

**MINUTES
OF THE
ORDINARY MEETING OF THE COUNCIL
TUESDAY, 19 APRIL 2022
COMMENCING AT 6.30PM**

**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, in order to meet the requirements of Regulation 14E(3)(b) of the *Local Government (Administration) Regulations 1996*, the public may view this meeting electronically and the minutes and audio recording of the meeting will be available on the City's website as soon as practicable after the meeting.

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: 22 APRIL 2022

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1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

Mayor Honourable G Gear

COUNCILLORS

Cr T Fitzgerald (*from 6:32pm*)
(Deputy Mayor)
Cr K Wheatland
Cr G Barber
Cr J Edinger
Cr N Robins,
Cr D Macphail
Cr Woodall, Cr J Spanbroek
Cr N Pazolli,
Cr C Ross
Cr K Mair, Cr M Sandford

WARD

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

3. IN ATTENDANCE

Mr M Tieleman
Mr S Cope
Mr M McCarthy
Mr B Taylor
Ms C Newman
Ms R Davis

Chief Executive Officer
Director Urban Planning
Director Technical Services
Manager Governance and Legal Services
Governance Coordinator
Governance Officer (*electronic attendance*)

At the commencement of the meeting, there were no members of the public in the Council Chambers, 7 members of the public and no representatives from the Press in attendance electronically.

6.1.1 City of Melville Residents & Ratepayers Assoc. (Inc.), continued

“Further to a discussion with the Mayor, I advise that no deputations on this item will be accepted as the motions were presented at the General Meeting of Electors and each mover was given the opportunity to speak to their motion. Therefore, your request to make a verbal deputation is declined. “Should you wish to provide further information on the motions carried at the General Meeting of Electors, the Mayor has advised that a written deputation will be accepted and should be submitted to governance@melville.wa.gov.au by 12noon Friday 4 March 2022 to enable it to be circulated to Elected Members with sufficient time for reading prior to the meeting.”

Our written deputation was submitted in full accordance with the instructions provided, including within the time limit; yet the City officers incorrectly told Council and the public that it had not been received.

Question 1

- a) *Under what statutory authority did Mayor Gear unilaterally make his 1 March decisions to impose the ‘random’ process in relation to our deputation request and deny us the opportunity to present to Council at the ABF?*

Response

The *City of Melville Meeting Procedures Local Law 2017* provides a process for the CEO or the Presiding Member to approve or refuse deputations to the Council.

Written deputations were introduced in response to government restrictions associated with the COVID-19 pandemic that restricted the ability for the community to physically attend Council meetings.

The decision to deny the request to make a verbal deputation was that the mover of the motion at the GME was given the opportunity to speak to their motions, however should they, or others, have wished to provide additional information the ability to do this was via a written submission.

Question 2

- b) *What were Mayor Gear’s reasons for denying Electors the right to address Council on the Electors AGM motions, noting that at the AGM the motions were passed unopposed and electors, other than the movers of the motion were not afforded the right to speak on the motions at the AGM, and Elected Members did not have the opportunity to seek clarification on the information provided.*

Response

The movers of the motions at the GME were given the opportunity to speak to the motions at that meeting. Those motions were presented and passed by the members of the community in attendance, both in-person and on-line.

6.1.1 City of Melville Residents & Ratepayers Assoc. (Inc.), continuedQuestion 3

- c) *What were Mayor Gear's reasons for denying Elected Members the opportunity to 'seek further clarification or information' from Electors by refusing electors the opportunity to formally present their deputations to Council at the ABF, something that is at odds with CP-108.*

Response

The purpose of the Agenda Briefing Forum is for Elected Members to seek further information. All questions and requests for further information from Elected Members at Agenda Briefing Forum were responded to, or the information provided prior to the Ordinary Meeting of Council.

Question 4

- d) *How many Electors expressed the desire to present deputations to the 8 March ABF; how many of those expressions of interest were denied, and why were they not allowed to present to Council at the ABF.*

Response

A total of 12 requests for deputation were received for the 8 March 2022 Agenda Briefing Forum, of these

- three verbal deputations were approved, however one was unable to attend the meeting and submitted a written deputation.
- Four written deputations were accepted prior to the meeting and two further deputations were included, following the meeting.
- A confidential written deputation was accepted.
- Two requests for verbal deputations were transferred to the Ordinary Meeting of Council.

Five requests for verbal deputations associated with Item M22/5895 Motions from the Annual General Meeting of Electors 2 February 2022 – Motions Carried were declined, with invitation to submit a written deputation, three written submissions were made.

One verbal deputation request was associated with a motion with notice and was declined.

Question 5

- e) *Will Council direct a/CEO Ferris to publicly apologise for the Administration's 'blunders' in dealing with our request for deputation, and potentially requests from others.*

Response

This matter was investigated following the Agenda Briefing Forum and the Governance Coordinator provided written apologies via email on 10 March 2022 to both the City of Melville Residents and Ratepayers Association (Inc) and to Mr McLerie. This matter was an administrative over-sight and both written deputations, as submitted were included in the notes of the Agenda Briefing Forum of 8 March 2022.

6.1.2 Mr FitzGibbon, Melville

Question 1

Page 7 of the Webber Reserve. Master Plan has a photograph of a Nature play area. My partner and I think that the Nature play area appears unsafe for play by young children, and this should be examined as part of the review. The safety of children is paramount.

Response

The nature play space has been included in the Webber Reserve Master Plan. The 'Existing Site Conditions & Opportunities' table on page 14 of the report comments on the existing condition of the place space noting some elements are in a fair to poor condition and require removal or replacement in the short term future, these elements are currently safe for use. The condition of a number of pieces of infrastructure at Webber Reserve in part justify the recommendation to proceed through design development of the Master Plan in the immediate future (2022/2023). It is also recommended that following design development, construction commences in 2023/2024.

6.2 Questions Received without Notice

6.2.1 Mr M FitzGibbon, Melville

Question 1

Are the officers optimistic that the subject amendment, nominating Primary Distributor Roads as an undesirable location for a Childcare Centre, which they have supported, will be approved by WAPC?

Response

The Minister for Planning is the decision maker on the Scheme Amendment. The Minister will be informed by the WA Planning Commission via the Department of Planning, Lands and Heritage (DPLH).

The DPLH could consider that it is preferable to allow for some discretion in relation to assessment of Child Care Premises rather than designating such uses a 'Prohibited' use as proposed. DPLH has indicated that it is currently reviewing a range of its planning documents including Planning Bulletin 72 'Child Care' in order to provide more guidance in relation to these matters. The review of PB 72 may include further detail regarding site characteristics and is likely to be subject to a community consultation process.

The DPLH may also consider that it is inappropriate to restrict the location of Child Care premises as this may restrict the number of places in the locality or that it is inappropriate to restrict the use in residential zones when this restriction does not apply to commercial areas which have similar road characteristics.

Given that the DPLH may recommend that the Scheme Amendment be approved, refused or amended it is not possible to predict the outcome with any confidence.

6.3 Questions Taken on Notice - 15 March 2022 Ordinary Meeting of Council

6.3.1 City of Melville Residents and Ratepayers Association (WA) (Inc)

Question 1

What is the status of completion of Council's motions passed at 12 October 2021 OMC in relation to item C21/5865, that precipitated out of various allegation of unauthorised ground level changes/building work at 18A and B Tweeddale Road Applecross. What is the City's forward plan and schedule to comply with the full intent of the motions.

Response

In accordance with the October 2021 Council resolution, a request for quote was advertised and no submissions for the work were received. The City then approached two independent surveyors to undertake the work, one of which responded that they would require access to the property.

This matter remains unresolved until a building license is applied for or unless the owner grants access to the site. The Administration and developer are well aware of community concerns regarding the site levels.

6.3.2 Citizens for Building Reform WA

Question 1

At the March 2022 Council Meeting the Citizens for Building Reform WA asked a question in relation to the expenditure on legal advice over the past 10 years relating to 8 MacRae Road, 14 & 14A Beach Street boundary walls matters and the 10 / 10A Ince Road demolition matters.

Response

The expenditure to date on these matters is \$101,900.

6.3.3 Mr S Kepert, Mount Pleasant

The questions submitted by Mr Kepert were taken on notice with responses to be provided in the minutes of the 19 April 2022 Ordinary Meeting of Council.

1) Prior to last week's Agenda Briefing Forum the City's governance officers claimed that several deputations to the Council were declined due to "a discussion with the Mayor". Yet, the Mayor did not preside or even attend the briefing forum and the task of presiding was carried by Cr Fitzgerald.

Question 1

a) *Why were deputations declined by the Mayor when he did not even attend the meeting?*

Response

The *City of Melville Meeting Procedures Local Law 2017* provides a process for the CEO or the Presiding Member to approve or refuse deputations to the Council. Deputations are considered in the order they come in and discussed with the Mayor who was undertaking his usual duties.

