government (WAACLG), continued.*

Response

FOI Commissioner's Information for the 2021-2022 year is currently not yet published however, City records indicated five Internal Review remain un-resolved, of these three have been redirected back to the FOI Coordinator to conciliate and release additional documents.

The City has 45 days to deal with each application however, this timeframe can be varied for several reasons including, working with the applicant on an invalid application or dealing with a complex application by agreement. In general terms if an agency does not deal with an application within the 45 days or an agreed timeframe, the applicant can deem the application as a refusal. Should an applicant be dissatisfied with a Notice of Decision or a deemed refusal they may make application to the City for an internal review. If an internal review is not completed within the statutory timeframe of 15 days that is further deemed to be a refusal to release information. The applicant then has a right to apply to the Information Commissioner for an external review.

The Information Commissioner report each year on the number of external reviews and the published decisions in their Annual Report each year which is available on the OoIC Website.

The OoIC Annual Report for the 2020-2021 year indicates that there were 12 applications for external review. Seven reviews relating to the City were resolved.

Question 4

As of 1 August 2022 what is the total number of still open FOI applications that Melville has on its books? That is, the total number of unresolved FOI applications which may include FOI applications made prior to 1 January 2019?

Response

As at 1 August 2022 eight FOI applications were open, some of which are being conciliated with the applicant. None of these eight predate 1 January 2022

Applications that are subject to external review and under the control of the OoIC could predate 1 January 2019.

6.2 Questions Received at the Meeting

6.2.1 Mr M McLerie, Bicton

Questions asked relating to the City providing access to a building permit, for works on a public access way, contained in the City's Building Permit Register.

Question 1

Why has the City's Administration now decided not to provide such documents, given it has provided these building documents freely and promptly to many members of the public for many years prior?

6. *Public Question Time, Mr McLerie continued*

Question 2

Did the City get legal advice prior to changing its processes for dealing with such generic, lawful s.129 requests. If so, when was it obtained, who provided it and what was that advice.

Response to Questions 1 and 2

The Acting CEO advised that Mr McLerie was advised in writing on 25 May 2022 in relation to this matter.

Questions relating to this matter were also asked by the Melville Residents for Accountable Local Government (MRRLG) at the June Council Meeting and responses to the above questions and others relating to this matter are contained in the [minutes of the 21 June 2022 Council Meeting](#).

Question 3

What was the total cost (design to hand-over, inclusive of City officer time) for the demolition and building work for the replacement building code compliant stairs and access way to Bicton baths and the Melville Water Polo Club functions centre.

Response

Total project cost was \$444,933 excluding GST.

Question 4

Was the initial contract issued to Byte Construct fixed price?

Response

Yes – fixed price lump sum contract.

Question 5

What was Byte Construct's initial contract price at award, and what was the total final sum paid to Byte Contract.

Response

Initial contract price was \$448,213 excluding GST.
Total payment to Byte \$376,759 excluding GST.

6.2.2 Mr P Kotsovlo, Planning Solutions Pty Ltd

Question 1

Have Elected Members received the briefing note circulated by my office in relation to CD22/8148?

Response

The Mayor advised they had.

6. *Public Question Time, Mr Kotsovlo continued.*

Question 2

Would Elected Members please consider the request to remove recommendations #8 and #20 relating to lighting at the Applecross Tennis Club?

Response

The Mayor advise the matter was for consideration later in the meeting.

6.2.2 Mr S Wallace, City of Melville Residents and Ratepayers Association,

At the Meeting, Mr Wallace indicated he was representing the City of Melville Residents and Ratepayers Association (Inc) and that questions had been submitted by them. The Acting CEO advised he would look into this matter and responses would be provided in the minutes. It is noted that the questions below were submitted by email to Elected Members on 3 August 2022. The A/CEO provides the following responses:

Question 1

We refer to public questions on notice put to the 19 July 2022 Council meeting:

- a. *How many questions, and from whom, were put to Council for answers that were not included in the [minutes of that meeting as published on the City's website](#) ?*

Response

The City of Melville Residents and Ratepayers Association (Inc) asked 13 questions in total. These were responded to in writing on 22 July 2022.

Melville Residents for Accountable Local Government submitted 6 questions. These questions were responded to in writing on 22 July 2022.

Question 2

- b. *Why weren't all questions put to Council for that meeting included in the minutes of the meeting, as directed by Cr Tomas Fitzgerald who presided over the meeting ([see from 7.55 min mark](#)), and the [City's Meeting Procedures Local Law \(Part 6\)](#)?*

Response

These questions were submitted by groups and not a “member of the public”, and do not identify a member of the public asking the questions as required under the Local Government Act and Regulations and the *City of Melville Local Government (Meeting Procedures) Local Law 2022*. As such, these are not questions that can be put to public question time at a Council Meeting. Questions of this nature are responded to in writing directly to the group.

Question 3

- c. *What were the questions and answers that were excluded from minutes, if any?*

Response

The responses are private correspondence directly to those groups.

6.3 Questions Taken on Notice at Previous Meeting

6.3.1 Mr M Burns, Applecross

At the 19 July 2022 Ordinary Meeting of Council the following question was taken on notice:

Question

What help would the Council consider giving property owners in the Canning Bridge Activity Centre Plan area, who, through no fault of their own, have had the amenity of their homes adversely affected by adjacent developments and consequently find themselves living in stranded assets as a direct result of the City's Planning Policies?

I'm not expecting to receive an answer this evening, I just want to put this issue on to Council's list of things to consider when reviewing the Canning Bridge Activity Centre Plan.

Response

The response provided at the meeting by the Mayor was that the Council is considering material in relation to the Canning Bridge Activity Centre Plan, which is going out for advertising, includes amenity and stranded assets and that this question will be taken on notice and a response provided to Mr Burns in writing and included in the Agenda of the August Ordinary Meeting of Council to be distributed on 29 July 2022.

The further response to the question is that:

The Canning Bridge Activity Centre is one of many strategic centres across the Perth Metropolitan area undergoing significant growth. The approved Canning Bridge Activity Centre Plan (CBACP) facilitates this growth whilst also seeking to manage amenity in the precinct. Development applications are assessed and approved or refused based on this adopted planning framework. The planning framework also outlines circumstances in which compensation may be payable with respect to land.

The review of the CBACP provides an opportunity to examine the development controls in the precinct and how well they are managing the amenity in the precinct. Circumstances regarding planning compensation are outlined in higher order legislation, namely the *Planning and Development Act 2005*.

The Mayor closed Public Question Time at 6:45pm.

7 AWARDS AND PRESENTATIONS

Nil.

8 APPLICATIONS FOR NEW LEAVES OF ABSENCE

Item Brought Forward
See Page 4.

9 CONFIRMATION OF MINUTES

9.1 Ordinary Meeting of the Council – 19 July 2022 [OMC Minutes 19 July 2022](#)

COUNCIL RESOLUTION

At 6:46pm moved Cr Fitzgerald, seconded Cr Ross –

That the minutes of the Ordinary Meeting of Council held on 19 July 2022 be confirmed as a true and accurate record.

At 6:46pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

9.2 NOTES OF AGENDA BRIEFING FORUM – 9 AUGUST 2022 [ABF Notes 9 August 2022](#)

COUNCIL RESOLUTION

At 6:46pm moved Cr Robins, seconded Cr Fitzgerald –

That the minutes of the Agenda Briefing Forum held on 9 August 2022 be confirmed as a true and accurate record.

At 6:46pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

9.3 GOVERNANCE COMMITTEE – 18 JULY 2022

COUNCIL RESOLUTION

At 6:46pm moved Cr Edinger, seconded Cr Ross –

That the Minutes of the Governance Committee Meeting held on Monday, 18 July 2022 be noted.

At 6:46pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

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

10 NEW BUSINESS OF AN URGENT NATURE

Nil.

11 IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

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

- Item CD22/8149 – RFT212230 Supply of Consultancy Services for the John Connell Reserve Master Plan.
- Item EI22/3996 – RFT212231 Construction Services for the City of Melville Operation Centre Amenities Upgrade.
- Item EI22/3997 – RFT212223 Change Room Upgrade – John Connell Reserve, Leeming.
- Item EI22/3999 – RFT212238 Disposal of Bulk Verge and Commercial General Waste.

12 PETITIONS

Nil.

13 ADOPTION OF RECOMMENDATIONS EN BLOC

COUNCIL RESOLUTION

At 6:48pm Cr Fitzgerald moved, seconded Cr Edinger –

That the recommendations for:

C22/6000 – Investment Statements for June2022
C22/6001 – Schedule of Accounts Paid June 2022

be carried En Bloc.

At 6:48pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

14 REPORTS

14.1 Reports from Committees

Nil.

14.2 REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 6:50pm the Mayor brought forward Late Item – UP22/4000 – Proposed 13 Aged and Dependent Persons Dwellings No. 11 (Lot No. 98) Chetwynd Way, Booragoon WA 6154 for the convenience of those giving a deputation.

At 6:50pm Ms Tuang made a deputation to the Council which concluded at 6:54pm. At 7:02pm Ms Tuang returned to the Chamber.

UP22/4000 – PROPOSED 13 AGED AND DEPENDENT PERSONS DWELLINGS NO. 11 (LOT NO. 98) CHETWYND WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)

Ward	:	Central
Category	:	Operational
Application Number	:	DAP-2022-2
Property	:	No. 11 (Lot No. 98) Chetwynd Way, Booragoon WA 6154
Proposal	:	13 Aged and Dependent Persons Dwellings
Applicant	:	Daniel Hollingworth, Lateral Planning
Owner	:	Adrian Min Yan Lee
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not Applicable
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 (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

UP22/4000 – PROPOSED 13 AGED AND DEPENDENT PERSONS DWELLINGS NO. 11 (LOT NO. 98) CHETWYND WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)

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 Sanford.
- Approval is sought for 13 Aged and Dependents Person Dwellings at 11 Chetwynd Way, Booragoon. The cost of the development is 3 million and the applicant has opted-in for the application to be determined by the Metro Inner South Joint Development Assessment Panel.
- The application is for the demolition of the existing development on site and the construction of 13 Aged and Dependent Persons Dwellings.
- The development proposes 7 two storey dwellings and 6 single storey dwellings. The dwellings vary in configurations from 1 bedroom plus 1 study/guest bedroom to 2 bedrooms plus 1 study/guest bedroom
- Each dwelling has an associated single car garage along with 4 visitor bays being provided (inclusive of one ACROD bay and associated shared space).
- The common property area comprises of a central communal open space and associated landscaping, along with vehicle circulation space.
- The proposed development has been assessed against the provisions of Local Planning Scheme No.6 (LPS6), Local Planning Policy 3.1 Residential Development 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 19 August 2022.
- The proposal was the subject of public consultation in accordance with LPP 1.1: Planning Process and Decision Making.
- During the advertising period five individual written submissions were received – four objecting to the proposal and one general comment.
- 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.

UP22/4000 – PROPOSED 13 AGED AND DEPENDENT PERSONS DWELLINGS NO. 11 (LOT NO. 98) CHETWYND WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)



Figure 1: Aerial Image of the subject site

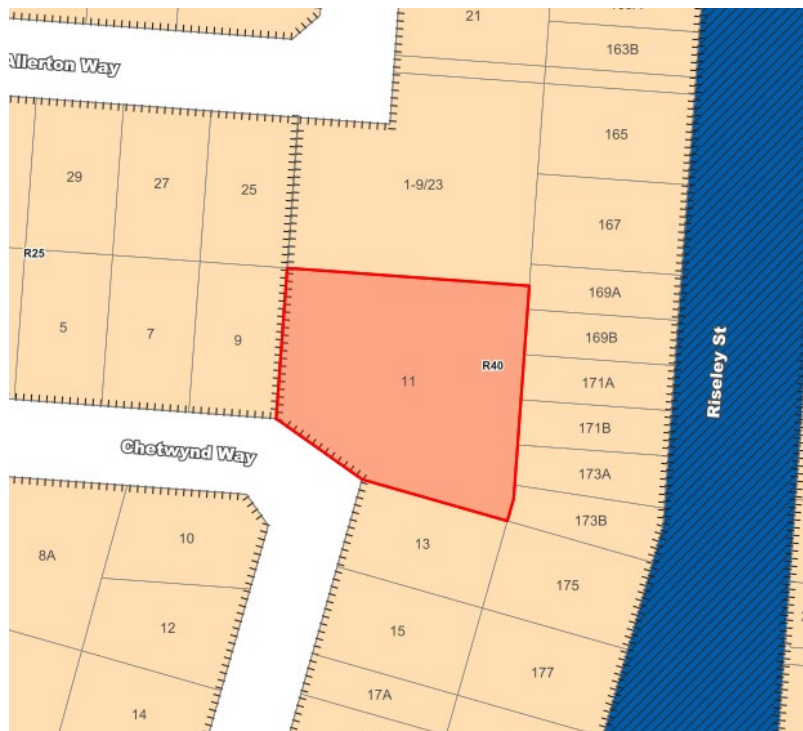


Figure 2: Zoning Map of the subject site.

UP22/4000 – PROPOSED 13 AGED AND DEPENDENT PERSONS DWELLINGS NO. 11 (LOT NO. 98) CHETWYND WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	Residential
Structure Plan Zoning	:	N/A
R-Code	:	R40
Use Type	:	Residential (Aged and Dependent Persons Dwellings)
Use Class	:	'P' Use

Site Details

Lot Area	:	2675.00sqm
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc)	:	n/a
Site Details	:	Refer to Figure 1 above

DETAIL

Development approval is sought from the Metro Inner-South JDAP for 13 Aged and Dependent Persons Dwellings.

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

[4000 RAR No 11 Chetwynd Way Booragoon](#)

[4000 Attachment 1 Applicants Planning Report](#)

[4000 Attachment 2 Original Development Plans](#)

[4000 Attachment 3 Development Plans](#)

[4000 Attachment 4 Landscape Concept Plan](#)

[4000 Attachment 5 Sustainable Design Strategy](#)

[4000 Attachment 6 Waste Management Plan](#)

[4000 Attachment 7 Design Review Panel \(March 2022\)](#)

[4000 Attachment 8 Design Review Panel \(April 2022\)](#)

[4000 Attachment 9 Design Review Panel \(July 2022\)](#)

UP22/4000 – PROPOSED 13 AGED AND DEPENDENT PERSONS DWELLINGS NO. 11 (LOT NO. 98) CHETWYND WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)

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 2011* the City has prepared a responsible authority report which outlines the relevant issues to assist the JDAP in making its determination.

FINANCIAL IMPLICATIONS

Not 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 Mayor of the JDAP.

UP22/4000 – PROPOSED 13 AGED AND DEPENDENT PERSONS DWELLINGS NO. 11 (LOT NO. 98) CHETWYND WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)

At 7:16pm Cr Spanbroek left the meeting and returned at 7:18pm.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (4000)

APPROVAL

At 7:02pm Cr Fitzgerald moved, seconded Cr Robins –

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 13 Aged and Dependent Persons Dwellings at No. 11 (Lot No. 98) Chetwynd Way, Booragoon WA 6154.

At 7:22pm the Motion was declared

CARRIED (6/5)

Yes	6	Cr Macphail, Cr Fitzgerald, Cr Barber, Cr Robins, Cr Pazolli, Mayor Gear
No	5	Cr Ross, Cr Edinger, Cr Spanbroek, Cr Mair, Cr Sandford

At 7:22pm the Mayor brought forward Item CD22/8148 City of Melville Tennis Strategy for the convenience of those in the public gallery.

