

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

6.30PM TUESDAY, 21 JULY 2020
and
6.30PM WEDNESDAY, 22 JULY 2020

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

Due to the State of Emergency declared in Western Australia, effective 16 March 2020 and the subsequent government directives with regard to public gatherings and physical distancing only a limited number of the public were able to physically attend this meeting.

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

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

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DISTRIBUTED: 24 July 2020

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1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and officially declared the meeting open at 6:37pm and invited Cr Margaret Sandford to read the Acknowledgment of Country:

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

The Presiding Member requested Mr L Hitchcock, Executive Manager Governance and Legal Services read aloud the Disclaimer and then Mayor, Honourable George Gear, advised that the meeting was being recorded for minute taking purposes and read aloud the following Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

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

Mayor Honourable George Gear advised that Cr N Robins, Cr G Barber and Cr M Woodall, were in attendance electronically with his approval.

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

Cr N Pazolli (Deputy Mayor)
Cr S Kepert
Cr D Macphail
Cr N Robins
Cr C Robartson,
Cr M Woodall
Cr G Barber (*until 9:50pm*)
Cr J Barton
Cr K Mair, Cr M Sandford
Cr T Fitzgerald, Cr K Wheatland

WARD

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

3. IN ATTENDANCE

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

Officers in attendance

Ms K Brosztl (<i>until 9:35pm</i>)	Manager Engineering (electronic attendance)
Mr P Handcock (<i>until 9:34pm</i>)	Asset Management Coordinator
Ms P Venter (<i>until 8:18pm</i>)	Strategic Urban Planner

At the commencement of the meeting, there were 13 members of the public in the Council Chambers and 10 members of the public and one representative from the Press in attendance electronically.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Nil.

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

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

Cr Wheatland advised that a significant amount of information relating to the Late Item, Motions with Notice and the officer Advice Notes was received late today.

Cr Barber advised that she has been out of WIFI range and has been unable to read all the information circulated today.

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

Nil.

6. QUESTION TIME

6.1 Questions Received with Notice

6.1.1 City of Melville Residents and Ratepayers Association (Inc)

Further to our 27 June 2020 email to Council about the unlawful vertical screening structure that has been the source of much trouble for an adjoining property neighbour since October 2017, when it was installed on a strata title common property by one of the strata owners; who is also a City employee. Our email was a follow-up to our earlier 23 May email to Cr Nicole Robins, 21 May email to Council and our 21 May Facebook post. We now understand that the City of Melville (CoM) has committed to a) having the unlawful structure removed and b) apologise to the adversely affected adjoining neighbour for the trouble CoM has caused. Please clarify:

Question 1

- 1.1. *Did CoM ascertain whether the other strata owner had consented to the erection of the structure on their side of common strata property and behind their letterbox and whether the owner of the adjoining green title property was consulted about the structure?*

Response

The City does not know what the arrangement between the two strata owners is in relation to the screen structure.

The City recently instructed both owners of the subject property to remove the screen structure without delay.

Question 2

- 1.2. *Why did CoM building surveyors and compliance officers deem this structure satisfactory before the matter was escalated to the full Council for investigation earlier this year?*

Response

The matter has not been the subject of a report to the Council.

There have not been plans submitted, nor at any stage were there any plans of the proposed structure, therefore there has been no formal assessment of a proposed screen structure. The matter has only been the subject of an enquiry to the Building team and any response given was based on a longstanding interpretation that building approval need not be obtained for such screening structures up to 2.4m in height.

Question 3

- 1.3. *Why did CoM not take appropriate compliance action when the issues were first raised in 2017?*

6. *Public Question Time - City of Melville Residents and Ratepayers Association (Inc) cont'd*

Response

This matter was the subject of an enquiry to the Building team however, no plans were submitted and there was no formal assessment of a proposed screen structure.

The City only became aware that there may have been an ongoing problem with the screen structure in October 2019 as a result of incoming correspondence which mainly raised other issues, and then again subsequently, when the matter was raised again in May 2020.

Question 4

- 1.4. *Why did CoM advise the adversely affected adjoining green title owner in its email dated 30 October 2017 that Mr Russell (Manager Building Services) stated the screen did not require a building permit and that complaints about the screen should be directed to the Magistrates Court under the Dividing Fences Act?*

Response

The City's email communication of October 2017 was based on the description of the structure to be erected provided to Officers and a longstanding interpretation, in common with some other local governments, that building approval need not be obtained for a screen structure up to 2.4m in height.

Question 5

- 1.5. *What changes will Council and the CEO make to ensure such protracted nonfeasance never happens again?*

Response

The City will consider whether amendment to the City's current fence local law or preparation of a new local law would be advisable.

Question 6

- 1.6. *What controls and reporting mechanisms will Council put in place to assure Council that the CoM's building compliance function is performing its function properly and proficiently?*

Response

Refer to response to Question 5 above.

6. *Public Question Time - City of Melville Residents and Ratepayers Association (Inc) cont'd*

Question 7

1.7. *When will Council direct the CEO to appoint a qualified lawyer to provide real time legal advice to Council and assist officers with their normal day to day duties?*

Response

The City has access to timely and adequate legal advice, which it seeks from a panel of legal advisors, as and when required.

Question 8

1.8. *How will CoM make amends for the pain and suffering it has caused the adversely affected adjoining neighbour?*

Response

The City has apologised to the ratepayer referred to for any inconvenience that may have been experienced.

Question 9

1.9. *How is Council assured that the CEO and his administration acted objectively and impartially when dealing with the adversely affected adjoining neighbour, particularly given the owner of the structure was a CoM employee?*

Response

Council has been informed of all the actions taken by the administration in relation to the matters relating to the ratepayer

2. We refer to the 29 June 2020 FLASHPOINT episode about cutting red tape and the adverse comments about the City of Melville's (CoM) handling of approvals for a patio.

Question 10

2.1. *The publicly available SAT transcript [2016] WASAT 4 stated at "It is implicit in the respondent's [ie the CoM's October 2015] submissions that it takes the view that building permits No BA-2011-2477 [ie 2012 permit] and No BA-2011-2477/A do not authorise the construction of the patio structure.". Is the CoM's SAT submission statement true; yes or no?*

6. *Public Question Time - City of Melville Residents and Ratepayers Association (Inc) cont'd*

Response

The question does not allow any substantive response to the relief sought in the mentioned case, nor the outcome of the matter by way of the Tribunal's decision, nor the statements made by the Tribunal relating to the 'non-prejudice' of the applicant, despite any claims made by either party to the matter.

From a perusal of the City's records it appears that the ratepayer would have been able to finalise the building of his patio as early as 2014. The patio was not built and the building permit lapsed. This resulted in an application by the ratepayer for an extension of the building permit in 2016. In order to process the application, further information was requested as early as September 2016 from the ratepayer, in order to enable the City to process an application from him to extend the building permit that had expired. The ratepayer chose rather to appeal to SAT (CC 9 [2017] WASAT).

On this occasion, as in the previous SAT appeal by the Ratepayer in 2016, ([2016] WASAT 4), the Tribunal refused the appeal by the Ratepayer and encouraged him to provide information to enable the City to process his patio application.

The Ratepayer eventually lodged a planning application in 2020, which included specific details of the patio to be built. Unfortunately the Planning Application was refused, for issues unrelated directly to the patio, after discussions and correspondence with him to bring the application into compliance. To date, no amended application, or appeal has been lodged by the Ratepayer in respect of the refusal.

Question 11

2.2. *We understand from the CC9 of 2017 30 June 2017 transcript that SAT found in "the tribunal finds on the basis of being assisted by the expert assistance, in particular Mr da Costa [ie a Building Commission expert witness called by the resident], who was clearly independent of this dispute, that the 2012 permit did include approval for a patio structure." Why is 2017 SAT finding different to SAT's 2016 finding?*

Response

This is correctly a question for SAT. The two matters were different in review, substance and finding without being contradictory. The extensive public records of the two matters are self-explanatory in these regards.

Question 12

2.3. *We also understand from CC9 of 2017 that SAT found that despite "in cross-examination, Mr Russell [the CoM's Manager Building Services] conceded that it was his view that the 2014 permit [ie amendment BA-2011-2477/A] also allowed the applicant to complete any outstanding building work that remained from the 2012 permit [ie BA-2011-2477 and the patio]." SAT found that the 2014 permit extension was not valid for the patio. Why did the City's Mr Russell fail to properly execute the 2014 permit extension to include work outstanding from the 2012 permit as Mr Russell and the resident had intended?*

6. *Public Question Time - City of Melville Residents and Ratepayers Association (Inc) cont'd*

Response

The 2014 permit referred to was in fact properly executed in terms of the documents lodged by the applicant in that matter.

In order to understand the SAT case and its outcome, which was a refusal of the application for review, the 10 page Reasons for decision by the Tribunal needs to be read in its totality.

Question 13

2.4. *Have any complaints been received by Council in relation to the CoM's refusal of the resident's latest planning application for the patio, if so how will those complaints be managed?*

Response

The resident's application was for a structure that included the patio and an 18 metre long and over height boundary wall. The objection received after the required consultation was taken into consideration in the officer assessment, as is the required practice. The refusal of the application was related to matters relating to the wall and not the patio.

The applicant has not applied for a review of the decision to SAT, which is the appropriate body to review the City's decision. Alternatively the resident can lodge a revised application to address the matters for which it was refused.

6.1.2 City of Melville Residents and Ratepayers Association (Inc) Part 2

Question 1

1.1 *How and when Council oversees and monitors the CEO's execution of CP-017?*

Response

The reporting requirement by the CEO is clearly set out in the Policy

Question 2

1.2 *Since 1 January 2017, when has the CEO provided reports to Council, and what was the nature of the actions covered by those reports?*

Response

The policy has not been required to be actioned in previous years.

6. *Public Question Time - City of Melville Residents and Ratepayers Association (Inc) Pt 2 cont'd*

Question 3

- 1.3 *Since 1 January 2017 how much has the City spent per year, or forecast spending in the foreseeable future, on legal representation costs for Elected Members or Employees (**Beneficiaries**), be-it a) re-imbusement to Beneficiaries per CP-017 or b) advice and/or support provided directly by the City's Legal Advisers at the City's costs (collectively **Expenditure**)?*

Response

There is a separate confidential item before Council on 21 July 2020, as well as a second Late Item, that will deal with a current request for access to legal services for a senior officer and in respect of elected members respectively. There are no other instances where the policy has been activated.

Question 4

- 1.4 *How many incidences have there been where financial assistance has been revoked by a) Council and b) the CEO and/or funds recovered from the Beneficiaries. What was the value of the recoveries?*

Response

There have been no instance where a) and b) above apply as there are no previous instances where the policy has been activated.

Question 5

- 1.5 *What were the nature of the matters covered by the Expenditure, eg defending disciplinary or other complaints, potential professional indemnity claims, pursuing restraining orders and/or defamation matters and the like?*

Response

Please refer to the answer to question 3 above. As there has been no access to the policy, other than in terms of the current reports before Council, there has been no expenditure in terms of the Policy.

Question 6

- 1.6 *How much of the Expenditure related to a) Elected Members and b) Employees?*

Response

See response to 3 and 4 above.

*6. Public Question Time - City of Melville Residents and Ratepayers Association (Inc) Pt 2
cont'd*

Question 7

1.7 How many a) Elected Members, and b) Employees have, or anticipated to, benefit from CP-017 reimbursements or other legal advice provide by the City?

Response

- a) To date no Elected Members have been provided with legal services in accordance with the Policy and it is unknown at this stage what future access will be implemented;
- b) To date one employee has been provided with access to legal services in accordance with the Policy and it is unknown at this stage what future benefit, if any will be implemented;

Question 8

1.8 Which of the City's legal advisers have been involved in providing legal advice to Elected Members or Employees, be it formal, informal, reimbursable or not?

Response

McLeods and Jackson McDonald.

Question 9

1.9 How much of the Expenditure related to former mayor Russell Aubrey and former Councillor Patricia Phelan?

Response

Nil – No expenditure in relation to providing access to legal services has been afforded to former mayor Russell Aubrey or former Cr Patricia Phelan.

Question 10

1.10 How much of the Expenditure related to a) matters bought on by the Beneficiaries and b) defending matters brought against the Beneficiaries?

Response

Refer to response in Question 3.

*6. Public Question Time - City of Melville Residents and Ratepayers Association (Inc) Pt 2
cont'd*

Question 11

- 1.11 When will Council reconsider the delegated authorities given to the CEO to approve the type of expenditure as mentioned above?*

Response

Delegations are considered by Council annually. Exercising the provisions of CP-017 is not a delegation to the CEO. Providing access to legal services and/or legal representation is authorized by the CEO as prescribed by the Policy.

2. We refer to item M20/5756: Governance Committee Motion – Re-imburement of Expense Request – Cr Kepert. Please confirm:

Question 12

- 2.1 Why does the motion title and summary suggest that the motions is to approve the reimbursement of \$530 to Cr Kepert, when in fact the motion is for Council to approve the Governance Committee's recommendation for the CEO to provide a further report of the matter back to the Governance Committee so they can reconsider the item?*

Response

The Report title and the officer recommendation correctly reflect the recommendation approved at the Governance Committee Meeting.

Question 13

- 2.2 Why do Councillors have to submit FOI applications to access Council information for the purposes of performing their roles? Wouldn't a simple request to the CEO be more efficient, effective and transparent? What is special about the information Cr Kepert is seeking to access?*

Response

Council members do not have to submit FOI applications to access Council information for the purposes of performing their roles (s 5.92 of the Local Government Act 1995).

The Freedom of Information application submitted by Cr Kepert that he has requested reimbursement of the \$30.00 application fee for, was for an application lodged with an external agency, not the City.

6. *Public Question Time - City of Melville Residents and Ratepayers Association (Inc) Pt 2 cont'd*

Question 14

- 2.3 *On 9 July 2019 former Governance Officer & Compliance Officer Mr Jeff Clark advised Cr Kepert that the Allowances Policy section 2.5 states "It is not expected that Elected Members will incur any other expenses in the performance of their duties. Should an Elected Member incur an expense they believe they are entitled to have reimbursed, the matter shall be presented to the Governance Committee for determination". Why has this matter then come to Council for a further decision given Mr Clark has already determined that the Allowances Policy gives the Governance Committee authority to approve Cr Kepert's request?*

Response

The advice given by the former Governance and Compliance Officer was his assessment of the claim against Council Policy. He correctly advised Cr Kepert of the action required by him should he disagree with that advice and wish to further pursue the request for reimbursement of the specific expenses. No response was received from Cr Kepert to the advice to provide further support for the claim in writing, and for the claim to be progressed to the Governance Committee. The matter was subsequently raised by Cr Kepert at the Governance Committee Meeting of 24 June 2020.

6.2 Questions Received without Notice

6.2.1 Mr R Eaves, Bicton

Question 1

1. *I refer to item T20/3859 – Beach St footpath and crossover review results.*
- 1.1. *Of the 35 crossovers inspected and assessed, how many complied with the:*
- 2011 cross over standard*
 - 2014 (Feb) amendment to the 2011 cross over standard, and the*
 - 2018 (July) cross over standard.*

Response

This is not relevant to the report and recommendation in the Council item as 33 of the crossovers were not approved. To assess this would mean reviewing all 35 crossovers for no benefit to the project.

Question 2

- 1.2. *Of the 35 crossovers identified how many of those had been constructed with the City's knowledge, ie "approved" formally or informally?*

Response

One was approved and constructed. One was approved and is yet to be constructed.

6. *Public Question Time – Mr Eaves Continued*

Question 3

- 1.3. *How many of the 22 people that 'agreed' with the City's proposals were told that their crossovers were either not standard and/or unapproved.*

Response

All 22 people were informed of this situation.

Question 4

- 1.4. *How many of the crossovers that the City has categorised as unapproved or non-standard were constructed less than a) 10 years ago, and b) 5 years ago, and c) 2 years ago?*

Response

The City does not have this information as they were constructed without approval.

Question 5

- 1.5. *Why was Council not informed of the number of "non-compliant and/or non approved crossovers when this matter was first brought to Council; why has this taken so long?*

Response

This information was not relevant to the report and recommendation in the Council item and the construction of the path. Path construction is not dependent on the compliance or approval of existing crossovers. When a path is constructed along a street verge, crossovers are adjusted as needed to ensure the path meets relevant standards and guidelines.

Question 6

- 1.6. *Is it Council policy to enforce the retrospective application of standards?*

Response

The City does not enforce the retrospective application of standards, however when renewal or new construction works are required, infrastructure is upgraded to the latest standards/guidelines.

Question 7

- 1.7. *How is it that the City has only just realised that there were 29 'unapproved' crossovers in such a small section of a single Street?*

6. *Public Question Time – Mr Eaves Continued*

Response

This status of the crossover, and whether the crossover was approved or not, is not relevant to the report and recommendation in the Council item for the construction of the path. The City is reliant on residents following the correct processes and seeking crossover approval when installing a new crossover as advised in building permits.

Question 8

- 1.8. *What will Council do to ensure the Administration will vastly improve its oversight and management of crossovers?*

Response

In the last few years the City has improved its process and resources including upgrading the website, site assessments by City officers and additional guidance to residents.

Question 9

- 1.9. *If Mr McCarthy is so concerned about Footpath safety, why is the existing very high traffic Blackwall Reach Pde footpath remain in a damaged and unsafe state, with only plans to repair/replace it over the next 2 years?*

Response

This is not relevant to the report and recommendation in the Council item or the construction of a path along Beach Street. Path projects are chosen according to condition, network connections and safety factors (such as traffic volumes). The path on Blackwall Reach Parade is not considered unsafe and does not pose a risk to users. The City is currently upgrading the Blackwall Reach Parade path over the next two years through a staged approach that considers other infrastructure upgrades that impact on path construction. The section photographed has been delayed while drainage upgrade works (to help improve the quality of water discharging into the river) are approved for completion by the Department of Biodiversity Conservation and Attractions (DBCA).

Question 10

- 1.10. *The revised budget of \$150,000 is significantly higher than the estimates approved in the previous annual plans provided to Council. What is the breakdown of the substantial cost blow out.*

Response

This project contains a large provisional sum to cover the cost arising from the additional work associated with the petitions, Council resolutions and rate payer feedback.

6. *Public Question Time – Mr Eaves Continued*

Question 11

1.11. *What portion of the cost is involved in replacing the kerb along the section of Beach St between Harris St and Point Walter Road that was only just re-surfaced last year. What are the costs of other re-work for this section of Beach St?*

Response

The estimated cost of replacing the kerb is \$8,000. Any other rework would be subject to the outcome of Council's decision regarding the recommended solution and any alternate options for the crossovers under consideration.