6.3.3 Mr S Kepert, Mount Pleasant, continuedQuestion 2

b) *Why wasn't Cr Fitzgerald made aware of the deputation requests for this meeting?*

Response

The Deputy Mayor, who presided at the meeting, was present for the discussions associated with the requests for deputations for the 8 March 2022 Agenda Briefing Forum.

Question 3

c) *Will the requests for deputations regarding the officer reports to Council be accommodated at the upcoming Ordinary Meeting of Council?*

All requests for deputations are considered. Whilst it is preferred that deputations be presented at Agenda Briefing Forums, deputations to Council Meetings are considered on the circumstances associated with the request.

2) Of the motions carried by the Melville community at the Annual General Meeting of Electors on the 2nd of February 2022, motions #7, #9 and #10 relate to the performance of City of Melville public servants.

Question 4

a) *Which officers wrote the reports for these abovementioned motions in the agenda for the upcoming Ordinary Meeting of Council?*

Response

The Officer report addressing the various motions was compiled by the Manager Governance and Property based on the information provided by officers from the relevant directorates.

Question 5

b) *Has the Council been informed of any declarations of interest by the City's public servants who wrote these reports given the motions refer to their performance?*

Response

The City obtained legal advice on this matter that officers are not required to declare an interest in this matter. Elected Members were provided with a copy of the legal advice.

6.3.3 Mr S Kepert, Mount Pleasant, continued

3) *Regarding the officers' report on motion #7:*

Question 6

- a) *why has the author (unknown) made seven separate references to "confidential documents" (or similar) when the motion raised, discussed and carried at the Annual General Meeting of Electors has nothing whatsoever to do with confidential reports created by administrative officers but only minutes of Council, which are not confidential?*

Response

When coming out from behind closed doors the Presiding Member is to disclose the decisions made (without breaching the confidentiality provisions) and have the decisions recorded in the minutes. The report provides information that relates to closing a meeting, or part of a meeting, dealing with confidential reports and attachments that are all relevant to what may be disclosed in the non-confidential part of the meeting.

Question 7

- b) *Do public servants believe motions and decisions of Council can be confidential at their own discretion?*

Question 8

- c) *If so, why?*

Response to questions 7 and 8

Officers and the Council are guided by legislation as to what information is confidential and what information can be published, this includes, but is not limited to section 5.23, 5.94, 5.96(A) of the *Local Government Act 1995*.

Question 9

- d) *Did any officer in writing this report contact the Department of Local Government Sports and Cultural Industries for clarification or advice regarding the subject matter?*

Response

This matter has been discussed with the Department previously but no contact was made with the Department relating to this specific motion and report.

6.3.3 Mr S Kepert, Mount Pleasant, continuedQuestion 10

- e) *Why has the author (unknown) of the report quoted several sections of legislation and regulations that have no relevance to the motion carried?*

Response

Refer response to Question 6.

Question 11

- f) *Did the public servants ever inform the Council of relevant sections of the Local Government (Administration) Regulations 1996, namely 11(c) and (d) which clearly state that:*
“The content of minutes of a meeting of a council or a committee is to include —
1. details of each motion moved at the meeting, the mover and the outcome of the motion;
and
2. details of each decision made at the meeting;”

Response

The administration did not need to advise Elected Members of the requirements of Regulation 11 (c) and (d) of the *Local Government (Administration) Regulations 1996* as the mover, seconder and details of each decision are recorded. These maybe contained in the confidential part of a meeting that, depending on the confidentiality of a matter may not available to the public.

Question 12

- g) *Why has the author (unknown) stated that “All motions, including those held behind closed doors are included in the minutes” when such a statement is categorically untrue? As an example, why is the motion to terminate the employment of CEO Marten Tieleman, the reasons for the motion, and the Council’s decision at the Ordinary Meeting of Council on the 21st of September 2021 not recorded in the minutes of that meeting as per regulatory requirements?*

Response

The minutes of the meeting held 21 September 2021 on page 147 records the decision of the Council in relation to Item M21/5863. The matter referred to in the question above was not accepted by the Presiding Member with the reason recorded in the minutes. The part of the meeting from 9.41pm to 9.50pm is recorded in the minutes of the meeting, which that part is not available to the public as per Section 5.23 (a) and (c) of *the Local Government Act 1995*.

6.3.3 Mr S Kepert, Mount Pleasant, continuedQuestion 13

- h) Do City public servants believe they have the authority to create multiple versions of minutes?*

Response

There is one version of the record of the minutes of a meeting. The proceeding of the meeting, or part of a meeting held behind closed doors is recorded however, in accordance with legislation depending on the confidentiality of a matter that part of the meeting may or may not be available to the public.

- 4) Regarding all motions carried by Melville's electors:*

Question 14

- a. Are the public servants who wrote the reports (unknown) aware of the legislative requirements for Councils to actually address the motions carried at Annual Electors' Meetings?*

Question 15

- b. Do the City's public servants believe they have the right to make recommendations on completely different subject matters to motions carried by electors?*

Response to Question's 14 and 15

Officers are aware of the legislative requirements and the Act requires officers to present reports and recommendations on each matter to be considered by the Council. The information provided by officers is relevant and the recommended action may support or differ from that supported at the electors meeting. It is for Elected Members to consider the information provided and ask for additional or alternate information if required to make an informed decision.

Question 16

- c. Have the public servants who wrote the reports (unknown) sought regulatory advice on whether disregarding the motions raised at Annual General Elector's meetings breaches the Local Government Act 1995?*

Response

The motions from the General Meeting were not disregarded. These motions and the reasons in support were recorded in the minutes of the general meeting. The motions were represented to the Council at the 15 March 2022 Council Meeting along with officer comment and recommendation on each motion.

6.3.4 Mr G Wieland, BictonQuestion 1

If this ratepayer/taxpayer funded \$20 million dollar project is approved and developed and if there is no limit to the number of commercial leases that can be granted to operate from these premises, examples such as bar, restaurant, cafe, TAB, Bowls WA and if the 50 year lease agreement means that the facility functions as a not for profit, subsequently if no taxes are being paid, what happens to the profit or surplus funds if they far exceed the costs of maintaining this facility. Ultimately what measures will be put in place to return any excess profits/surplus's back to the city and doing so assist the ratepayers and this city?

Response

Under the current lease with the Melville Bowls Club as its structured, any profits or surplus funds generated from other activities outside of bowling belong to the Club. The existing premises are owned by the City of Melville, however under the current lease the Melville Bowls Club is responsible for all maintenance both wear and tear and structural maintenance.

Maintenance obligations of any new facility under the current lease and who they rest with will depend on whether the Club or the City owns the new premises. If the Club owns the new premises then the Club is responsible. If the City owns the new premises then the lease will need to be varied to reflect the Club being responsible for all maintenance both wear and tear and structural. The Club will fund this at their own cost. If not, the City would require under that lease variation that the Club pay for an annual financial contribution towards the structural maintenance cost of the asset including its replacement value at end of useful life. This is similar to the Tompkins Park Sporting Association lease arrangement.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL – 15 MARCH 2022**
Minutes 15 March 2022**COUNCIL RESOLUTION**

At 6:44pm Cr Macphail moved, seconded Cr Barber –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 15 March 2022 be confirmed as a true and accurate record.

At 6:44pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

8.2 SPECIAL MEETING OF THE COUNCIL – 4 APRIL 2022
SMC Minutes 4 April 2022**COUNCIL RESOLUTION**

At 6:44pm Cr Sandford moved, seconded Cr Wheatland –

That the Minutes of the Special Meeting of the Council held on Monday, 4 April 2022 be confirmed as a true and accurate record.

At 6:44pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

8.3 GOVERNANCE COMMITTEE – 13 APRIL 2022

The Mayor advised that the Governance Committee meeting has been postponed until Monday 2 May 2022.

8.4 NOTES OF AGENDA BRIEFING FORUM – 12 APRIL 2022
Notes 12 April 2022**COUNCIL RESOLUTION**

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

That the Notes of Agenda Briefing Forum held on Tuesday, 12 April 2022, be received.

At 6:45pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

9. DECLARATIONS OF INTEREST

9.1 FINANCIAL INTERESTS

- Cr Mair – Item 17.1 Motion Without Notice, CBACP Review. Financial Interest.
- Cr Barber – Item 17.1 Motion Without Notice, CBACP Review. Financial Interest.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Wheatland – CD22/8147 – Webber Reserve Master Plan – Interest under the Code of Conduct.
- Cr Wheatland – 13.1 Petition – Attadale Junior Football Club, Temporary Access to Troy Park. Interest under the Code of Conduct.

10. DEPUTATIONS

Nil.

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

COUNCIL RESOLUTION

At 6:47pm Cr Ross moved, seconded Cr Sandford –

That the application for a new leave of absence submitted by Mayor Gear on 19 April 2022 be granted.