CD22/8148 – CITY OF MELVILLE TENNIS STRATEGY (REC) (ATTACHMENT)

Ward : All
 Category : Strategic
 Subject Index : Recreation
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : CD20/8130 – Active Reserve Infrastructure Strategy, Ordinary Meeting of Council held 16 June 2020
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Peter de Lang
 Healthy Melville Coordinator – Leisure Planning

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	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>

CD22/8148 – CITY OF MELVILLE TENNIS STRATEGY (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The Active Reserve Infrastructure Strategy (ARIS) (2020) identified that there are opportunities for the City to review its tennis infrastructure and facilities across the municipality.
- The ARIS (2020) recommended that a City of Melville Tennis Strategy should be developed to guide the current and future provision of facilities and infrastructure for the sport of tennis.
- The City of Melville Tennis Strategy has been produced by independent leisure consultancy Otium Planning Group in consultation with key stakeholders and the wider community.
- Community and stakeholder engagement was conducted over two phases; an initial tennis survey (842 responses) and a public comment period (39 submissions) on the draft strategy both hosted on the City's Melville Talks page.
- Survey respondents indicated they were satisfied (33.22%), greatly satisfied (29.07%) or extremely satisfied (13.29%) with existing tennis facilities in the City – a total of 75.58% were satisfied or above.
- The public comment on the draft strategy indicated an overall support level of 53%.
- A common objection (88% or 8 out of 9 submissions of those who did not support the strategy) was regarding the Point Walter Netball relocation proposal which is subject to a separate community and stakeholder engagement process (currently on Melville Talks).
- The City of Melville is the first local government in Western Australia to prepare a standalone tennis strategy.
- The City of Melville Tennis Strategy is being presented to Council for endorsement.

BACKGROUND

The City developed the Active Reserve Infrastructure Strategy (ARIS) in 2020 and one of the many recommendations was for the City to conduct a strategic review of the sport of tennis within the City of Melville.

A copy of the ARIS can be located at the following on the City's Website: [City of Melville Active Reserve Infrastructure Strategy](#)

The City has five tennis clubs within its boundaries, with varying participation rates, condition and facility offerings and programs:

- Blue Gum Park Tennis Club (Identified as a Tennis West Regional Centre);
- Applecross Tennis Club;
- Bullcreek Tennis Club;
- Kardinya Tennis Club; and
- Melville Palmyra Tennis Club.

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In addition to the club facilities, the City has several other public tennis courts which provide a level of service to the wider community. These include:

- Bridgewater Tennis Courts, Applecross
- Mandala Tennis Courts, Bateman
- Point Walter, Bicton
- Peter Ellis Park, Leeming

A number of school tennis courts and publicly accessible 'hit-up-walls' also provide opportunities for participation in tennis within Melville.

Otium Planning Group (OPG) were appointed as independent leisure consultants to develop the Tennis Strategy document and conduct stakeholder engagement with key stakeholders on behalf of the City.

DETAIL

The attached report [CD22 8148 City of Melville Tennis Strategy](#) provides the detail, key considerations and recommendations for the provision of tennis facilities and infrastructure into the future.

The appendices document [CD22 8148 City of Melville Tennis Strategy Appendices](#) contains additional detail and reports including document review, demographic analysis, facility audits, consultation outputs and stakeholder engagement reports.

The intention of the Tennis Strategy (Strategy) is to provide clear direction for the provision of tennis, and associated infrastructure within the City of Melville (City), ensuring the long-term sustainability for clubs and public tennis infrastructure by delivering and managing resources in an effective and efficient manner.

A number of critical influencing factors are pertinent to the strategy:

There are a variety of influencing documents produced by the City of Melville (the City), Peak bodies of the sport (Tennis Australia - TA and Tennis West - TW) and State Government. Many have direct relevance to the development of the strategy. More recent guidelines and strategic plans contain aspirational objectives and requirements which require interpretation at the local government level and a clear delineation of roles and responsibilities if they are to be achieved.

- The capability of clubs to manage and enhance current assets varies significantly within the City. Investment is required on an ongoing basis to replace and continually improve facilities to meet contemporary standards. This can often put a strain on volunteer resources and as a minimum support is required to assist clubs in applying for grant assistance, self-supporting loans, commercial opportunities, or other initiatives.
- There has previously been the assumption that the level of tennis infrastructure within the City is excessive and needs to be rationalised. The development of the strategy enables the validity of that assumption to be challenged and the future role of club and public tennis infrastructure to be clarified.
- The emergence of other initiatives currently being developed by TA / TW which is changing the approach to the delivery of tennis and capturing valuable data which can underpin future priorities for investment in tennis infrastructure.

CD22/8148 – CITY OF MELVILLE TENNIS STRATEGY (REC) (ATTACHMENT)

The research confirmed that the current level of provision across the City is high in comparison to neighbouring local government areas. In comparison to industry benchmarking and demand assessments it was also evident that the City provides a comparatively high level of tennis courts and clubs per head of population. The City's tennis infrastructure is however filling a gap in the current under-provision of tennis infrastructure immediately to the south of the City (within the City of Cockburn) where there is a deficit of club-based infrastructure. There are facilities to the east and west of the City that provide similar services and potentially overlapping catchments. Nevertheless, the City has experienced growth across all tennis clubs because of a more proactive approach by both TW and the clubs, particularly in the past three years. Each of the clubs provide extensive tennis coaching programs through dedicated trained and qualified coaches.

In assessing the need for additional court provision, a case is not proven, although on an individual basis there could be justification for changing the court surface or increasing court availability. This however would need to be the subject of a detailed business case to prove the need for investment. It is recognised that current court provision in some areas requires immediate upgrade and / or replacement. Kardinya Tennis Club and public tennis infrastructure are identified as areas which require immediate investment to maintain a good quality level of service to the local community.

A stakeholder and community engagement process (discussed further under 'Stakeholder Engagement') clarified the value of current tennis infrastructure within the City with 836 online responses received, many of those in favour of retaining and developing tennis infrastructure but expressing the need to upgrade tired and aged facilities (including the addition of floodlighting and improving disability access). A common thread was that the sport could be played at all ages and all-year round, providing a valuable social and active participation opportunity to residents.

Currently there are three relatively successful clubs in the City (Blue Gum, Bullcreek and Applecross). Kardinya Tennis Club has seen a growing membership, but the court infrastructure is in immediate need of resurfacing and a plan to be put in place to gradually upgrade associated infrastructure. Melville Palmyra is seeking to diversify its revenue streams and has recently installed Padel courts which has introduced another potential income stream and potentially opened up the facility to a different market while enhancing the clubs long term viability.

A key issue for the Applecross Tennis Club is the lack of floodlighting for the tennis courts to facilitate evening participation and use. The strategy recommends (recommendation 8, page 40 of the strategy) that the City continue providing guidance and support in conjunction with Tennis West to the Applecross Tennis Club regarding their goal to floodlight some courts. The specific action for the City as per the recommendation is to "provide support as landowner in respect of the lighting installation (but not as funder or applicant)."

All the clubs have adopted or are in the process of adopting the TA / TW ClubSpark program which establishes sound business practices and provides benchmarking information related to governance, strategic planning, performance and participation. The gradual implementation of the ClubSpark program will enhance each club's business planning processes against which the City can measure performance relative to investment / commitment made in providing each club with a lease / license. Initiatives such as book-a-court will also assist in generating additional income from social / casual use of the courts.

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This needs to be tied into an appropriate charging policy which reflects the true value of maintaining the court asset and investing in club activities. Tying this to an annual review and reporting process will assist in improving relationships and communication across clubs and through TW with the City. This can also assist in ensuring on an ongoing basis that the most appropriate management solutions for each club are in place which provide surety that the responsibilities for upgrading and managing investment in improving current court infrastructure is protected.

In respect of other tennis infrastructure, it is evident that hit-up walls provide a multi-functional use and are key to providing opportunities to experience or practice the sport while also providing opportunities for casual participation in other sports (i.e. cricket, football, basketball, netball etc.). Isolated tennis courts provide a valuable asset for casual use, but it is not evident currently whether the usage is high. The majority of this infrastructure would be best realigned to multi-functional use when they reach the end of their useful life.

Section 8 on page 39 of the strategy document captures all of the research and outcomes from the consultation process in providing 20 recommendations related to future planning, roles and responsibilities.

The strategy does not have a budget commitment aligned to the recommendations but is reliant on developing more effective relationships and partnerships between the clubs, TW and the City. The ongoing viability of infrastructure is focussed primarily on generating a suitable income from the court facilities to sustain the current infrastructure and ensuring that the appropriate management model is in place to guarantee this provision. Critical to all of this is the continuation of effective business planning processes which are underpinned by increasing general community access / use, an annual reporting / review process; open dialogue on priorities for investment and the development of a clear business case if investment is to be sought for facility development / enhancements through the City and / or other grant funding organisations.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The City's Melville Talks page was used as a central engagement hub for the City of Melville Tennis Strategy and contains all background information, project updates and all engagement reports and activities: <https://www.melvillecity.com.au/tennisstrategy>

Two main phases of extensive community and stakeholder engagement took place in late 2021 and during the month of April 2022. The detailed engagement reports and survey data, including all written submissions are contained within City of Melville Tennis Strategy – Appendices, summarised as follows:

Phase 1

- Club and key stakeholder interviews
- Meetings with Tennis West
- Community wide survey which received 836 responses plus six written submissions.

This survey also focused on children's participation in the sport, and this is a very important aspect to understand in the strategy's development. 350 respondents indicated that they had children participate or are children that participate in tennis.

CD22/8148 – CITY OF MELVILLE TENNIS STRATEGY (REC) (ATTACHMENT)

Phase 2

- Community wide comment period on draft strategy – 39 submissions received. There was an overall 53.8% level of support for the draft strategy;
 - 15.38% (6) support
 - 38.46% (15) support with concerns
 - 23.08% (9) do not support. Eight of these were specifically in relation to the Point Walter Netball relocation proposal which is subject to a separate engagement process.
 - 23.08% (9) did not indicate a level of support but made comments on the draft strategy.
 - Tennis West made a separate submission in response to the 20 recommendations of the draft strategy.
- Stakeholder Workshop conducted online to present and discuss draft recommendations

It is noted that there was a relatively low submission rate in the draft strategy public comment period (39 submissions) when compared to the initial survey response of 836. The same communication and marketing methods were adopted in both phases of engagement and included:

- On site signage (which was updated for phase two engagement) at eight locations across the City.
- Direct email communication to Club Presidents and public court managers
- Direct emails and meetings with Tennis West
- Direct emails to Melville Talks page followers
- Media Release
- Emails to random sample of database
- eNews articles promoting engagement
- About Melville Advertorial promoting engagement (PerthNow newspapers)
- Facebook Posts (including paid advertisements)
- Instagram Posts

II. OTHER AGENCIES / CONSULTANTS

Tennis West - the peak body for the sport of tennis in Western Australia.

A number of meetings were held with Tennis West throughout the development of the strategy as a key stakeholder and state sporting association. The City wanted to partner with Tennis West in the development of the strategy document. Tennis West were given the opportunity to review and provide comment / feedback on the consultant brief prior to the City requesting quotes from suitable leisure consultants.

City of Cockburn were consulted due to the potential influence of proposed tennis infrastructure development in the southern growth corridor of Metropolitan Perth and the fact that the City of Cockburn do not have an affiliated tennis club within its boundaries and its impact on the catchment areas for the south of the City of Melville, in particular the Kardinya Tennis Club.

Department of Local Government Sport & Cultural Industries (DLGSC) were consulted on overall investment in the sport and they indicated that they would defer any identification of priority clubs for investment to Tennis West.

CD22/8148 – CITY OF MELVILLE TENNIS STRATEGY (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

Not Applicable.

FINANCIAL IMPLICATIONS

There is no upfront cost for endorsing the strategy.

The strategy makes a number of recommendations, some for clubs to action and some for the City to action.

High level cost estimates have been provided for core tennis infrastructure to guide further planning and budgeting for specific projects. Any City funds required to deliver specific public tennis projects or grant requests from clubs will be subject to future budget requests as part of the annual budget process.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk*	Risk Treatment
Adhoc approach to support and investment into tennis facilities resulting in inefficient spend and allocation of resources.	Moderate consequences which are possible, resulting in a Medium level of risk.	Tennis Strategy to be adopted by Council, promoting a strategic and clearly articulated approach.
Infrastructure is either ageing or not fit-for purpose resulting in community outcomes not being met.	Moderate consequences which are almost certain, resulting in a High level of risk	Implement recommendations from the Tennis Strategy
Reduced likelihood of future grant funding (clubs and City) due to not having a strategic approach to the planning and provision of tennis facilities.	Major consequences which are possible, resulting in a High level of risk.	Tennis Strategy to be adopted by Council, promoting a strategic and clearly articulated approach.

CD22/8148 – CITY OF MELVILLE TENNIS STRATEGY (REC) (ATTACHMENT)

POLICY IMPLICATIONS

An extensive documentation review was conducted in the development of the Tennis Strategy in addition to the previous literature review as part of the Active Reserve Infrastructure Strategy (ARIS).

A summary review of current key strategic documents for the City of Melville is contained in the City of Melville Tennis Strategy, pages 4 to 6, with the detailed document review on pages 2 – 24 in the City of Melville Tennis Strategy-Appendices document.

The following Council Policies have also been identified as relevant to the City of Melville Tennis Strategy:

- CP-002 Stakeholder Engagement Policy
- CP-008 Financial Sustainability Policy
- CP-010 Self Supporting Loans Policy
- CP-028 Physical Activity Policy
- CP-030 Environmental Policy
- CP-031 Asset Management Policy
- CP-037 Community Hub Policy
- CP-084 Disability Access and Inclusion Policy
- CP-103 Improving Public Spaces Policy

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternate option would be to not endorse the City of Melville Tennis Strategy however this will impact on the City's ability to strategically plan for the future of the sport in the City.

Not endorsing the Tennis Strategy may also cause confusion, uncertainty and concern amongst tennis stakeholders including clubs, members, coaches and Tennis West.

Not endorsing the Tennis Strategy will discount evidence, research and engagement that have informed this strategic planning document, and risks adhoc decisions and approaches to the provision and support of the City's tennis facilities and infrastructure into the future.

CONCLUSION

- A recommendation in the Active Reserve Infrastructure Strategy (ARIS) was to further understand the sport of tennis within the City and to therefore develop a specific tennis strategy.
- Tennis is a popular sport within the City of Melville with opportunities to play year-round at several locations and available to all ages.
- City of Melville clubs have experienced recent growth in participation.
- Some tennis related facilities and infrastructure are ageing and need short term (immediate) improvement.

CD22/8148 – CITY OF MELVILLE TENNIS STRATEGY (REC) (ATTACHMENT)

- A comprehensive stakeholder engagement process was undertaken that informs the final strategy document. Detailed investigations and a multi-layered research approach into the sport also informs the final strategy document.
- The City of Melville Tennis Strategy aims to achieve positive balanced outcomes for clubs, members, public court managers, casual players, Tennis West, the City of Melville, and the broader Melville community in general.
- The ongoing viability of infrastructure is focused primarily on generating a suitable income from the court facilities to sustain the current infrastructure and ensuring that the appropriate management model is in place to guarantee this provision.
- The strategy recommendations support the long-term sustainability of tennis clubs, facilitate participation in the sport and ensure our tennis facilities meet the needs of our community now and into the future.

OFFICER RECOMMENDATION (8148)

APPROVAL

That the Council:

1. Endorse the [City of Melville Tennis Strategy](#) as the guiding document for the sport of tennis within the City of Melville.
2. Note that any future funding requirement to deliver on the priorities and recommendations in the City of Melville Tennis Strategy will be subject to Council approval via the Annual Budget process.

Procedural Motion

COUNCIL RESOLUTION

At 7:22pm Cr Spanbroek moved, seconded Cr Mair

That the Council defer the City of Melville Tennis Strategy until the 15 November 2022 Ordinary Meeting of Council:

- To consult with the tennis clubs regarding the strategy for any errors and/or inclusions;
- To workshop the strategy at an EMES; and
- To address the need for a clear strategic direction for the sustainability of clubs, public courts and infrastructure.