Mr Eaves also included a number of photographs with his questions, including text included below outlining various path issues. The City has provided responses to the issues raised below.

Photo 1: *Kitchener Road and Cormack Road Alfred Cove photo - On the corner of Kitchener Road and Cormack Road Alfred Cove. An example of where the city has resurfaced the road installed new kerbing and road crossovers and a new section of the footpath leaving a trip hazard to the adjacent section. Tactile ground surface indicators have been installed.*

Response

This is not relevant to the report and recommendation in the Council item or the construction of a path along Beach Street. Tactile ground surface indicators are not a trip hazard and are installed to improve safety and accessibility. The existing path on Kitchener Road was not part of the project. The existing path in this location will be inspected to assess if a trip hazard exists and undertake repairs if needed.

Photo 2: *151 Apsley Road Willetton Building Inspection Report*

Response

This has no relevance to the Beach Street Path and relates to a property in the City of Canning.

Photo 3: *29 & 29A Norma Road Alfred Cove. An example of where the city had repaired a footpath in the last 12 months keeping the existing crossovers*

Response

The section of path outside 29 & 29A Norma Road in Alfred Cove was reinstated in 2016 by the developers of the property. It was replaced to meet the specifications of the City at that time, which would not have included cutting through the crossover. If the City performs maintenance on sections of path, it is restored to its previous functionality unless there is an obvious safety issue. When the City is renewing or constructing a path, it will be built to the latest specification and crossovers upgraded if needed.

6. Public Question Time

6.2.2 Ms J Edinger, Melville

Question 1

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

Response

This question will be taken on notice.

Question 2

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

Response

This question will be taken on notice.

6.3 Questions Taken on Notice at Previous Meeting

Nil.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL – 16 JUNE 2020**
Minutes 16 June 2020**COUNCIL RESOLUTION**

At 7:10pm Cr Kepert moved, seconded Cr Pazolli –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 16 June 2020, be confirmed as a true and accurate record.

At 7:10pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 7 JULY 2020
Notes 7 July 2020**COUNCIL RESOLUTION**

At 7:10pm Cr Wheatland moved, seconded Cr Mair –

That the Notes of Agenda Briefing Forum held on Tuesday, 7 July 2020, be received.

At 7:10pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

8.3 SPECIAL MEETING OF THE COUNCIL – 18 JUNE 2020
Minutes 18 June 2020**COUNCIL RESOLUTION**

At 7:10pm Cr Barton moved, seconded Cr Mair –

That the Minutes of the Special Meeting of the Council held on Thursday, 18 June 2020, be confirmed as a true and accurate record.

At 7:11pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

8.4 GOVERNANCE COMMITTEE – 24 JUNE 2020**COUNCIL RESOLUTION**

At 7:11pm Cr Pazolli moved, seconded Cr Macphail –

That the Minutes of the Governance Committee Meeting held on Wednesday, 24 June 2020 be noted.

At 7:11pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

NB:

Minutes to be confirmed at next Governance Committee Meeting

8.5 SPECIAL MEETING OF THE COUNCIL – 29 JUNE 2020
[Minutes 29 June 2020](#)**COUNCIL RESOLUTION**

At 7:12pm Cr Barton moved, seconded Cr Robartson –

That the Minutes of the Special Meeting of the Council held on Monday, 29 June 2020, be confirmed as a true and accurate record.

At 7:12pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

8.6 SPECIAL MEETING OF THE COUNCIL – 14 JULY 2020
[Minutes 14 July 2020](#)**COUNCIL RESOLUTION**

At 7:12pm Cr Kepert moved, seconded Cr Barton–

That the Minutes of the Special Meeting of the Council held on Tuesday 14 July 2020, be confirmed as a true and accurate record.

At 7:12pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

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

Nil.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Mayor Gear – Motion with Notice 16.4 – Melville Bowling Club Lease. Impartiality Interest/ Interest Under the Code.
- Cr Sandford – Motion with Notice 16.4 – Melville Bowling Club Lease. Impartiality Interest.
- Cr Barber – Motion with Notice 16.4 – Melville Bowling Club Lease. Impartiality Interest.
- Cr Wheatland - Motion with Notice 16.4 – Melville Bowling Club Lease. Interest Under the Code.
- Cr Pazolli – Motion with Notice 16.4 – Melville Bowling Club Lease. Impartiality Interest/ Interest Under the Code.
- Cr Kepert – M20/5756 – Governance Committee Motion – Reimbursement of Expenses Request – Cr Kepert – Interest Under of the Code.

10. DEPUTATIONS

Nil.

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

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

- M20/5757 Late Item – Confidential Item - Financial Assistance Legal Representation Policy
- M20/5759 Late Item – Standards Panel Representation Legal Assistance – Legal Representation Policy

13. PETITIONS

13.1 Petition – Melville Civic Centre Main Hall, Retention of General Purpose Use.

A petition signed by 171 residents of the City of Melville and 14 non-residents has been received and reads as follows:

“We the undersigned, all being electors of the City of Melville, respectfully request that the Council does not prejudice general purpose access to Melville Civic Centre Main Hall for multiple groups on a continuing basis by preferentially leasing the Hall to a single user group, but instead ensures the retention of the Hall’s unique attributes:

- *its current large-sized uninterrupted floor area, being the only available City of Melville hall large enough to cater for all levels of Ballroom Dancing.*
- *a well-maintained sprung floor for physical activities, in particular but not limited to, Ballroom Dancing for people of all ages (especially seniors), providing exercise to music in a social setting.*
- *regular assured availability for community groups that meet weekly.*
- *a central location in the City of Melville available for the benefit of all its ratepayers.*

As there is no other venue in the City with these features, loss of access to the Main Hall would result in reduced participation by Melville residents in Ballroom Dancing, which has well-documented physical, neurological and social benefits – especially for seniors.”

MOTION

At 7:21pm Cr Mair moved, seconded Cr Wheatland –

That the petition received requesting that Melville Civic Centre Main Hall, signed by 171 residents and 14 non-residents be acknowledged and a report be prepared.

Amendment

At 7:21pm Cr Sandford moved, seconded

That a report on this matter be prepared prior to the matter associated with the Stock Road lease being presented at an Elected Member Information Session.

LAPSED FOR WANT OF A SECONDER

MOTION

At 7:21pm Cr Mair moved, seconded Cr Wheatland –

That the petition received requesting that Melville Civic Centre Main Hall, signed by 171 residents and 14 non-residents be acknowledged and a report be prepared.

13.1 Petition – Melville Civic Centre Main Hall, Retention of General Purpose Use.**Procedural Motion**

At 7:29pm Cr Robartson moved, seconded Macphail –

That the motion be put.

At 7:29pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

COUNCIL RESOLUTION

At 7:21pm Cr Mair moved, seconded Cr Wheatland –

That the petition received requesting that Melville Civic Centre Main Hall, signed by 171 residents and 14 non-residents be acknowledged and a report be prepared.

At 7:31pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

At 7:32pm Cr Wheatland left the meeting and returned at 7:33pm.

At 7:32pm the Mayor brought forward 16.4 Motion with Notice – Melville Bowling and Recreation Club – Lease Agreement, for the convenience of the public gallery.

Disclosures of Interest

Member	Mayor Gear
Type of Interest	Impartiality Interest/Interest under the Code of Conduct
Nature of Interest	Social member of Melville Bowling Club
Request	Stay, discuss and vote
Decision	Stay, discuss and vote
Member	Cr Sandford
Type of Interest	Impartiality Interest
Nature of Interest	Former social member and husband is a member of Melville Bowling Club
Request	Stay, discuss and vote
Decision	Stay, discuss and vote
Member	Cr Barber
Type of Interest	Impartiality Interest
Nature of Interest	Former social member and husband is a member of Melville Bowling Club
Request	Stay, discuss and vote
Decision	Stay, discuss and vote
Member	Cr Wheatland
Type of Interest	Interest Under the Code
Nature of Interest	ACAG 2017 advertising support
Request	Stay, discuss and vote
Decision	Stay, discuss and vote
Member	Cr Pazolli
Type of Interest	Impartiality interest
Nature of Interest	Melville Bowls Club lease referenced in my 2019 election flyer / electoral statement
Request	Leave
Decision	Leave

At 7:33pm having declared an interesting in the item Cr Pazolli left the meeting.

Officers provided an Advice Note on this matter

[Advice Note Melville Bowling and Recreation Club Lease Agreement](#)

16.4 Motion with Notice - Melville Bowling and Recreation Club – Lease Agreement

MOTION

At 7:33pm Cr Barton moved, seconded Cr Kepert –

That the Council directs the Mayor and Chief Executive Officer to conclude negotiations, sign and execute a lease agreement for the site and clubrooms with the Melville Bowling and Recreation Club within 28 days for an initial term of fifty years, with other terms to be agreed, and, if not agreed, to be decided by Council by no later than the September 2020 Ordinary Meeting of Council.

16.4 Motion with Notice - Melville Bowling and Recreation Club – Lease Agreement

Procedural motion

At 7:38pm Cr Wheatland moved, seconded Cr Macphail –

That the Motion 16.4 Motion with Notice – Melville Bowling and Recreation Club – Lease Agreement be deferred to the 18 August 2020 Ordinary Meeting of Council.

At 7:44pm the Mayor declared the motion

LOST (4/8)

Vote Result Summary	
Yes	4
No	8

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

Amendment

At 7:44pm Cr Woodall moved, seconded Cr Wheatland –

That the Council amend Cr Barton’s Notice of Motion as follows:

- 1. Delete the words “, sign and execute” and insert the word “regarding” in their place.**
- 2. Delete the words “fifty years” and insert the words “no greater than ten years” in their place.**
- 3. Delete the words “agreed, and, if not agreed, to be decided” and replace with the word “determined”.**

16.4 Motion with Notice - Melville Bowling and Recreation Club – Lease Agreement

During the discussion and debate the mover and the seconder consented to changing the term in point 2 from “ten” to “twenty” years.

Amendment

At 7:44pm Cr Woodall moved, seconded Cr Wheatland –

That the Council amend Cr Barton’s Notice of Motion as follows:

- 1. Delete the words “, sign and execute” and insert the word “regarding” in their place.**
- 2. Delete the words “fifty years” and insert the words “no greater than twenty years” in their place.**
- 3. Delete the words “agreed, and, if not agreed, to be decided” and replace with the word “determined”.**

At 8:10pm the Mayor declared the motion

LOST (6/7)

NOTE: Due to an equality of votes at the Council Meeting, the Presiding Member exercised his right to cast a second vote to reach a decision in this matter (Section 5.21(3) off the *Local Government Act 1995*).

Vote Result Summary	
Yes	6
No	6

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

At 7:56pm Mr Taylor left the meeting and returned at 7:58pm.

16.4 Motion with Notice - Melville Bowling and Recreation Club – Lease Agreement

MOTION

At 7:33pm Cr Barton moved, seconded Cr Kepert –

That the Council directs the Mayor and Chief Executive Officer to conclude negotiations, sign and execute a lease agreement for the site and clubrooms with the Melville Bowling and Recreation Club within 28 days for an initial term of fifty years, with other terms to be agreed, and, if not agreed, to be decided by Council by no later than the September 2020 Ordinary Meeting of Council.

At 8:19pm Cr Wheatland left the meeting and returned at 8:23pm.

Procedural motion

At 8:34pm Cr Woodall moved, seconder Cr Macphail –

That this motion lay on the table.

At 8:40pm the Mayor declared the motion

LOST (5/7)

Vote Result Summary	
Yes	5
No	7

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

16.4 Motion with Notice - Melville Bowling and Recreation Club – Lease Agreement

COUNCIL RESOLUTION

At 7:33pm Cr Barton moved, seconded Cr Kepert –

That the Council directs the Mayor and Chief Executive Officer to conclude negotiations, sign and execute a lease agreement for the site and clubrooms with the Melville Bowling and Recreation Club within 28 days for an initial term of fifty years, with other terms to be agreed, and, if not agreed, to be decided by Council by no later than the September 2020 Ordinary Meeting of Council.

At 8:40pm the Mayor declared the motion

CARRIED (7/5)

Vote Result Summary	
Yes	7
No	5

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

Reason for the Motion as provided by Cr Barton

The Melville Bowling and Recreation Club (“the Club”) has demonstrated the longevity of an intergenerational club, a true community centre that has operated successfully for 60 years: some children of current members know that the ashes of their grandparents are here.

This is the Club where generations of Melville residents have gone when they have a celebration, the Club that hosts weddings, birthdays, wakes and end of year celebrations for sporting and community groups.

Security of tenure is just as important to support the contribution of time and effort by an intergenerational club as it is to support a commercial activity.

A previous Council was willing to provide a lease incorporating this site for a total of 50 years to a company with negligible capitalisation.

The experience of Members of the Club over the last eight years since it received an offer by Council Officers of a lease term reduced to one year has been that short-term leases provide no security when in competition with a potential commercial use of land in a desirable location.

16.4 Motion with Notice - Melville Bowling and Recreation Club – Lease Agreement

The membership and leadership of the Club have proved resilient, successfully surviving a long period of pressure and uncertainty, and are now keen to move forward.

This is a stable and thriving Club which forms an important component of the Tompkins Park sports and recreation hub.

The Club has substantial community support, both locally and throughout the City, demonstrated by the large numbers of ratepayers who attended 9 Electors' Meetings over 6 years.

The Club contributes to the Tompkins Park sports and recreation hub shop-window along Canning Highway on the southern side and the foreshore path on the north, as demonstrated recently in the Highway to Hell display.

The Club supports a wide range of community activities providing opportunities for varied interests and age groups.

The Club is well located for community access, with good bus and cycling routes and car parking facilities.

At 8:41pm Mr Taylor left the meeting and returned at 8:43pm.

At 8:43pm Cr Pazolli returned to the meeting.

At 8:43pm the Mayor brought forward 16.1 Motion with Notice – Tompkins Park Community and Recreational Association – Management Plan for the convenience of the public gallery.

Officers provided an Advice Note on this matter

[Advice Note Tompkins Park Redevelopment Stage 1](#)

16.1 Motion with Notice - Tompkins Park Community and Recreational Association – Management Plan

MOTION

At 8:44pm Cr Barton moved, seconded Cr Kepert –

That the Council directs the Chief Executive Officer in consultation with the Tompkins Park Community and Recreational Association to develop urgently a detailed management plan, scope of works, budget and program for the Tompkins Park Redevelopment Stage One for presentation at the August Ordinary Meeting of Council.

During the discussion and debate on the motion, the mover and seconder agreed that the following words be included at the end of the motion “Prior to the report being prepared for the August 2020 Ordinary Council meeting that a meeting be held to include the Councillors, the Association and the Officers.”

COUNCIL RESOLUTION

At 8:44pm Cr Barton moved, seconded Cr Kepert –

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

At 8:58pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Reasons for the Motion as provided by Cr Barton

At the EMIS of 13 May 2020 Elected Members were told that Tompkins Park Redevelopment Stage One (Club Room Refurbishment) was “Shovel-Ready, Funded and Commenced” as one of the Stimulus Recovery Projects, with \$1.7 million allocated.

The Tompkins Park Community and Recreational Association (TPCRA) has been told that the refurbished building would be available in November 2020, with a tentative opening date of 4 December, in order to take advantage of the summer trade, but are declining bookings due to the uncertainty.

**16.1 Motion with Notice - Tompkins Park Community and Recreational Association
– Management Plan**

TPCRA is concerned that there is not yet agreement on the extent and nature of the kitchen/bar refurbishment, unisex changerooms, gear storage facilities, or the funds allocated. The management arrangements for operation of the Club Bar and Riverview Room (upstairs) have not been agreed.

No provision appears to have been made for retention of the current ground floor office, or for a lift to the Riverview Room for disabled access and to avoid carrying urns and goods upstairs, or for a kitchen to service the Riverview Room.

At 8:59pm Cr Woodall left the meeting.

At 8:59pm Cr Robartson left the meeting and returned at 9:01pm.

At 9:00pm Cr Wheatland left the meeting and returned at 9:01pm.

14.1 REPORTS FROM THE GOVERNANCE COMMITTEE

Disclosures of Interest

Member	Cr Kepert
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Name in mentioned in Item
Request	Stay, discuss
Decision	Leave

At 9:03pm having declared an interest in the item Cr Kepert left the meeting.

M20/5756 - GOVERNANCE COMMITTEE MOTION – REIMBURSEMENT OF EXPENSE REQUEST – CR KEPERT (REC)

Ward	: Applecross - Mt Pleasant
Category	: Policy
Subject Index	: Elected Members Expenses
Customer Index	: Councillor S Kepert
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item 9.1 Reimbursement of Expense Request – Cr Kepert Governance Committee Meeting held 24 June 2020.
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Bruce Taylor Manager Governance and Property

AUTHORITY / DISCRETION

DEFINITION

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

**M20/5756 - GOVERNANCE COMMITTEE MOTION – REIMBURSEMENT OF EXPENSE
REQUEST – CR KEPERT (REC)****KEY ISSUES / SUMMARY**

- At the Governance Committee Meeting held 24 June 2020 Cr Kepert raised a matter of general business and presented two receipts for payments that he had made, which he sought reimbursement for.
- The reimbursement of a \$500.00 payment had previously been declined by the Administration as it did not fall clearly within the terms of policy and therefore needed to be referred to the Governance Committee for considerations and recommendation to the Council.
- The Governance Committee Charter provides that the Committee may make “recommendations to the Council concerning the payment of contested and/or claims beyond allowances or reimbursement of expenses to Elected Members.”

BACKGROUND

The payments were \$30.00 for a 2020 Freedom of Information Application Fee to the Department of Local Government, Standards Panel and a 17 January 2019 \$500.00 payment to the State Administrative Tribunal (SAT) for a Standards Panel Application Fee.

In July 2019 Cr Kepert was advised that the SAT claim was outside the Legal Representation Policy Elected Members and Employees and the Elected Members Allowances and Expenses Policy.

The Governance Committee Charter provides that the Committee may make “recommendations to the Council concerning the payment of contested and/or claims beyond allowances or reimbursement of expenses to Elected Members.”

DETAIL

In relation to the SAT payment, Cr Kepert was advised on the 9 July 2019 by the then Governance & Compliance Advisor, of the following:

“Dear Councillor

Thank you for providing your reimbursement claim. I need to advise that your claim for attendance at SAT and a fee of \$500 is outside the Legal Representation Policy Elected Members and Employees and the other relevant policy, Elected Members Allowances and Expenses.