At 6:47pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

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

- Confidential Item M22/5890 – Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant – Alternate Motion

13. PETITIONS

Disclosure of Interest

Member	Cr Wheatland
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Chair of the South Metropolitan Regional Council for Community Football
Request	Stay, Discuss, Vote
Decision Leave	Stay, Discuss, Vote

13.1 Petition – Attadale Junior Football Club, Temporary Access to Troy Park

A petition signed by 18 residents the City of Melville and one non-resident was received on 17 March 2022 and reads as follows:

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

Reinstate Attadale Junior Football Club’ temporary access to, and use of, the area outlined on the attached map, adjoining the Troy Park oval for the purpose of safe parking of vehicles during the 15 weeks of the junior football season (from approximately 1 May 2022 to 28 August 2022).

The area is intended for weekend use only for parking of motor vehicles because of the large number of young children participating in Auskick and junior football and limited available parking areas. Attadale Junior Football club has previously used the area for approximately 15 years prior to 2021 and then in 2021 the City requested that Attadale Junior Football Club cease using the area.

We are informed that there will be no adverse environmental impacts on flora and fauna as a result of this temporary use. The Attadale Junior Football Club understands that it has no rights or interests in the area other than for the limited use of parking.

We request your URGENT attention and consideration of this matter and look forward to receiving Council approval so that you can ensure local children can reasonably and safely use Troy Park away from the dangers and risks that result from parking on surrounding roads.”

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

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

That the petition bearing 18 signatures of residents and one signature of a non-resident be acknowledged and a report by prepared.

At 6:48pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

An officer addendum was circulated in relation to this item - [Officer Addendum](#)

P22/3977 – ADOPTION OF AMENDMENT NO.13 TO LOCAL PLANNING SCHEME 6 – CHILDCARE PREMISES (REC)

Ward	: City Wide
Category	: Strategic
Application Number	: Not Applicable
Property	: Not Applicable
Proposal	: Request for Scheme Amendment – Restriction of Childcare Premises in Residential Areas
Applicant	: Not Applicable
Owner	: Various
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item P21-3937 - Review of Local Planning Policy 1.12 Child Care Premise and Family Day Care – Ordinary Meeting of Council held 17 August 2021 Item P21/3951 – Request for Scheme Amendment – Childcare Centres – Ordinary Meeting of Council held 16 November 2021.
Responsible Officer	: Peter Prendergast Manager Statutory 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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**P22/3977 – ADOPTION OF AMENDMENT NO.13 TO LOCAL PLANNING SCHEME 6 –
CHILDCARE PREMISES (REC)****KEY ISSUES / SUMMARY**

- The Council initiated Local Planning Scheme 6 - Amendment 13 at the Ordinary Meeting of Council held on 16 November 2021.
- The amendment proposes to list Child Care Premises as a prohibited use on sites within the residential zones which abut primary regional roads/primary distributor roads (PRRs) throughout the City.
- The affected roads are Canning Highway, Leach Highway, South Street and a portion of Stock Road.
- In summary, the proposed amendment will:
 - Introduce in the LPS6 Zoning Table (Table 3), a new split classification for Child Care Premises located within residential areas which abut PRR's;
 - Modify the existing "A" use classification within Table 3 to an A/X4 classification with a notation detailing that such uses will be classed as an "X" use where they abut a PRR
- The proposed amendment was advertised for 42 days and six submissions were received, all supporting the amendment.
- It is recommended that the Council adopt the proposed amendment and it be progressed to the WAPC with a recommendation for approval.

BACKGROUND

A Notice of Motion was passed at the Ordinary Meeting of the Council on 17 August 2021 to prepare a Scheme Amendment to LPS6 to classify list Child Care Premises as an prohibited use ("X" use) for sites which are zoned Residential that abut Primary Regional Roads (Canning Highway, Leach Highway, South Street, and a portion of Stock Road).

This motion was initiated by Council to provide additional land use controls in respect of child care land uses where they are located on PRR within residential areas. It is noted that the recently amended LPP 1.12 Child Care Premises and Family Day Care considers that development of land as a child care centre where located within the residential zone abutting a PRR to be "Undesirable". The LPP is a document of due regard in the decision making process. If endorsed by the WAPC, the land use permissibility recommended by the proposed Scheme Amendment would have full effect on the decisions taken in respect of such land uses in such locations.

Council considered this request at the November 2021 Ordinary Meeting of Council and resolved to initiate a scheme amendment.

The proposed amendment was advertised for 42 days via Melville Talks and newspaper advertisement. A total of 6 submissions were received. The comments received in these submissions are detailed below:

**P22/3977 – ADOPTION OF AMENDMENT NO.13 TO LOCAL PLANNING SCHEME 6 –
CHILDCARE PREMISES (REC)**

No.	Submission	Response
1	Support the Amendment. This proposal is supported in the interest of the health and safety of children in childcare.	Noted.
2	Support the Amendment but wishes for Preston Point Road to be included	The amendment proposes to prohibit Child Care Premises on Primary Regional/Primary Distributor Roads. Preston Point being classed as a Local Distributor Road is not subject to this Amendment. Refer to background section for more detail.
3	Support the Amendment. Childcare Centres should be within suburbs as they are safer and better accessed	Noted.
4	Support the Amendment. The pollutants from the road traffic are not good for children's health. Also dropping and picking up children at busy intersections is not ideal.	Noted.
5	Support the Amendment on the interest of children's health	Noted.
6	Support the Amendment.	Noted.

Details

Child Care Premises are currently designated as an A₁ use within areas zoned Residential under the City's LPS 6 with a corresponding notation which states:

“the use may be subject to specific Scheme provisions and/or policy which may impose restrictions with reference to site suitability criteria, positioning on site or the amount or proportion of land or floor space allocated to the particular use”

The City's LPP 1.12 informs the assessment of applications for Child Care Premise and Family Day Care land uses across the City of Melville. It sets out expectations in relation to the preferred locational characteristics, design criteria and the information which should be provided with an application for Child Care Premises. A review of LPP1.12 was undertaken having regard to the amendment requested by Council in April 2021 Ordinary Council Meeting. The amended LPP 1.12 was endorsed by Council in September 2021.

**P22/3977 – ADOPTION OF AMENDMENT NO.13 TO LOCAL PLANNING SCHEME 6 –
CHILDCARE PREMISES (REC)**

Extract from LPS 6 showing the current use classification for Child Care Premises:

Table 3 - Zoning Table

USE AND DEVELOPMENT CLASS	ZONES									
	Residential	Centre				Mixed Use	Service Commercial	Light Industry	Private clubs institutions and places of worship	Urban Development
		C1	C2	C3	C4					
amusement parlour	X	Refer to Clause 18 (7)	Refer to Clause 18 (7)	P	D	X	D	X	X	Refer to Clause 18 (7)
art gallery	D			P	P	D	X	A	P	
bed and breakfast	A ₁			D	D	A	X	X	X	
betting agency	X			P	P	X	X	X	X	
brewery	X			D	X	X	P	P	X	
bulky goods showroom	X			X	X	X	D	X	X	
caretakers dwelling	D			D	D	P	D	A	P	
car park	X			A	A	A	D	D	D	
child care premises	A ₁			P	D	D	D	X	D	
cinema/theatre	X			A	X	X	X	X	X	

Accordingly, it is proposed to modify the use classification for Child Care Premise on Table 3 in LPS6 to read A/X₄ within the Residential Zone. A note will be added below Table 3 stating that the use is an “X use” where Child Care Premises abut roads classed as “Primary Regional Roads/ Primary Distributor Roads” under the Metropolitan Region Scheme. The Schedule of Modifications is attached.

STAKEHOLDER ENGAGEMENT

Advertising Required: Yes. Already undertaken.

I. COMMUNITY

The amendment to LPS6 is a ‘standard’ scheme amendment and therefore is required to be advertised for a minimum of 42 days as per the *Planning and Development (Local Planning Schemes) Regulations*.

Amendment 13 was publicly advertised from 13 January 2022 to 25 February 2022 (42 days).

Submissions received are documented in this report and provided as an Attachment:

II. OTHER AGENCIES / CONSULTANTS

The application was referred to the Environmental Protection Authority (EPA) in accordance with Section 81 of the *Planning and Development Act 2015*. The EPA has advised that the proposed Amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 and that it is not necessary to provide any advice or recommendations.

**P22/3977 – ADOPTION OF AMENDMENT NO.13 TO LOCAL PLANNING SCHEME 6 –
CHILDCARE PREMISES (REC)****STATUTORY AND LEGAL IMPLICATIONS**

The process undertaken is being followed as per LPS6 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The amendment was initiated by Council in November, including the commencement of advertising. Following advertising, all submissions are reported to Council for consideration (current step). The resolution from Council will then be forwarded to the Western Australian Planning Commission (WAPC) for consideration. The scheme amendment will then be forwarded to the Minister for Planning for determination.

Notwithstanding Council's decision with regard to determination of submissions and progression of the Amendment, the Minister for Planning has the final decision in regard to this Scheme Amendment.