At 7:24pm the Mayor declared the motion

CARRIED (10/1)

Yes	10	Cr Ross, Cr Macphail, Cr Barber, Cr Edinger, Cr Spanbroek, Cr Mair, Cr Sandford, Cr Robins, Cr Pazolli Mayor Gear,
No	1	Cr Fitzgerald

CD22/8148 – CITY OF MELVILLE TENNIS STRATEGY (REC) (ATTACHMENT)

Reasons for the deferral as provided by Cr Spanbroek

- There is no clear strategic direction presented to council or the tennis clubs that can be endorsed as a future pathway to improving asset utilisation and community engagement:
 - The draft tennis strategy is conflicted in using resident to court ratio against the standard of Tennis West.
 - Common theme to rationalise courts which serves no purpose to any future strategy that can be endorsed

- There has been no opportunity for elected members to be engaged in a workshop on the draft tennis strategy and further engagement with the clubs for their feedback. This is not a strategy to move forwards, it is a strategy to move backwards:
 - In the recommendations there is no appetite to work with clubs on membership sustainability and growth
 - The recommendations have only identified processes and procedures that are already in place with the city and clubs
 - There is no recommendation for opportunities for clubs to expand

- There are outstanding issues that have been raised by the clubs that any strategy endorsed will not be achievable without them being rectified:
For example:
 - Peter Ellis Park - 8 tennis courts are unsuitable for club tennis and need upgrading.
 - Peter Ellis Park - lights are not operational.

At 7:24pm following the deferral of the consideration of Item CD 22/8148 – City of Melville Tennis Strategy, Cr Fitzgerald withdrew his motion with Notice Item 15.2 Applecross Tennis Club.

At 7:25pm the Mayor Brought Forward Item UP22/3988 – Proposed Two Storey Single House with Roof Terrace at Lot 90 (No.23) Carron Road, Applecross for the convenience of those in the Public Gallery.

At 7:25pm the Mayor advised the meeting that an Officer Advice Note was circulated in regards to Item UP22/3988 – Proposed Two Storey Single House with Roof Terrace at Lot 90 (No.23) Carron Road, Applecross prior to the Ordinary Meeting of Council 19 August 2022. [Officer Advice Note](#)

Urban Planning

UP22/3988 – PROPOSED TWO STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 90 (NO.23) CARRON ROAD, APPECROSS (REC) (ATTACHMENT)

Ward	: Applecross - Mt Pleasant
Category	: Operational
Application Number	: DA-2021-214/C
Property	: Lot 90 (No.23) Carron Road, APPECROSS WA 6153
Proposal	: Two storey single house
Applicant	: Ionic Projects Pty Ltd
Owner	: George Eustratios Manios
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable
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 checked="" type="checkbox"/>	Quasi-Judicial	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.
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**UP22/3988 – PROPOSED TWO STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 90
(NO.23) CARRON ROAD, APPECROSS (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- The proposed development was presented to the Development Advisory Unit meeting held on 31 May 2022 and a report was published on the City's website. The development application has now been called up to Council by Cr Ross for determination in accordance with the procedures outlined in the Local Planning Policy 1.1.
- The reason for the call up as provided by Cr Ross is as follows: *The amendments sought include reductions of the primary and side setbacks and increased building height above the maximum height limit specified for residential development in the area. The development is on a 1004sqm lot and requiring reduced setbacks and increased heights on such a large Lot seems unnecessary or indicates a building mass that is oversize or inconsistent with other residential developments in the area.*
- In June 2021, Development Approval was granted for a two storey single house with roof top terrace at Lot 90 (No. 23) Carron Road, Applecross. Subsequent amendments were granted development approval by the City in July 2021 and September 2021.
- This application proposes further amendments to the previous approvals.
- A performance based assessment is sought in respect of the proposed building height and setbacks.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1). In response seven objections and a multi signature letter were received relating to the amenity impact of the building in terms of building height, loss of views and overshadowing.
- The concerns raised in the submissions received were considered in detail by the DAU, who concluded based on a performance assessment including an assessment of the impacts that the development as proposed would have upon the amenity of impacted adjoining properties, that the development was acceptable. This is reflected in the DAU report which is currently published to the City's website. The application was recommended for approval subject to conditions by the DAU. It is now recommended that approval be granted by the Council, subject to conditions.

**UP22/3988 – PROPOSED TWO STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 90
(NO.23) CARRON ROAD, APPLECROSS (REC) (ATTACHMENT)**



Figure 1 – Aerial Photography

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R15
Use Type	: Residential
Use Class	: Permitted

Site Details

Lot Area	: 1004m ²
Street Tree(s)	: Not Applicable
Street Furniture (drainage pits etc)	: Not Applicable
Site Details	: Refer photo above

UP22/3988 – PROPOSED TWO STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 90 (NO.23) CARRON ROAD, APPLECROSS (REC) (ATTACHMENT)

DETAIL

The current development application seeks approval for various amendments to the previously approved development, including the following:

- The reconfiguration of the internal layout;
- Changes to the roof top terrace layout;
- Increased building height;
- A reduced street setback to Killilan Road
- Reconfigurations of the ground floor outdoor living area fronting Carron Road on the east of the site;
- A decreased setback to the western side at Level 1; and
- Modification to the gatehouse.

In respect of the subject application plans [Application Amendment DA 2021 2014 B 23 Carron Road Plans](#), negotiations with the City have resulted in further amendments being made to reconfigure the structures on the roof top terrace and reduce the building height. These amended plans are the subject of this report.

The application has been assessed against the provisions of Local Planning Scheme No. 6 (LPS No.6), Local Planning Policy 3.1 'Residential Development' (LPP3.1), Local Planning Policy 1.9 'Building Height' (LPP1.9) and the relevant provisions of R-Codes. A performance assessment is required in respect of the matters listed below.

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Cl 5.1.6 (LPP1.9) Building Height	Eaves - 8m Maximum Height – 10.5.	Amended Height 11.3m to lift/lobby. Outdoor dining area pergola roof. Amended Height 11.8 (east side) 11.3m (west side)	To be assessed on performance basis.	Development Advisory Unit (DAU)
Clause 5.1.3 C3.1 Lot Boundary Setbacks	Western boundary (side) Level 1 - 3.0m	1.2m	To be assessed on performance basis	Development Advisory Unit (DAU)
Clause 5.3.7 C7.2 Site Works	Fill and retaining walls up to 0.5 metres within street setback area.	1.2m fill (Carron Road)	To be assessed on performance basis	Manager Statutory Planning (MSP)

UP22/3988 – PROPOSED TWO STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 90 (NO.23) CARRON ROAD, APPLECROSS (REC) (ATTACHMENT)

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
5.2.4 Fences and Street Walls Secondary Street	Walls located within the secondary street setback area are to be visually permeable above 1.2 other than opposite the primary outdoor living area. Pier max height 2m Infill panels 1.2m	1.2m – Retaining Wall 1.2m Clear Pool Glass Total Height - 2.4m (Carron Road)	To be assessed on performance basis	Manager Statutory Planning (MSP)
Primary Street Setback (Killilan Road)	Min 1.5m / Average 3m	Min 1.5m Average 2.62m	To be assessed on performance basis Requires	Manager Statutory Planning (MSP)
5.2.4 Fences and Street Walls Secondary Street Gate House	Gate or entry way visually permeable Max. width and length 2m or 20% frontage (whichever is less) 2.4m wall height 3m overall height Materials compatible with dwelling or front fence	Proposed width 3m Proposed wall height 3m	To be assessed on performance basis	Manager Statutory Planning (MSP)

Given the concerns of submitters relate to the proposed building height and western side setback only, further commentary in this report is confined to consideration of the impacts that those matters have on the amenity of those that have raised them, relative to the associated performance criteria as provided by the design principles of the R Codes.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 1.7.6
 Support/Object: Seven Objections plus a Multi Signature Letter opposing the development.

UP22/3988 – PROPOSED TWO STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 90 (NO.23) CARRON ROAD, APPECROSS (REC) (ATTACHMENT)

A summary of the content of the objections received and an officer’s response is provided in the table below.

Summary of Issues Raised	Officer’s Comment	Action (Condition/ Uphold/ Not Uphold)
The additional building height is contrary to the City’s building height policy/Residential Design Codes, Volume 1.	Refer to the comments section of this report.	Not Uphold
The additional building heights will impact views of significance.	Refer to the comments section of this report.	Not Uphold
The reduced setback will result in privacy and security concerns.	Refer to the comments section of this report.	Not Uphold
The additional height is not in keeping with the existing built form.	Refer to the comments section of this report.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the Applicant will 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

Should the City of Melville refuse the application for planning approval and the applicant chooses to have the decision reviewed, there are likely costs for the City including legal fees and consultant fees.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The details of the proposed development have been considered against and are considered to satisfy the City’s planning policy requirements. As the submissions received raise concerns regarding the proposed building height and the western side setback to the first floor of the proposed house, these matters and the impacts that accrue from them are considered in more detail below.

**UP22/3988 – PROPOSED TWO STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 90
(NO.23) CARRON ROAD, APPLECROSS (REC) (ATTACHMENT)**

COMMENT

The proposed development is located within an established residential area of Applecross. The area is subject to constant change as older more traditional residential properties are cleared to make way for more contemporary homes, some of which are two or three storey in height, and all of which are generally significantly larger than those older more traditional properties were.

The subject site is located a full street block (approximately 180m) away from the Swan River foreshore. It is a corner lot, located at the north-west intersection of Carron Road and Killian Road.

The lot has an east west upward slope of some 2m, with a 7m contour level close to the eastern side close to Carron Road itself, and a 9m contour level in the south-west side close to No12 Killian Road.

The proposed dwelling has been designed in a way which responds to the topography of the site as well as taking advantage of the sites' proximity to the river and associated views. The surrounding dwellings along Killian and Carron Roads exhibit a wide range of residential building styles, ages and heights. It is noted that two and three storey buildings are common in the Applecross area and there are many examples of these within close proximity to the site. At two storey with a roof top terrace the general scale and associated height of the proposed dwelling is considered to be consistent with the existing and desired streetscape character of the area.

Building height

The proposed building height requires a performance assessment having regard to the design principles contained in Clause 5.1.6 'Building Height' of the R-Codes. These design principles seek to ensure that development is appropriate to the streetscape, maintains adequate levels of sunlight to adjoining properties and maintains access to views of significances where appropriate.

The proposal meets the design principles for the following reasons:

- The building has been designed so that the more substantial components such as the lift, stair well and amenities which service the roof terrace are located towards the rear of the site significantly setback from the street. The pergola is designed to be a lightweight structure with minimal supports and a low profile roof while glass balustrades are provided along Killian and Carron Roads. The pergola and the balustrades are also setback from the street in excess of the deemed to comply standards and ensure that any adverse bulk impacts are avoided.
- The proposed building is well articulated, through the use of varied setbacks, floor to ceiling windows, landscaping and a mix of materials which combine to reduce the bulk impact on to the adjoining properties.
- In terms of building height, as elements of the proposed development seek approval under the performance criteria, consideration must be had to the impacts that the development has at its proposed height towards the amenity that is currently enjoyed by the occupiers of adjoining properties whose views of significance may be prejudiced.

UP22/3988 – PROPOSED TWO STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 90 (NO.23) CARRON ROAD, APPLECROSS (REC) (ATTACHMENT)

- It is noted that the term 'views of significance' is not defined by, nor is detail provided in the explanatory sections of the R-Codes. It is therefore the City's role to make a determination as to whether or not the proposed development maintains access to views of significance, and/or assess the extent to which such views are compromised by the elements of the buildings height which exceed the deemed to comply height level, which in this case is 10.5m, and for the purposes of this assessment relate to structures located on the roof top terrace of the proposed development and include an open style pergola, and the lift/lobby/stairwell.
- Based on the City's assessment, and taking account of the submissions received, the applicant has provided a cross-section (See Figure 2 below) showing the floor level of the roof top terrace (marked in green) and the balcony & study floor level (marked in yellow) of the property at the corner of Killian Road and Strome Road. This property is considered to be the most impacted by this proposed building height.
- In the context of a significant view, it is noted that given the distance away from the foreshore edge, the properties in and around the application site do not enjoy uninterrupted views of the river and towards the City. Rather, glimpses of the City skyline are afforded, compromised by buildings in the foreground. Such views are also generally only possible from the upper floors of buildings.
- The floor level of the dwelling at the corner of Strome Road and Killian Street was obtained by a surveyor and this floor level was cross checked against the Building Licence plans approved by the City in 2017. A further diagram has been produced illustrating that habitable rooms at the property on the corner of Killian Street and Carron retain access to views either side of the structure located on the roof top terrace. For clarity, the habitable openings have been marked in yellow and structures on top of the roof top terrace have been marked in green. It should also be noted that the property at the corner of Strome Road and Killilan Road will still have access to other views towards the Swan River to the east. In Figure 3 view corridors are depicted by red arrows.
- It is concluded therefore that the maximum height of the proposed development does not compromise views of significance, nor do the structures which comprise the roof top terrace compromise streetscape amenity in general terms.

UP22/3988 – PROPOSED TWO STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 90 (NO.23) CARRON ROAD, APPLECROSS (REC) (ATTACHMENT)

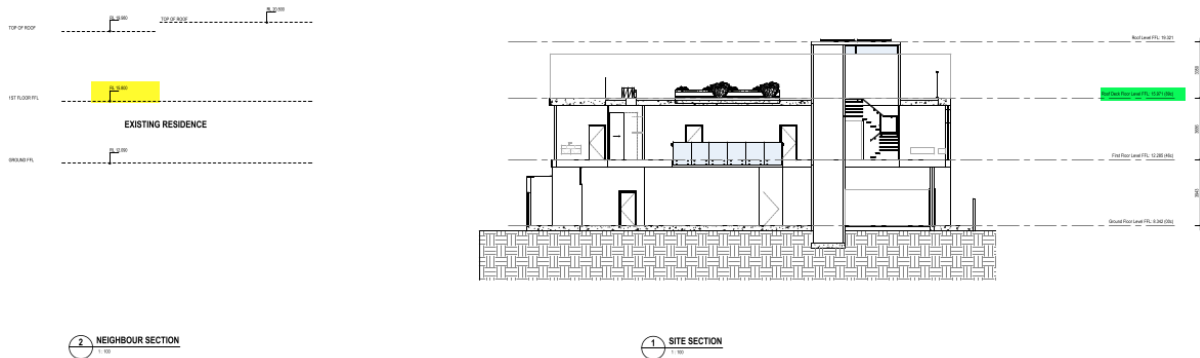


Figure 2: Cross-Section – No. 26 Strome Road (Yellow) No. 23 Carron Road (Green)

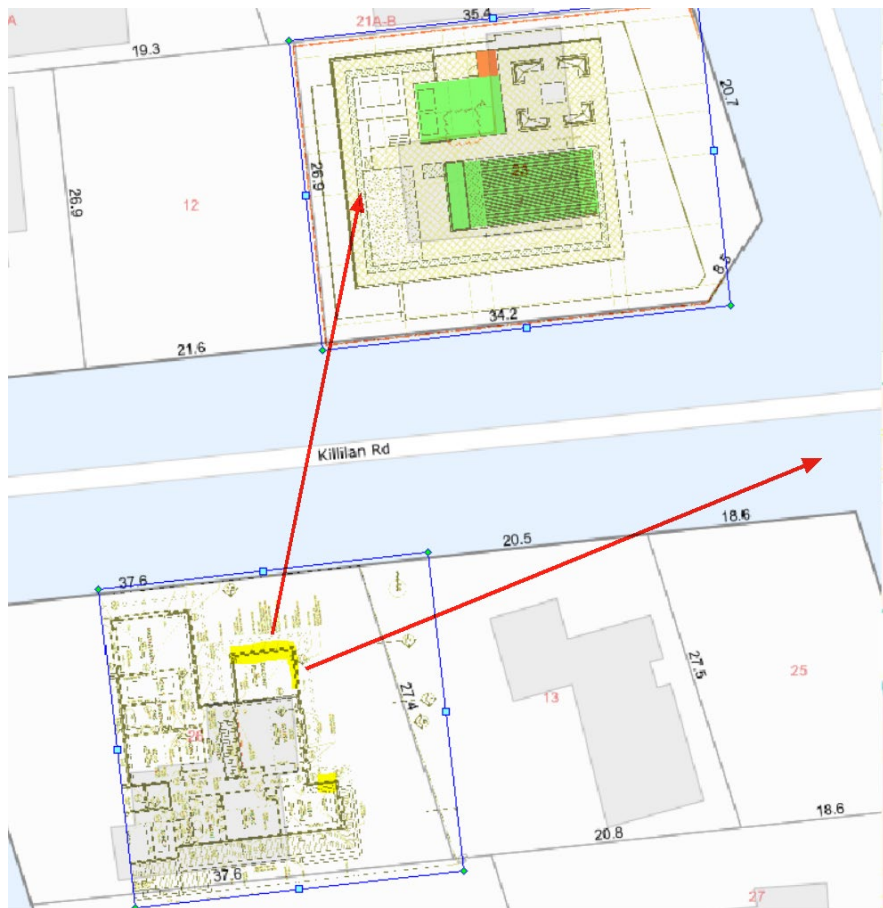


Figure 3: View Corridor

Side (western) Boundary setback

In accordance with Clause 5.1.3 Lot Boundary Setbacks C3.1 (i) of the R-Codes, walls with non-major openings that are less than 7.5 metres high and less than 25 metres in length require a setback of 3.0 metres from a side lot boundary to meet the deemed to comply provisions. The proposed development has been designed on the upper floor with bedrooms and associated ensuite bathroom's located along the western side. The actual building edge proper at this point is setback 3.1m and as such is in accordance with the deemed to comply provisions of the R Codes.