Should you wish to have the claim reimbursed, the Legal Representation Policy at 2 (a) and (b) provides:

2. Applications for Financial Assistance

- (a) *Subject to item 1(c) and 2(e), decisions as to financial assistance under this policy are to be made by the Council.*

**M20/5756 - GOVERNANCE COMMITTEE MOTION – REIMBURSEMENT OF EXPENSE
REQUEST – CR KEPERT (REC)**

- (b) *An Elected Member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Chief Executive Officer providing full details of the circumstances of the matter, a declaration that he/she has acted in good faith and has not acted unlawfully and the legal services required.*

Alternatively, the Allowances Policy provides:

2.5 Other Expenses

It is not expected that Elected Members will incur any other expenses in the performance of their duties. Should an Elected Member incur an expense they believe they are entitled to have reimbursed, the matter shall be presented to the Governance Committee for determination.

Should you wish to request reimbursement, please advise and provide support for your claim in writing for the claim to be progressed to either the Council or Governance Committee.”

The \$30.00 Freedom of Information Application Fee was paid by Cr Kepert and further detail will be requested from Cr Kepert relating to this payment, should the Council resolve that the CEO prepares a report for consideration by the Governance Committee.

At the Governance Committee held Wednesday 24 June 2020, in response to Cr Kepert's item of General Business, the Governance Committee resolved:

That the Governance Committee recommend to the Council to request that the Chief Executive Officer undertake a review of Cr Kepert's two reimbursement requests, being \$30.00 for a Freedom of Information Application Fee and \$500.00 for a State Administrative Tribunal Standards Panel Application, and report back to the Governance Committee.

The Council consideration of the Committee recommendation is required.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Nil

II. OTHER AGENCIES / CONSULTANTS

Nil

STATUTORY AND LEGAL IMPLICATIONS

Consideration of relevant legislation and policy will be undertaken and provided to the Council should the Council resolve that the CEO prepare a report to be presented to the Governance Committee.

**M20/5756 - GOVERNANCE COMMITTEE MOTION – REIMBURSEMENT OF EXPENSE
REQUEST – CR KEPERT (REC)****FINANCIAL IMPLICATIONS**

The financial implications associated with this request will be addressed in the report provided by the Chief Executive Officer, should the Council resolved that a report be presented.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Nil

POLICY IMPLICATIONS

The relevant policy implications will be addressed in the report provided by the Chief Executive Officer.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternative option is for the Council to not support the Committee recommendation for the CEO to present a report to a future meeting of the Governance Committee.

CONCLUSION

The Governance Committee recommendation is referred to the Council for consideration and decision.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5756) APPROVAL

At 9:04pm Cr Pazolli moved, seconded Cr Fitzgerald –

That the Council adopts the Governance Committee recommendation to request that the Chief Executive Officer undertake a review of Cr Kepert's two reimbursement requests, being \$30.00 for a Freedom of Information Application Fee and \$500.00 for a State Administrative Tribunal Standards Panel Application, and report back to the Governance Committee.

At 9:05pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

At 9:05pm Cr Kepert returned to the meeting.

14.2 REPORTS OF THE CHIEF EXECUTIVE OFFICER

P20/3860 - REQUEST FOR SCHEME AMENDMENT – MARSHALL ROAD LOCAL CENTRE, MYAREE (REC) (ATTACHMENT)

Ward	:	Central Ward
Category	:	Strategic
Application Number	:	DA-2020-506
Property	:	208 Leach Highway, Myaree 1 Marshall Road, Myaree 9 Marshall Road, Myaree 11 Marshall Road, Myaree
Proposal	:	Request for Scheme Amendment - Additional Uses in the Marshall Road Local Centre.
Applicant	:	Scott Vincent, Planning Solutions.
Owner	:	Various
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	No Previous Item.
Responsible Officer	:	Gavin Ponton Manager Strategic Urban Planning

AUTHORITY / DISCRETION

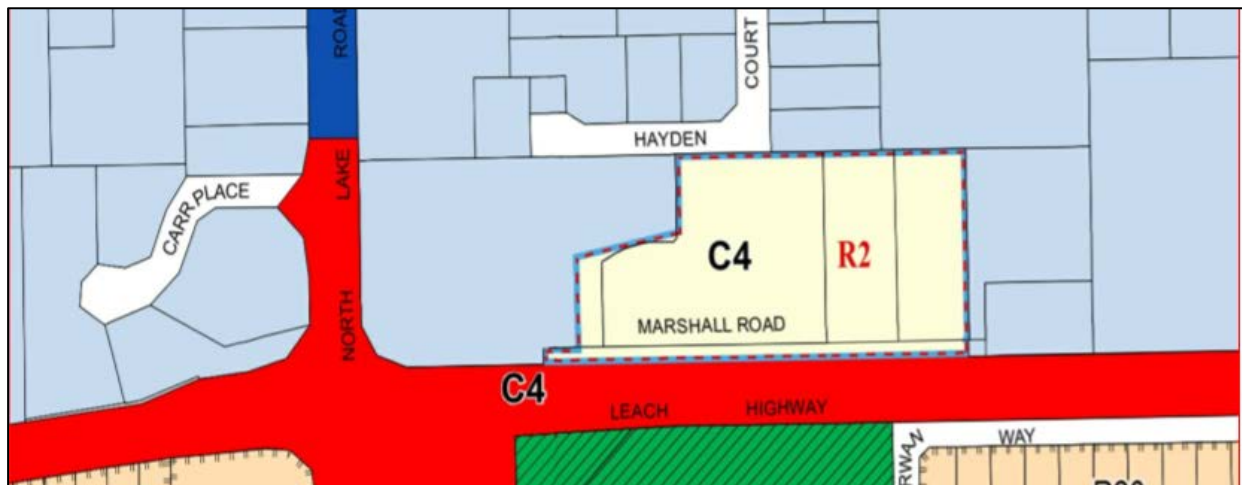
DEFINITION

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

P20/3860 - REQUEST FOR SCHEME AMENDMENT – MARSHALL ROAD LOCAL CENTRE, MYAREE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Local Planning Scheme 6 (LPS6) was gazetted on 27 May 2016.
- The subject area is the Marshall Road Local Centre located on the northern side of Leach Highway in Myaree.
- The subject properties are occupied by Bunnings Warehouse, Melville Central, McDonalds Fast Food Outlet and Summit Homes Head Office.
- The centre is zoned Centre (C4) and classified as Restricted Use (R2). The allowable uses within the centre are currently restricted to only those listed in LPS6 (Table 5, R2).
- On 04 May 2020, the City received a proposal for a scheme amendment as follows:
 - Remove the restricted (R2) classification thereby defaulting to the standard LPS6 zoning table (table 3) which identifies the permissibility of uses of land for all zones including Centre (C4); and
 - Apply an additional (A19) classification to the Centre to allow for five uses in addition to the uses already permissible in the Centre (C4) Zone that applies to the land (Bulky Goods Showroom, Liquor Store (Large), Industry (Light), Trade Supplies and Warehouse / Storage).
- Council is requested to consider initiating advertising of the proposed scheme amendment.
- The request is considered suitable to allow commencement of advertising. At the conclusion of public advertising the amendment would be again presented to Council to consider submissions and to decide whether or not to support the amendment.
- Any future support for the amendment would be likely to require consideration of a modification to the amendment to require future development to be subject to the preparation of a Local Development Plan to ensure that the design of future development fronting Marshall Road / Leach Highway is based on main street design principles consistent with the objectives of the Centre Zone (C4).



LPS56 zoning map of subject site and surrounds

P20/3860 - REQUEST FOR SCHEME AMENDMENT – MARSHALL ROAD LOCAL CENTRE, MYAREE (REC) (ATTACHMENT)

BACKGROUND

An application was received in May 2020 to expand the range of uses in the Marshall Road Local Centre. The submission was prepared by Planning Solutions on behalf of Carrooda Pty Ltd and Sansom Nominees Pty Ltd, the owners of No. 208 Leach Highway (Lot 801: Bunnings Warehouse) and No. 1 Marshall Road (Lot 802: Melville Central), Myaree.

The centre is zoned Centre (C4) and classified as Restricted Use (R2). This restricted use (R2) classification means that the only uses permitted in the centre are those listed in Table 5 of the LPS6 below. Other uses that would otherwise be permissible in the Centre (C4) Zone are not permitted.

Extract from LPS 6 showing uses permitted:

2	Marshall Road Local Centre (Land zoned 'Centre - C4')	Amusement parlour; Betting agency; Child care premises; Civic uses; Consulting rooms; Educational establishment; Exhibition centre; Fast food outlet/lunch bar; Garden centre; Industry – light; Office; Recreation – private; Restaurant/café; Service station; Shop; Small bar; Warehouse/storage.	Office and Small Bar Development (including use) may be subject to a specific Scheme provision and/or policy which may impose restrictions with reference to site suitability criteria, positioning on site or the amount or proportion of land or floorspace to be allocated to the particular use.
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The applicant is requesting to amend LPS6 by:

- Removing the restricted use (R2) classification (allowing the normal Centre Zone C4 land use permissibility to apply ; and
- Applying an additional (A19) classification to allow for five new additional uses indicated in the table below. An additional use involves the identification of “additional” permitted uses over and above those already able to be approved within the Centre (C4) Zone that applies to the land.

Proposed Additional Uses for subject site (in addition to those able to be approved under the centre C4 zone):

19	Marshall Road Local Centre (Land zoned 'Centre - C4')	Bulky Goods Showroom Liquor Store – Large Industry – Light Trade Supplies Warehouse / Storage	
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A change to the use classification would require a standard scheme amendment to be prepared, initiated, publicly advertised and approved in accordance with the process outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

P20/3860 - REQUEST FOR SCHEME AMENDMENT – MARSHALL ROAD LOCAL CENTRE, MYAREE (REC) (ATTACHMENT)

Scheme Provisions

MRS Zoning	:	Industry
LPS Zoning	:	Centre
R-Code	:	None
Use Type	:	Not Applicable
Use Class	:	Not Applicable

Site Details

The amendment area comprises of 4 lots with the following development characteristics / uses:

- Lot 801 contains Bunnings Warehouse. This is a 2.12ha lot contained almost entirely within the Service Commercial zone. A small portion of the car park and vehicle access aisles fall within the Centre (C4) zone / Restricted Use (R2) area.
- Lot 802 contains Melville Central. This is a 1.366ha lot with a variety of fast food outlets, restaurants, a liquor store, a fresh food market, specialty food retailers and some vacant retail tenancies arranged in multiple buildings. This site falls within the Centre Zone (C4) / Restricted Use (R2) area.
- Lot 35, a 0.52ha lot contains McDonald’s Fast Food Outlet. This site falls within the Centre Zone (C4) / Restricted Use (R2) area.
- Lot 36, a 0.52ha lot contains Summit Homes head office. This site falls within the Centre Zone (C4) / Restricted Use (R2) area.

The subject site benefits from two vehicle crossovers to Leach Highway and a single crossover to North Lake Road. Vehicle access is also available from Hayden Court to the rear / north.



Subject properties outlined in Red.

P20/3860 - REQUEST FOR SCHEME AMENDMENT – MARSHALL ROAD LOCAL CENTRE, MYAREE (REC) (ATTACHMENT)

The Marshall Road Local Centre is surrounded by the wider Myaree Mixed Business precinct, an industrial area containing a range of diverse land uses. Properties surrounding the Marshall Road Local Centre (north of Leach Highway) are generally characterised as a mix of large format / bulky goods retailers (e.g. Bunnings) and light industrial / commercial activities (e.g. service station, self-storage facility and auto repairs).

The subject site initially formed part of the wider Myaree Mixed Business Precinct, and was zoned Mixed Business under the City of Melville Community Planning Scheme No.5 (CPS5). In 2014, the Minister for Planning approved Amendment No.47 to CPS5, which saw the subject site rezoned to Community Centre and further restricted use and additional use classifications applied.

Council initiated Amendment No 47 to CPS No. 5 following concerns being raised by relevant stakeholders in the Myaree Business Precinct that the Mixed Business Precinct and Mixed Business Frame was in a state of transition, moving from Light and Service Industry to Retailing, Showroom, Trade Display and Service Commercial Uses. The proposed rezoning to Community Centre was intended to attract land uses such as commercial / retail, office and the like which provide a supportive role to the workforce in the light and service industrial area. It was recognised, at this time that the Myaree district could not continuously be treated as a purely industrial precinct but rather, transition into a major mixed-business activity centre with a significant large format retail component.

In 2016, the City of Melville Local Planning Scheme No.6 was gazetted, and CPS5 revoked. The Local Planning Strategy identified that two locations at Hulme Court and Marshall Road in Myaree had attracted smaller retail and food based establishments that service the local mixed business area as well as the local residential areas. Recognition of these locations as local centres was considered to be a method of reducing the pressure for these types of services to spread further into the mixed business area. The gazettal of LPS6 saw the subject site zoned as Centre (C4), and classified as Restricted Use (R2).

DETAIL

This application is requesting that Council consider the following amendment to LPS6:

- Deletion of the restricted uses (R2) identified in LPS6; and
- Applying an additional (A19) classification to allow for five new additional uses indicated. Importantly, an additional use is a land use that is permitted in the centre in addition to the uses already permissible in the Centre (C4) Zone that applies to the land.

The proposed additional uses are:

- Bulky Goods Showroom: this use is not permitted under the current restricted uses (R2) or the standard zoning table for the Centre (C4) zone. It was, however, permissible on the subject site under CPS5, prior to the introduction of LPS6.
- Liquor Store (Large): this use is not permitted under the current restricted uses (R2) or the standard zoning table for the Centre (C4) zone. The use also is not permissible in the surrounding Service Commercial zone. This type of use is generally permitted in higher order district centres such as Canning Bridge.

P20/3860 - REQUEST FOR SCHEME AMENDMENT – MARSHALL ROAD LOCAL CENTRE, MYAREE (REC) (ATTACHMENT)

- Industry (Light): this use is currently listed as one of the permissible uses under the land's restricted use (R2) classification however would not be permissible if the lots were to default to the Centre (C4) zoning.
- Trade Supplies: this use is a relatively new land use classification and was only introduced in LPS6. This use is not permitted under the current restricted uses (R2) or the standard zoning table for the Centre (C4) zone. It was, however, permissible on the subject site under CPS5.
- Warehouse / Storage: this use is currently listed as one of the permissible uses under the land's restricted use (R2) classification however would not be permissible if the lots were to default to the Centre (C4) zoning.

The applicant has provided the following justification for the proposed additional uses (summarised):

- The Centre is surrounded by Service Commercial zoned land and operates within the context of a significant large format retail precinct. The prohibition of Bulky Goods Showroom and other forms of large format retailing on the land is in stark conflict with the site context and character of the locality.
- The gazettal of LPS6 resulted in the prohibition of Convenience Store and Large Format Retail activities, which had been permissible under CPS5.
- Some of the land uses capable of approval on the land (e.g. shop) are not commercially viable under current market conditions however these uses can still occur as the Centre Zoning is retained.
- Despite their commercial viability and/or consistency with zone objectives, many LPS6 land uses are prohibited and cannot be approved on the land at present (e.g. Bulky Goods Showroom, Convenience Store, Liquor Store, Market, Medical Centre, and Tavern).
- The current configuration of the 'Melville Central' retail centre does not effectively integrate with the other neighbouring Marshall Road Local Centre sites. Redevelopment of the Melville Central site presents opportunities to improve the interrelationship and connectivity with neighbouring sites and drive greater patronage across them.

[3860 Applicants Submission](#)

P20/3860 - REQUEST FOR SCHEME AMENDMENT – MARSHALL ROAD LOCAL CENTRE, MYAREE (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT**

Advertising Required:

If the Council resolved to initiate a scheme amendment to LPS 6 it would require the completion of a public advertising period. Advertising is not required, or usually undertaken in determining whether or not to initiate a scheme amendment.

I. COMMUNITY

A standard amendment to LPS6 would be required to be advertised for not less than 42 days. Advertising would commence should the amendment be initiated. Formal advertising will involve notification in a local newspaper, information on the City's website and correspondence to affected landowner/occupiers.

II. OTHER AGENCIES / CONSULTANTS

Relevant servicing/government agencies would be consulted as part of the advertising process associated with an amendment to LPS6.

STATUTORY AND LEGAL IMPLICATIONS

An amendment to LPS6 requires a resolution of the Council to initiate the process, including the commencement of advertising. Procedures are specified by the *Planning and Development (Local Planning Schemes) Regulations 2015*. It is noted that once a scheme amendment is initiated it is open for the Minister for Planning to proceed to determine the application or to make modifications to the content of the amendment.

FINANCIAL IMPLICATIONS

Should the Council resolve to proceed with initiation of a scheme amendment; costs will be incurred in terms of items including preparation of supporting planning reports and advertising. There may be opportunity to recover these costs from the applicants by way of a scheme amendment application fee.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Initiation of an amendment to allow for a wider range of uses for the subject properties at this time is considered to be in keeping with the Local Planning Strategy. There are no strategic, risk or environmental management implications with this request.

POLICY IMPLICATIONS

An amendment to consider additional uses on these sites at this point in time is considered in keeping with the Local Planning Strategy.

P20/3860 - REQUEST FOR SCHEME AMENDMENT – MARSHALL ROAD LOCAL CENTRE, MYAREE (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council could resolve to not initiative or support the scheme amendment. If the Council chooses to refuse the application, the applicant may exercise a right of review to the Minister (s76).

COMMENT

The proposed scheme amendment is considered suitable for the commencement of advertising.

The scheme amendment maintains the Centre C4 zoning of the land. Removal of the restricted use classification over the site would enable the standard range of uses for a Centre Zone C4 to be approved. Removal of this restriction on land uses is not likely to detract from the purpose of the zone.

The proposed additional uses also are not likely to detract from the locality. Two of the proposed additional uses, Industry –Light and Warehouse/Storage, are permitted under the current LPS6 requirements. The other proposed additional uses, Bulky Goods Showroom, Liquor Store (Large) and Trade Supplies, are also considered generally compatible with the locality.

The Local Centre Zone C4 is intended to function as a local centre, meeting the day to day needs of the surrounding businesses and community. It is expected that the site will continue its “local centre” role with a mix of smaller shops and large format commercial outlets. To ensure that the larger format land uses do not dominate the centre it is likely that if the scheme amendment proceeds, that additional controls will be required to maintain a local centre particularly to the Marshall Road / Leach Highway frontage. To achieve this objective, measures such as a requirement for a Local Development Plan is recommended as part of the amendment to require development towards the Marshall Road / Leach Highway frontage of the site to be based more on “main street” design principles with any larger format land uses located to the rear of the precinct away from Leach Highway.