FINANCIAL IMPLICATIONS

There are no financial implications with this request.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The City's Local Planning Strategy seeks to provide for greater intensity of development within activity centres and along key transport corridors and to leave suburban residential areas relatively unchanged. There is a risk that the proposed amendment may be seen as inconsistent with the intentions of the Local Planning Strategy and as such may not be supported by the decision maker (WAPC).

POLICY IMPLICATIONS

LPP 1.12 Child Care Premises and Family Day Care, which states that child care uses on PRR's within residential area are undesirable, would require to be updated should the scheme amendment be approved by the WAPC and endorsed by the Minister.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could decide not to adopt the scheme amendment, if its preference was to maintain the status quo. Under this option the scheme amendment would be forwarded to the WAPC with a recommendation that the amendment is not proceeded with. The WAPC and ultimately the Minister for Planning would determine the amendment outcome.

**P22/3977 – ADOPTION OF AMENDMENT NO.13 TO LOCAL PLANNING SCHEME 6 –
CHILDCARE PREMISES (REC)**

CONCLUSION

The request for this Scheme Amendment reflects the position taken by the Council to seek to prevent the location of child care centres on PRR's within residential areas within the City, and reflects a broader concern held by Council and the submitters who have responded to the public advertising associated with this Scheme Amendment process regarding the amenity implications of locating child care land uses on highly trafficked roads.

In view of the above, it is recommended that the scheme amendment be recommended for final approval.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3977)

APPROVAL

At 6:49pm Cr Sandford moved, Seconded Cr Pazolli –

That the Council, pursuant to Part 5 of the Planning and Development Act 2005, adopts Scheme Amendment No. 13 to Local Planning Scheme No. 6 for final approval as follows:

1. Modify the use classification for Child Care Premise in Table 3 of LPS6:

a.	<p>Clause 17 – Zoning Table</p> <p>Table 3 – Zoning Table</p>	<p>Modify the use classification for Child Care Premise in Table 3 to read A/X₄ for the Residential Zone</p> <table border="1" data-bbox="501 1171 1096 1274"> <thead> <tr> <th data-bbox="501 1171 810 1238">Use and Development Class</th> <th data-bbox="810 1171 1096 1238">Zone</th> </tr> </thead> <tbody> <tr> <td data-bbox="501 1238 810 1274">Child Care Premises</td> <td data-bbox="810 1238 1096 1274">Residential A/X₄</td> </tr> </tbody> </table>	Use and Development Class	Zone	Child Care Premises	Residential A/X ₄
Use and Development Class	Zone					
Child Care Premises	Residential A/X ₄					
b.	<p>Add to Notes</p>	<p>4. "X" where Child Care Premises abut roads classed as "Primary Regional Roads/ Primary Distributor Roads" under the Metropolitan Region Scheme. The Primary Regional Roads within the City of Melville are as follows; Leach Highway, Canning Highway, South Street and a portion of Stock Road.</p>				

**P22/3977 – ADOPTION OF AMENDMENT NO.13 TO LOCAL PLANNING SCHEME 6 –
CHILDCARE PREMISES (REC)**

2. Advise the Western Australian Planning Commission that the proposal is considered to be a standard amendment to Local Planning Scheme 6 in accordance with regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as:
 - a) The amendment is generally consistent with the relevant objectives of the Scheme and Local Planning Strategy;
 - b) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
 - c) The amendment would have minimal impact on land in the scheme area that is not subject of the amendment.

3. Directs the CEO pursuant to regulation 58 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to provide the amendment to the Western Australian Planning Commission within 21 days.

At 6:49pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

An officer advice note was circulated in relation to the amendment submitted by Cr Mair in relation to this item - [Advice Note](#)

P22/3981 - REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)
(ATTACHMENTS)

Ward : All
 Category : Policy
 Application Number : Not applicable
 Property : Not applicable
 Proposal : Review of Local Planning Policy 3.1 Residential Development
 Applicant : Not applicable
 Owner : Not applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P11/3248 Final Adoption Urban Planning Policies – Residential Development Policy – 20 September 2011.
 P13/3438 Amendment to Council Policy 078 Residential Development 19 November 2013.
 P16/3728 Review of Council Policy CP-078 – Ordinary Meeting of Council held 15 November 2016.
 P16/3718 Review of Planning Policies – Ordinary Meeting of Council held 20 September 2016.
 P21/3934 Review Of Local Planning Policy 3.1 Residential Development and LPP 1.17 Additional Development Exemptions – Ordinary Meeting of Council held 20 July 2021.
 P21/3950 Review of Local Planning Policy 3.1 residential Development – Ordinary Meeting of Council held 16 November 2021.
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)
(ATTACHMENTS)****KEY ISSUES / SUMMARY**

- At the July 2021 Ordinary Council Meeting, Council resolved to advertise proposed changes to Local Planning Policy 3.1 Residential Development (LPP3.1).
- Two submissions were received during the consultation period, each making suggested changes to the planning policy which will be discussed in further detail below.
- Minor modifications are proposed in response to the submissions received.
- The matter was presented to Council for final consideration as part of the November 2021 OMC cycle, but was deferred to an Elected Members Education Session (EMES) after the Agenda Briefing Forum (ABF) due to the number of questions raised by Elected Members at the ABF meeting.
- An EMES was held on 22 March 2022, and a document circulated to Elected Members which answered all of the concerns and queries previously raised.
- It is now recommended that the amended LPP3.1 be adopted as per the provisions of Planning and Development (Local Planning Schemes) Regulations 2015. A notice to advise the public of the changes to the local planning policies will be published in the local newspaper and on the City's website.

BACKGROUND

The City of Melville has maintained a Residential Development policy in its current format since 2011 and has reviewed this periodically in response to changes to the planning framework, including the R-Codes. The policy modifies a number of the deemed to comply provisions of the R-Codes to ensure that development is of a high quality, taking into account the character and amenity of residential areas, and those specific to certain aspects of residential development in the City of Melville.

During 2020 in response to the state of emergency brought about by COVID-19, the State Government initiated a range of planning reform measures aimed at stimulating the economy by making it easier for people to make minor changes to their homes or businesses. A review of State Planning Policy 7.3 Residential Design Codes Volume 1 (the R-Codes) also occurred in 2020, with the aim of simplifying the process and reducing "red tape" by exempting development from the need to obtain development approval. These changes to the R-Codes were gazetted in July 2021.

In July 2021, a report was presented to Council recommending a number of changes to Local Planning Policy 3.1 Residential Development (LPP3.1) in response to the changes to the R-Codes. At this meeting, Council resolved to require the proposed changes to the policy be advertised for public comment.

[3981 Previous Report July P20-3934](#)

[3981 LPP3.1 Residential Development Policy With Changes from June OMC Accepted](#)

[3981 LPP3.1 With Changes in Response to Submissions](#)

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)
(ATTACHMENTS)****Scheme Provisions**

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

Site Details

Lot Area	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc.)	:	N/A
Site Details	:	N/A

DETAIL

The detail regarding the proposed changes to LPP3.1 was provided previously (P21/3934 refers. see attachment). In response to the submissions received as a result of the advertising of this revised policy content, the following proposed further changes are of note:

Garage Width

One of the submissions received raised concerns and made recommendations regarding the removal of the garage width provisions from Local Planning Policy 3.1. This submission notes that narrow lots are common in the City of Melville and there is a market expectation to provide double garages when such lots are developed rather than single or tandem garages as envisaged by the R-Codes and the current LPP. By removing the garage width provisions from the policy, and placing full reliance on the R Code provisions, it is likely that the City will experience increased development application numbers for single homes where they are proposed on narrow lots and where a double width garage is included. To avoid this it is suggested that an updated clause to promote high quality design outcomes for single storey homes on lots between 10 and 12 metres wide be introduced.

The City acknowledges that in the absence of a policy to guide garage width, landowners, designers and developers would not have certainty in relation to the City's expectations leading to lengthy assessment timeframes and potentially inconsistent outcomes across the City. This is not consistent with the State Government's planning reform agenda, which promotes a planning system that is contemporary, easy to navigate, streamlined and consistent.

The proposed policy provisions are a minor modification to the garage width provisions in the existing adopted version of LPP3.1. The key changes being:

- Provisions expanded to capture lots between 10-12 metres, rather than 10.5-12 metres. 10 metre wide lots are common in the City of Melville and the City regularly deals with Development applications for single storey dwellings on 10 metre wide lots.

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)
(ATTACHMENTS)**

- The garage shall be setback a metre from the alignment of the habitable room, rather than 0.5 metres, thereby minimising and adverse streetscape impacts.
- Further guidance is provided regarding the design of the entry feature to improve the relationship with the street.
- A landscaping plan is required.

These provisions will ensure that landowners, designers and developers have certainty in relation the City's expectations for lots between 10 and 12 metres, while maintaining high levels of streetscape engagement.

Front setback

The policy is proposed to be modified to allow eaves of a building to protrude forward of the minimum setback. Eaves are considered to be a positive building element, contributing to the articulation of buildings and improving their environmental performance.