UP22/3988 – PROPOSED TWO STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 90 (NO.23) CARRON ROAD, APPLECROSS (REC) (ATTACHMENT)

The design of the proposed house has however incorporated a balcony along the western side, with access to it from each of the bedrooms located there. This balcony incorporates a glazed balustrade, screened to ensure that there are no visual privacy impacts. It is this screening/balustrade, setback a minimum 1.2m from the western side boundary, that constitutes the variation to the R Codes highlighted by this report. The balustrade, which for the purposes of the assessment is classed as a wall, has been assessment against the associated Design Principles of the R-Codes. The proposed balustrade/wall is considered to meet the Design Principles of the R-Codes for the following reasons:

- The setback variation comprises a glazed balustrade which by its very nature is lightweight, and no more than 1.6m in height above the finished floor level of the upper floor.
- The screening wall/balustrade to the balcony does not oppose any active habitable spaces nor does the screening directly abut any major openings on the adjoining property at 12 Killian Road, there being two non-major openings on that property at the upper floor levels as depicted by Figure 4 below.
- A two storey vertical screen structure is located on the neighbour's house at the northern end which provides screening to north facing major openings, see Figure 4 below;
- The orientation of the wall will ensure that no access to direct sunlight and/or ventilation will result;
- No major openings are proposed due to the balcony screening being 1.6m high. The Residential Design Codes, Volume 1, state that openings with obscured screening up to 1.6m high are not considered to be major openings.



Figure 4 – Western Property

UP22/3988 – PROPOSED TWO STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 90 (NO.23) CARRON ROAD, APPLECROSS (REC) (ATTACHMENT)

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The statutory alternative for refusal of the application for planning approval is the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

CONCLUSION

The application is considered to satisfy the provisions of LPS6, the Design Principals of the Residential Design Codes, and Local Planning Policy. On this basis, it is recommended that the proposal be approved subject to conditions.

OFFICER RECOMMENDATION (3988)

APPROVAL

That the Council approves DA-2021-214/C for amendments to a Two Storey Single House at Lot 90 (23) Carron Road, Applecross WA 6153 subject to compliance with the following:

- A) The previous planning approval DA-2021-214 dated 11 June 2021, DA-2021-214/A dated 12 July 2021 and DA-2021-214/B dated 10 September 2021 (including remaining conditions); and**
- B) The approved plans (referenced Site Plan, Ground Floor Plan, First Floor Plan, Second Floor Plan and Elevations); and**
- C) Condition 11 of Planning Approval DA-2021-214 being modified as detailed below:**
 - 11. Prior to the initial occupation of the development, northern end Level 1 Balcony (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative approved by the City that complies with C1.1 or C1.2 of Clause 5.4.1 of State Planning Policy 7.3 Residential Design Codes Volume 1. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the City.**

UP22/3988 – PROPOSED TWO STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 90 (NO.23) CARRON ROAD, APPECROSS (REC) (ATTACHMENT)

Alternate Motion

COUNCIL RESOLUTION

At 7:25pm Cr Ross moved, seconded Cr Pazolli –

That the Council resolves that the application DA-2021-214C to commence development for a Two Storey single house at Lot 90 (23) Carron Road, Applecross be refused under the provisions of the City of Melville Local Planning Scheme No. 6 and the Metropolitan Regional Scheme

At 7:30pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

Reasons for Alternative Motion as provided by Cr Ross

1. The proposed development exceeds 9 metres in height over the associated natural ground level across significant portions of the building and does not meet the deemed to comply provisions of Clause 2.1.1 of the City of Melville *Local Planning Policy 1.9 Height of Buildings* and or Design Principles specified in Clause 5.1.6 of *State Planning Policy 7.3 Residential Design Codes Volume 1*.
2. The Application is not consistent with Design Principle 5.1.6 P6 of the Residential Design Codes as the building height proposed negatively impacts access to views of significance;
3. The Application is not consistent with Design Principle 5.1.3 of the Residential Design Codes as the proposed western and northern lot boundary setback increases the impact of building bulk on the western and northern adjoining property and streetscape;
4. The Application is not consistent with cl 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 as:
 - a. The Application is inconsistent with orderly and proper planning;
 - b. The building height is incompatible with the desired character of its setting;
 - c. The building bulk, height and setbacks does not demonstrate the necessary relationship to development within the locality; and
 - d. The Application is inconsistent with the amenity of the locality

At 7:31pm the Mayor Brought Forward Item UP22/3994 - Three Storey Single House with Roof Terrace at Lot 70 (No.4) Fraser Road, Applecross WA 6153 for the convenience of those in the Public Gallery.

At 7:31pm the Mayor advised the meeting an [Officer Advice Note](#) was circulated to the Elected Members at the Ordinary Meeting of Council on 21 July 2022 regarding Item UP22/3994 – Three Storey Single House with Roof Terrace at Lot 70 (No. 4) Fraser Road, Applecross WA 6153.

UP22/3994 – THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4) FRASER ROAD, APPECROSS WA 6153 (REC) (ATTACHMENT)

Ward	: Applecross - Mt Pleasant
Category	: Operational
Application Number	: DA-2021-1315
Property	: Lot (70) No.4 Fraser Road, Applecross
Proposal	: Two Storey House With Roof Top Terrace
Applicant	: Urban Projects Pty Ltd
Owner	: Kevin & Melanie Attree
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable
Responsible Officer	: Mark Scarfone – Acting 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 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>

**UP22/3994 – THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4)
FRASER ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- The proposed development was presented to the Development Advisory Unit meeting held on 7 June 2022 and a report was published on the City's website. The development application has now been called up to Council by Cr Ross for determination in accordance with the procedures outlined in the Local Planning Policy 1.1.
- The reason for the call up as provided by Cr Ross is as follows: *The proposed development exceeds maximum height limits and does not comply with visual privacy controls.*
- Development approval is sought for a three storey Single House with roof terrace at Lot 70 (No. 4) Fraser Road, Ardross.
- The details of the proposed development have been assessed against Local Planning Scheme No. 6 (LPS6), relevant local planning policies including Local Planning Policy 3.1 – Residential Development (LPP3.1) and Local Planning Policy 1.9 Height of Buildings, and the provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes).
- A number of aspects of the proposed development including building height and visual privacy, require assessment against the applicable Design Principles of the R-Codes.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making (LPP1.1). In response, five objections letter were received relating to the amenity impact of the building in terms of building height, loss of views and visual privacy.
- Notwithstanding the objections received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes.
- It is recommended that approval be granted subject to conditions.

[3994 Overlay 4 Fraser Road](#)

[3994 View from 3 Fraser Road](#)

[3994 View from 5 Fraser Road](#)

**UP22/3994 – THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4)
FRASER ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

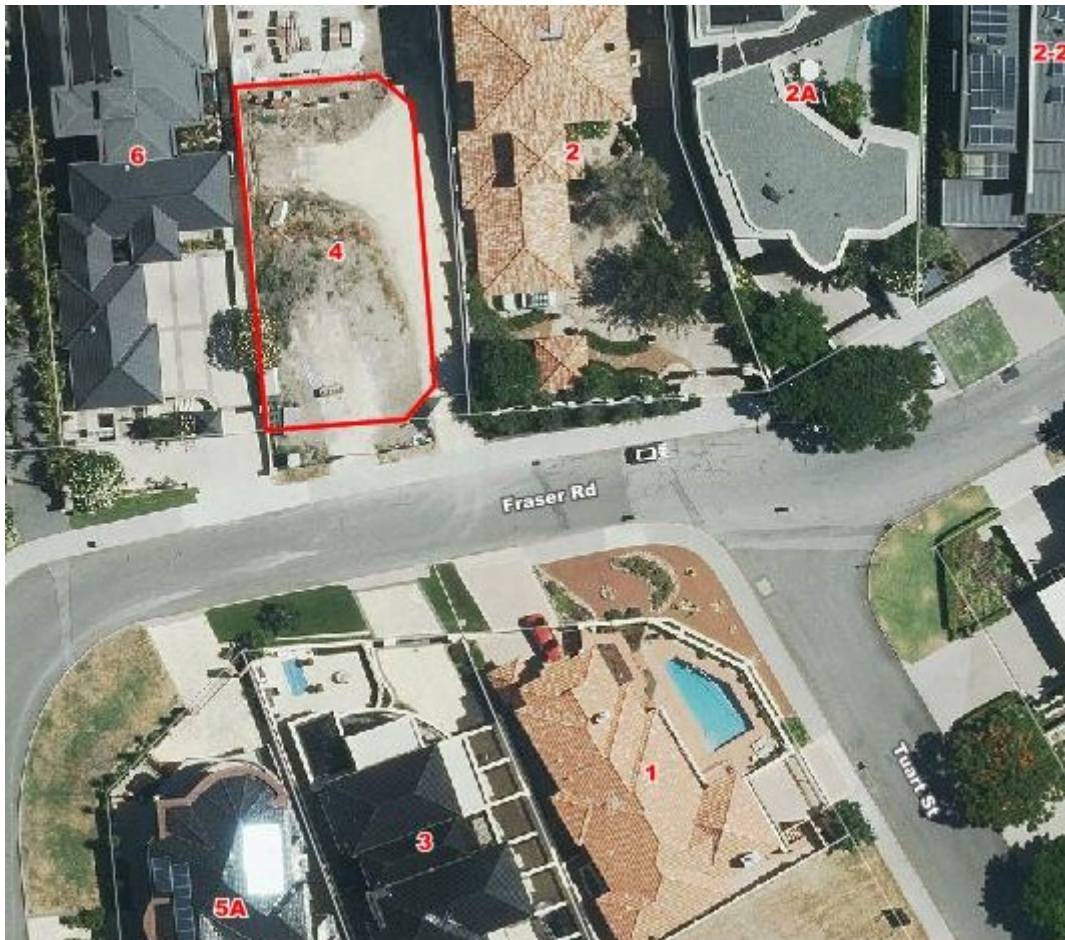


Figure 1 – Aerial Photography

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area	:	500m ²
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc)	:	Yes
Site Details	:	Refer photo above

[3994 Applicants Copy DA 2021 1315 Two Storey Dwelling with Undercroft 4 Fraser Road Applecross](#)

**UP22/3994 – THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4)
FRASER ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

DETAIL

The application has been assessed against the provisions of Local Planning Scheme No. 6 (LPS No.6), relevant local planning policies and the R-Codes. A performance assessment is required in respect of the matters listed below.

In respect of the subject application plans, negotiations with the City have resulted in further amendments being made to reduce the visual privacy variations. These amended plans are the subject of this report.

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
5.1.6/LPP1.9 Building Height	Eaves Height - 8m Maximum Height – 10.5m Concealed Roof – 9m	The proposed house is designed with a flat roof and as such does not align with the building height maximums expressed in LPP 1.9.	Requires assessment using Performance Criteria. Refer building height section of the report below for detailed comment.	Development Advisory Unit (DAU)
Clause 5.4.1 C1.1 Visual Privacy	Unenclosed outdoor active habitable spaces with a floor level more than 0.5m above natural ground level setback 7.5m	A portion of the cone of vision falls within the adjoining the western and eastern neighbouring lots.	Requires assessment using Performance Criteria. Refer to visual privacy section of the report below for detailed comment.	Development Advisory Unit (DAU)
5.1.3 – Lot Boundary Setback	Ground Floor Garage/Ens (east) – 2.2m setback.	1.5m – 2.2m	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
	First Floor Family/Balcony (east) 3.0m setback.	2.7m		
	First Floor Scullery/Balcony (west) – 2.7m setback	1.5m – 2.2m		

**UP22/3994 – THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4)
FRASER ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

Clause 5.3.7 C7.2 Works	Site	Height of site works between 0.5m to 1m to be setback a minimum of 1m	North West Corner 2.6m – 3m fill North East Corner -3.7m fill	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)
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Given the concerns of submitters relate to the proposed building height and visual privacy, further commentary in this report is confined to consideration of the impacts that those matters have on the amenity of those that have raised them, relative to the associated performance criteria as provided by the design principles of the R Codes.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour’s Comment Supplied: Yes
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 1.7.6
 Support/Object: Five objections received

A summary of the content of the objections received and an officer’s response is provided in the table below.

Summary of Issues Raised	Officer’s Comment	Action (Condition/ Uphold/ Not Uphold)
Overlooking and loss of privacy	Refer to the comments section of this report.	Not Uphold
The building height does not comply with Policy/Residential Design Codes, Volume 1.	Refer to the comments section of this report.	Not Uphold
The additional building heights will impact views of significance and is not in keeping with the existing built form.	Refer to the comments section of this report.	Not Uphold
Concerns regarding the addition soil on site and in correct natural ground levels.	Refer to the comments section of this report.	Not Uphold
The proposed height also poses an issue of overshadowing onto the adjoining property	Refer to the comments section of this report.	Not Uphold

**UP22/3994 – THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4)
FRASER 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 of Melville refuse the application for planning approval, the Applicant will 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

Should the City of Melville refuse the application for planning approval and the applicant chooses to have the decision reviewed, there are likely costs for the City including legal fees and consultant fees.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposal has been assessed against the prevailing planning policy framework. A performance assessment is sought in respect of a number of matters including building height and visual privacy. (see comments section below).

COMMENT

This 500sqm freehold lot is located within an established residential area of Applecross approximately 25m away from the river foreshore reserve. In common with other areas of Applecross, the street here is in the process of systematic renewal, with older properties being demolished, some single lot subdivisions taking place, and new contemporary homes being developed. These newer homes are typically larger, two to three storeys in height, and of striking modern style designed to take advantage of the proximity to the river and associated river/city views.

The dominant characteristic of this precise location is the topography, there being a significant slope across the lots from south to north, including the subject lot. This is depicted in the aerial image below (see Figure 2), noting that for the subject lot there is a fall of some 7 to 8 metres across the site from the SW corner close to Fraser Road, to the NE at the rear driveway truncation. This is therefore a challenging site to develop, particularly in the context of aligning the design of a building to the maximum building height levels.

**UP22/3994 – THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4)
FRASER ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**



Figure 2: Site topography

In that vein, the proposed dwelling has been designed in a way which responds to the topography of the site as well as taking advantage of the sites' proximity to the river and associated views. The proposed lower ground level sits below the Fraser Road verge level and as such does not have any impact on the street at all. This ensures that the building presents to the street at two storey plus a roof terrace.