CONCLUSION

The proposed amendment to delete the restricted use classification and replace this with an additional use classification is supported at this time as the Centre (C4) zoning will continue to apply consistent with the strategic planning framework and planned activity centres hierarchy.

The removal of the restricted uses will align the centre with the standard LPS6 zoning table and the allowable uses in City’s other local centres identified in the Local Planning Strategy. The proposed additional uses will allow for development that has historically been considered suitable for this location and, subject to a local development plan being provided for development fronting Marshall Road / Leach Highway will not detract from the objectives of the local centre zone.

P20/3860 - REQUEST FOR SCHEME AMENDMENT – MARSHALL ROAD LOCAL CENTRE, MYAREE (REC) (ATTACHMENT)

In view of the above, it is recommended that the amendment be initiated for advertising. At the conclusion of the advertising period the amendment will be presented to Council to consider submissions and to prepare a recommendation on the amendment for forwarding to the WAPC. As noted above, should the amendment ultimately be supported then a requirement is recommended to ensure that development towards the Leach Highway frontage maintains a scale and character in keeping with the local centre zone.

OFFICER RECOMMENDATION (3860)**SUPPORT**

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

That the Council:

1. In accordance with Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to accept the following proposed amendment to the Local Planning Scheme No.6 for the purpose of advertising:
 - a. Remove the Restricted Use (R2) classification from the Marshall Road Local Centre; and
 - b. Introduce an Additional Use (A19) classification to the Marshall Road Local Centre to allow the following uses: Bulky Goods Showroom, Liquor Store (Large), Industry (Light), Trade Supplies and Warehouse / Storage.
2. Notes that a further report will be presented to the Council at the conclusion of the advertising period to enable consideration of submissions and recommendations to the Western Australian Planning Commission on whether the proposed amendment should be approved or modified.
3. Notes that support for the progress of the amendment is based on inclusion of a requirement that a Local Development Plan is prepared to ensure that the design of future development toward the Marshall Road / Leach Highway frontage is high quality and is of a scale and form in keeping with main street design principles in accordance with the objectives of the Centre Zone (C4).

P20/3860 - REQUEST FOR SCHEME AMENDMENT – MARSHALL ROAD LOCAL CENTRE, MYAREE (REC) (ATTACHMENT)

Amendment (by officers)

Insert new Part 2 to Recommendation (and renumbering of existing parts 2 and 3):

- 2. The amendment is a “standard” amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:**
- a) The amendment is consistent with the City’s Local Planning Strategy and the Centre C4 zone of Local Planning Scheme 6;**
 - b) The scope of the amendment is limited to the subject site**
 - c) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**
 - d) The amendment satisfies the definition of a standard amendment and does not reflect the characteristics of a complex or basic amendment.**

Reasons for the Amendment as provided by Officers

The legislation relating to the consideration of a scheme amendment identifies three different types of scheme amendments – basic, standard and complex. The classification is then used to determine the assessment process for the amendment.

The characteristics of the three categories of scheme amendment and the assessment process for each are summarized below:

Amendment Category	Characteristics	Assessment Process (Summary)
Basic	An administrative change to fix an error or to reflect a change required to provide consistency with other legislation.	<ul style="list-style-type: none"> • Local government resolves to prepare/progress the amendment. • No advertising required. • Following referral to environmental agencies, local government forwards the amendment directly to the WAPC/Minister for a decision.
Standard	A typical scheme amendment that involves changes that are consistent with the local planning strategy and consistent the objectives of the zone and/or structure plan for the land. Standard amendments do not result in significant environmental, social, economic or governance impacts on land in the scheme area.	<ul style="list-style-type: none"> • Local government resolves to prepare/progress the amendment. • Following referral of the amendment to environmental agencies, the local government advertises the amendment for 42 days. • At the completion of advertising the local government considers any submission received and forwards a recommendation to the WAPC. WAPC then provides a recommendation to the Minister.
Complex	Amendments that are not consistent with the local planning strategy and/or are of a scale or nature that will have a significant impact on	<ul style="list-style-type: none"> • Local government resolves to prepare/progress the amendment. • Amendment is forwarded to WAPC for consideration of suitability to advertise. • Following referral of the amendment to

	land in the scheme area.	<p>environmental agencies, the local government advertises the amendment for 60 days.</p> <ul style="list-style-type: none"> • At the completion of advertising the local government considers any submission received and forwards a recommendation to the WAPC. WAPC then provides a recommendation to the Minister.
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The Planning and Development (Local Planning Schemes) Regulations 2015 require the Council to identify the category of amendment when deciding to progress a proposed scheme amendment. The current Officer resolution has omitted that requirement.

The proposed part 2 of the recommendation responds to this requirement, identifying the scheme amendment as a “standard amendment”.

It is noted that the classification of the amendment will ultimately be reviewed by the WAPC and if the amendment were to be determined to be a complex amendment then the WAPC would require further advertising. Similarly, the applicant can request that the WAPC review the classification of the amendment if the applicant considers the classification of the amendment by the local government to be inappropriate.

The scheme amendment proposed in this item meets the definition of a standard amendment. Inclusion of a new part 2 in the recommendation identifying this classification will ensure the proposal responds to the legislative requirements.

At 9:11pm the mover and seconder of the substantive motion agreed to include the Officer Amendment in the motion.

At 9:12pm Cr Macphail left the meeting and returned 9:14pm.

At 9:16pm during discussion and debate the mover and seconder of the motion consented to the deletion of the words “Liquor Store (Large) from part 1(b).

At 9:14pm Cr Woodall returned to the meeting.

P20/3860 - REQUEST FOR SCHEME AMENDMENT – MARSHALL ROAD LOCAL CENTRE, MYAREE (REC) (ATTACHMENT)**Substantive Motion as Amended**

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

That the Council:

1. In accordance with Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to accept the following proposed amendment to the Local Planning Scheme No.6 for the purpose of advertising:
 - a. Remove the Restricted Use (R2) classification from the Marshall Road Local Centre; and
 - b. Introduce an Additional Use (A19) classification to the Marshall Road Local Centre to allow the following uses: Bulky Goods Showroom, Industry (Light), Trade Supplies and Warehouse / Storage.
2. The amendment is a “standard” amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a) The amendment is consistent with the City’s Local Planning Strategy and the Centre C4 zone of Local Planning Scheme 6;
 - b) The scope of the amendment is limited to the subject site
 - c) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
 - d) The amendment satisfies the definition of a standard amendment and does not reflect the characteristics of a complex or basic amendment.
3. Notes that a further report will be presented to the Council at the conclusion of the advertising period to enable consideration of submissions and recommendations to the Western Australian Planning Commission on whether the proposed amendment should be approved or modified.
4. Notes that support for the progress of the amendment is based on inclusion of a requirement that a Local Development Plan is prepared to ensure that the design of future development toward the Marshall Road / Leach Highway frontage is high quality and is of a scale and form in keeping with main street design principles in accordance with the objectives of the Centre Zone (C4).

At 9:17pm the Mayor declared the motion

CARRIED (13/0)

Officers provided an Advice Note on this matter

[Advice Note Beach Street Crossover Review Results](#)

T20/3859 – BEACH STREET CROSSOVER REVIEW RESULTS (REC)

Ward : Bicton - Attadale – Alfred Cove
 Category : Operational
 Subject Index : Footpath Construction
 Customer Index : Mail Merge Technical
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : T19/3826 Petition – Beach Street Footpath Construction
 Works Programme : 2019/2020
 Funding : \$150,289
 Responsible Officer : Paul Handcock
 Asset Management Coordinator

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>

T20/3859 – BEACH STREET CROSSOVER REVIEW RESULTS (REC)**KEY ISSUES / SUMMARY**

- The City is proposing to construct a path along Beach Street to provide safe access to the foreshore and river for residents in Bicton.
- The proposed path along Beach Street was chosen as the only viable and accessible connection between Point Walter Road and the Bicton foreshore.
- A Council resolution in November 2019 approved the construction of the path, but requested a review of crossovers with a view to retain as many existing approved crossovers and identifying solutions for unapproved or substandard crossovers.
- The City has been in contact with as many residents as possible to discuss and gain agreement on the recommended solution, including site visits to answer questions and understand resident concerns.
- While most of the residents accepted the recommended solution put forward by the City officers, 10 residents have objections relating mainly to the path cutting through aggregate crossovers and a perceived loss of amenity. Details are provided below along with the City's recommended solution and alternatives considered.
- It is recommended that a number of unapproved and substandard crossovers have the path section be removed and replaced with the City's standard design specification.

BACKGROUND

The City has been planning a path along Beach Street, Bicton for many years and progressed a design in early 2019 with a view to improve the safety, accessibility and amenity for residents in the Bicton area.

As part of the public consultation process, several petitions were received opposing the path construction and process for various reasons.

At the Ordinary Meeting of Council held on 19 November 2019, following a deputation against and one for the construction of the footpath these petitions were considered and the following was resolved:

That the Council:

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

Since then, City officers have been working through the detailed design and implementing the Council resolution by conducting a review of the initial design and consulting with the residents regarding the recommended solutions and potential alternatives.

T20/3859 – BEACH STREET CROSSOVER REVIEW RESULTS (REC)

DETAIL

The review consisted of the following steps:

- 1) Notifying the residents of the Council resolution.
- 2) Undertaking an investigation and survey of the affected crossovers.
- 3) Consulting with the residents regarding the outcome of the review and subsequent design via:
 - a. A letter sent to residents outlining the results and recommended solution
 - b. Communication and discussions with all contactable residents seeking their input on the recommended solution, including alternatives to the recommended solution that were able to meet accessibility and safety standards
 - c. Meetings onsite with residents on request
- 4) This report to Council.

Investigation and Crossover Assessments

A total of 35 crossovers were assessed, noting that this represented 31 properties as four properties have two crossovers, and each has a separate recommended solution.

The City's records were examined to determine which crossovers had been approved. A common source of confusion was the difference between a building approval and a crossover approval. The building approval mainly relates to the development on the private property, whereas the crossover approval is specific to the verge area adjacent to the property and requires a separate application.

An assessment of all crossovers was conducted to determine if the existing crossovers met the City's current standards and if they were approved or not. This involved site visits to take photos, checking slopes and heights as well as assessing materials and the general condition of the infrastructure. A determination was then made as to whether the crossover was approved and/or met the current standards, as well as measures required to ensure that the proposed path and crossovers were safe and accessible.

The results of the assessment categorised the crossovers as follows:

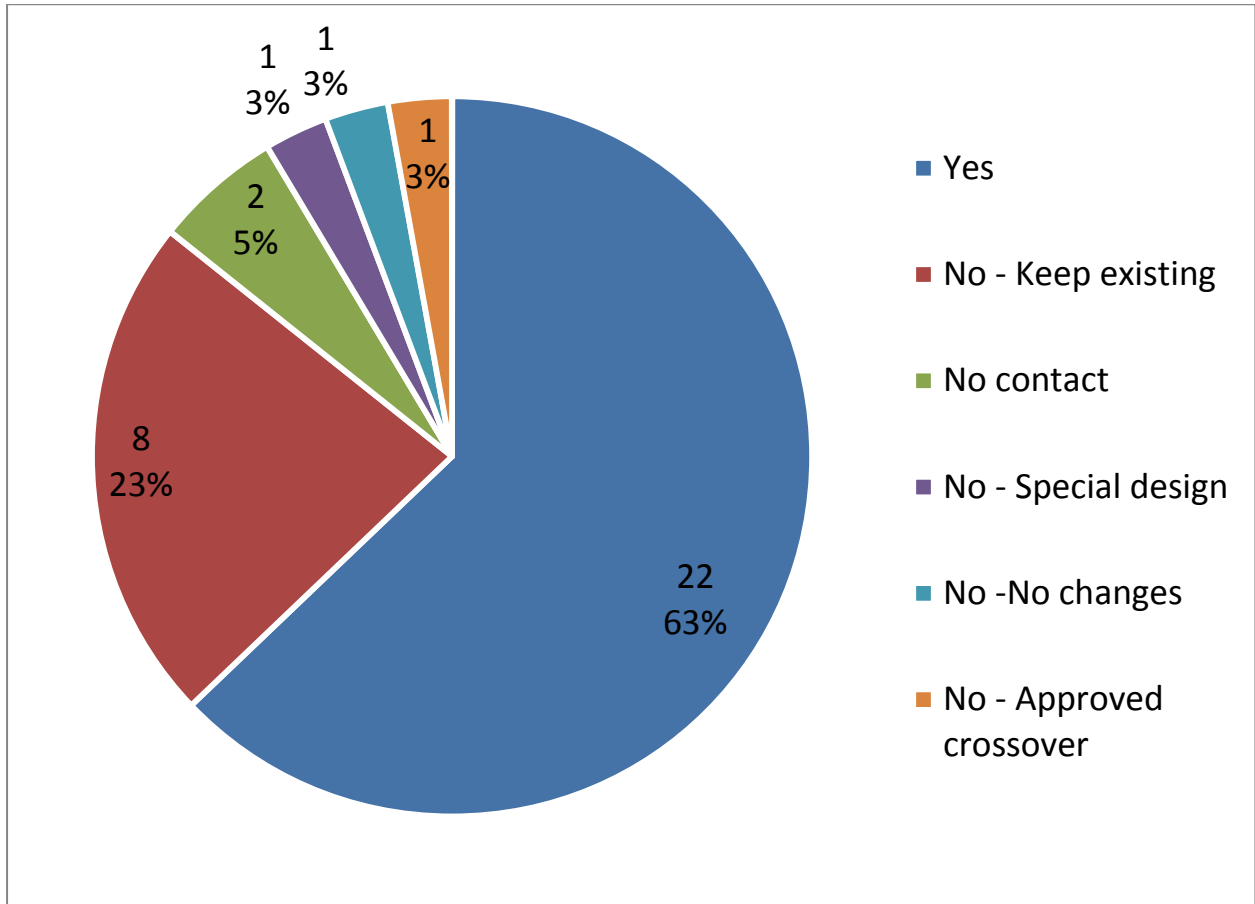
Status	Number of Crossovers
Yes – Construct path	22
No - Keep existing	8
No contact/response	2
No - Special design	1
No -No changes	1
No - Approved crossover	1
Grand Total	35

Figure 1 - Count of crossovers

T20/3859 – BEACH STREET CROSSOVER REVIEW RESULTS (REC)

Consultation Results

Most residents accepted the Council’s decision to build the path, however a number had issues with the recommended solution put forward by the City. Their responses fell into one of these categories:



Comments received

- For 22 crossovers (21 unapproved), the City’s recommendation to replace the existing crossover with a current standard crossover/path was accepted. This includes one resident who accepted modifications to the approved design that met the needs of both the City and the resident (e.g. increased apron width). All of these residents agreed to the construction of the path or the replacement of the existing crossover apron with the City’s standard design and adjust any remaining crossover levels.
- For eight (8) crossovers (unapproved), the residents did not agree with the City’s recommended solution and wanted to retain their existing crossover. These unresolved proposals relate mainly to the officer recommendations in this report.

T20/3859 – BEACH STREET CROSSOVER REVIEW RESULTS (REC)

- For two (2) crossovers (unapproved), the City could not contact the owners of the property despite two letters asking for comment and telephone calls to all known phone numbers. The contact information that the City has is out of date and the numbers are disconnected or held by other people or they do not return the messages left. If the City is able to contact them between now and when construction commences, officers will meet with them and may make some small changes to the design to meet their needs. The crossovers for non-contactable residents are currently constructed in plain concrete, so replacement with a new and compliant crossover is likely to be acceptable.
- For one (1) crossover which was approved, the resident wanted their crossover retained even though it was constructed as substandard. The City has accepted the approved crossover as it is connected directly to neighbouring crossover and can be incorporated into the path design without unacceptable risks.
- For one (1) crossover (unapproved), the resident would not accept the recommendation or allow any changes to the crossover (refer to 22 Beach Street).
- For one (1) crossover (unapproved), a complete redesign of the crossover is required as retention of existing crossover represents unacceptable safety and liability risks (refer to 28 Blackwall Reach Parade).

As a result of the above, a risk assessment was undertaken on the 10 crossovers where residents did not accept the City's recommended solution (refer to the risk table in the Strategic, Risk and Environmental Management Implications section of the report).

The following table details the City's recommendations for crossovers that were not supported by the resident or required some adjustments, which represented 10 out of the total of 35 crossovers.

Address	City's Recommendation	Residents position	Concerns	Comments
2A	Replace the existing crossover apron with the City's standard design and adjust any remaining crossover levels.	Keep their existing crossover	Resident concerned with the replacement of a crossover in good condition and the loss of amenity.	Aggregate material. No flooding issues. Cross-fall of crossover is substandard. The crossover is unapproved.
4	Replace the existing crossover apron with the City's standard design and adjust any remaining crossover levels.	Keep their existing crossover	Resident not happy to have their concrete aggregate crossover cut through and concerned about the amount of crossover to be replaced.	Aggregate material. No flooding issues. Cross-fall of crossover is substandard. The crossover is unapproved.

T20/3859 – BEACH STREET CROSSOVER REVIEW RESULTS (REC)

Address	City's Recommendation	Residents position	Concerns	Comments
16	Replace the existing crossover apron with the City's standard design and adjust any remaining crossover levels.	Keep their existing crossover	Resident concerned with the replacement of a crossover in good condition and the loss of amenity.	Aggregate material. No flooding issues. Cross-fall of crossover is substandard. The crossover is unapproved.
16A	Replace the existing crossover apron with the City's standard design and adjust any remaining crossover levels.	Keep their existing crossover	Resident concerned with the change to concrete and changes in the path colours. Retention of the crossover will increase the slope to about 10 degrees down the hill in this location if the crossover is retained.	Aggregate material. No flooding issues. Cross-fall of crossover is substandard. The crossover is unapproved.
22	Replace the existing crossover apron with the City's standard design and adjust any remaining crossover levels.	Keep their existing crossover. Disagrees with the construction of the path.	Resident concerned about loss of amenity if the crossover is cut through.	Aggregate material. No flooding issues. Apron of currently unapproved crossover is substandard. Subsequent to the onsite discussion, the resident has had a new crossover approved under the current standard which allows a path to cut through the crossover.
26	Replace the existing crossover apron with the City's standard design and adjust any remaining crossover levels.	Keep their existing crossover	Resident does not see the need to cut through the crossover.	Aggregate. No flooding issues. Apron of crossover is sub-standard and crossover is unapproved.