Boundary walls

The policy is proposed to be modified to clarify that boundary walls are permitted to each boundary in areas coded R30 and higher. This is consistent with the established approach in areas coded R20 and R25 and allows for the effective use of space on smaller lots associated with these density codes.

STAKEHOLDER ENGAGEMENT

Advertising Required:	Yes
Neighbour's Comment Supplied:	2 submissions received – refer comments below.
Reason:	As per council resolution
Support/Object:	Support with comments.

I. COMMUNITY

The *Regulations* came into effect on 19 October 2015. Clause 5 of Schedule 2 of the Regulations contains requirements for amending a local planning policy. At the July 2021 Ordinary Council Meeting, Council resolved to advertise proposed changes to Local Planning Policy 3.1 Residential Development (LPP3.1). A summary of the comments received during the consultation period along with an officer response is provided in the comment section below.

The proposed changes to the policy in response to the submissions received are minor in nature and are not considered to require further advertising. A notice of the revised policy will be published in the local newspaper and on the City's website if it is adopted by Council.

II. OTHER AGENCIES / CONSULTANTS

Clause 4(4) of Schedule 2 of the Regulations requires that Council advise the Western Australian Planning Commission (WAPC) if it is of the opinion that it is inconsistent with any State Planning Policy.

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)
(ATTACHMENTS)**

The proposed changes align LPP 3.1 with the recent changes made to the R-Codes. The changes to the R-Codes were advertised to various stakeholders for comment in 2020 by the Department of Planning, Lands and Heritage.

Clause 7.3.1(a) of the R-Codes allows local planning policies to be adopted which amend or replace specific deemed to comply provisions. The proposed policy provisions only deal with the allowed matters and as such are permitted without the involvement of the WAPC.

Given the above, the WAPC is not required to be consulted in relation to this matter.

STATUTORY AND LEGAL IMPLICATIONS

No statutory or legal implications have been identified as a part of this review. Properly adopted local planning policies are required to be given due regard by the decision maker.

FINANCIAL IMPLICATIONS

There are no financial implications identified in relation to this policy change.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The local planning policies which are the subject of this report have been reviewed to ensure they remain consistent with the current planning framework. This review will ensure these continue provide a sound basis for the assessment and determination of planning applications.

The proposed policy changes are considered to be consistent with the State Government's planning reform agenda, which promotes a planning system that is contemporary, easy to navigate, streamlined and consistent.

COMMENT

The following table contains a summary of the issues raised during the submission period and an officer comment in response.

Issue	Officer comment	Action taken
Policy should allow eaves to protrude forward of the building line.	Eaves are a positive building element in terms of building aesthetics and energy efficiency. This suggestion is supported.	Policy updated to include clarification regarding eaves.

P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)
(ATTACHMENTS)

Garage width provisions should be expanded to capture 10 to 12 metre wide lots and improve streetscape outcomes.	Comment provided under the detail section of this report.	Policy updated with garage width provisions.
Blade walls should be excluded from averaging.	This suggestion is considered to be too specific to include in a policy provision. Blade walls typically do not occupy a large footprint and therefore can be offset as a part of a buildings average front setback with limited impact on the functionality of the dwelling.	No change proposed.
Secondary street averaging should be as per the R-Codes.	This matter was detailed in the report to the July Council Meeting. The secondary street provisions result in higher levels of building articulation, better passive surveillance and reduced building bulk compared to the standard R-Codes provisions. These provisions have been in place for a number of years and operate successfully.	No change proposed.
Policy should accommodate setbacks on lots with angled boundaries.	While the City is supportive of the sentiment expressed in the submission, Clause 7.3.1 of the R-Codes does not permit a change to the lot boundary setback provisions contained in Clause 5.1.3 C3.1 and therefore this change cannot be accommodated.	No change proposed.
Policy should accommodate a reduced setback for bench height kitchen or scullery windows.	Refer comment above.	No change proposed.
The policy should allow for a portion of solid fence for services.	This provision is contained under Clause C4.4 of Fences and Street Walls.	No further change proposed.

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)
(ATTACHMENTS)**

<p>The permeability requirements of the policy should be updated to allow for solid fencing at T-junctions and round-a-bouts.</p>	<p>Allowing solid front fencing as of right is not supported. The design principles of the R-Codes allow for appropriate design responses to deal with traffic impacts on higher order roads, however this needs to be considered as a part of a development application.</p>	<p>No change proposed.</p>
<p>Residents should be able to choose solid fencing to the secondary street for privacy and security.</p>	<p>The policy provisions balance resident privacy and security with the need to create an engaging streetscape with opportunities for passive surveillance.</p>	<p>No change proposed.</p>
<p>Residents should be able to choose a fence higher than 1.8 metres where needed for security and privacy.</p>	<p>The policy provisions balance resident privacy and security with the need to create an engaging streetscape with opportunities for passive surveillance.</p>	<p>No change proposed.</p>

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council may choose not to adopt the amended policy however this is not recommended as it may lead to inconsistency between the R-Codes and the City's Local Planning frameworks. Council may also choose to make further changes to the proposed policy however this may result in the need for the policy to be advertised to the general public and the WAPC.

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)
(ATTACHMENT)****CONCLUSION**

It is proposed to amend LPP 3.1 Residential Development to take account of the changes proposed as outlined in this report. . The proposed changes to the policy which are proposed in response to the submissions received are minor and are permissible under the provisions of the R-Codes. LPP 3.1 retains key development controls relating to streetscapes which will continue to deliver quality residential development across the City.

The adopted changes would be advertised in the local newspaper and on the City's website following the Council decision as required by the Regulations.

OFFICER RECOMMENDATION (3981)**APPROVAL**

At 6:50pm Cr Fitzgerald moved, Seconded Cr Pazolli –

That the Council:

1. Pursuant to clause 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts the changes to Local Planning Policy 3.1 Residential Development.

[3981 LPP3.1 Residential Development Policy 3.1 with changes in response to submissions.](#)

2. Endorses the publication of a notification of the changes in the local newspaper and on the City's website as required by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Amendment

At 6:51pm, Cr Mair moved, seconded Cr Barber –

That a new Item 3. Fences and Street Walls be inserted:

3. C4.7 Fencing at T-junctions and round-a-bouts on Local Distributor Roads may be solid.

**P22/3981- REVIEW OF LOCAL PLANNING POLICY 3.1 RESIDENTIAL DEVELOPMENT (REC)
(ATTACHMENT)****Procedural Motion****COUNCIL RESOLUTION**

At 7:03pm Cr Woodall moved, seconded Cr Pazolli –

That P22/3981- Review of Local Planning Policy 3.1 Residential Development be deferred to the 17 May 2022 Ordinary Meeting of Council.

At 7:07pm, the Mayor declared the motion

CARRIED (7/6)

Yes	7	Cr Macphail, Mayor Gear, Cr Woodall, Cr Pazolli, Cr Fitzgerald, Cr Wheatland, Cr Edinger
No	6	Cr Ross, Cr Barber, Cr Mair, Cr Sandford, Cr Robins, Cr Spanbroek

At the time of the deferral the following Elected Members had spoken on the amendment:

- Cr Mair as the mover of the amendment
- Cr Fitzgerald against the amendment
- Cr Barber as the seconder of the amendment

At 7:10pm the Mayor brought forward the Motion Without Notice 17.1 Community Reference Group Recommendations – CBACP.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Disclosures of Interest

Member	Cr Barber
Type of Interest	Financial Interest
Nature of Interest	Closely associated person has purchased property in Canning Bridge.
Request	Leave
Decision Leave	Leave

Member	Cr Mair
Type of Interest	Financial Interest
Nature of Interest	Director of a Company that owns property in the area.
Request	Leave
Decision Leave	Leave

At 7:11pm having declared an interest, Cr Mair left the meeting.

At 7:11pm having declared an interest, Cr Barber left the meeting.

17.1 Motion Without Notice - Community Reference Group Recommendations – CBACP

At 7:11pm Cr Ross withdrew Motion Without Notice 17.1 Community Reference Group Recommendations – CBACP.

At 7:13pm Cr Pazolli requested permission of the Council to table an alternate motion to Cr Ross's Motion Without Notice, as a Motion Without Notice for consideration by the Council. The Mayor put the request to the vote with request being Lost (5/6) and not achieving an absolute majority.

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

At 7:15pm Cr Sandford requested permission of the Council to table an alternate motion to Cr Ross's Motion Without Notice, as a Motion Without Notice for consideration by the Council. The Mayor put the request to the vote with request being Lost (5/6) and not achieving an absolute majority.

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

T22/3965 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENTS)

Ward	: All
Category	: Policy
Subject Index	: BMS – Council Policies
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	: T17/3769 – Technical Services Policy Review T20/3842 - Technical Services Policy Review
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Mick McCarthy Director Technical 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>

T22/3965 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENTS)**KEY ISSUES / SUMMARY**

- The policies within the responsibility of the Technical Services directorate have been reviewed and brought forward with amendments for consideration and adoption.
- Policies that are defined as Council Policy require the approval of the Council, whereas Operational Policies are approved by the Chief Executive Officer.
- At the Ordinary Meeting of Council in March 2021, a notice of motion was carried that the Council directs the Chief Executive Officer to prepare a Draft Policy on the provision of parking infrastructure for Sports Club facilities provided by the City.
- It is recommended that the ten policies as amended and the new Active Reserve Parking Policy be approved.