The surrounding dwellings along Fraser Road exhibit a wide range of residential building styles, ages and heights. It is noted that two and three storey buildings are common in the Applecross area and there are many examples of these within close proximity to the site. Like this proposal many of the surrounding dwellings take advantage of the topography of the land to create a third storey at the lower ground level to provide additional internal living space as well as capitalising on available views.

Building height

The proposed building height requires a performance assessment having regard to the design principles contained in Clause 5.1.6 'Building Height' of the R-Codes. These design principles seek to ensure that development is appropriate to the streetscape, maintains adequate levels of sunlight to adjoining properties and maintains access to views of significance where appropriate. It is noted that given the challenges posed by the levels on this lot and those that characterise neighbouring lots, recent nearby developments do generally include over height building elements reflective of the topography. The proposed development in this case is no different in that respect.

**UP22/3994 – THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4)
FRASER ROAD, APPECROSS WA 6153 (REC) (ATTACHMENT)**

- In common with other recent development within this side of the street, the building is designed in a considerate manner to present as a two storey house to the street and utilise the significant downward slope of the land to create a lower ground floor level. The roof top terrace balustrades are also setback from the street in excess of the deemed to comply standards to ensure that any adverse bulk impacts are avoided.
- Access to the roof terrace is provided via a roof hatch rather than a traditional stairwell. This design feature ensures that the bulk impact towards the street is minimised.
- The proposed building is well articulated, through the use of varied setbacks, floor to ceiling windows, landscaping and a mix of materials which combine to reduce the bulk impact on to the adjoining properties and the streetscape.
- The proposed building height does not have any adverse impact on the amenity of the adjoining landowners to the east and west for the following reasons:
 - The tallest section of the building is located at the rear portion of the site. As noted above the setbacks to the west meet the design principles of the R-Codes and as such there is no impact in terms of building bulk. The roof terrace is setback further from the first and second floor below, in excess of the deemed to comply provisions providing further mitigation of bulk impacts.
 - In respect to the eastern property as noted above the lot setbacks meet the design principles and therefore there is no negative bulk impact from the additional height. In this respect it is noted that the neighbour to the east is separated from the subject site via a three metre wide access leg.
 - The height will have minimal bulk impact on the properties to the east and west and due to the orientation of those properties such that there are no associated loss of views of significance, nor access to direct sunlight.
 - The proposed height will also have no impact on the house at No.5A Fraser Road to the south of the site on the opposite side of Fraser Road. This is because 5A is oriented with its primary frontage to the east to take advantage of river views and is designed with a wall on the boundary and a wall with no major openings on its northern elevation. This ensures there is no visual relationship between the two properties and no bulk impact caused by the proposed building height that is now sought.
- The term 'views of significance' is not defined, nor is detail provided in the explanatory sections of the R-Codes. It is therefore the City's role to make a determination as to whether or not the proposed development maintains access to views of significance. The following paragraphs provide a detailed analysis of the surrounding built form to demonstrate views of significance are not impacted in this case.

**UP22/3994 – THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4)
FRASER ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

No.1 Fraser Road

- This property will still have access to significant views as its main viewing corridor is towards the north east. This is based on the dwelling's major openings and balconies main viewing corridor being towards the NE towards the river, Perth Central Business District and the Darling Ranges, See Figure 3 street view image and Figure 4 aerial photo below showing the orientation of the dwelling. For orientation purposes, the vehicle shown within the blue square below is parked in front of the development site.



Figure 3: Street View Image of 1 Fraser Road.



Figure 4: Aerial View depicts aspect towards the east, avoiding the application site to the NW.

UP22/3994 – THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4) FRASER ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)

No.3 & No.5A Fraser Road

- The applicant has provided cross-sections (See Figure 5 & 6 below) showing the floor level of the roof top terrace (marked in yellow) and the balcony levels (marked in yellow) of the properties at No.3 & No.5A Fraser Road. These properties are considered to be the most impacted by the proposed development. These floor levels were obtained by a surveyor and the floor level of 5A Fraser Road has been cross checked against DA-2006-1488, approved floor level.
- These cross sections assist in demonstrating that these two properties will maintain access to views over the proposed house toward the river and Perth skyline.

It should also be noted that all three properties will still have access to other views to the east and north east.

In Figure 7 below view corridors have been shown in blue, yellow and pink.

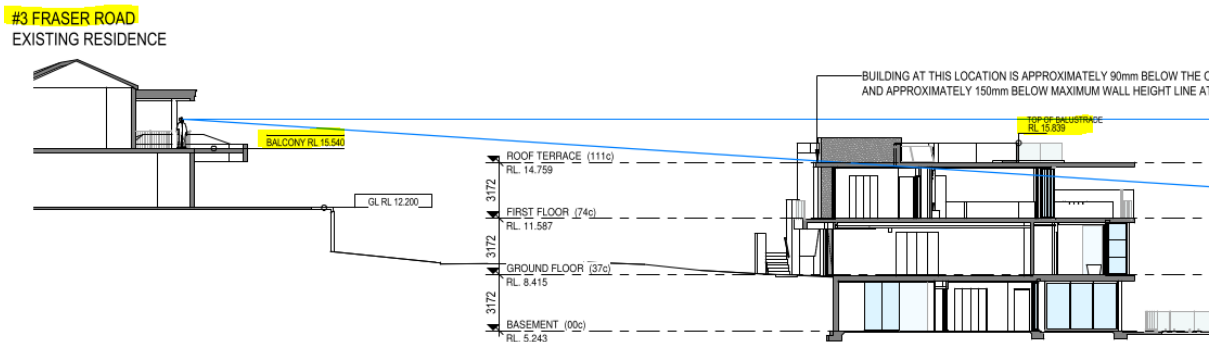


Figure 5: Cross- Sections

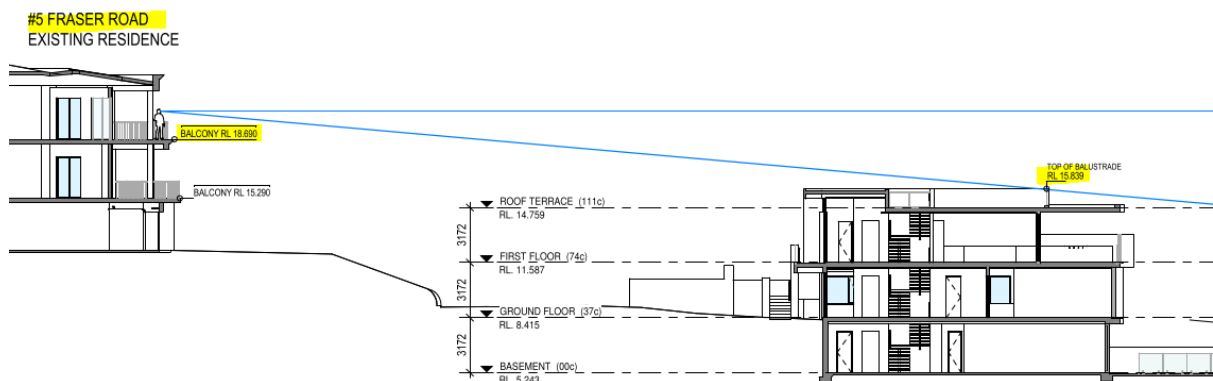


Figure 6: Cross- Sections

**UP22/3994 – THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4)
FRASER ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

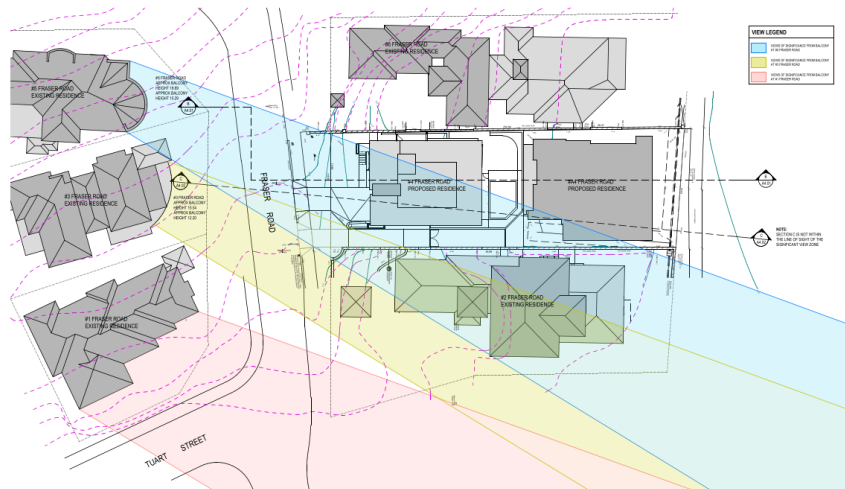


Figure 7: View Corridors

Unauthorised Fill

A number of residents have raised concerns regarding unauthorised fill on the site and have questioned the natural ground levels. In response to these concerns a revised site plan was requested based on Water Corporation BG 2000 Maps Sheet Series and cross checked with a site plan prepared in 2003 for a subdivision application.

On the basis of the information provided the site levels shown on the plans are considered to be an accurate representation of the natural ground levels on site. The assessment of heights has been undertaken based on Water Corporation BG 2000 Maps Sheet Series and the 2003 site plan. As demonstrated above the overall height is considered to meet the design principles of the R-Codes.

Visual Privacy

The proposed development requires a performance assessment in respect of the roof top terrace visual privacy. The proposed visual privacy setbacks are considered to meet the relevant design principles as:

- Seen from Figure 9 below, views from the roof top terrace primarily fall onto the roof of No.2 & No.6 Fraser Road. The roof of house below creates an oblique angle which prevents any direct overlooking down into any habitable windows or active habitable spaces.
- A small portion of the roof top terrace cone of vision falls into No.2 & No.6 Fraser Road, see Figure 10 below. These spaces are not part of the outdoor living areas of the adjoining lots, nor are they part of any sensitive portion of the lot where people are expected to enjoy outdoor living. The primary outdoor living areas of both of these properties is to the north towards the river frontage. In addition, the oblique angle of view ensures that any potential adverse overlooking impacts are avoided.

**UP22/3994 – THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4)
FRASER ROAD, APPLECROSS WA 6153 (REC) (ATTACHMENT)**

The proposed dwelling meets the design principles of the R-Codes in terms of visual privacy and is considered to be acceptable on that basis.

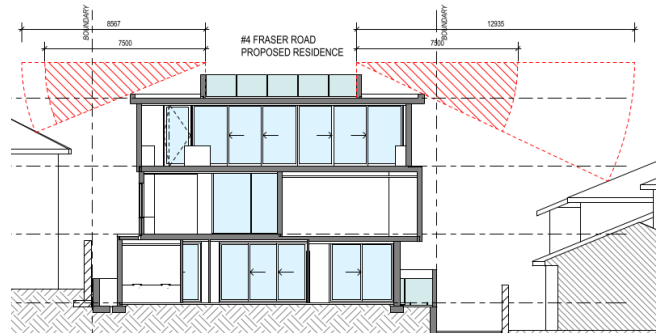


Figure 9: Visual Privacy Cross-Section

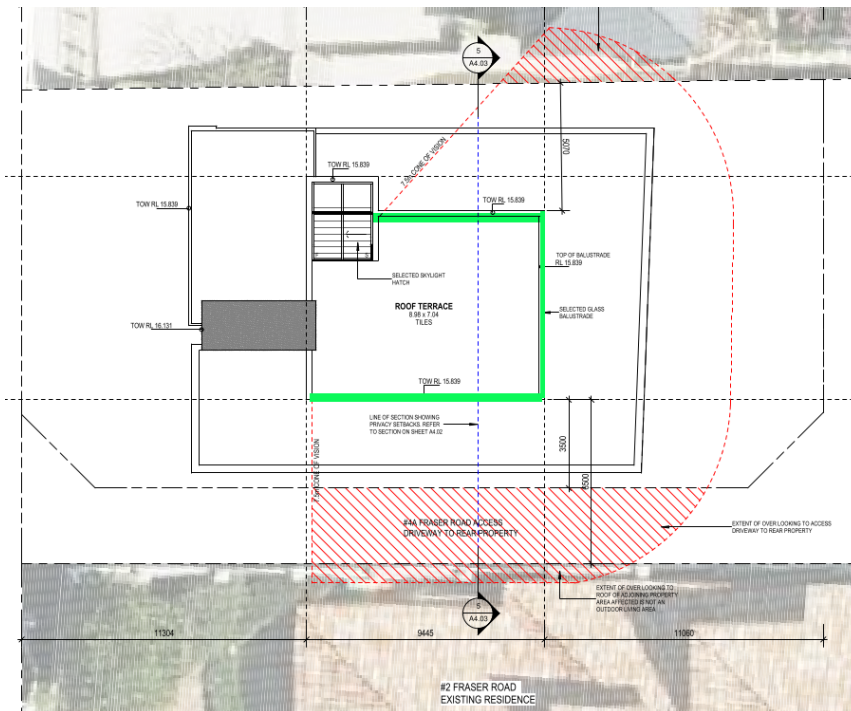


Figure 10: Green highlight showing enclosed area of the roof terrace.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The statutory alternative for refusal of the application for planning approval is the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

**UP22/3994 – THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4)
FRASER ROAD, APPECROSS WA 6153 (REC) (ATTACHMENT)**

CONCLUSION

The application is considered to satisfy the provisions of LPS6, the Design Principles of the Residential Design Codes, and Local Planning Policy. On this basis, it is recommended that the proposal be approved subject to conditions.

OFFICER RECOMMENDATION (3994)

APPROVAL

That the Council approves DA-2021-1315 for a Three Storey Single House at Lot 70 (4) Fraser Road, Applecross WA 6153 subject to compliance with the following:

- 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 in accordance with the City's stormwater design guidelines.**
- 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 crossovers shall be designed to be a maximum width of 6m; 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 crossovers are to be constructed prior to the initial occupation of the development to the satisfaction of the City.

- 4. 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.**
- 5. Any street walls and fences (including the height of any retaining walls) constructed within the primary street setback area shall meet the requirements contained under clause 3 of Local Planning Policy *LPP3.1 Residential Development*, to the satisfaction of the City.**

**UP22/3994– THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4)
FRASER ROAD, APPECROSS WA 6153 (REC) (ATTACHMENT)**

6. 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.
7. The on-site tree/s to be retained (as marked in red on the approved plans) shall be maintained in perpetuity, to the ongoing satisfaction of the City.
8. The privacy screening/obscure glazing shown on the approved plans shall meet the deemed to comply standards of cl. 5.4.1 of State Planning Policy 7.3 Residential Design Codes Volume 1. The privacy screening/obscure glazing shall be installed prior to initial occupation of the development and thereafter retained in perpetuity to the ongoing satisfaction of the city.
9. Prior to the initial occupation of the development, the boundary wall/s shall, as a minimum, be finished to a clean face brick standard, to the satisfaction of the city.
10. The balustrades to the roof terrace shall be constructed of clear glazing unless otherwise approved in writing by the City.

At 7:30pm Cr Fitzgerald left the meeting and returned at 7:33pm.

Alternate Motion

COUNCIL RESOLUTION

At 7:31pm Cr Ross moved, seconded Cr Pazolli –

That the Council resolves that the application DA-2021-1315 to commence development for a Three Storey single house at Lot 70 (4) Fraser Road, Applecross be refused under the provisions of the City of Melville Local Planning Scheme No. 6 and the Metropolitan Regional Scheme.

At 7:33pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

**UP22/3994– THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4)
FRASER ROAD, APPECROSS WA 6153 (REC) (ATTACHMENT)**

Reasons for the Alternative Motion as provided by Cr Ross

1. The proposed development exceeds 9 metres in height over the associated natural ground level across the entire building and does not meet the deemed to comply provisions of Clause 2.1.1 of the City of Melville *Local Planning Policy 1.9 Height of Buildings* and or Design Principles specified in Clause 5.1.6 of *State Planning Policy 7.3 Residential Design Codes Volume 1*.
2. The Application is not consistent with Design Principle 5.1.6 P6 of the Residential Design Codes as the building height proposed negatively impacts access to views of significance;
3. The Application is not consistent with Design Principle 5.3.7 of the Residential Design Codes as the fill proposed does not consider or respond to the natural features of the site and is solely designed for the purpose of increasing the height of the building;
4. The Application is not consistent with cl 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 as:
 - a. The Application is inconsistent with orderly and proper planning;
 - b. The building height is incompatible with the desired character of its setting;
 - c. The building bulk, and height does not demonstrate the necessary relationship to development within the locality; and
 - d. The Application is inconsistent with the amenity of the locality

At 7:35pm the Mayor brought forward Item 15.3 Review of 14 Beach Street Boundary Foundation and Retaining by an Independent Registered Building Surveyor for the convenience of those in the Public Gallery.