T20/3859 – BEACH STREET CROSSOVER REVIEW RESULTS (REC)

Address	City's Recommendation	Residents position	Concerns	Comments
26A	Replace the existing crossover apron with the City's standard design and adjust any remaining crossover levels.	Keep their existing crossover	Resident does not see the need to cut through the crossover.	Aggregate. No flooding issues. Apron of crossover unapproved and non-standard. The crossover is unapproved.
28	Replace the existing crossover apron with the City's standard design and adjust any remaining crossover levels.	Keep their existing crossover	Resident concerned over loss of amenity if the crossover is cut through.	Crossovers at 28 and 28A are adjacent and are considered as one. The crossover is unapproved.
28A	Replace the existing crossover apron with the City's standard design and adjust any remaining crossover levels.	Keep their existing crossover	Resident concerned over the loss of amenity if the crossover is cut through.	Crossovers adjacent at 28 and treated as one. The crossover is unapproved.
28 Blackwall Reach Parade	Rebuild the unapproved crossover as per the City's design.	Does not accept the City's design as meeting standards.	Vehicle may bottom out when entering and exiting.	Slope of existing crossover means that the entire crossover will need to be rebuilt. Rebuild the crossover as per the City's design. Detailed design has been checked for underbody vehicle contact. Retention of existing crossover, which is unapproved, would result in unacceptable access and safety risks.

T20/3859 – BEACH STREET CROSSOVER REVIEW RESULTS (REC)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The consultation consisted of:

- A letter sent to each of the 31 residents (four had multiple crossovers on their property) with our recommendation.
- Written responses to those residents who provided a response within the two-weeks consultation period.
- A follow up telephone call to those residents who had not provided a response.
- 2 residents (2 crossovers) could not be contacted as they did not respond to the original consultation letter, an additional follow up letter, returned any telephone calls or the City's details were wrong.
- Follow up meetings onsite with residents who wanted to discuss the recommendations onsite. These were delayed until the COVID-19 restrictions on meetings were lifted.

II. OTHER AGENCIES / CONSULTANTS

No engagement with other agencies or consultants has occurred or is required.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or major legal implications. None of the issues raised address any statutory or legal issues. If the alternative option is accepted, then the City would need to accept potential liability issues arising from "trip/fall" claims in the future.

FINANCIAL IMPLICATIONS

The amount of \$150,289 was approved in the 2019/2020 budget to construct the path.

This amount includes a provisional sum for crossover replacement works and verge regrading. The full extent of these works was not known when the budget was prepared, but is currently expected to be less than the budgeted amount.

It should be noted that the average cost of design works for the other paths in the program is \$7,352. The community consultation and reporting for Beach Street has cost the path program in the order of \$28,500 due to additional consultation and design changes.

T20/3859 – BEACH STREET CROSSOVER REVIEW RESULTS (REC)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The following risks are likely to occur if the alternative recommendation for retention of existing crossovers was to be implemented:

Risk Statement	Likelihood	Consequence	Level of Risk	Risk Mitigation Strategy
Minor flooding of the crossover apron possible due to the lack of height on some crossovers.	Possible	Insignificant	Low for all existing crossovers if retained	Reconstruct crossover to City standards to reduce risk.
Inconsistent materials in the path causing issues for visually impaired path users.	Possible	Minor	Medium risk for all existing crossovers if retained.	Provide a physical delineation (cut) or colour delimiter showing the extent of the path and path edge.
Height changes from the path to the crossover will provide an uneven surface leading to risks for trip/fall hazards. NOTE: For 28 Blackwall Reach Parade only.	Likely	Moderate	High for the existing crossover at 28 Blackwall Reach Parade only if retained.	Reconstruct crossover to City standards to reduce risk.
Height changes from the path to the crossover will provide an uneven surface leading to risks for trip/fall hazards. Relates to all Other crossovers in table above.	Possible	Minor	Medium for all other crossovers if retained.	Reconstruct crossover to City standards to reduce risk.
Reduced slip resistance of the crossover material compared with the brushed concrete may lead to risks for trip/fall hazards	Possible	Minor	Medium for all existing crossovers if retained.	The long-term slip resistance of the existing crossover materials is unknown. Replace the crossover with City standard brushed concrete.

POLICY IMPLICATIONS

Policy implications to the Crossover, Path and Verge Treatment policies as outlined below.

T20/3859 – BEACH STREET CROSSOVER REVIEW RESULTS (REC)**ALTERNATE OPTION AND THEIR IMPLICATIONS**

During discussions with residents opposed to the recommended design (as listed above), the question was asked about what they would accept.

The majority of residents would accept one of the following:

- Leaving the aggregate crossover in place with no changes.
- Leaving the aggregate crossover, but replacement of the existing crossover “wings” in concrete to allow a better transition in height and cross fall from the verge path to the crossover.

Based on the above, an alternative option could be to retain the existing crossovers with adjustments to apron wings, with the exception of 28 Black Wall Reach Parade.

The alternative option to retain the existing crossover on 28 Black Wall Reach Parade would create unacceptable liability for the City due to high safety and accessibility risks related to excessive cross fall and grade of the existing crossover.

The retention of these crossovers and putting in place the alternate treatments will have the following implications:

- Minor changes will be required to the slope of the path (both along the alignment and across it) to change the height from about 120mm down to the crossover. This will result in an uneven surface to the path.
- The change in material from concrete to aggregate will change the consistent appearance, texture and visibility required to meet the standard. This inconsistency would make it more difficult for the vision impaired to use the path and provide reduced priority of residents in this zone.
- No information is available on the long-term slip resistance of the aggregates used, leading to potential liability issues.
- The setting of a precedent for the Beach Street path construction project that could be used to undermine the safety and accessibility of the City’s path program due to additional design and consultation demands. This would result in a reduction in the length of paths constructed each year due to the diversion of resources and funding into additional and potentially adversarial resident engagement.

CONCLUSION

Most residents (63%) impacted by the Beach Street path construction project accept the City’s recommended solution regarding the treatment of their crossover. Residents associated with 10 crossovers were opposed to the City’s recommended solution.

The only crossovers that are presented for Council consideration relate to those where agreement with the resident could not be achieved in accordance with Council’s resolution of 19 November 2019.

T20/3859 – BEACH STREET CROSSOVER REVIEW RESULTS (REC)

The City's recommendations reflect the Council's policies and aim to provide the best outcomes for all the residents and the wider community that will use the path today and into the future. Paths are long term assets and decisions made today have long term ramifications for safety, amenity and accessibility of all users.

OFFICER RECOMMENDATION (3859)**APPROVAL**

That the Council endorses the following recommended solution with regards to unresolved issues for path construction on Beach Street, Bicton:

- 1. To the cut through and replace the existing crossovers at 2A, 4, 16, 16A, 22, 26, 26A, 28 and 28A Beach Street as they are substandard and / or unapproved.**
- 2. To cut through and design/construct a new crossover at 28 Blackwall Reach Parade, as the existing crossover is substandard, non-compliant, unapproved and represents a high risk to the City.**

Reject and Replace Motion

At 9:18pm Cr Mair moved, seconded Cr Barton –

That this Officer's Recommendation Item

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

At 9:19pm during the discussion on the Motion, the mover requested that the words "as well as the best footpath alignment" be deleted from the end of point 2. The seconder consented to this change.

Reject and Replace Motion

At 9:18pm Cr Mair moved, seconded Cr Barton –

That this Officer's Recommendation Item

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

T20/3859 – BEACH STREET CROSSOVER REVIEW RESULTS (REC)

During the discussion and debate on the item, the mover and the seconder consented to the removal of the words “Officer’s Recommendation” be deleted from the first sentence of the motion and replacement with the word “Item”.

Reject and Replace Motion

At 9:18pm Cr Mair moved, seconded Cr Barton –

That this Item

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

At 9:31pm the Mayor declared the motion

CARRIED (8/5)

Vote Result Summary	
Yes	8
No	5

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

T20/3863 - NAMING OF PARK AT 58-60 MURRAY ROAD, BICTON (REC)
(ATTACHMENT)

Ward	: Bicton - Attadale – Alfred Cove
Category	: Operational
Subject Index	: 58-60 Murray Road, Bicton
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	: M20/5744 Review of Council Policy CP-096 Naming of Road, Parks, Buildings & Infrastructure
Works Programme	: Not Applicable
Funding	: \$1,870 Operational Budget
Responsible Officer	: Jeff Bird Manager Natural Areas and Parks

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>

T20/3863 - NAMING OF PARK AT 58-60 MURRAY ROAD, BICTON (REC)
(ATTACHMENT)**KEY ISSUES / SUMMARY**

- The City and local community in Bicton is seeking to name the park at 58-60 Murray Road, Bicton.
- Council resolved to expedite the process for naming of the park at its meeting on 17 March 2020 by using that names listed on the current (to be reviewed) Schedule of Names for Assets.
- 11 names listed in the Council's Schedule of Names from the Ward were allegeable for consideration.
- The 11 names met the guidelines set by Landgate's Policies and Standards for Geographic Naming in Western Australia, which governs the naming of roads and parks in all Local Government areas.
- Community consultation on the preferred name was undertaken from 2 June until 23 June 2020 as required.
- Community feedback has been received in relation to the lack of diversity and information associated with the nominated names.
- The Officers Recommendation is to discontinue the process of naming the park at 58-60 Murray Road, Bicton at this time until the review of Council's Schedule of Names is concluded, whereby the naming process for the Bicton Park would be restart including the community consultation process involving the revised Schedule of names.

BACKGROUND

The local community in Bicton, lead by the Bicton Park Community Action Group, had worked with the City for a number of years to secure the former Western Power site at 58-60 Murray Road, Bicton as a park in perpetuity. The local community is seeking to name the park unofficially described as "Bicton Park".

At the 17 March 2020 Ordinary Meeting of Council, the following Motion with Notice was put forward by Councillor Barton and carried unanimously.

"That the CEO be requested to act immediately to expedite the process for naming the Park at 58-60 Murray Road, Bicton, the site purchased in 2012 from Western Power, according to the current Policy CP-096 and using from the current schedule of names including John Duffield Park or Barbara Kernot Park."

In Western Australia, the practice of officially naming features, localities and roads is governed by Section 26 and 26A of the *Land Administration Act 1997*. The legislation is supported by policies and processes outlined in Landgate's Policies and Standards for Geographic Naming in Western Australia (GNCPs) which provide the necessary information for official naming.

Landgate's policy states:

"Local Government responsible for the administering of land within Western Australia are required to make submissions to Landgate for any naming proposals for place names, features, administrative boundaries, localities or roads within their jurisdiction."

T20/3863 - NAMING OF PARK AT 58-60 MURRAY ROAD, BICTON (REC)
(ATTACHMENT)

The City's policy for official naming is outlined in Council Policy CP-096 Naming of Roads, Parks, Buildings and Infrastructure. This Policy was reviewed and updated by the Council at the meeting held 21 April 2020, after which, an update to the Schedule of Names was to be carried out.

Subject Site

Address	58-60 Murray Road, Bicton
Land Particulars	Lot 87 Plan 1547
Land Area	3,361m ²
Certificate of Title	38/238A
Ownership	City of Melville
Zoning LPS6	R20
Land Use	Local Open Space
Park Facilities	Dogs permitted, small playground, seating

DETAIL

Section 5 in Landgate's Policies and Standards for Geographic Naming in Western Australia (GNCPs) outlines the required criteria for naming of parks and reserves. The names that have been selected for consideration in this naming process have come from Council's current Schedule of Names.

It is commonly accepted practice that a new local park or recreational reserve would be named after an adjoining road name. Bicton Park is bounded by Fifth Street and Murray Road. In applying this criteria for the Bicton park, Fifth Park is not considered suitable as this name has already been taken for the naming of a park in adjoining Local Government Areas (LGAs) and Murray Park is also not suitable for naming the park as there is already a William Murray Park in Bateman.

The GNCPs allows for selected other suitable sources for alternate names as a result of duplication as follows:

- Names of aboriginal languages formerly identified within the general area
- Names of pioneers who were relevant to the area
- Names of persons who died during war service
- Names associated with historical events connected with the immediate area.

Proposed names with significance to specific groups only, (this excludes Aboriginal names) or names with no relevance to a particular area are not acceptable for approval.

The below 11 names from Councils Schedule of Names and History were allegeable for consideration from the Bicton/Attadale ward as they meet the criteria and also pass Landgate's preliminary park name validation test.

T20/3863 - NAMING OF PARK AT 58-60 MURRAY ROAD, BICTON (REC)
(ATTACHMENT)

Name	History
ABERLE, Ernest	Veteran and RSL member. A major contributor to the creation of the Bicton/Palmyra sub branch of the RSL after WWII and was the inaugural President, working to raise funds to build the club rooms and hall in Foss Street, Bicton. Awarded the British Empire Medal for recognition to the interests of Returned Servicemen. Also awarded the Military Medal for bravery under heavy fire near Poiziers on 27 July 1916.
BURWOOD	Members of this family were pioneers of Bicton/Palmyra from 1913 C. Burwood was appointed RSL Warden of the Honour Avenue Memorial Trust at Point Walter (1961).
COCKLE	The family arrived in Palmyra in 1905 and had a home on corner of Canning Highway and Carrington Street. Family members moved to Bicton, Point Walter Road and Crewe Street.
DUFFIELD, John Hole	Original land owner of what is now Bicton (1830s).
FANNING	Peter and Marian lived in Waddell Road Bicton from 1915. Their home was incorporated into ST. Joseph's Hospital.
GUSTAFSON, John	Longest serving headmaster of Bicton State School from 1925-1939.
KERNOT, Barbara	Secretary of Melville Greening Australia, particularly working at Point Walter in the 1980s. This led to the City of Melville's management plan for the Reserve.
PEACOCK, Richard	An early pioneer of Foss Street, Bicton from 1907.
POORE	Moved to Murray Rd from Woodman Pt in 1938. Bertie commuted by pushbike to Woodman Pt Quarantine Station where he was the only permanent Staff Senior Nurse from 1921 until retirement in 1957. It was said he had personally nursed the most Small Pox patients in all of Australia with his skill, knowledge, commitment and compassion much revered. On numerous occasions of quarantine shutdown he was isolated for long periods from his family. All six children contributed to community and made homes close or nearby this park with son Bob Poore living immediately opposite in Fifth St for many years.
SHORTHOUSE, Wilfred Harvey	Pioneer of Point Walter Road (1925). Last blacksmith in Bicton.
SMEDLEY, Frederick George	A prisoner of war at Changi for the entire war period. He was 2I/C to Sir Ernest "Weary" Dunlop and keeper of the records of war graves. He was a Freemason with Grand Lodge Honours.

T20/3863 - NAMING OF PARK AT 58-60 MURRAY ROAD, BICTON (REC)
(ATTACHMENT)

Both the names put forward in Cr Barton's Motion with Notice at the 17 March 2020 Ordinary Meeting of Council met the GNCPS criteria and Landgate's preliminary park name validation test therefore were included as part of the community consultation process.

DUFFIELD, John Hole	Was an original land owner of what is now Bicton (1830s)
KERNOT, Barbara	Was the secretary of Melville Greening Australia, particularly working at Point Walter in the 1980s. This led to the City of Melville's management plan for the Reserve

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Consultation to the immediate and extended community is a key component in the process of naming locations such as parks. To ensure satisfactory consultation occurred, the City engaged with the community to determine their support for the naming of the park in ways that were fair, transparent and can be linked to the final outcomes of the naming process.

The following took place to inform the community of the opportunity to participate in the engagement process for the naming of the park:

- Advertisements in both social and print media;
- Signage located at the park directing them to Melville Talks;
- Letters sent to residents living within 200 meters of the park; and
- Direct emails to a random sample of City of Melville residents within 400m of the park.

The consultation process commenced Tuesday, 2 June 2020 and concluded Tuesday, 23 June 2020 on Melville Talks.

The key component of the consultation process involved seeking the name preference and encouraging residents to respond through Melville Talks. Participants were asked to rank the 11 names in order of preference, one being most preferred and 11 being their least preferred. The data gathered through this process was analysed to select the preferred name based on most number of respondents.

[3863 Data Analysis Naming of Parks in Bicton.](#)

The preferred name for the park as voted on by the community is Poore Park.

- "Poore" is the most preferred name with the highest average ranking, as well as being the top ranked name selected by City of Melville respondents. Almost half of the respondents (47%) chose "Poore" as one of their top three preferred names for the park.
- "Burwood" is the most preferred name among Non-City of Melville respondents but ranked 5th among City of Melville respondents preferred names.
- Bicton residents' most preferred name is "Ernest Aberle", which ranked 4th in the overall result. "Poore" ranked 8th among Bicton respondents' preference.

T20/3863 - NAMING OF PARK AT 58-60 MURRAY ROAD, BICTON (REC)
(ATTACHMENT)

The City also received feedback outlining the following concerns via email in regards to the names to select from.

1. The grandson of Bertie and Lillian Poore of Murray Road stated that he and his cousins were unaware of who or how the submission was made and were also curious as to the lack of context. They supplied additional information which has been included in the history to assist the community in understanding the background as to why his grandparents name should be considered.
2. Concern was raised that none of the names appeared to be anyone of Indigenous heritage. Also, quite offensively and inaccurately, one of the names, John Hole Duffield, was referred to as an "original land owner" and requested that the renaming of the park wait until this pool of names is reviewed. They stated *"the renaming of Bicton Park is an opportunity to take a significant step in our community's reconciliation journey. To throw away this opportunity, especially in the current political climatic, would be wasteful and unwise"*.
3. Email received questioning, *"where's all the indigenous representation on that list? I mean, considering they're the traditional owners you'd think there'd at least be ONE to choose from"*.
4. Email received stating the individual was concerned they had read through the names and realised there are no Aboriginal names to choose from. *"Just received the letter in the post of renaming of Murray Road park. I read through the names and realised there are no Aboriginal names to choose from. Wouldn't it be wiser in this day and age to name the park after someone or something to do with the original land owners?"* This was their opinion and he was sure there are plenty of people in their neighbourhood that would think the same.
5. Concern that Council's list of names to select from had a spelling error for Ernest Aberle as it had been spelt Ernest Aberlie. There was also an error in the history behind the nomination of Fredrick Smedley. These two errors have been amended as part of the consultation process. The individual was not pleased by this error and asked for the whole process to be stopped and a new consultation take place.
6. A resident suggested including the name of her late father (Frank Richard Widdicombe) who passed away in November 2018 and had lived across the road from the park for 60 years. Frank had been involved with the Melville Water Polo Club for over 75 years; was a member of the East Fremantle Football Club and a foundation member of the Fremantle Dockers Football Club, helping to design their first home at Fremantle Oval. He was passionate about the park and was involved with "sustained campaign" in 2012. The decision at the time was for this name not to be included in the naming process as it was not on the Council current schedule of names.