BACKGROUND

A two year review cycle is implemented to ensure all Council Policies remain current.

The existing Technical services policies presented in this report have been reviewed by staff and the Director Technical Services with significant and minor changes undertaken to reflect updated information, standards or changes in legislation. All changes are shown in the marked up policies that form attachments to this report.

A new draft policy related to parking in the vicinity of active reserves is also presented as part of this report.

DETAIL

All policies established in the City of Melville relate to one of two categories being Council Policies or Operational Policies. Council policies that are required to be approved by Council relate to:

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

All other policies are considered to be operational in nature and have therefore been designated as Operational Policies relating to the functions of the Chief Executive Officer (CEO) as prescribed by Section 5.41 of the *Local Government Act 1995* (The Act) as follows:

Management of the day to day operations of the local government likely to be covered by Operational Policies include:

- The employment, management supervision, direction and dismissal of other employees (subject to Section 5.37(2) of The Act) in relation to senior employees;
- Ensuring that records and documents of the Local Government are properly kept for the purposes of The Act and any other written law; and
- Policy on powers and duties delegated by the Council within the limitations as set by Section 5.43 of The Act.

T22/3965 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENTS)

This report provides comment on the Council Policies from the area of responsibility of the Director Technical Services and includes:

[CP 001 Citizenship Ceremonies Policy](#)
[CP 029 Tree Policy](#)
[CP 031 Asset Management Policy](#)
[CP 033 Path Policy](#)
[CP 034 Road Safety Audit Policy](#)
[CP 035 School Parking Policy](#)
[CP 036 Waste Minimisation Policy](#)
[CP 086 Verge Treatment Policy](#)
[CP 102 Urban Forest and Green Spaces Policy](#)
[CP 110 Crossover Policy](#)
[CP-119 Active Reserve Parking Policy](#)

The introduction of the new policy on active reserves parking and proposed changes and additions to existing Policies are outlined below:

CP-119 – Active Reserve Parking Policy

At the Ordinary Council Meeting in March 2021, Council resolved to direct the Chief Executive Officer to prepare a draft Policy on the provision of parking infrastructure for sports club facilities provided by the City. The policy was drafted through a collaborative approach involving specialist Engineering, Parks and Recreational staff.

This Parking Policy was developed to provide guidance and direction to the City in the orderly provision and management of car parking infrastructure associated within active reserves and incorporates issues raised in regards to parking problems at Troy Park and Tompkins Park.

CP-001 – Citizenship Ceremonies Policy

Reference to the Department of Immigration and Border Protection has been removed and replaced with the Department of Home Affairs.

Reference to the Australian Citizenship Act 1948 has been removed and replaced with the Australian Citizenship Code 2003.

CP-029 – Tree Policy

A number of changes to the wording and formatting of the Policy were made to improve clarity and readability. Some of the changes were based on feedback from Elected Members expressed during Elected Member Engagement Sessions (EMES) and implementation issues arising in the application of the policy resulting in a number of clauses amended and highlighted as outlined below:

Clause 2 - Tree Planting

Addition of the following point:

“Seek to achieve agreed outcomes between the property owner and the City through consultation as required.”

T22/3965 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENTS)**Clause 3.4 - Tree Removal Challenge**

Addition of the clause 3.4:

“If the applicant wants to challenge the officer’s decision to retain a tree the request can be referred to the Mayor, Ward Councillors and Director Technical Services for consideration of removal.

Taking into account broader criteria such as environmental, social and economic reasons a tree can be removed when agreed to by the Mayor, relevant Ward Councillors and Director of Technical Services.

If agreement cannot be reached by the Mayor, the relevant ward Councillors and the Director of Technical Services, a report which outlines the advantages and disadvantages of removing the tree is to be presented to the Council in order for the Council to determine whether or not the tree will be removed.

Any tree approved for removal following a challenge by the applicant is to be in accordance with Clause 5.4 of this policy.”

Clause 5 - Vandalism has been removed and is now included in **Clause 6 - Damage to trees – Infringement/Prosecution** which will now be the key reference for any infringement or prosecution situations that arise involving a City verge tree.

Clause 5.1 Tree Protection for Building and Development - the majority of this clause is now included in **Clause 6 - Damage to Trees – Infringement/Prosecution** which will now be the key reference for any infringement or prosecution situations that arise involving a City verge tree including adjoining development sites.

Clause 5.1 Tree Protection for Building and Development – The wording of this clause has been changed to clarify that the Australian Standard 4970 - Protection of trees on development sites is to be used by the applicant as a guide when there is a requirement to protect adjoining verge trees. There will still be a requirement for a Tree Protection Zone (TPZ) to be installed.

Clause 5.3 - Tree Removal for Development

It is proposed to include the addition of the following point:

“If the applicant does not agree and chooses to challenge the officer’s decision, the provision of Clause 3.4 of this policy can apply.”

Clause 6 - Damage to Trees – Infringement/Prosecution - has been added to reference any infringement or prosecution situations that arise involving a City verge tree including trees adjoining development sites.

This clause states:

“If a tree is damaged as a result of negligent action of an individual, including but not limited to property owners, residents or with works associated with Planning and Building Applications the City will consider the following options in terms of infringement or prosecution.

T22/3965 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENTS)

1. *Infringement of \$500 in accordance with the City of Melville Activities in Thoroughfares, Public Places and Trading Local Law 2014.*
2. *Prosecute as an offence under the City of Melville Activities in Thoroughfares, Public Places and Trading Local Law 2014 in the Magistrates Court. The Magistrate, if the person is found guilty, will impose a penalty up to the maximum of \$5,000 as per the Local Law.*
3. *Initiate court proceedings as a civil matter seeking fair value of the tree as determined by the City for the damage caused.”*

To address the issue of protecting trees next to development sites, there was considerable discussion at the Elected Member Engagement Session (EMES) on 1 February 2022 on a proposal for the City to introduction of a verge tree levy system. This proposal recommends that the City take responsibility for managing verge tree health during the demolition and/or building construction process.

The City could utilise the revenue received through the levy to manage tree health by watering as required, undertaking fertiliser applications and ensuring that any remedial work (branch or tree pruning) is undertaken to manage development related impacts.

This is considered a much more proactive approach and would ensure that City officers work closely with the developer to provide the greatest opportunity for the verge tree’s health and survival during the highly disruptive demolition and building construction phase.

If the tree does die during the demolition or building construction process, the City would have to accept that it had done all it could to protect the health of the tree, meet the costs of removing the tree and replacing the tree with two more trees. In some cases, it may not be possible to retain all verge trees in close proximity to development sites which are not able to overcome severe disturbance or mass tree root loss due to development related impacts.

The verge tree levy fees would be used to employ an officer to manage and monitor tree protection and management requirements (including watering or nutrient applications) and liaise with the landowner. The landowner would be still be responsible for putting in place the tree protection zone as is currently undertaken, which appears to be working fairly well.

A business case will be prepared by the Natural Areas & Parks business unit regarding this proposal and associated resourcing model for consideration by the Executive Leadership Team, and if supported, for consideration of the 2022-2023 budget. In the interim, any damage that can be proven to trees during the demolition or building construction process will be managed as they are currently utilising the City of Melville Activities in Thoroughfares, Public Places and Trading Local Law 2014 which is outlined in **Clause 6 - Damage to Trees – Infringement/Prosecution of this policy.**

CP-086 – Verge Treatment Policy

A number of minor changes to the wording and formatting of the Policy are proposed to improve clarity and readability.

One addition to note has been included under Clause 5.0 to improve sub-surface drainage infiltration and better manage the impacts to infrastructure caused by tree roots, namely;

“The City recommends the use of permeable paving where possible.”

T22/3965 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENTS)CP-031 – Asset Management Policy

A number of minor changes to the references are proposed to remove obsolete ones and update the wording.

CP-110 –Crossover Policy

A minor change to wording is proposed to improve clarity and readability.

CP-033 – Path Policy

A change to the references associated with this policy are proposed to reflect updated versions of the Austroads Guide to Road Design Part 6A: Paths for Walking and Cycling.

CP-034 – Road Safety Audit Policy

Changed references are proposed to reflect updated version of Austroads Guide to Road Safety Part 6: Road Safety Audit.

CP-035 – School Parking Policy

Minor change to update program reference.

CP-036 – Waste Minimisation Policy

Minor changes to the wording of the Policy are proposed to improve clarity and readability. Amended terminology throughout the Policy to remain consistent with State Government's messaging of "*maximisation of resource recovery*" rather than "*diversion from landfill*."

Identified the Southern Metropolitan Regional Council (SMRC) as now trading as Resource Recovery Group (RRG).