At 7:34pm the Mayor advised the meeting that an Officer Advice note had been circulated in regards to Item 15.3 Review of 14 Beach Street Boundary Foundation And Retaining By An Independent Registered Building Surveyor. [Advice Note](#)

At 7:35pm the Mayor approved a deputation request from Mr McLerie, Bicton which concluded at 7:45pm. At 7:45pm Mr McLerie returned to the gallery.

15.3 Review of 14 Beach Street Boundary Foundation And Retaining By An Independent Registered Building Surveyor

Motion

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

That the Council directs the CEO to:

- 1. appoint an independent registered building surveyor to undertake an inspection of the boundary structure footings and associated retaining located at 14 Beach Street, Bicton, and**
- 2. provide a report back to the 18 October 2022 Ordinary Meeting of Council which includes a copy of the independent registered building surveyor's and any other relevant reports.**

Procedural Motion

COUNCIL RESOLUTION

At 7:52pm Cr Barber moved, seconded Cr Sandford –

That Cr Edinger be granted an extension of 5 minutes to speak on this matter.

At 7:52pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

Motion

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

That the Council directs the CEO to:

- 1. appoint an independent registered building surveyor to undertake an inspection of the boundary structure footings and associated retaining located at 14 Beach Street, Bicton, and**
- 2. provide a report back to the 18 October 2022 Ordinary Meeting of Council which includes a copy of the independent registered building surveyor's and any other relevant reports.**

At 7:55pm Mr Ferris left the meeting and returned at 7:56pm.

15.3 Review of 14 Beach Street Boundary Foundation and Retaining By An Independent Registered Building Surveyor

Procedural Motion

At 8:01pm Cr Robins moved, seconded Cr –

That the Motion be deferred to seek clarification of the owners consent to enter premise.

At 8:02pm the Mayor declared the Motion

LAPSED FOR WANT OF A SECONDER

Motion

COUNCIL RESOLUTION

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

That the Council directs the CEO to:

- 1. appoint an independent registered building surveyor to undertake an inspection of the boundary structure footings and associated retaining located at 14 Beach Street, Bicton, and**
- 2. provide a report back to the 18 October 2022 Ordinary Meeting of Council which includes a copy of the independent registered building surveyor's and any other relevant reports.**

At 8:03pm the Mayor declared the motion

CARRIED (10/1)

Yes	9	Cr Ross, Cr Macphail, Cr Fitzgerald, Cr Barber, Cr Edinger, Cr J Spanbroek, Cr Mair, Cr Sandford, Cr Pazolli, Mayor Gear
No	1	Cr Robins

Reasons for the Motion with Notice as provided by Cr Edinger.

- Since 2017 there have been questions and opinions provided relating to the boundary of 14 Beach Street.
- The Objective is to:
 - inspect the entirety (eastern and western sides) of the footings and retaining on which the boundary structure rests,
 - identify any issues or non-conformances relating to the footings and retaining when compared to Building Approval Certificate (BA14) BA-2017-466;
 - identify any additional issues that become apparent during the inspection.
- The City will:
 - gain an understanding of the current condition of the entirety of the foundation and retaining along the boundary of 14 Beach Street, Bicton
 - an independent entity will either confirm the foundation and retaining as-built and current condition aligns with the drawings supplied with BA-2017-466 or advise otherwise.
 - be informed as to a path forward should rectification of the foundation, retaining and any other issues be required.
- Potential Risks:
 - Continued lack of clarity in relation to the “as built” status of the foundation and retaining. No resolution to lack of retaining issue.

Management Services

M22/5926 - DELEGATES TO THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING 2022 (REC)

Ward : All
 Category : Operational
 Subject Index : Legal Matters and Documentation
 Customer Index : Western Australian Local Government Association
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Corrine Newman
 Head of Governance

AUTHORITY / DISCRETION

DEFINITION

<input checked="" 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>

M22/5926 - DELEGATES TO THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING 2022 (REC)

KEY ISSUES / SUMMARY

The Western Australian Local Government Association (WALGA) Annual General Meeting will be held on Monday 3 October 2022.
The Council may nominate two voting delegates and two proxy delegates to represent the City and attend the Western Australian Local Government Association Annual General Meeting.

BACKGROUND

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

DETAIL

The WALGA Annual General Meeting will be held at the WALGA Convention on Monday 3 October 2022 at Crown Perth. The City is entitled to nominate two voting and two proxy voting delegates to attend the Annual General Meeting and vote on the City's behalf. The City is required to advise WALGA, by Friday 23 September 2022, of its nominations.

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications in this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

M22/5926 - DELEGATES TO THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING 2022 (REC)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

CONCLUSION

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

At 8:04pm Cr Robins left the meeting and returned at 8:07pm.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5926)

APPROVAL

At 8:06pm Cr Ross moved, seconded Cr Edinger–

That the Council:

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

- 1. Cr Barber**
- 2. Cr Wheatland**

and the following Elected Member to be proxy voting delegate:

- 1. Cr Fitzgerald**

to the Western Australian Local Government Association Annual General Meeting to be held on 3 October 2022.

2 Confirms that Councillor Fitzgerald is to be the Proxy Member one.

3 Directs the Chief Executive Officer to forward advice of the City of Melville nominees for the Western Australian Local Government Association Annual General Meeting to the Western Australian Local Government Association.

At 8:07pm the Mayor declared the Motion

CARRIED UNANIMOUSLY (11/0)

Corporate Services

C22/6000 - INVESTMENT STATEMENTS FOR JUNE 2022 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 30 June 2022 for the Council's information and noting.

C22/6000 - INVESTMENT STATEMENTS FOR 30 JUNE 2022 (REC)

BACKGROUND

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

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

DETAIL

The following statement details the investments held by the City as at 30 June 2022.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 JUNE 2022		
SUMMARY BY FUND		
Municipal		\$27,006,740
Reserve		\$151,462,893
Trust		\$-
Citizen Relief		\$224,057
TOTAL		\$178,693,691
SUMMARY BY INVESTMENT TYPE		
11AM		\$17,871,167
31Days at Call		\$-
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$142,222,523
TOTAL		\$178,693,691
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$125,179,734
A Category (A+ to A-)	A+	\$11,513,957
	A	
	A-	
BBB+ Category	BBB+	\$42,000,000
TOTAL		\$178,693,691

C22/6000 - INVESTMENT STATEMENTS FOR 30 JUNE 2022 (REC)

Exposure to an individual institution is limited according to Council policy and in June 2022 the investments were within the acceptable limits.

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 33,700,000	18.86%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 22,500,000	12.59%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 19,500,000	10.91%	15.00%	✓
CBA	AA-	AA Category	\$ 15,500,000	8.67%	30.00%	✓
Macquarie	A+	A Category	\$ 3,013,957	1.69%	25.00%	✓
NAB	AA-	AA Category	\$ 42,038,174	23.53%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 8,500,000	4.76%	25.00%	✓
Westpac	AA-	AA Category	\$ 33,941,560	18.99%	30.00%	✓
TOTAL			\$ 178,693,691	100%		

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

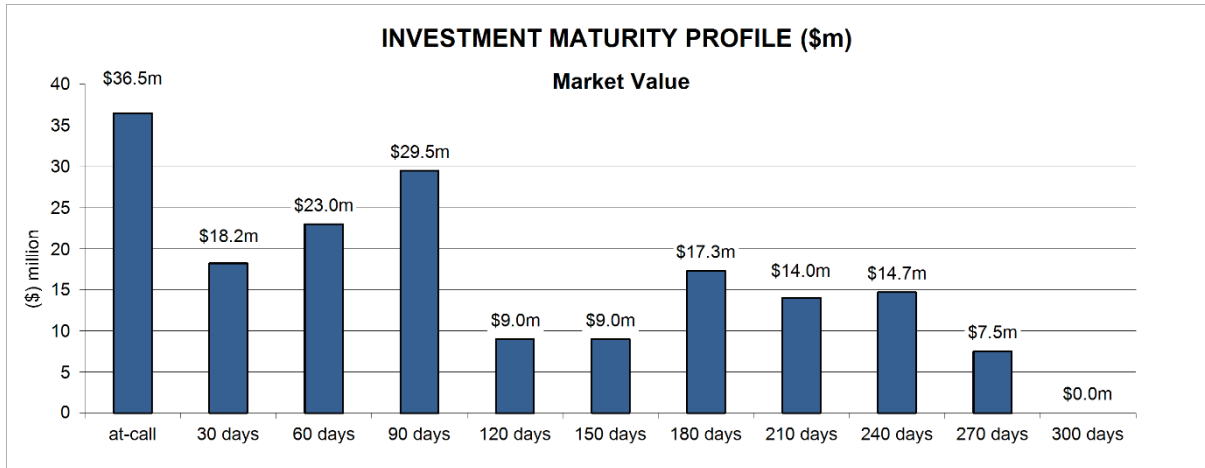
The City's investments were invested within the limits allowed within each category rating for June 2022.

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 125,179,734	70%	80%	✓
A Category (A+ to A-)	\$ 11,513,957	6%	50%	✓
BBB+ Category	\$ 42,000,000	24%	25%	✓
TOTAL	\$ 178,693,691	100%		

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

C22/6000 - INVESTMENT STATEMENTS FOR 30 JUNE 2022 (REC)

The below graph summarises the maturity profile of the City’s investments at market value as at 30 June 2022. The immediacy of the demand for funds depends on the particular Fund or Reserve Account(s) of the City. The maturity profile provided in the table above meets the liquidity requirements of the Council policy.

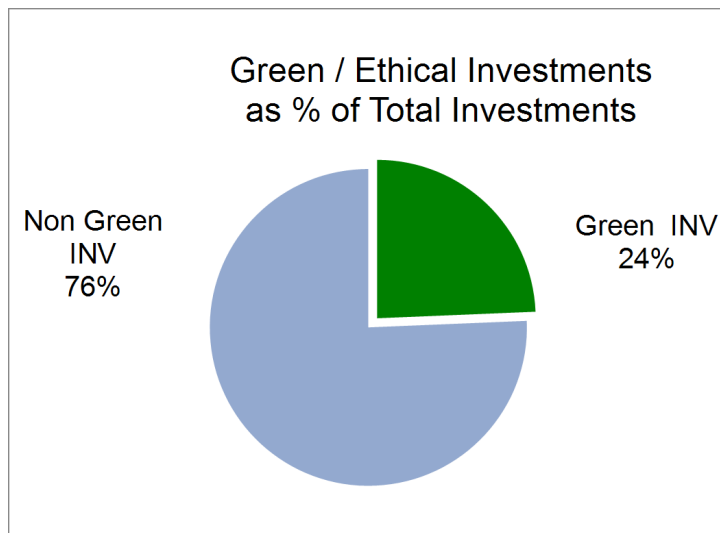


The City exercises a deliberative preference in favour of green/ethical investments. This preference will however only be exercised after the foremost investment considerations of credit rating, comparable rate and risk diversification are fully satisfied.

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

Environmental, Social & Governance Term Deposit (ESGTD) is a similar product to Green investments. ESGTD’s provide the opportunity to invest in products that seek to mitigate environmental and social risks.

The total investment in green/ethical investments as of 30 June 2022 was \$43,500,000 or 24% of total investment holdings being in non-fossil fuels institutions, compared to \$43,500,000 (24%) in May 2022. The total investments holding for June and May were \$178,693,691 and \$183,580,449 respectively.



C22/6000 - INVESTMENT STATEMENTS FOR 30 JUNE 2022 (REC)

Green / Ethical Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 19,500,000
CBA	AA-	AA Category	\$ 15,500,000
Suncorp	A+	A Category	\$ 8,500,000
TOTAL			\$ 43,500,000

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

This report is available to the public on the City's website.

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

Local Government (Financial Management) Regulations 1996 Regulation 19 – Management of Investments

Trustee Act 1962 (Part 3)

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

The *Local Government (Financial Management) Regulations 1996* (regulation 19C) allows local governments to deposit funds for a fixed term of three years or less. Deposits of greater than one year may, depending on the shape of the yield curve, enable the City to achieve better investment returns.

C22/6000 - INVESTMENT STATEMENTS FOR 30 JUNE 2022 (REC)

FINANCIAL IMPLICATIONS

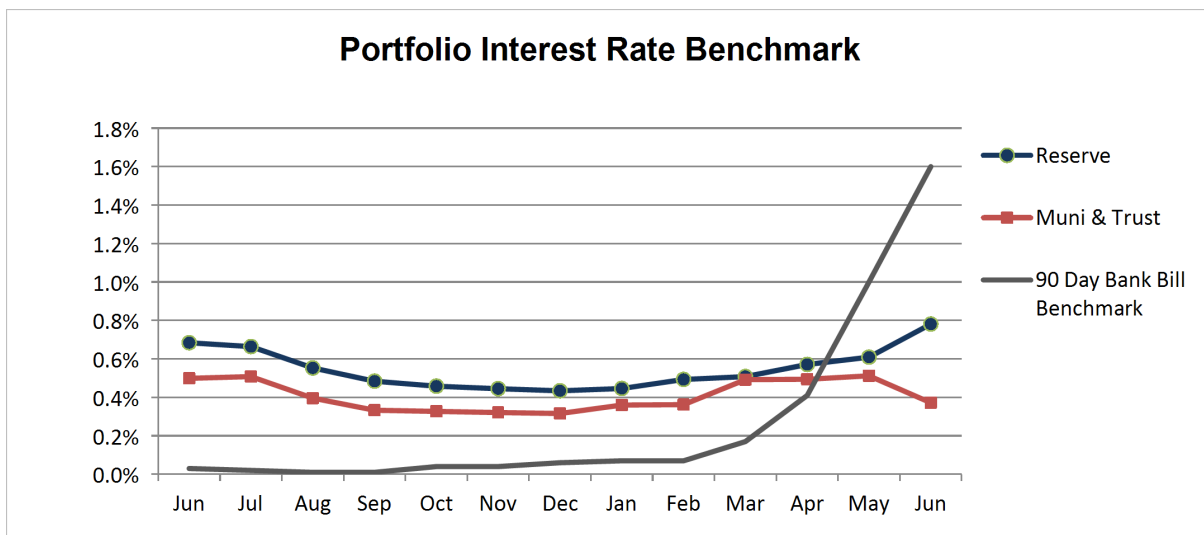
For the period ending 30 June 2022:

Investment earnings on Municipal and Trust Funds were \$92,532 against a year to date budget of \$161,000 representing a negative variance of \$68,468. Despite this negative variance the City is expected to have a surplus in 2021-2022.

The weighted average interest rate for Municipal and Trust Fund investments as at 30 June 2022 was 0.37% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.60%.

Investment earnings on Reserve accounts were \$780,391 against a year to date budget of \$722,000 representing a positive variance of \$58,391. The additional funds will be transferred to the reserves.

The weighted average interest rate for Reserve account investments as at 30 June 2022 was 0.78% which compares unfavourably to the benchmark three month bank bill swap (BBSW) reference rate of 1.60%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

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

Risk

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

C22/6000 - INVESTMENT STATEMENTS FOR 30 JUNE 2022 (REC)

Environmental

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.37% to 0.78% which is below the benchmark three month bank bill swap (BBSW) reference rate of 1.60%.

24% of the City's investment portfolio is invested in authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels. This compared to 24% in May 2022.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6000)

NOTING

That the Council notes the Investment Report for the period ending 30 June 2022.