T20/3863 - NAMING OF PARK AT 58-60 MURRAY ROAD, BICTON (REC)
(ATTACHMENT)

7. The following email was received. *“We are residents of Waddell Road in Bicton and we have received the letter outlining the new proposed names for the park on Murray Road. We just wanted to know why there isn’t a name of indigenous significance included in the short list? It saddens me that there are no options in the list of this background, seeing as they are the traditional custodians of the land”.*

Given the feedback provided in the submissions on the naming of the park and the concerns over the lack of indigenous names on the list, it is considered appropriate for the naming of 58-60 Murray Road be put on hold until the review of the Councils Schedule of Names and History is complete so that there is a much more inclusive range of names to select from, including indigenous names.

II. OTHER AGENCIES / CONSULTANTS

There were no external consultants used to prepare this report.

STATUTORY AND LEGAL IMPLICATIONS

In Western Australia the practice of officially naming features, localities and roads is covered under Section 26 and 26A of the *Land Administration Act 1997*.

FINANCIAL IMPLICATIONS

The community consultation process cost \$1,100; these costs were associated with the following:

- Advertisements in both social and print media;
- Signage located at the park directing them to Melville Talks;
- Letters sent to residents living within 200 meters of the park; and
- Direct emails to a random sample of residents within 400m of the park.

The City’s sign making shop would be able to design, build and install two new parks signs which will be located at either end of the park for \$770.

Total cost of project \$1,870 (Excluding the cost of staff and Council time).

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Reputational risk of selecting a name for the park prior to a review of the current Schedule of Names.	Minor consequences which are likely, resulting in a Medium level of risk	Officer recommendation is to delay the naming of the park until the current Schedule of Names can be reviewed and start the process once the review is completed.

T20/3863 - NAMING OF PARK AT 58-60 MURRAY ROAD, BICTON (REC)
(ATTACHMENT)**POLICY IMPLICATIONS**

Council Policy CP-096 Naming of Roads, Parks, Buildings and Infrastructure was reviewed and updated by the Council at the meeting held 21 April 2020. The overdue review of the Schedule of Names was delayed due to the review of the Policy. The Council resolved to proceed with the advertising of names for the park based on the current Schedule of names.

The Policy provides guidance and consistency in the process of naming and renaming of the City's Assets located on City owned or Crown land (vested or not) in accordance with State requirements.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

To endorse the community's preferred name, that being Poore Park based on the consultation process. A copy of the Council minutes endorsing Poore Park will be forwarded to Landgate to ensure Council has complied with the Policies and Standards for Geographical Naming in Western Australia and seek their approval.

If this option was endorsed by Council and approved by Landgate, there is a risk that members of the community may interpret this decision as a missed opportunity of accurately assessing the community's areas of interest in an equitable manner, in particular the lack of indigenous names.

CONCLUSION

As a result of the Bicton Park Community Action Group working with the City for a number of years, the former Western Power site was officially purchased by the City in 2012. The official naming of the park at 58-60 Murray Road, Bicton is an important step for the local community.

At the 21 April 2020 Council meeting, Council resolved to review its Schedule of Names and call for public submissions to identify names that meet the below criteria:

- (a) Prominent district identities, including pioneering families.
- (b) Persons who have made a significant contribution to the community.
- (c) Elected Members who have been presented the City of Melville Award for Distinguished Service to Council (Policy CP-015).
- (d) Personal names who have had a direct long-term association with the area, or have made a significant contribution to the area, such as twenty or more years voluntary service associated with a local community group or service club.
- (e) Traditional indigenous names relevant to a site or locality or with a relevant meaning.
- (f) Names that have historical connotations with the site or surrounding area.
- (g) Names that represent any relevant local landmarks, flora or fauna.
- (h) Individuals who are still living will only be recognised in exceptional circumstances.
- (i) All names are to consider gender equality.

T20/3863 - NAMING OF PARK AT 58-60 MURRAY ROAD, BICTON (REC)
(ATTACHMENT)

This set of names will form the new Council Schedule of Names once endorsed by Council and Landgate. By completing this process, it is expected that the community will have a more representative list of names to choose from the accurately reflects local community values and history as determined through the consultation process.

The Council's current Schedule of Names does not reflect community values and expectations and requires review. The Officers Recommendation is that the naming of the park not be proceeded with until the Schedule of Names register is reviewed and updated. Upon review the City will then advertise a more complete and representative list of names for the community to choose from.

The City would contact all those who provided feedback during the initial consultation to inform them of why the naming of this park has been postponed and that the City would invite them to provide feedback on names to be included on the register and again on the choice of name for the park, when readvertised.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3863) APPROVAL

At 9:33pm Cr Wheatland moved, seconded Cr Fitzgerald –

That the Council direct the Chief Executive Officer to:

- 1. Discontinue the current naming process for the park at 58-60 Murray Road, Bicton, due to the lack of consensus and the absence of indigenous names from which to choose; and**
- 2. To recommence the community consultation and decision making process for the naming of the park at 58-60 Murray Road Bicton once the review of the Schedule of Names for Assets, is completed.**

At 9:50pm the Mayor declared the motion

CARRIED (7/6)

Vote Result Summary	
Yes	7
No	6

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

At 9:34pm Mr Handcock left the meeting and did not return.
 At 9:35pm Mr Ferris left the meeting and returned at 9:37pm.
 At 9:35pm Mr Tieleman left the meeting and returned at 9:40pm.
 At 9:46pm Ms Young left the meeting and returned at 9:48pm.
 At 9:50pm Cr Barber left the meeting and did not return.
 At 9:51pm Mr McCarthy left the meeting and returned at 9:53pm.

T20/3864 - JETTIES AND BOARDWALKS RENEWAL WITHIN THE CITY OF MELVILLE
(AMREC) (CONFIDENTIAL ATTACHMENT)

Ward : Applecross - Mt Pleasant
 Bicton - Attadale – Alfred Cove
 Central
 Category : Operational
 Subject Index : Tenders
 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 : 2020-2021
 Funding : As detailed in Confidential Attachments
 Responsible Officer : Ian Davis - Projects Coordinator

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>

T20/3864 JETTIES AND BOARDWALKS RENEWAL WITHIN THE CITY OF MELVILLE
(AMREC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

To recommend the acceptance of a tender submitted for the Jetties and Boardwalks renewal works within the City of Melville.

BACKGROUND

The City of Melville, is seeking the services of an experienced marine contractor to undertake the proposed maintenance works for ten (10) City jetties and boardwalks. The sites that require maintenance include:

- Piney Lakes Boardwalk.
- Booragoon Lake Jetty.
- Mount Henry Jetty.
- Gunbower Road Jetty.
- Deepwater Point Jetty.
- Raffles Hotel Jetty.
- Majestic Point Boardwalk.
- Point Walter Jetty Abutment.
- Kent Street Jetty.
- Bicton Baths Jetty.

DETAIL

The request for tender for the Jetties and Boardwalks renewal within the City of Melville was advertised on 29 April 2020 and the City received eight compliant tenders which were assessed by an Evaluation Panel composed of three City Officers and an external subject matter expert from MP Rogers. Qualitative scores were achieved by joint agreement of the Evaluation Panel members at the evaluation meeting after each panel member had scored the submission individually. The City set three qualitative criteria for this Request, being Demonstrated Experience, Key Personnel and Methodology.

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

The Evaluation Panel recommendation was supported by the Contract and Tender Advisory Unit (CTAU) at its meeting on 23 June 2020 and is now submitted as a recommendation to the Council.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

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

II. OTHER AGENCIES / CONSULTANTS

MP Rogers was hired to design, superintend and be part of the evaluation panel for this project.

**T20/3864 JETTIES AND BOARDWALKS RENEWAL WITHIN THE CITY OF MELVILLE
(AMREC) (CONFIDENTIAL ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

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

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

The acceptance of contacts greater than \$550,000 (exclusive of GST) in value require a resolution of Council.

FINANCIAL IMPLICATIONS

The 2019-2020 Jetty Renewal Budget included \$1,001,124 in funding for the jetty renewals, with expenditure to date mainly relating to the renewal of the Applecross jetty abutment works project.

The remaining funding from the jetty account is to be carried forward into the 2020-2021 budget with some additional funding of \$60,000 to be transferred from the Infrastructure Asset Management Reserve to address the budget shortfall and allow sufficient funds to successfully undertake the works related to this tender.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

There is no residual risk implications following the invitation and evaluation process conducted for this item. Actions taken to address identified risks are listed in a confidential attachment included in the Contract and Tender Advisory Unit Meeting Minutes of 23 June 2020.

The provision of these goods will have no major environmental implications.

POLICY IMPLICATIONS

CP-023 Procurement of Products or Services.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options have been identified.

**T20/3864 JETTIES AND BOARDWALKS RENEWAL WITHIN THE CITY OF MELVILLE
(AMREC) (CONFIDENTIAL ATTACHMENT)****CONCLUSION**

The CTAU was satisfied that the recommended Respondent has demonstrated that they have the necessary demonstrated experience, have experienced key personnel and follow a methodology in line with the City's expectations.

The recommended Respondent offers the lowest price whilst satisfying the City's qualitative requirements therefore they are considered to offer the best value for money.

The confidential attachments are included in the Contract and Tender Advisory Unit Meeting Minutes of 23 June 2020 available on the Elected Members Portal.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3864)
ABSOLUTE MAJORITY**

At 9:52pm Cr Robartson moved, seconded Cr Wheatland –

That the Council:

- 1. Accepts the recommendation as contained in the Confidential Attachment - RFT192018 Contract and Tender Advisory Unit Minutes;**
- 2. Following the above approval, directs that the successful Respondents' name be inserted below this point 2; and**

Shore Water Marine Pty Ltd ATF S & A Williamson Trust

- 3. By Absolute Majority Decision of the Council approves the transfer of \$60,000 in funding from the Infrastructure Asset Management Reserve required to fund the Jetty Renewal Program (JET03489) budget shortfall.**

At 9:52 pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (12/0)

**M20/5751 – NEW COUNCIL POLICY – CP-113 ATTENDANCE AT EVENTS POLICY
(REC) (ATTACHMENT)**

*Item deferred to later in the meeting.
See page 103.*

M20/5754 – NEW COUNCIL POLICY – CP-114 COMPLIANCE AND ENFORCEMENT POLICY (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Subject Index : Council Administration
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item 16.1 Motion with Notice: Draft Prosecutorial Guidelines – Ordinary Meeting of Council 17 March 2020
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Louis Hitchcock
 Executive Manager Governance and Legal Services

AUTHORITY / DISCRETION

DEFINITION

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

M20/5754 – NEW COUNCIL POLICY – CP-114 COMPLIANCE AND ENFORCEMENT POLICY (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- In March 2020, Council requested that the CEO cause a policy to be drafted setting out prosecutorial guidelines appropriate for the City of Melville.
- The proposed Compliance and Enforcement Policy provides guidance for how the City of Melville performs its compliance and enforcement functions, of which prosecution is one component, under relevant legislation.
- It is recommended that Council adopt the new Policy CP–114 – Compliance and Enforcement Policy.

BACKGROUND

At the Ordinary Meeting of Council held on 17 March 2020, in response to a motion (moved Cr Fitzgerald, seconded Cr Wheatland) Council resolved:

1. *To request the CEO to cause a proposed policy which sets out prosecutorial guidelines appropriate for the City of Melville and which take account of the issues noted in the attached reasons for this proposed notice of motion, to be drafted.*
2. *To request that the CEO cause the proposed draft policy to be presented to Council at an EMIS at a date to be fixed*

Following discussion between officers and the mover of the motion, a draft Compliance and Enforcement Policy was presented to Council at the Elected Members Information Session held on 26 May 2020.

Matters raised by Elected Members in that discussion have been included in the policy presented to this meeting.

DETAIL

The City is responsible for the administration and enforcement of a number of statutes and regulations within its district, as well as its own local laws. Action to encourage compliance with the law and to deter non-compliance is an integral element of the legislative obligations of the City, encompassing multiple activities and tools across functional directorates.

Prosecution is a relatively small component of the overall compliance and enforcement activity of the City. Frequently, prosecution results from an escalation of response where lower level measures have proven ineffective in achieving compliance. The policy therefore seeks to cover the broader compliance and enforcement function, recognising the interconnected nature of different enforcement mechanisms.

**M20/5754 – NEW COUNCIL POLICY – CP-114 COMPLIANCE AND ENFORCEMENT
POLICY (REC) (ATTACHMENT)**

The proposed new policy applies to:

- the investigation of alleged instances of non-compliance
- response to proven non-compliance and
- specified statutory offences (including prescribed offences)

in relation to legislation for which the City of Melville is administratively responsible within its district.

Action may be proactive, as a result of compliance checks by officers, or reactive, in response to formal complaints of alleged non-compliance. The range of compliance and enforcement actions available to the City may be classified into three categories:

- Level 1 - advice, education, oral or written warnings, request to apply for necessary permits or approval
- Level 2 – rectification of non-compliance through directions, notices or orders and moderate penalties, where the legislation provides for infringement notices to be issued
- Level 3 – a more robust response including restriction of operations, suspension or cancellation of permits, licences or registrations, seizure or impounding of goods, direct remedial action to achieve compliance, prosecution or injunctions.

Some legislation provides for non-compliance with legislative requirements to be initially addressed through issuing notices or orders, with failure to comply with those notices or orders then established as an offence to which specified penalties apply.

In addition to the enforcement actions above, if the non-compliance results in damage to public property, the City may also take legal action to claim compensation or restitution. The City may recover as a debt the cost of action to achieve the effect of a notice or order where the legislation provides for this.

The policy addresses:

- The objectives of compliance or enforcement activity;
- The principles that are to apply in the performance of the City's compliance and enforcement function;
- The criteria that may result in a complaint of purported non-compliance not being investigated;
- Prioritisation of investigations;
- The factors to be taken into account in determining an appropriate response when the evidence supports a finding of non-compliance.

In general, officers will be expected to favour the minimum level and type of enforcement action consistent with the seriousness of the offence, the need to provide an effective incentive for the person to comply with the law and the need to maintain public confidence in the City's commitment to applying the law consistently and equitably.

In a local government context the overarching objective is to achieve and maintain compliance with the law through education and incentives.

**M20/5754 – NEW COUNCIL POLICY – CP-114 COMPLIANCE AND ENFORCEMENT
POLICY (REC) (ATTACHMENT)**

The level of the incentive required to encourage compliance is dependent on the individual offender's willingness to comply with the law and community interest, the counter-incentive related to the level of financial or other benefit that the offender expects to derive from their non-compliance, and the experience of the offender in relation to previous incidents of non-compliance.

It is the City's experience that the overwhelming majority of its citizens want to do the right thing and respond quickly and cooperatively if they are advised that they have failed to comply with the law. However, it is inevitable that some people may need a more robust incentive to comply.

The policy, which will be supported by an operational guideline and work procedures as relevant, will assist officers to determine appropriate and consistent responses to deal with non-compliance at different levels.

STAKEHOLDER ENGAGEMENT**I. INTERNAL**

The input from experienced City officers who are directly involved in undertaking compliance and enforcement activities has been invaluable in ensuring that the policy is well-informed by practical considerations. It should be noted that the approach taken in the policy is already common practice at an operational level within the City.

II. OTHER AGENCIES / CONSULTANTS

No specific comment has been sought from other agencies or consultants. However, compliance and enforcement policies and guidelines published by other local governments and by State agencies have been considered. This policy is strongly aligned with the common aspects of those documents. Officers with compliance experience in other organisations have provided information drawn from policies used in those organisations.

III. COMMUNITY

No comment from the community has been sought. This is predominantly an operational rather than a strategic matter.

STATUTORY AND LEGAL IMPLICATIONS

Legislation under which the City has compliance and enforcement obligations includes:

- *Local Government Act 1995;*
- *Building Act 2011;*
- *Bush Fires Act 1954;*
- *Caravan and Camping Grounds Act 1995;*
- *Cat Act 2011;*
- *Control of Vehicles (Off-road Areas) Act 1978;*
- *Dog Act 1976;*
- *Environmental Protection Act 1986 (under delegation);*

M20/5754 – NEW COUNCIL POLICY – CP-114 COMPLIANCE AND ENFORCEMENT POLICY(REC) (ATTACHMENT)

- *Food Act 2008;*
- *Graffiti Vandalism Act 2016;*
- *Health (Miscellaneous Provisions) Act 1911;*
- *Litter Act 1979;*
- *Planning and Development Act 2005;*
- *Public Health Act 2016;*
- *Tobacco Products Control Act 2006,*

This includes enforcement of any requirements under regulations or local laws made under the above Acts.

When adopted, the policy must be published on the City's website.

FINANCIAL IMPLICATIONS

The policy is consistent with established practice and does not have any direct financial implications.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of a real or perceived inconsistent and/or inequitable approach by the City to performing its compliance and enforcement duties under multiple statutes.	Moderate consequences which are unlikely, resulting in a Low level of risk	Development and implementation of the relevant policies and publication on the City's website for improved transparency.

POLICY IMPLICATIONS

This is a proposed new Council Policy as requested by Council. It will be supported by operational reference documents for use by officers in the performance of their duties.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The City could continue to discharge its compliance and enforcement functions guided by the legislation and guidelines published by State agencies as it has done historically. This would meet the City's obligations under the individual Acts, but would not provide a transparent, consistent, documented guidance for all compliance and enforcement officers across all the City's functional units.

M20/5754 – NEW COUNCIL POLICY – CP-114 COMPLIANCE AND ENFORCEMENT POLICY(REC) (ATTACHMENT)**CONCLUSION**

The City is committed to meeting its legislative requirements and to transparency and accountability to its community. The adoption of this policy will establish guidelines for consistent and effective performance of the City's statutory obligations to enforce compliance with legislation that the City is charged with administering within its district.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5754) APPROVAL

At 9:53pm Cr Fitzgerald moved, seconded Cr Pazolli–

That the Council resolves to:

Adopt new Council Policy CP-114 – Compliance and Enforcement Policy as attached [5754 CP-114 – Compliance and Enforcement Policy](#) and that this policy be published on the City of Melville website.

At 9:53pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

M20/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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<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>

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 21 March 2020 up to and including 17 June 2020 for the Council's noting.