Updated the State Government's targets for waste diversion from landfill, now termed material recovery targets, of 70% by 2025 and 75% by 2030 and included reference to the City's Carbon Neutral targets.

CP-102 - Urban Forest and Green Spaces Policy

Minor changes to the wording of the Policy are proposed to improve clarity and readability.

The below sentence was added to the Policy Statement;

"The City is also committed to Carbon Neutral by 2030 (organisation) and 2050 (City-wide) and urban forest and green space contribute positively towards this objective."

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Not Applicable

T22/3965 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENTS)

II. OTHER AGENCIES / CONSULTANTS

Not Applicable

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Policies set out various strategic positions of the Council. The commitments of the Council as identified in Council Policies will be reflected in future Capital and Operational Programs, which will be presented as part of the formal budget setting process and the Long Term Financial Plan.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The process of Policy review will serve to minimise both strategic and risk management implications by ensuring policies are consistent with current legislation.

Risk Statement & Consequence	Level of Risk	Risk Treatment
The City Administration undertakes functions delegated by the Council in a manner not in accordance with the Council's objectives causing reputational risk.	Minor to Major depending on issue.	Ensure sound Council policies are in place that provides clear guidance to the Administration in terms of applicability.
Policies are not in compliance with legislative requirements or contemporary standards.	Minor consequences which are possible, resulting in a Medium level of risk	Periodic review mitigates against outdated legislative or other relevant references

POLICY IMPLICATIONS

Should the Council resolve to adopt the policies as presented within this report, then these will replace the existing policies adopted in March 2020.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

If the Council resolve not to adopt a policy, subject to any amendments, then the existing policy would remain in place until a review of the policy is finalised and adopted.

T22/3965 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENTS)**CONCLUSION**

The individual policies have been developed and reviewed by senior officers and their amendments are consistent with the current provisions of the *Local Government Act 1995* and relevant Regulations, Guidelines and Standards.

At 7:17pm Cr Mair returned to the meeting.

At 7:17pm Ms Newman left the meeting and returned at 7:18pm.

At 7:19pm Cr Barber returned to the meeting.

OFFICER RECOMMENDATION (3965)**APPROVAL**

At 7:20pm Cr Macphail moved, Seconded Cr Fitzgerald –

That the Council

1. Approves the ten Technical Services policies as amended and contained in the following attachments:

[CP 001 Citizenship Ceremonies Policy](#)

[CP 029 Tree Policy](#)

[CP 031 Asset Management Policy](#)

[CP 033 Path Policy](#)

[CP 034 Road Safety Audit Policy](#)

[CP 035 School Parking Policy](#)

[CP 036 Waste Minimisation Policy](#)

[CP 086 Verge Treatment Policy](#)

[CP 102 Urban Forest and Green Spaces Policy](#)

[CP 110 Crossover Policy](#)

[CP-119 Active Reserve Parking Policy](#)

2. Adopt new Council Policy [CP 119 Active Reserve Parking Policy](#) and that this policy be published on the City of Melville website.

T22/3965 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENTS)

At 7:24pm, during the discussion and debate on this item, at the request of Elected Members, the mover and the seconder consented to the inclusion of the following words after CP 033 Path Policy

“ - subject to point 4 under Policy Principles being amended to read “... based upon a priority ranking, taking into account risk and having regard to traffic volume, ...”.

So that Point 4. of the CP-033 Path Policy will read “New paths shall be constructed based upon a priority ranking taking into account risk and having regard to traffic volume, road hierarchy, traffic/pedestrian conflicts, activity generators, linkages, path requests and bike plan recommendations.”

COUNCIL RESOLUTION (3965)**APPROVAL**

At 7:20pm Cr Macphail moved, seconded Cr Fitzgerald –

That the Council

- 1. Approves the ten Technical Services policies as amended and contained in the following attachments:**

[CP 001 Citizenship Ceremonies Policy](#)

[CP 029 Tree Policy](#)

[CP 031 Asset Management Policy](#)

[CP 033 Path Policy](#) – subject to point 4 under Policy Principles being amended to read “... based upon a priority ranking, taking into account risk and having regard to traffic volume, ...”.

[CP 034 Road Safety Audit Policy](#)

[CP 035 School Parking Policy](#)

[CP 036 Waste Minimisation Policy](#)

[CP 086 Verge Treatment Policy](#)

[CP 102 Urban Forest and Green Spaces Policy](#)

[CP 110 Crossover Policy](#)

[CP-119 Active Reserve Parking Policy](#)

- 2. Adopt new Council Policy [CP 119 Active Reserve Parking Policy](#) and that this policy be published on the City of Melville website.**

At 7:26pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENTS)

Ward	: Bull Creek - Leeming
Category	: Strategic
Subject Index	: Capital Works Program and Active Reserves Infrastructure Strategy
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	: Item P19/3795 – John Connell Reserve Redevelopment Project Partnering Opportunity with Landcorp – Memorandum of Understanding, Ordinary Meeting of Council held 19 February 2019. Item T21/3901 – John Connell Reserve Upgrade Proposals, Ordinary Meeting of Council held 16 February 2021.
Works Programme	: 2021-2022
Funding	: 2021-2022 Budget
Responsible Officer	: Jeff Bird Manager Natural Areas & 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>

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENTS)**KEY ISSUES / SUMMARY**

- Leeming Spartan Cricket Club and the Leeming Strikers Football Club have held a long term desire to expand the present playing fields east into an area containing remnant bushland.
- The oval extension area has long been recognised for this purpose with the previous landfilling activities specifically planned to ensure that it would not encroach into the oval extension area.
- The City has received a request from the Clubs for the City to provide written authority to the Clubs to enable them to progress with a clearing permit to extend the oval at the eastern end of the John Connell Reserve.
- A permit to clear native vegetation under the *Environmental Protection Act* is required to be submitted through an application to the Department of Water and Environmental Regulation (DWER) in order to remove the vegetation.
- Funding for the preparation of a Masterplan for the John Connell Reserve was approved as part City's 2021-2022 annual budget and is currently in the procurement stage seeking a consultant to undertake this work.
- The Federal ALP candidate for the Seat of Tangney has committed to contribute \$650,000 toward the cost of the oval extension if successful in the upcoming Election. This contribution may only be a proportion of the total cost associated with the oval extension.
- There are a range of risks associated with initiating the community consultation for the oval extension in advance of, or parallel to, a broader consultation process for the Masterplan, recognising that there may be opportunities to instigate the vegetation clearing application prior to the completion of the Masterplan should the gathering and analysis of information during the Masterplan process indicate support for this proposal.
- The Officer recommendation is to not proceed immediately with the initiation of a vegetation clearing application for the oval extension as requested by the Clubs and consider the oval extension proposal and associated vegetation clearing as part of the John Connell Master plan.
- In regards to the Clubs request to manage the vegetation clearing application and oval extension works, it is the City's preference to manage the vegetation clearing application, planning, design and construction works due to complexities and technical requirements associated with works that could impact on the contaminated landfill site.

BACKGROUND

The City has received a request from the Leeming Spartan Cricket Club and the Leeming Strikers Football Club for the City provide written authority for the clubs to initiate a vegetation clearing application to remove remnant bushland in order to extend the oval at the eastern end of the John Connell Reserve in Leeming.

The Clubs have provided the following justification as to the reasons behind the request;

“Allow for a second cricket oval with a smaller playing field and two extra football fields, which as you know will be an enormous benefit for community sport and wellness and be of great value to the more than 800 registered players and their families”.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENTS)

To accommodate the proposed extension area there would be a requirement for a section of bushland to be cleared. This area consists mainly of degraded or completely degraded bushland, however has some areas classified as good condition requiring removal with a small section of excellent condition vegetation that could possibly be impacted.

It is relevant to note that the bushland immediately south of the proposed area to be cleared is mostly classified as Excellent & Very Good condition and qualifies as Banksia Woodland Threatened Ecological Community (TEC).

In order to clear this area of bushland, a permit to clear native vegetation under the *Environmental Protection Act* is required to be submitted through an application to the Department of Water and Environmental Regulation (DWER) for assessment to determine if the area of bushland can be cleared.

If the Clubs were to prepare the vegetation clearing permit application as requested, a Letter of Authority would be required from the City. The Clubs have also indicated a preference for them to undertake the vegetation clearing and oval extension works on behalf of the City.

This report discusses the implications of the Club's request in regards to the opportunities and risks associated with initiating the vegetation clearing process, potential impacts on the Masterplan process and issues associated with wider community consultation.

DETAIL

Leeming Spartan Cricket Club and the Leeming Strikers Football Club have held a long term desire to expand the present playing fields east into existing bushland to provide additional playing space. The City prepared the Active Reserves Infrastructure Strategy (ARIS) in 2020 to guide a strategic and long term plan for infrastructure investment for active reserve facilities.