At 6:48pm the Mayor declared the motion

CARRIED UNANIMOUSLY EN BLOC (11/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

<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 (eg under Health Act, Dog Act or Local Laws) and other decisions that September be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

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

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

BACKGROUND

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

A total of \$8,086,869 direct creditor payments were paid during the month, of which, 25% of payments were paid to suppliers located within the City of Melville and 36% to suppliers within the South-West Group, compared to 20% and 30% of total of \$8,275,896 direct creditor payments made over May 2022 respectively. The largest payment of \$976,972 during the month was the Bin Waste, FOGO and MRF Gate Fee to the Resource Recovery Group (RRG). Approximately 96% of supplier invoices are paid within 30 days of receipt of the invoices. The below table details the Summary of Payments Made for the period:

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

DETAIL

The Schedule of Accounts Paid for June including Payment Register numbers, Cheques: 821-822, Electronic Funds Transfers batches: 774-779, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 29 July 2022.

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

SCHEDULE OF PAYMENTS MADE JUNE 2022		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
Cheques	Chq Payment Register No. 821 and 822	\$7,350.43
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	-
Electronic Funds Transfers	EFT Payment Register No. 774,776, 777 and 779	\$7,623,924.30
	EFT Payment on Restricted Funds Register No. 775,778 and 121	\$124,633.20
	Less Cancelled EFTs	(\$4,046.58)
		\$7,751,861.35
Direct Debits	Bank Fees	\$12,384.66
	Ampol Fuel	\$121,018.55
Direct Payments		\$201,604.45
	Total Direct Creditor Payments	\$8,086,869.01
Payroll	Total Pay 25 and 26	\$3,787,242.47
	Total Payroll	\$3,787,242.47
Cards	Westpac Corporate Cards	\$5,450.41
	Westpac Purchase Cards	\$55,558.42
	American Express	\$5,716.61
	Total Card Payments	\$66,725.44
Total Direct Creditor Payments from Municipal Account		\$11,940,836.92

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

Schedule of Payments Made continued.

INTERFUND & INVESTMENT TRANSACTIONS			
<i>Interfund Transfers</i>			
Loan			\$0.00
Citizen Relief Trust			\$0.00
Citizen Relief Operating			\$0.00
Municipal		(\$10,453,325.00)	
Reserve		\$10,453,325.00	
Trust			\$0.00
<i>Total Interfund Transfers</i>			\$0.00
<i>New Municipal Investments</i>			
Westpac Bank	1/06/2022		\$600,000.00
Westpac Bank	10/06/2022		\$6,000,000.00
Westpac Bank	13/06/2022		\$800,000.00
Westpac Bank	23/06/2022		\$800,000.00
Westpac Bank	24/06/2022		\$1,300,000.00
Westpac Bank	27/06/2022		\$2,000,000.00
<i>Total New Investments</i>			\$11,500,000.00
Grand Total			\$23,440,836.92

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

CONCLUSION

The Schedule of Payments for the month totals \$23,440,836.92.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001)

NOTING

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

At 6:48pm the Mayor declared the motion

CARRIED UNANIMOUSLY EN BLOC (11/0)

**C22/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2022
(AMREC) (ATTACHMENT)**

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

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	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>

**C22/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2022
(AMREC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

This report presents:

The Preliminary Statements of Financial Activity by Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 30 June 2022 and recommends that they be noted by the Council.

The statements and figures for 2021-2022 which are still subject to change. Year end accounting processes are still underway and therefore the final accounts for 2021-2022 may be materially different to what is presented in this report.

The Preliminary variances for the month of 30 June 2022 and recommends that they be noted by the Council.

The Budget amendments required for the month of 30 June 2022 and recommends that they be adopted by Absolute Majority decision of the Council.

Amendment to the 2022-2023 Fees and Charges schedule and recommends that it be adopted by Absolute Majority decision of the Council.

BACKGROUND

The Statements of Financial Activity for the period ending 30 June 2022 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

OVERALL SUMMARY OF THE CITY'S FINANCIAL POSITION

- End of financial year processes for 2021-2022 are still underway and therefore the final figures for 2021-2022 may be materially different to what is presented in this report.
- The overall financial position for the City remains sound. Year to date revenue is \$3.4m over the year-to-date budget. This is largely due to increased grant income of \$1.36m from the Federal Assistance grants for roads and general and additional revenue from fees and charges (\$1.03m). Expenditure is under budget year to date by \$6.6m because of savings in materials and contracts of \$5.5m and employment costs of \$1.47m. The end of year expenditure accrual process is yet to be finalised and will materially change the overall spend. Incomplete capital works projects may be carried over to the 2022-2023 financial year.
- The City's total investments holding for June were \$178.7m of which the Municipal cash balance at the end of the month was \$27m and \$151.5m was held in reserve accounts, which are restricted to the defined purpose for which the reserve account was established.
- The Green investment in authorised banking institutions as at 30 June was \$43.5m or 24% of total investment holdings, being the same balance of \$43.5m (24%) in May 2022.
- Rates raised as at Jun 2022 were \$92m with a positive variance of \$0.26m compared to the approved budget of \$91.78m. This increase is mainly due to interim rate adjustments processed on various residential improved properties.
- Total debtor collections for Jun 2022 equalled \$2.03m. The Rates collection target is 94.7% and the actual collection is tracking slightly higher at 95.8%. The year-to-date total outstanding debtors (including all rates and sundry debtors) is \$6.15m, compared to \$7.4m at the end of May 2022.

**C22/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2022
(AMREC) (ATTACHMENT)**

DETAIL

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

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

Variances

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

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

Revenue

Rates raised as at June were \$92,061,339, compared to a year to date budget of \$97,775,357. The positive variance of \$285,982 is due to interim rate adjustments processed on various residential improved properties during the financial year.

Rates Collection

SUMMARY OF RATE DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	6,491,862	6,491,862	0%	9,142,487	-29%
Debtors Raised	118,157,621	118,109,311	0%	102,042,742	16%
Payments Received	(119,140,734)	(117,775,616)	1%	(104,693,366)	14%
Closing Balance	5,508,750	6,825,557	-19%	6,491,862	-15%

Total rate debtor collections for the month equalled \$1,365,117.

**C22/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2022
(AMREC) (ATTACHMENT)**

Sundry Debtor Movement

SUMMARY OF SUNDRY DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	882,151	882,151	0%	1,238,865	-29%
Invoices Raised	6,471,584	5,809,712	11%	6,738,602	-4%
Receipts	(6,705,983)	(6,037,389)	11%	(7,112,980)	-6%
Prepayments	(6,042)	2,047	-395%	18,623	-132%
Closing Balance	641,710	656,520	-2%	883,110	-27%

Sundry debtor balances decreased by \$14,810 over the course of June from \$656,520 to \$641,710, of which total 90 day sundry debtors over \$1,000 for the month is \$131,695, representing 21% of total sundry debtors.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for June 2022.

Budget Amendments

Details of Budget Amendments requested for the month of June 2022 that reflect effective changes to budgets are shown in attachment [6002J June 2022](#). Budget amendments that are purely administrative and detail movements between budget responsible officers are not included in the attachment. This reporting is aligned with legislative requirements.

Variances greater than \$100,000 processed in June 2022 are highlighted in the attachment.

Amendments to Fees and Charges Schedule 2022-2023

An increase of 5.7% based on the Perth CPI for the year ended December 2021, is proposed to be applied to the Management Licence and Annual Administration fee. This increase is in line with Management Licence, Lease and Hire agreement conditions.

The fee is proposed to be increased from \$749.45 inclusive of GST to \$792.15 inclusive of GST and is recommended to take immediate effect in order to offset some of the losses made over the previous few years due to the fee remaining unchanged since 1st of July 2019.

The proposed change, if approved will be advertised by way of public notice to take effect from 1st of July 2022.

**C22/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2022
(AMREC) (ATTACHMENT)**

Granting of concession or writing off debts owed to the City

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

Sundry Debtors

Decision to waive \$1,500 for rent in the month of June 2022 due to air conditioning not working from January to March 2022.

Rate Debtors

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

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

**C22/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2022
(AMREC) (ATTACHMENT)**

STATUTORY AND LEGAL IMPLICATIONS

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

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

34. Financial activity statement report — s. 6.4

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

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

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

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

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

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

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

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

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

The variance adopted by the Council is 10% or \$100,000 whichever is greater.

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

**C22/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2022
(AMREC) (ATTACHMENT)**

FINANCIAL IMPLICATIONS

Variances

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 30 June 2022.

**C22/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2022
(AMREC) (ATTACHMENT)**

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

At 8:08pm Cr Fitzgerald moved, seconded Cr Barber –

That the Council:

- 1. Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 30 June 2022 as detailed in the following attachments:**

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

- 2. By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for June 2022 [6002J Budget Amendments June 2022](#).**
- 3. By Absolute Majority Decision adopts the amendment to the Management Licence and Annual Administration Fee to be applicable from 1 July 2022 following a public notice.**

At 8:08pm the Mayor declared the motion

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)

Community Development

CD22/8148 – CITY OF MELVILLE TENNIS STRATEGY (REC) (ATTACHMENT)

Item Brought Forward

See Page 21.

CD22/8149 – RFT212230 SUPPLY OF CONSULTANCY SERVICES FOR THE JOHN CONNELL RESERVE MASTER PLAN (AMREC) (CONFIDENTIAL ATTACHMENT)

Ward : Bull Creek - Leeming
 Category : Operational
 Subject Index : Tender
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter
 Previous Items : Item T21/3901 – John Connell Reserve Upgrade Proposals - Ordinary Meeting of Council held 16 February 2021
 Works Programme : Not Applicable
 Funding : Operational Budget
 Responsible Officer : Todd Cahoon
 Manager Healthy Melville

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	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>

KEY ISSUES / SUMMARY

To recommend the acceptance of a tender submitted for the supply of consultancy services for the John Connell Reserve Master Plan.

CD22/8149 - RFT212230 SUPPLY OF CONSULTANCY SERVICES FOR THE JOHN CONNELL RESERVE MASTER PLAN (AMREC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

At the 16 February 2021 Ordinary Meeting of Council (item T21/3901) it was resolved

“That the Council

4. Brings forward the preparation of the Master Plan for the entire 122-hectare John Connell Reserve for consideration in the 2021-2022 budget.”

A budget for the development of the John Connell Reserve Master Plan was included in the 2021-22 and 2022-23 annual budget process which Council subsequently approved.

The City’s Active Reserve Infrastructure Strategy (ARIS), which was noted by Council in June 2020 also contained a recommendation for the City to conduct a site Master Plan for John Connell Reserve. The Master Plan was to explore opportunities to increase the reserve space for sporting use and consider broader recreational / sporting user groups currently not catered for.

The City of Melville is therefore seeking a suitably qualified and experienced Contractor to provide professional consultancy services for the John Connell Reserve Master Plan.

The scope of works include:

- Development of a project vision and key objectives (including background research and engagement preparation).
- Identification of values and aspirations (environmental, social, economic, recreational) and conduct extensive community and stakeholder engagement processes
- Site and context analysis, including a thorough literature review of existing documentation and including those from previous studies
- Identify Key constraints and opportunities based on initial analysis
- Masterplan report containing the above plus preferred concepts/options and preliminary quantity surveyor cost estimates to implement the masterplan outcomes and recommendations.

The Key objectives of the Master Plan project include:

- Increasing and improving the usable public open space and active sporting areas, whilst preserving natural spaces for all to enjoy
- Improving access to and through the site, including parking considerations
- Protecting and enhancing reserve biodiversity
- Celebrating First Nations’ history and values
- Explore long-term remediation of the former landfill site

A project webpage has been developed and currently has initial background information about the project <https://www.melvillecity.com.au/johnconnellreserve>

CD22/8149 - RFT212230 SUPPLY OF CONSULTANCY SERVICES FOR THE JOHN CONNELL RESERVE MASTER PLAN (AMREC) (CONFIDENTIAL ATTACHMENT)

DETAIL

The City advertised a Request for Tender for the Supply of Consultancy Services for the John Connell Reserve Master Plan on 18 May 2022 with a total of five submissions received.

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

- Demonstrated Experience;
- Key Personnel;
- Methodology.

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

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

The Evaluation Report and associated confidential attachments were distributed to Elected Members under confidential cover on Friday, 22 July 2022.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No stakeholder engagement has been required or undertaken for this tender. However, key stakeholders have been kept informed about the status of the project.

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

CD22/8149 - RFT212230 SUPPLY OF CONSULTANCY SERVICES FOR THE JOHN CONNELL RESERVE MASTER PLAN (AMREC) (CONFIDENTIAL ATTACHMENT)

FINANCIAL IMPLICATIONS

This project was initially budgeted for in the 2021-22 and 2022-23 annual budgets. This project will require a budget amendment as outlined in the recommendation in the confidential attachments. The additional budget of \$55,000 to be allocated from the Public Open Space and Urban Forest Reserve

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

POLICY IMPLICATIONS

Council Policy CP-023 Procurement of Products or Services.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options for this tender have been identified

CONCLUSION

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

CD22/8149 - RFT212230 SUPPLY OF CONSULTANCY SERVICES FOR THE JOHN CONNELL RESERVE MASTER PLAN (AMREC) (CONFIDENTIAL ATTACHMENT)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8149)

ABSOLUTE MAJORITY

At 8:08pm Cr Spanbroek moved, seconded Cr Ross –

That the Council:

- 1. Accept the recommendation as contained in the Confidential Attachment – RF212233 Contract and Tender Advisory Unit Minutes, and**
- 2. On resolution of the recommendation, directs that the successful respondents' names be inserted below this point 2, be awarded the contract, and**

**Element Advisory Pty Ltd
ABN 36 097 273 222**

- 3. By absolute majority decision approve the additional budget of \$55,000 to be allocated from the Public Open Space and Urban Forest Reserve.**

At 8:09pm the Mayor declared the motion

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)

Environment and Infrastructure

**EI22/3996 - RFT212231 CONSTRUCTION SERVICES FOR THE CITY OF MELVILLE
OPERATION CENTRE AMENITIES UPGRADE (REC) (CONFIDENTIAL ATTACHMENT)**

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

To recommend the acceptance of a tender submitted for construction services for the City of Melville Operation Centre Amenities Upgrade

**EI22/3996 - RFT212231 CONSTRUCTION SERVICES FOR THE CITY OF MELVILLE
OPERATION CENTRE AMENITIES UPGRADE (REC) (CONFIDENTIAL ATTACHMENT)**

BACKGROUND

The City of Melville (Client) is seeking to engage a suitably qualified and experienced contractor(s) to provide toilet, changeroom and gymnasium refurbishment works at the City of Melville Operations Centre located on 13 Bramanti Road, Murdoch WA 6150.

The current Operations Centre building function and useability is poor and feedback from staff over a number of years has highlighted a range of difficulties, particularly in regards to the need better cater for greater utilisation by the growing female workforce. In addition, the Operations Centre building is at capacity and therefore internal works are proposed to provide greater efficiency of space, amenities for female staff and improved utilisation by all staff.

The general scope under this contract includes:

- A purpose build facility based upon the detailed design provided by the City of Melville.
- Carry out demolition and construction works to the Male/Female Changerooms, UAT & Gymnasium as per the design, specifications and applicable Australian Standards.
- General services and path connections.

DETAIL

The City worked closely with Operations Centre staff to identify the issues and to develop design solutions to the issue raised regarding the current utilisation of the building and improvements to meet staff needs.

The City advertised the Request for Quotation (RFQ) for the Operations Centre construction services upgrade works on 30 March 2022 and a total of five quotes were received. The quotes were assessed by an Evaluation Panel through a structured evaluation process. Qualitative scores were then achieved by joint agreement of the Evaluation Panel members at the evaluation meeting after each panel member had scored the submission individually.