M20/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Parties	Description	ECM Reference
CS2143	City of Melville and Landgate	Common Seal and CEO Sign Off for Notification 70A for No.6 Jackman Street Willagee.	DA-2020-294
CS2144	City of Melville and Landgate	Transfer of Land to Update Title - Heathcote	5650995
CS2145	City of Melville and Surveying Solutions	Common Seal and CEO Sign Off for Notification 70A for Lot 612 No.491 Canning Highway, Melville.	DA-2020-528

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

M20/5000 – COMMON SEAL REGISTER (REC)**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

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

At 9:54pm Cr Mair moved, seconded Cr Barton –

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 21 March 2020 up to and including 17 June 2020.

At 9:54pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

C20/6000 - INVESTMENT STATEMENTS FOR MAY 2020 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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<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 31 May 2020 for the Council's information and noting.

C20/6000 - INVESTMENT STATEMENTS FOR 31 MAY 2020 (REC)

BACKGROUND

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

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

DETAIL

The following statement details the investments held by the City as at 31 May 2020.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 MAY 2020		
SUMMARY BY FUND		
Municipal		\$12,881,407
Reserve		\$174,342,960
Trust		\$-
Citizen Relief		\$219,651
TOTAL		\$187,444,018
SUMMARY BY INVESTMENT TYPE		
11AM		\$5,648,374
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$157,020,473
Units (Local Govt Hse)		\$175,171
TOTAL		\$187,444,018
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$109,468,847
A Category (A+ to A-)	A+	\$45,800,000
	A	
	A-	\$2,000,000
BBB+ Category	BBB+	\$30,000,000
Units (Local Government House)		\$175,171
TOTAL		\$187,444,018

C20/6000 - INVESTMENT STATEMENTS FOR 31 MAY 2020 (REC)

Exposure to an individual institution is limited according to Council policy and in May 2020 the investments were within the acceptable limits.

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 6,000,000	3.20%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 27,000,000	14.40%	15.00%	✓
ING Bank	A-	A Category	\$ 2,000,000	1.07%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 3,000,000	1.60%	15.00%	✓
CBA	AA-	AA Category	\$ 20,000,000	10.67%	30.00%	✓
Macquarie	A+	A Category	\$ 19,000,000	10.14%	25.00%	✓
NAB	AA-	AA Category	\$ 34,227,287	18.26%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 26,800,000	14.30%	25.00%	✓
Westpac	AA-	AA Category	\$ 49,241,560	26.27%	30.00%	✓
Units in Local Govt House	NA	NA	\$ 175,171	0.09%	100.00%	✓
TOTAL			\$ 187,444,018	100%		

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

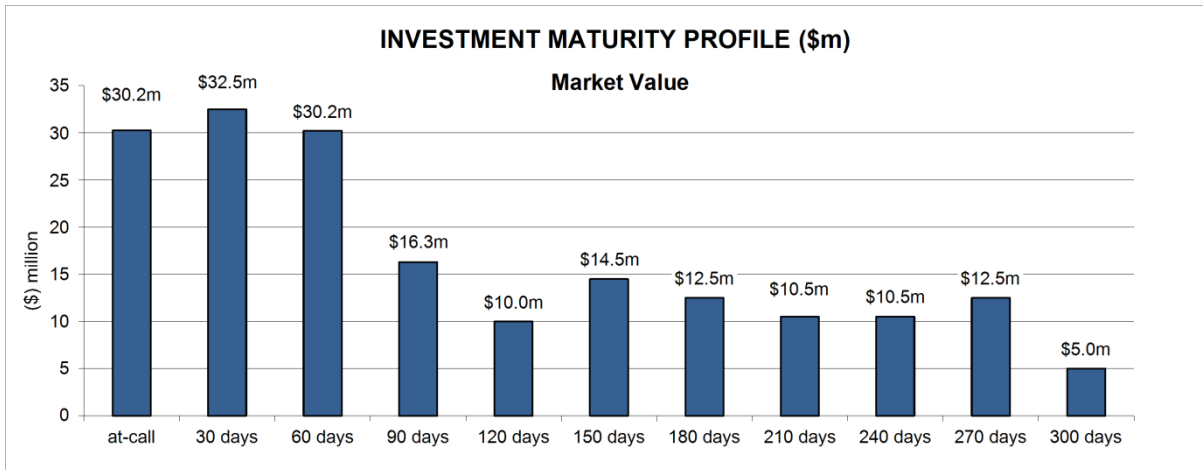
The City's investments were invested within the limits allowed within each category rating for May 2020.

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 109,468,847	58%	80%	✓
A Category (A+ to A-)	\$ 47,800,000	26%	50%	✓
BBB+ Category	\$ 30,000,000	16%	25%	✓
Units in Local Govt House	\$ 175,171	0%	100%	✓
TOTAL	\$ 187,444,018	100%		

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

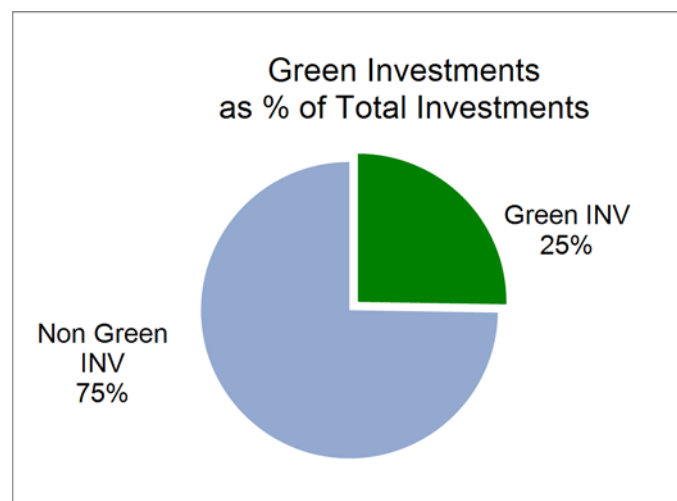
C20/6000 - INVESTMENT STATEMENTS FOR 31 MAY 2020 (REC)

The below graph summarises the maturity profile of the City’s investments at market value as at 31 May 2020. The immediacy of the demand for funds depends on the particular Fund or Reserve Account(s) of the City. The maturity profile provided in the table above meets the liquidity requirements of the Council policy.



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

The total investment in authorised institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels, as at 31 May 2020 was \$47,300,000 or 25% of total investment holdings being in non-fossil fuels institutions, compared to \$46,500,000 (24%) in April 2020. The total investments holding for May and April were \$187,444,018 and \$191,642,471 respectively.



C20/6000 - INVESTMENT STATEMENTS FOR 31 MAY 2020 (REC)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

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

C20/6000 - INVESTMENT STATEMENTS FOR 31 MAY 2020 (REC)

FINANCIAL IMPLICATIONS

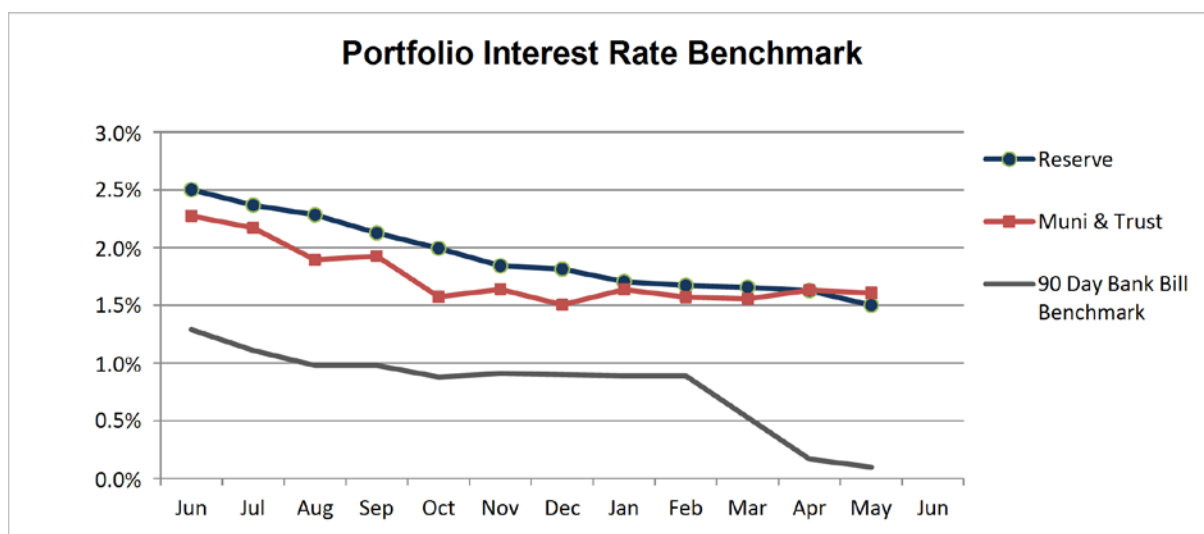
For the period ending 31 May 2020:

- Investment earnings on Municipal and Trust Funds were \$321,959 against a year to date budget of \$241,333 representing a positive variance of \$80,626. The weighted average interest rate for Municipal and Trust Fund investments as at 31 May 2020 was 1.61% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.10%.
- Investment earnings on Reserve accounts were \$3,155,652 against a year to date budget of \$3,607,713 representing a negative variance of \$452,061.

The weighted average interest rate for Reserve account investments as at 31 May 2020 was 1.50% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.10%.

Expected position at 30 June 2020:

- The total investment as at 31 May has fallen by \$4,198,453 to \$187,444,018, or 2.2 per cent compared to last month. It will be reduced further in June, particularly with slow recovery for the City's revenue collection as a result of COVID 19 and higher creditors' payment by the end of the financial year.
- The Reserve Bank reduced the cash rate twice in March 2020. The first decrease was factored into review of interest revenue in the mid-year review process. The expected investment earnings on Municipal and Trust Funds at 30 June is \$338,783 against the annual budget of \$255,000, representing a favourable variance of \$83,783.
- The City is estimating investment income of \$3,367,516 on its reserve accounts which will represent a negative variance of \$669,484 against the revised budget of \$4,037,000. This variance will have no impact on the City's operating result at year end.



C20/6000 - INVESTMENT STATEMENTS FOR 31 MAY 2020 (REC)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS****Strategic**

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

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

Risk

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

Environmental

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

It should be noted that Green Investment has increased from 22% in January to 25% in May 2020

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

C20/6000 - INVESTMENT STATEMENTS FOR 31 MAY 2020 (REC)**CONCLUSION**

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 1.61% to 1.50% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.10%.

25% 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 April 2020.

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

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

At 9:54pm Cr Mair moved, seconded Cr Pazolli –

That the Council notes the Investment Report for the period ending 31 May 2020.

At 9:54pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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<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 May 2020 and recommends that the Schedule of Accounts Paid be noted.

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

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

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

DETAIL

The Schedule of Accounts Paid for May including Payment Register numbers, Cheques: 753-756, Electronic Funds Transfers batches: 642-647, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 3 July 2020.

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

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

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

SCHEDULE OF PAYMENTS MADE MAY 2020		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
<i>Cheques</i>	Chq Payment Register No. 753 to 756	\$38,608.94
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	(\$6,639.80)
<i>Electronic Funds Transfers</i>	EFT Payment Register No. 642,644,646 and 647	\$6,211,957.38
	EFT Payment on Restricted Funds Register No. 94,643 and 645	\$162,676.20
	Less Cancelled EFTs	(\$2,845.96)
		\$6,403,756.76
<i>Direct Debits</i>	Bank Fees	\$6,717.75
	Caltex Fuel	\$68,896.35
<i>Direct Payments</i>		\$829.59
	Total Direct Creditor Payments	\$6,480,200.45
<i>Payroll</i>	Total Pay 23 and 24	\$3,339,059.10
		Total Payroll
<i>Cards</i>	Corporate Cards	(\$3,399.95)
	Purchase Cards	\$39,802.21
	American Express	\$2,914.81
		Total Card Payments
Total Direct Creditor Payments from Municipal Account		\$9,858,576.62

C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2020 (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		(\$3,936,145.82)
Reserve		\$3,936,145.82
Trust		\$0.00
<i>Total Interfund Transfers</i>		(\$0.00)
<i>New Municipal Investments</i>		
Commonwealth Bank Green	6/05/2020	\$3,000,000.00
Bank of Queensland	7/05/2020	\$1,500,000.00
Westpac Bank	18/05/2020	\$2,500,000.00
Commonwealth Bank Green	19/05/2020	\$1,000,000.00
Commonwealth Bank Green	19/05/2020	\$2,000,000.00
Commonwealth Bank Green	19/05/2020	\$2,000,000.00
National Australia Bank	27/05/2020	\$2,000,000.00
Commonwealth Bank Green	27/05/2020	\$1,000,000.00
Westpac Bank	27/05/2020	\$1,500,000.00
Commonwealth Bank Green	28/05/2020	\$1,500,000.00
National Australia Bank	29/05/2020	\$2,000,000.00
National Australia Bank	29/05/2020	\$2,000,000.00
National Australia Bank	29/05/2020	\$2,000,000.00
Commonwealth Bank Green	29/05/2020	\$1,000,000.00
Commonwealth Bank Green	29/05/2020	\$1,000,000.00
<i>Total New Investments</i>		\$26,000,000.00
Grand Total		\$35,858,576.62

Details of the payments are shown in attachment [6001 May 2020](#).
[Any payment over and above \\$25,000.00 has been highlighted under the Payment Amount column in the attachment to this statement named 'Listing of Payments made under Delegated Authority'.](#)

C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2020 (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS**STATUTORY AND LEGAL IMPLICATIONS**

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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 \$35,858,576.62.

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

C20/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2020 (REC) (ATTACHMENT)**OFFICER RECOMMENDATION (6001)****NOTING**

At 9:54pm Cr Pazolli moved, seconded Cr Barton –

That the Council notes the Schedule of Accounts paid for the period May 2020 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 May 2020](#).

At 9:54pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2020 (AMREC)
(ATTACHMENTS)

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

AUTHORITY / DISCRETION

DEFINITION

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

<p>This report presents:</p> <ul style="list-style-type: none"> • The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 31 May 2020 and recommends that they be noted by the Council. • The variances for the month of 31 May 2020 and recommends that they be noted by the Council. • The Budget amendments required for the month of 31 May 2020 and recommends that they be adopted by Absolute Majority decision of the Council.

**C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2020 (AMREC)
(ATTACHMENTS)****BACKGROUND**

The Statements of Financial Activity for the period ending 31 May 2020 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

OVERALL SUMMARY OF THE CITY FINANCIAL POSITION

- The financial reports reflect a favourable net operating result as at 31 May 2020 with the year to date result being \$3.019M better than the revised budget. The net result includes losses (when compared to book value) from the write down or sale of assets totalling \$1.002M mainly relating to the demolition of three properties and losses recorded on sale of fleet assets.
- The City received \$1,750,000 of Federal Assistance Grants from the WA Local Government Grants Commission during the month of May. This amount includes General Purpose and Road Grants.
- Year to date capital expenditure was \$18,222,538 against the year to date revised capital budget of \$22,202,689, representing a negative variance of \$3,980,151 as a result of the delay in projects due to COVID-19.
- \$1,964.19 was waived in May, including \$1,416.90 written off under Delegation DA-032 and \$547.29 as a part of the Melville Community Stimulus Package approved by the Council on 9 April. The City is expecting more COVID-19 Stimulus related waivers over the month of June, mainly in self-supporting loans of \$92,970.53 and \$32,687.62 for lease outgoing.
- Rates raised at the end of May was \$89,818,712 with the positive variance of \$260,816 compared to the year to date budget. Rates collection including prior year arrears as at 31 May is 91.9%, which is below the target of 95%.
- It is noted that the rate related debtors is \$10.5m at the end of May 2020 and that has grown by almost \$3m from the same period last year. The management of debtors is important from a cashflow perspective and a review of these debts and the payment plans is being undertaken.
- In the month of May, the total investments have reduced by \$4,198,453 or 2.2% to \$187,444,018 of which \$174,342,960 is restricted (reserves).

This will be reduced further in June, particularly with slower recovery in the City's revenue collection as a result of COVID-19 and creditor payments due by the end of the 2019-2020 financial year.

- The Reserve Bank reduced the cash rate twice in March 2020. The first decrease was factored into review of interest revenue in the mid-year review process. The expected investment earnings on Municipal and Trust Funds at 30 June is \$338,783 against the annual budget of \$255,000, representing a favourable variance of \$83,783.

C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2020 (AMREC)
(ATTACHMENTS)

- The City has forecast investment income of \$3,367,516 on its reserve accounts for the year, which will represent a negative variance of \$669,484 against the revised budget of \$4,037,000. This variance will have no impact on the City's operating result at year end.

DETAIL

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

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

Variances

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

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

Revenue

Rates raised as at May were \$89,818,712, compared to a year to date budget of \$89,557,896. The positive variance of \$260,816 is due to additional interim rates income generated subsequent to the Mid Year Budget review from various properties including the Woolworths property at 39 Reynolds Road, Mount Pleasant.

Rates Collection

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	6,607,681	6,607,681	0%	4,712,838	40%
Debtors Raised	116,209,018	116,184,500	0%	113,512,079	2%
Payments Received	(112,284,237)	(111,598,229)	1%	(110,663,461)	1%
Closing Balance	10,532,462	11,193,952	-6%	7,561,456	39%

Total rate debtor collections for the month equalled \$ 686,009.

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

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	432,873	432,873	0%	488,748	-11%
Invoices Raised	7,642,095	7,208,254	6%	7,505,823	2%
Receipts	(6,830,417)	(6,197,217)	10%	(7,389,142)	-8%
Prepayments	32,399	35,497	-9%	27,920	16%
Closing Balance	1,276,950	1,479,407	-14%	633,349	102%

Sundry debtor balances decreased by \$202,457 over the course of May from \$1,479,407 to \$1,276,950 of which total 90 day sundry debtors over \$1,000 for the month is \$200,937, representing 16% of total sundry debtors.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for May 2020.

Budget Amendments

Details of Budget Amendments requested for the month of May 2020 are shown in attachment [6002J May 2020](#). Variances greater than \$50,000 processed in May 2020 are highlighted in the attachment.

Granting of concession or writing off debts owed to the City

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

\$1,416.90 was written off under delegated authority in the month of May 2020 as the City has exhausted all avenues to recover debt from a liquidated company.

In addition, the following debts were waived in May totalling \$547.29 as a part of the Melville Community Stimulus Package approved at the Special Meeting of Council on 9 April

- \$154.31 of Leeming Heights Community Hall electricity recoup for the period 1 March to 1 April.
- \$392.98 of Willagee Melville Sporting Association electricity recoup for the period 1 March to 16 April.