The City set five qualitative criteria for this Request, being:

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

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

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

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

**EI22/3996 - RFT212231 CONSTRUCTION SERVICES FOR THE CITY OF MELVILLE
OPERATION CENTRE AMENITIES UPGRADE (REC) (CONFIDENTIAL ATTACHMENT)**

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

FINANCIAL IMPLICATIONS

As detailed in confidential attachments.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

POLICY IMPLICATIONS

CP-023 Procurement of Products or Services.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options have been identified.

**E122/3996 – RFT212231 CONSTRUCTION SERVICES FOR THE CITY OF MELVILLE
OPERATION CENTRE AMENITIES UPGRADE (REC) (CONFIDENTIAL ATTACHMENT)**

CONCLUSION

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3996)

APPROVAL

At 8:09pm Cr Ross moved, seconded Cr Fitzgerald –

That the Council:

- 1. Accept the recommendation as contained in the Confidential Attachment –RFT212231 Contract and Tender Advisory Unit Minutes, and**
- 2. Upon resolution of the recommendation, directs that the successful respondents' names be inserted below this point 2, be awarded the contract;**

**Hoskins Investments Pty Ltd
ATF M R Hoskins Family Trust T/A AE Hoskins
ABN: 14 941 679 801**

At 8:09pm the Mayor declared the Motion

CARRIED UNANIMOUSLY (11/0)

**EI22/3997 - RFT212223 CHANGE ROOM UPGRADE – JOHN CONNELL RESERVE, LEEMING
(REC) (CONFIDENTIAL ATTACHMENT)**

Ward : Bull Creek - Leeming
 Category : Operational
 Subject Index : Tender
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Funding : Not Applicable
 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>

KEY ISSUES / SUMMARY

To recommend the acceptance of a tender submitted for the Change Room Upgrade at John Connell Reserve, Leeming

**EI22/3997 - RFT212223 CHANGE ROOM UPGRADE – JOHN CONNELL RESERVE, LEEMING
(REC) (CONFIDENTIAL ATTACHMENT)**

BACKGROUND

The City of Melville (“City”), is seeking a suitably qualified and experienced Contractor to undertake the alterations and refurbishment of the existing change room building at John Connell Reserve, Leeming, as specified detailed in the Technical Drawings and Specifications.

DETAIL

The City advertised the Request for Tender (RFT) for the Change Room Upgrade at John Connell Reserve, Leeming on 18 May 2022 and a total of eight tenders were received. The tenders were assessed by an Evaluation Panel through a structured evaluation process.

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

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

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

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

Local Government (Functions and General) Regulations 1996 Section 3.57 11 (1) "A Local Government is required to invite tenders before it enters into a contract for another person to supply goods or services".

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

**EI22/3997 - RFT212223 CHANGE ROOM UPGRADE – JOHN CONNELL RESERVE, LEEMING
(REC) (CONFIDENTIAL ATTACHMENT)**

FINANCIAL IMPLICATIONS

As detailed in confidential attachments

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

POLICY IMPLICATIONS

CP-023 Procurement of Products or Services.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options have been identified.

CONCLUSION

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3997)

APPROVAL

At 8:09pm Cr Spanbroek moved, seconded Cr Ross –

That the Council:

- 1. Accept the recommendation as contained in the Confidential Attachment –RFT212223 Contract and Tender Advisory Unit Minutes, and**
- 2. Upon resolution of the recommendation, directs that the successful respondents' names be inserted below this point 2, awarded;**

**Hoskins Investments Pty Ltd ATF M R Hoskins Family Trust
T/A AE Hoskins Building Services
ABN: 14 941 679 801**

At 8:09pm the Mayor declared the Motion

CARRIED UNANIMOUSLY (11/0)

**EI22/3999 - RFT212238 DISPOSAL OF BULK VERGE AND COMMERCIAL GENERAL WASTE
(REC) (CONFIDENTIAL ATTACHMENT)**

Ward : All
 Category : Operational
 Subject Index : Tender
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Various operational budgets
 Responsible Officer : Paul Molony
 Manager Resource Recovery and Waste

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	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>

KEY ISSUES / SUMMARY

To recommend the acceptance of a tender submitted for the Disposal of Bulk Verge and Commercial General Waste.

**EI22/3999 – RFT212238 DISPOSAL OF BULK VERGE AND COMMERCIAL GENERAL WASTE
(REC) (CONFIDENTIAL ATTACHMENT)**

BACKGROUND

The City is seeking a suitably qualified and experienced Contractor for the disposal and recycling of the material collected by the City's verge waste fleet during the 2022 and 2023 Bulk and Whitegoods Verge Waste Collection and the disposal of the commercial general waste.

Historically, the City's bulk verge waste and commercial waste has been taken to SUEZ Recycling Recovery at 65 Howson Way, Bibra Lake WA 6163 where the 2,500 tonnes of bulk verge waste is pre-sorted prior to landfilling and 2,000 tonnes of commercial waste collected is landfilled.

To procure these services, the City prepared a Request for Tender (RFT) as a collective RFT with two (2) separable portions, as follows:

- Disposal of Bulk Verge Waste
- Disposal of Commercial General Waste

The preference is to award the services to a single Contractor that offers best value for money. However, recognising that some suppliers may offer preferable solutions for recovery of materials or drop off locations, separable portions were included as part of the scope of work

The Contract period is for a term of one year.

DETAIL

The City advertised the Request for Tender (RFT) for the Disposal of Bulk Verge and Commercial General Waste on 15 June 2022 and a total of one quote was received. The quote was assessed by an Evaluation panel through a structured evaluation process.

Qualitative scores were achieved by joint agreement of the evaluation panel members at the evaluation meeting after each panel member had scored the submission individually.

The City set five qualitative criteria for this Request, being Demonstrated Experience, Capacity to Deliver, Environmental Sustainability, Local Buy and Methodology.

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

No other agencies/consultants have been required or undertaken for this tender.

**EI22/3999 – RFT212238 DISPOSAL OF BULK VERGE AND COMMERCIAL GENERAL WASTE
(REC) (CONFIDENTIAL ATTACHMENT)**

STATUTORY AND LEGAL IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

Pre-Tender Estimate	\$775,000.00
If the budget is exceeded by appointing the proposed contractor a budget amendment proposal must be included in the recommendation	Not applicable, within budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

There are no residual risk implications following the invitation and evaluation process conducted for this item. Actions taken to address identified risks are listed in a confidential attachment included in the Contract and Tender Advisory Unit Meeting Minutes of 21 July 2022.

The provision of these goods has a positive environmental implication since it results in less waste going to landfill.

The City is currently reviewing its verge waste collection and disposal arrangements, which is the reason why the contract was only offered as a one year term.

POLICY IMPLICATIONS

CP-023 Procurement of Products or Services.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options have been identified.

**EI22/3999 – RFT212238 DISPOSAL OF BULK VERGE AND COMMERCIAL GENERAL WASTE
(REC) (CONFIDENTIAL ATTACHMENT)**

CONCLUSION

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

The recommended supplier is the only submission, but they satisfy the City's qualitative requirements and offer a competitive price based on past prices offered and another verbal quote received, therefore they offer the best value for money.

The confidential attachments are included in the Contract and Tender Advisory Unit Meeting Minutes of 21 July 2022 available on the Elected Members Portal.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3999)

APPROVAL

At 8:10pm Cr Ross moved, seconded Cr Edinger -

That the Council:

- 1. Accept the recommendation as contained in the Confidential Attachment –RFT212238 Contract and Tender Advisory Unit Minutes, and**
- 2. Upon resolution of the recommendation, directs that the successful respondents' names be inserted below this point 2, awarded;**

**Veolia Recycling & Recovery Pty Ltd
T/A Veolia Recycling & Recovery**

At 8:10pm the Mayor declared the Motion

CARRIED UNANIMOUSLY (11/0)

Urban Planning

UP22/3988 – PROPOSED TWO STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 90 (NO.23) CARRON ROAD, APPECROSS (REC) (ATTACHMENT)

Item Brought Forward

See Page 31.

UP22/3994 – THREE STOREY SINGLE HOUSE WITH ROOF TERRACE AT LOT 70 (NO. 4) FRASER ROAD, APPECROSS WA 6153 (REC) (ATTACHMENT)

Item Brought Forward

See Page 43.

Late Items

UP22/4000 – PROPOSED 13 AGED AND DEPENDENT PERSONS DWELLINGS NO. 11 (LOT NO. 98) CHETWYND WAY, BOORAGOON WA 6154 (REC) (ATTACHMENT)

Item Brought Forward

See Page 15.

UP22/4001 – CALL UP OF RAR FOR PROPOSED CHILD CARE CENTRE PREMISES – NO. 38 – 40 (LOTS 1 - 4) POINT WALTER ROAD, BICTON (REC) (ATTACHMENT)

Ward : Bicton - Attadale - Alfred Cove
 Category : Operational
 Application Number : DAP-2022-6
 Property : No. 38 - 40 (Lots 1 - 4) Point Walter Road, Bicton
 Proposal : Proposed Child Care Centre Premises
 Applicant : Mr Tony Watson, M W Urban
 Owner : Spearwood Land Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

UP22/4001 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 38 – 40 (LOTS 1 - 4) POINT WALTER ROAD, BICTON (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- This RAR was called up to Council for information in accordance with Local Planning Policy 1.1.
- Approval is sought for a childcare centre premises at No. 38 - 40 (Lots 1 - 4) Point Walter Road, Bicton. The cost of the development is \$2.25 million, and the applicant has opted-in for the application to be determined by the Metro Inner South Joint Development Assessment Panel.
- The application is for the demolition of the existing development on site and the construction of a single storey Child Care Centre Premises.
- The proposed building is designed to accommodate 81 children and 15 staff members. The design proposes 515m² floor area and 585m² of outdoor play area. The premise is inclusive of amenities associated with childcare, such as a reception area, staff rooms and a kitchen, with five (5) child care rooms and two (2) outdoor play areas located to the front and rear of the building;
- Proposed vehicular access and egress is via one (1) crossover connecting with Point Walter Road.
- Car parking provisions area, 17 car bays including one ACROD car bay. Of these 9 are dedicated pick up drop off bays and 7 are marked staff bays. In addition to the car parking bays, the childcare premise provides, one (1) motorcycle bay and two (2) bicycle bays.
- Operating hours proposed are from 6.30am to 6.30pm Monday to Friday.
- 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 several 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 19 July 2022.
- The proposal was the subject of public consultation in accordance with LPP 1.1: Planning Process and Decision Making.
- During the advertising period a total of 34 submissions were received – 32 objecting to the proposal and 2 which neither object nor support the proposal.
- 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.

UP22/4001 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 38 – 40 (LOTS 1 - 4) POINT WALTER ROAD, BICTON (REC) (ATTACHMENT)



Figure 1: Aerial Image of the subject site

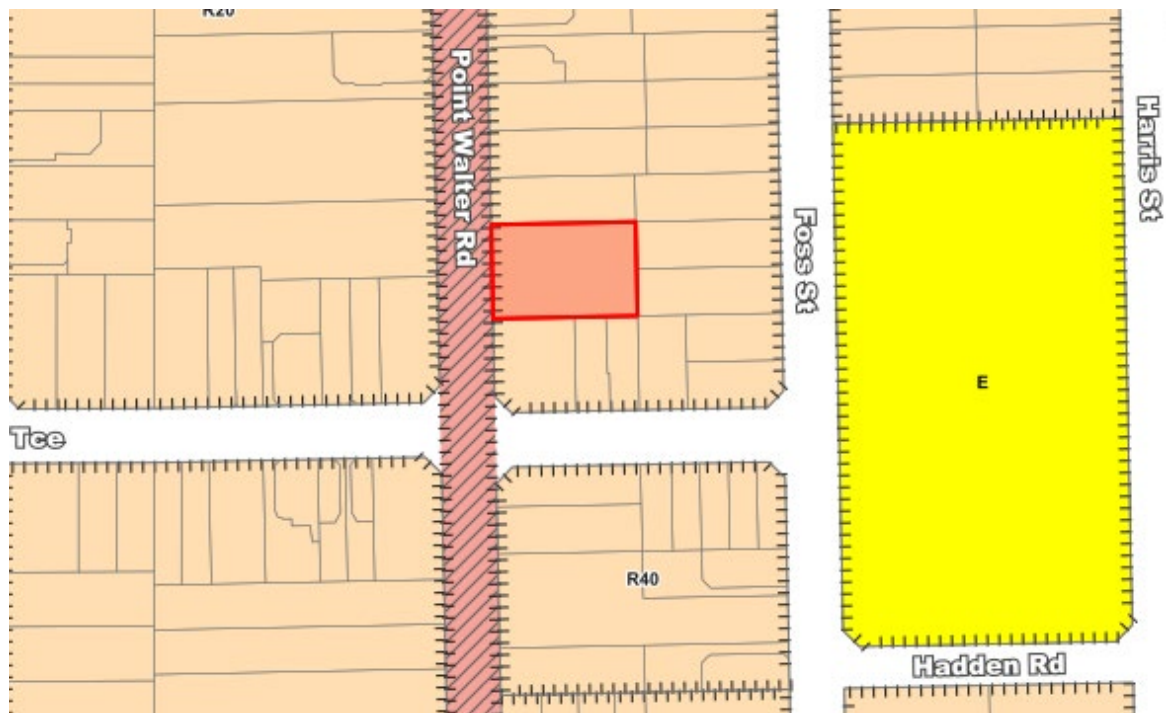


Figure 2: Zoning Map of the subject site.

UP22/4001 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 38 – 40 (LOTS 1 - 4) POINT WALTER ROAD, BICTON (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

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

Site Details

Lot Area	:	1853m ²
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc)	:	Footpath on western side of road
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.

[4001 RAR 38 Point Walter Road Bicton](#)

[4001 1 Town Planning Report](#)

[4001 2 Supporting Submission](#)

[4001 3 Development Plans](#)

[4001 4 Landscape Plan](#)

[4001 5 Traffic Impact Statement](#)

[4001 6 Traffic Statement Addendum](#)

[4001 7 Acoustic Report](#)

[4001 8 Waste Management Plan](#)

STAKEHOLDER ENGAGEMENT

Refer to the RAR attached to this report.

UP22/4001 – PROPOSED CHILD CARE CENTRE PREMISES – NO. 38 – 40 (LOTS 1 - 4) POINT WALTER ROAD, BICTON (REC) (ATTACHMENT)

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 2011* the City has prepared a responsible authority report which outlines the relevant issues to assist the JDAP in making its determination.

FINANCIAL IMPLICATIONS

Not 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 Mayor of the JDAP.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (4001)

APPROVAL

At 8:11pm Cr Fitzgerald moved, seconded Cr Edinger –

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 the application for the proposed Child Care Centre Premises at No. 38 – 40 (Lot 1- 4) Point Walter Road, Bicton.

At 8:15pm the Mayor declared the Motion

CARRIED UNANIMOUSLY (11/0)

15 MOTIONS WITH PREVIOUS NOTICE

15.1 Investment of Funds

Motion

COUNCIL RESOLUTION

At 8:16pm Cr Fitzgerald moved, seconded Cr Edinger –

That the Council directs the CEO to undertake a review of Council Policy CP-009 Investment of Funds, including a workshop presentation to councillors at a convenient time.

At 8:21pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

Reasons for the Motion with Notice as Provided by Cr Fitzgerald

Recently officers have had to request some deviations from CP-009, which sets out quite restrictive requirements for investment of council funds. In light of this, and changing investment conditions more generally, officers have advised that CP-009 should be reviewed, with a view to examining whether its provisions are still fit for purpose.

15.2 Applecross Tennis Club

This Item was withdrawn.

See Page 30.

15.3 Review of 14 Beach Street Boundary Foundation and Retaining By An Independent Registered Building Surveyor

Item Brought Forward.

See Page 58.

16 MOTIONS WITHOUT PREVIOUS NOTICE (approval by absolute majority)

Nil.

17 MATTERS FOR WHICH MEETING WAS CLOSED TO THE PUBLIC

Nil.

18 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

Nil.

19 CLOSURE

There being no further business to discuss, the Mayor confirmed that Cr Pazolli was still in attendance electronically and closed the meeting at 8:21pm.