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

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

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;

C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2020 (AMREC)
(ATTACHMENTS)

- (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*

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

- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*

- (4) *A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be —*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*

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

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

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

FINANCIAL IMPLICATIONS**Variances**

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

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.

C20/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR MAY 2020 (AMREC)
(ATTACHMENTS)

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 May 2020. It is noted that the debts owing to the City have increased which does impact on the Municipal Fund cash position. The Municipal Fund cash position will require further monitoring particularly in July and August prior to the expected commencement of 2020-2021 rate revenue

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)

NOTING and ABSOLUTE MAJORITY

That the Council:

At 9:55pm Cr Wheatland moved, seconded Cr Barton –

- Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 31 May 2020 as detailed in the following attachments:**

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

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

At 9:55pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (12/0)

Item deferred from earlier in the meeting.

Officers provided an Advice Note on this procedural motion

[Advice Note New Council Policy CP-113 Attendance at Events](#)

**M20/5751 – NEW COUNCIL POLICY – CP-113 ATTENDANCE AT EVENTS POLICY
(REC) (ATTACHMENT)**

Ward	:	All
Category	:	Policy
Subject Index	:	Council Administration
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not Applicable
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Corrine Newman Governance Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

**M20/5751 – NEW COUNCIL POLICY – CP-113 ATTENDANCE AT EVENTS POLICY
(REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The *Local Government Legislation Amendment Bill 2019* introduced new reforms including the requirement for local governments to develop an Attendance at Events policy.
- The policy is to provide a framework for the acceptance of invitations to events and transparency to the community for the acceptance of those invitations.
- The Chief Executive Officer is required to publish, on the City's website, a policy for attendance at events.
- A new Council Policy CP-113 has been developed for the consideration of the Council.
- The policy was presented to the 16 June 2020 Ordinary Meeting of Council where it was deferred with a request for a presentation.
- It is recommended that Council adopt the new Policy CP – 113 Attendance at Events.

BACKGROUND

In June 2019 the *Local Government Legislation Amendment Act* was passed by Parliament, which introduced a range of new legislative requirements for local governments, including the requirement for local governments to introduce a policy that provides a framework and transparency to the community for the acceptance of invitations to events.

This matter was presented to the Ordinary Meeting of Council held 16 June 2020, where it was deferred with a request for a presentation. A presentation on this proposed new policy was provided at an Agenda Briefing Forum held 7 July 2020.

DETAIL

New Section 5.90A of the *Local Government Act 1995* requires that local governments have a policy regarding attendance at events. The purpose of the policy is for the Council to actively consider the purpose of and benefits to the community of Elected Members and the CEO attending events.

A new Council Policy has been developed to meet this legislative requirement and provides a framework for the acceptance of invitations to various events and clarifies who will pay for tickets or the equivalent value of the invitation.

The proposed new policy addresses:

- attendance at any events, including concerts, conferences, functions or sporting events, or other hospitality occasion, whether free of charge, part of a sponsorship agreement, or paid by the local government
- that attendance at events should not interfere with the business of the Council
- any payments for, or expenses associated with, attendance at events
- where an event is not covered by the policy, the Council should consider the matter.

Attendance at events in accordance with the proposed policy will exclude the attendee from the requirement to disclose an interest where the donor has a matter before the Council. However, the acceptance of invitations will still be required to be declared and entered into the Gift Register.

**M20/5751 – NEW COUNCIL POLICY – CP-113 ATTENDANCE AT EVENTS POLICY
(REC) (ATTACHMENT)**

It should be noted that under the new legislation, any gifts, including tickets to events not covered by this policy, that are over \$1,000 and are associated with a matter before the Council will, in accordance with sections 5.69 and 5.71B of the Act, require the approval of the Minister for the Elected Member to participate in meetings or for the CEO to provide advice or reports relating to the matter.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No comment from the community has been sought.

II. OTHER AGENCIES / CONSULTANTS

No comment has been sought from other agencies or consultants, however the Department of Local Government, Sport and Cultural Industries information and circulars in relation to the implementation of the new *Local Government Legislation Amendment Act 2019* has been taken into consideration, specifically in relation to the development and implementation of an Attendance at Events policy.

STATUTORY AND LEGAL IMPLICATIONS

New section 5.90A of the *Local Government Act 1995* requires the City to prepare and adopt a policy that deals with matters relating to the attendance of Elected Members and the CEO at events and comply with any prescribed requirements relating to the form or content of the policy.

Division 6A — Attendance at events**5.90A. Policy for attendance at events**

- (1) *In this section —*
event includes the following —
- (a) *a concert;*
 - (b) *a conference;*
 - (c) *a function;*
 - (d) *a sporting event;*
 - (e) *an occasion of a kind prescribed for the purposes of this definition.*
- (2) *A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —*
- (a) *the provision of tickets to events; and*
 - (b) *payments in respect of attendance; and*
 - (c) *approval of attendance by the local government and criteria for approval; and*
 - (d) *any prescribed matter.*

** Absolute majority required.*

**M20/5751 – NEW COUNCIL POLICY – CP-113 ATTENDANCE AT EVENTS POLICY
(REC) (ATTACHMENT)**

- (3) *A local government may amend* the policy.*
* *Absolute majority required.*
- (4) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (5) *The CEO must publish an up-to-date version of the policy on the local government's official website.*
[Section 5.90A inserted: No. 16 of 2019 s. 44.]

An absolute majority decision of the Council is required to adopt and amend a policy and the adopted policy must be published on the City's website.

Invitations to events may be considered gifts and the implications of the Disclosure of Financial Interests and Gifts covered in Division 6 of the *Local Government Act 1995* and Part 6 of the *Local Government (Administration) Regulations 1996* should be taken into consideration.

FINANCIAL IMPLICATIONS

Attendance at events and associated expenses generally align with Elected Members training and development and are covered under existing budget considerations. The new legislative requirements associated with attendance at events can be accommodated under existing budget allocations.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of not providing sufficient transparency to the community of the events attended by Elected Members and the Chief Executive Officer when considering and providing advice on matters before the Council.	Moderate consequences which are likely, resulting in a High level of risk	Development and implementation of the relevant policies and registers and publication on the City's website for improved transparency.

POLICY IMPLICATIONS

This is a proposed new Council Policy as required under the *Local Government Act 1995*. The intention of the new policy is to provide guidance and support to the Elected Members and the Chief Executive Officer when attending events to ensure appropriate disclosure and transparency to the community.

**M20/5751 – NEW COUNCIL POLICY – CP-113 ATTENDANCE AT EVENTS POLICY
(REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There are no alternative options as this is a legislative requirement.

CONCLUSION

The City is committed to meeting its legislative requirements and to transparency and accountability to its community. The adoption of this policy will establish guidelines for appropriate disclosure and management of the acceptance of invitations to events for Elected Members and the Chief Executive Officer.

OFFICER RECOMMENDATION (5751)**APPROVAL**

That the Council adopts new Council Policy CP-113 – Attendance at Events as attached [5751 New Council Policy CP-113 Attendance at Events](#) and that this policy be published on the City of Melville website.

Procedural Motion

At 9:56pm Cr Mair moved, seconded Cr Wheatland–

That Item M20/5751 New Council Policy – CP-113 Attendance at Events Policy be deferred to the 18 August 2020 Ordinary Meeting of Council to allow for discussion at an Elected Member Information Session prior to that meeting.

At 9:57pm the CEO requested that the Item be deferred to the September Ordinary Meeting of Council due to the number of items already on the agenda at the August meeting which was consented to by the mover and seconder.

Procedural Motion**COUNCIL RESOLUTION**

At 9:56pm Cr Mair moved, seconded Cr Wheatland –

That Item M20/5751 New Council Policy – CP-113 Attendance at Events Policy be deferred to the 15 September 2020 Ordinary Meeting of Council to allow for discussion at an Elected Member Information Session prior to that meeting.

At 9:59pm the Mayor declared the motion

CARRIED UNANIMOUSLY (12/0)

At 10:02pm the Mayor advised of his intention to adjourn the meeting to 6.30pm Wednesday 22 July 2020 to deal with the remaining items on the agenda.

Procedural Motion

At 10:03pm Cr Sandford moved, seconded Cr Mair –

That items:

- **M20/5759 Late Item - Standards Panel Representation Legal Assistance – Legal Representation Policy**
- **M20/5757 Late Item – Confidential Item - Financial Assistance Legal Representation Policy**

be deferred for discussion at an Elected Member Information Session.

The Presiding Member agreed to the Elected Members request that the items be dealt with separately.

Elected Members requested the ability to attend the meeting when resumed on Wednesday 22 July 2020 electronically, the Mayor consented.

The procedural motion was withdrawn.

At 10:04pm the Mayor confirmed that Cr Woodall and Cr Robins were still in attendance electronically and adjourned the meeting.

MEETING RECOMMENCEMENT

The Mayor, Honourable George Gear advised that the Meeting that was adjourned at 10:04pm on Tuesday 21 July 2020 is recommenced at 6.30pm on Wednesday 22 July 2020 and welcomed everyone back to the meeting.

The Mayor advised that the Deputy Mayor, Cr Pazolli, Cr Woodall, Cr Barton, Cr Sandford, Cr Fitzgerald, Cr Robins and Cr Robartson were in attendance electronically, with his approval. At the recommencement of the meeting the following Elected Members and officers were in attendance:

Mayor Honourable G Gear

COUNCILLORS

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

WARD

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

IN ATTENDANCE

Mr M Tieleman	Chief Executive Officer
Ms K Johnson	Executive Manager Organisational Development
Mr B Taylor	Manager Governance and Property
Ms C Newman	Governance Coordinator

At the recommencement of the meeting, there were no members of the public in the Council Chambers and one members of the public and no representative from the Press in attendance electronically.

APOLOGIES AND APPROVED LEAVE OF ABSENCE

Apologies

Ms C Young	Director Community Development
Mr S Cope	Director Urban Planning
Mr M McCarthy	Director Technical Services
Mr A Ferris	Director Corporate Services

Approved Leave Of Absence

Nil.

15. EN BLOC ITEMS

Nil.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16.1 Motion with Notice - Tompkins Park Community and Recreational Association
– Management Plan**

Item brought forward

Refer page 29.

Officers provided an Advice Note on this matter [Advice Note Amendment to Council Policy CP-091 Elected Members Allowances and Expenses](#)

16.2 Motion with Notice - Policy CP-091 Elected Members Allowances and Expenses, Amendment

MOTION

At 6:35pm Cr Kepert moved, seconded Cr Mair –

The Council approves the following amendment to be made to CP-091 Elected Members Allowances and Expenses and directs the CEO to adjust the policy accordingly:

Delete all text under Section 2.5 “Other Expenses” and replace it with the following:

“As a general rule the administration is to reimburse Elected Members for costs they have incurred in the course of their roles and duties. If the administration disputes an item sought for reimbursement, the administration is to state in writing their position and reasons for doing so to the Elected Member. The Elected Member is afforded the opportunity to present the disputed expense to a meeting of the Governance Committee for determination and recommendation to the Council. The Elected Member is also afforded the opportunity to request interest equal to inflation from when the cost was incurred to be included in the reimbursement.”

COUNCIL RESOLUTION

Amendment

At 6:37 Cr Pazolli moved, seconded Cr Barber -

To delete the words “The Elected Member is also afforded the opportunity to request interest equal to inflation from when the cost was incurred to be included in the reimbursement.”

At 6:45pm the Mayor declared the motion

CARRIED (12/1)

Vote Result Summary	
Yes	12
No	1
Vote	
Cr Barber	Yes
Cr Barton	Yes
Cr Fitzgerald	Yes
Cr Pazolli	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Robartson	Yes
Cr Robins	Yes
Cr Sandford	Yes
Cr Wheatland	Yes
Cr Woodall	Yes
Mayor Gear	Yes
Cr Kepert	No

16.2 Motion with Notice - Policy CP-091 Elected Members Allowances and Expenses, Amendment

Substantive motion as Amended

COUNCIL RESOLUTION

At 6:35pm Cr Kepert moved, seconded Cr Mair –

The Council approves the following amendment to be made to CP-091 Elected Members Allowances and Expenses and directs the CEO to adjust the policy accordingly:

Delete all text under Section 2.5 “Other Expenses” and replace it with the following:

“As a general rule the administration is to reimburse Elected Members for costs they have incurred in the course of their roles and duties. If the administration disputes an item sought for reimbursement, the administration is to state in writing their position and reasons for doing so to the Elected Member. The Elected Member is afforded the opportunity to present the disputed expense to a meeting of the Governance Committee for determination and recommendation to the Council.”

At 6:54pm the Mayor declared the motion

CARRIED (7/6)

Vote Result Summary	
Yes	7
No	6

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

Reasons for the motion as provided by Cr Kepert

A recent reimbursement claim by an Elected Member has raised much confusion over existing processes as set out by the policy. The new wording aims to give greater clarity to processes.

Officers provided an Advice Note on this matter

[Advice Note Motion with Notice Elected Member Information Session Charter](#)

16.3 Motion with Notice - Elected Member Information Session Charter

At 7.02pm during the introduction of the item Cr Kepert indicated he would like to:

- delete the reference to the *City of Melville Meeting Procedures Local Law 2017* in point b.
- delete point d. in its entirety; and
- renumber point “e.” to “d.”.

from the document circulated and for discussion to be on the amended version of the motion.

MOTION

At 7:05pm Cr Kepert moved, seconded Cr Barton –

The Council:

1. **Directs the CEO to create a charter for Elected Member Information Sessions. The charter is to include the following principles:**
 - a. **Elected Member Information Sessions are to be chaired by an Elected Member of the Council.**
 - b. **Office bearer positions consisting of Chairperson and Deputy Chairperson will be selected through a vote by the Council.**
 - c. **The election and appointment of office bearer positions is to be conducted annually, coinciding with the ordinary local government electoral cycle, that being the first meeting following the third Saturday of every October.**
 - d. **Elected Member Information Session Agendas will be distributed to Elected Members by close of business on the Friday prior to the meeting.**
2. **The charter is to be presented to the 18th August 2020 Ordinary Meeting of Council for approval by the Council.**

At 7:07pm Cr Sandford foreshadowed a motion to request the CEO to arrange for this matter to be discussed at an Elected Member Information Session.

During discussion and debate on the motion the mover and the seconder consented to:

- the deletion of the words in point a. “an Elected Member of the Council” and replacing with the words “the Deputy Mayor or delegate”;
- the deletion of point “b.”;
- the deletion of point “c.”;
- point “d.” being renumbered “a.”;
- the amendment of point 2 to 15 September 2020 Ordinary Meeting of Council.

At 7:19pm Cr Woodall left the meeting and returned at 7:29pm.

16.3 Motion with Notice - Elected Member Information Session Charter

COUNCIL RESOLUTION

At 7:05pm Cr Kepert moved, seconded Cr Barton –

The Council:

- 1. Directs the CEO to create a charter for Elected Member Information Sessions. The charter is to include the following principles:**
 - a. Elected Member Information Sessions are to be chaired by the Deputy Mayor or delegate.**
 - b. Elected Member Information Session Agendas will be distributed to Elected Members by close of business on the Friday prior to the meeting.**
- 2. The charter is to be presented to the 15 September 2020 Ordinary Meeting of Council for approval by the Council.**

At 7:31pm the Mayor declared the motion

CARRIED (7/6)

Vote Result Summary	
Yes	7
No	6

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

Reason for the Motion as provided by Cr Kepert

Elected Member Information Sessions (EMIS) are the City of Melville’s primary forum for briefing Elected Members. At present, EMIS have no guiding charter.

This means Elected Members have no formal say in what matters are presented to the Council at these forums as it is wholly determined by the administration.

After a recent investigation it was determined that the control of these meetings was ceded to the CEO at some point between 2006 and 2008. Since then Elected Members have had no say in who chairs these meetings and how these meetings are conducted.

16.3 Motion with Notice - Elected Member Information Session Charter

Under the existing system, if an elected member wishes to be briefed on any matter, including by parties other than the City of Melville administration, it can be denied by the CEO.

Chairing meetings is a particularly important role which carries responsibilities. It requires accountability and fair judgement to be carried out appropriately. It is not suitable for these meetings to be chaired by an officer when they were not appointed by the Council. This is echoed by the Department of Local Government Sport and Cultural Industries' operational guidelines on Council forums where it states the following:

Authority for the chair

Many councils have established a forum process without specifying how the forums should be chaired and what authority the chair is given to control proceedings. In some local governments, the CEO chairs the forums in certain circumstances. This latter approach is not supported because it confuses the roles and relationships established in the Act.

It is recommended that the mayor or president or, if appropriate, another elected member, chairs all forums that involve elected members. Properly managed forums rely on strength and leadership from the chair. Therefore, a forum's chair should be supported by established rules similar to the standing orders that apply to formal meetings.

There has also been uncertainty whether the City of Melville's *Meeting Procedures Local Law 2017* applies to these important meetings. It was recently determined that it does not.

This motion, as with the Council's recent decision to review the City of Melville's *Meeting Procedures Local Law 2017*, is a significant step in reforming how the City of Melville conducts its meetings.

16.4 Motion with Notice - Melville Bowling and Recreation Club – Lease Agreement

*Item brought forward
Refer page 23.*

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

- M20/5759 Late Item - Standards Panel Representation Legal Assistance – Legal Representation Policy.
- M20/5757 Late Item – Confidential Item - Financial Assistance Legal Representation Policy

COUNCIL RESOLUTION

At 7:32pm Cr Wheatland moved, seconded Cr Barber –

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

At 7:33pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

COUNCIL RESOLUTION

At 8:40pm Cr Wheatland moved, seconded Cr Kepert –

That the meeting comes out from behind closed doors.

At 8:40pm the Mayor declared the motion

CARRIED UNANIMOUSLY (11/0)

On reopening of the meeting the Mayor advised the following:

- M20/5759 Late Item - Standards Panel Representation Legal Assistance – Legal Representation Policy.

The matter was deferred for consideration at the 18 August 2020 Ordinary Meeting of Council.

- M20/5757 Late Item – Confidential Item - Financial Assistance Legal Representation Policy.

That the Officer Recommendation was amended and the Substantive Motion as Amended was carried unanimously (11/0)

19. CLOSURE

There being no further business to discuss, Mayor Honourable George Gear confirmed that:

- Cr Woodall and Cr Robins had departed whilst the meeting was behind closed doors and were no longer in attendance electronically.
- Cr Pazolli, Cr Barton, Cr Sandford, Cr Fitzgerald and Cr Robartson were still in attendance electronically

and declared the meeting closed at 8:41pm.