The ARIS covers City assets associated with over 70 clubs who are all seeking renewal or upgrades to ageing infrastructure across the City. The City is progressively implementing the recommended ARIS upgrades and has accelerated programs such as the change room renewal program to address the growth and changes related to sporting demands.

The ARIS identified that an additional oval may be required at John Connell in 2028-2029 and it would have been in that financial year that investigations would take place to identify the requirements of the Clubs. The ARIS also identified that a Masterplan be prepared for John Connell Reserve in 2025-2026 to better understand active and passive recreational needs and where investment should take place to meet identified demands.

In the past year the City has received requests from the Clubs, Members of Parliament as well as election candidates in regards to funding to facility upgrades. This interest from the various stakeholders has led to the City to fast track the Master planning exercise for the entire John Connell Reserve site this financial year, which is three years ahead of what was envisaged in the ARIS.

The scope for the Masterplan has been expanded to include the old Dundee Road Landfill area (given the long term liability associated with this contaminated site), public park areas, Supa Golf and the driving range.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENTS)

Funding for the preparation of the John Connell Masterplan was approved as part City's 2021-2022 annual budget. The City, through the public tender process, will appoint a suitably qualified and experienced consultant in the next month or so to work with the community and the City to develop the Masterplan. The master planning process is firstly intended to investigate the need for additional playing fields and secondly, assuming the need is justified, the various options for locating these fields within the John Connell Reserve site. It is anticipated that the master planning process will take 12-15 months to complete.

Further to the City fast tracking the John Connell Masterplan, the Clubs have been given an indication that the Federal ALP candidate for the Seat of Tangney (Sam Lim) will commit to contribute \$650,000 toward the Clubs for the oval extension costs if successful in the upcoming Election. This contribution may only be a proportion of the total cost of the oval extension works.

This prospective financial contribution has prompted the clubs to request that the City provide the clubs with the authority to progress the vegetation clearing application process and planned oval extension construction works.

Oval Design and Location

The Clubs have attached to their request the plan below outlining a section of bushland that they believe needs to be cleared as part of project based on the extension accommodating the requested additional cricket oval. It is estimated that clearing of vegetation between 0.6 ha. and 0.9 ha. would be required to accommodate this plan.



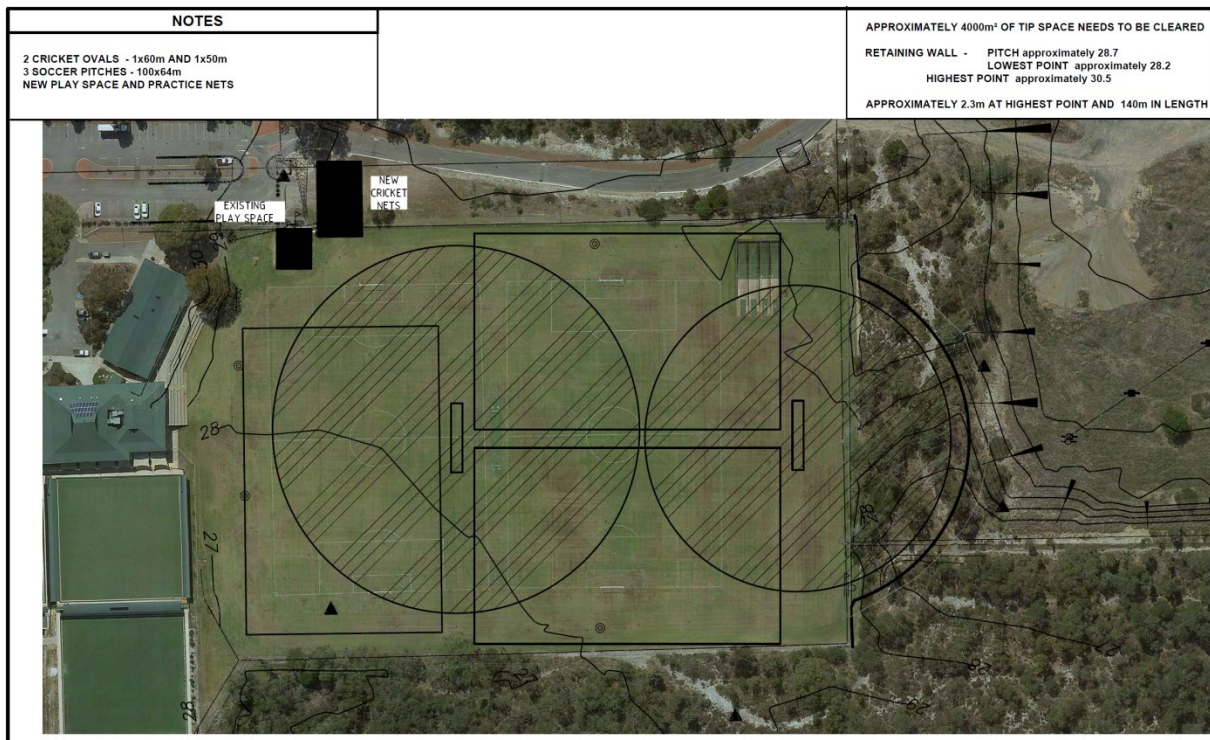
In recent correspondence the Clubs have advised that they would propose to undertake the following scope of works:

- To prepare and submit to the Department of Water and Environmental Regulation for application for New Permit or Referral to Clear Native Vegetation
- Remove and replace cyclone fencing on eastern side of John Connell Reserve
- Clear and remove vegetation in extended area
- Level and compact ground
- Extend reticulation as directed by the City of Melville

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENTS)

- Prepare and lay lawn as directed by the City of Melville
- Remove the cricket nets and replace with lawn
- Remove the partially raised uneven area on the western side of reserve and re-lay this lawn to level the playing field
- Prepare and construct second hard wicket cricket pitch as established by Cricket Australia guidelines
- Relocate current hard wicket cricket pitch in westerly direction
- Identify and clear non substantive vegetation as outlined in the “Detailed Flora, Vegetation and Fauna Assessment” conducted by Natural Area Consulting Management Services along the northern fence line
- To revegetate the area outside the extension with *Banksia* species and *Eucalyptus toditiana* given they are the preferred food sources for the Forrest Red-tailed Black Cockatoo.

The City has also completed concept designs of the oval extension based on the request of the Clubs. Consideration will need to be given to providing extensive retaining structures (approx. 2.3 metres maximum height and 140 metres in length) in order to establish a level playing surface for the proposed oval extension.



Initial estimates from the ARIS indicated the implementation of the John Connell Reserve Masterplan to be approximately \$2.1 million, including the additional oval. This estimate was provided in 2020 pre-COVID and without detailed site investigation, therefore further investigation and cost estimates are required to determine the current likely costs of the oval extension as a stand-alone project.

It is acknowledged that the John Connell Reserve facilities are well located to support an additional oval to capitalise on existing infrastructure and assets.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENTS)

Without the existing constraint related to the requirement to remove remnant vegetation, the decision to extend the oval would be fairly straight forward and based on demonstrated need and cost benefit aspects. In regards to the vegetation clearing, the City also has an obligation to consult widely on proposals that are likely to raise concerns in the community and to work through issues in order to get the best outcome for our residents and ratepayers.

Flora, Vegetation and Fauna Assessment of Oval Extension Area

In November 2020, the City commissioned Natural Area Consulting Management Services to undertake a detailed flora survey and a basic fauna survey of the area being proposed for the oval extension. The Flora, Vegetation and Fauna assessment report forms an attachment to this agenda item. [3978 John Connell South Bushland Assessment](#)

The survey aimed to determine:

- flora and fauna species present within the site (native and introduced)
- the extent and boundaries of vegetation types and their condition
- the location of declared rare or priority flora, fauna and/or threatened ecological communities (if present).

The detailed flora and vegetation survey concluded the following:

- presence of a total of 98 flora species from 36 families
- a mix of 37 (37.7%) weeds and 61 (62.2%) native flora species
- no priority or threatened flora species, or ecological communities were found in the survey
- one vegetation type was present within the site, *Banksia attenuata*, *Banksia menziesii* and *Eucalyptus tottiana* Woodland
- Vegetation condition across the site ranges from Completely Degraded to Excellent.

The basic fauna survey within the site confirmed:

- a total of eight fauna species recorded, either directly or via indicators of their presence in the form of scats, tracks, diggings and burrows
- no conservation significant fauna species were recorded during the survey, although evidence of threatened black cockatoo feeding by Carnaby's Cockatoo in the form of chewed *Banksia menziesii* flower cones was noted.

The vegetation condition ranged from Completely Degraded to Good within the survey area, with majority of the site either in Good, Degraded or Completely Degraded condition as can be seen in the below graphic.

The areas classified as Completely Degraded occurred on the periphery of the site and along the road verges due to weed encroachment from the surrounding land. The area of Good condition vegetation would be required to be removed for the oval extension.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENTS)

City of Melville
John Connell Reserve - Detailed Flora, Vegetation and Fauna Assessment



Flora, Vegetation and Fauna Assessment of the Southern John Connell Bushland

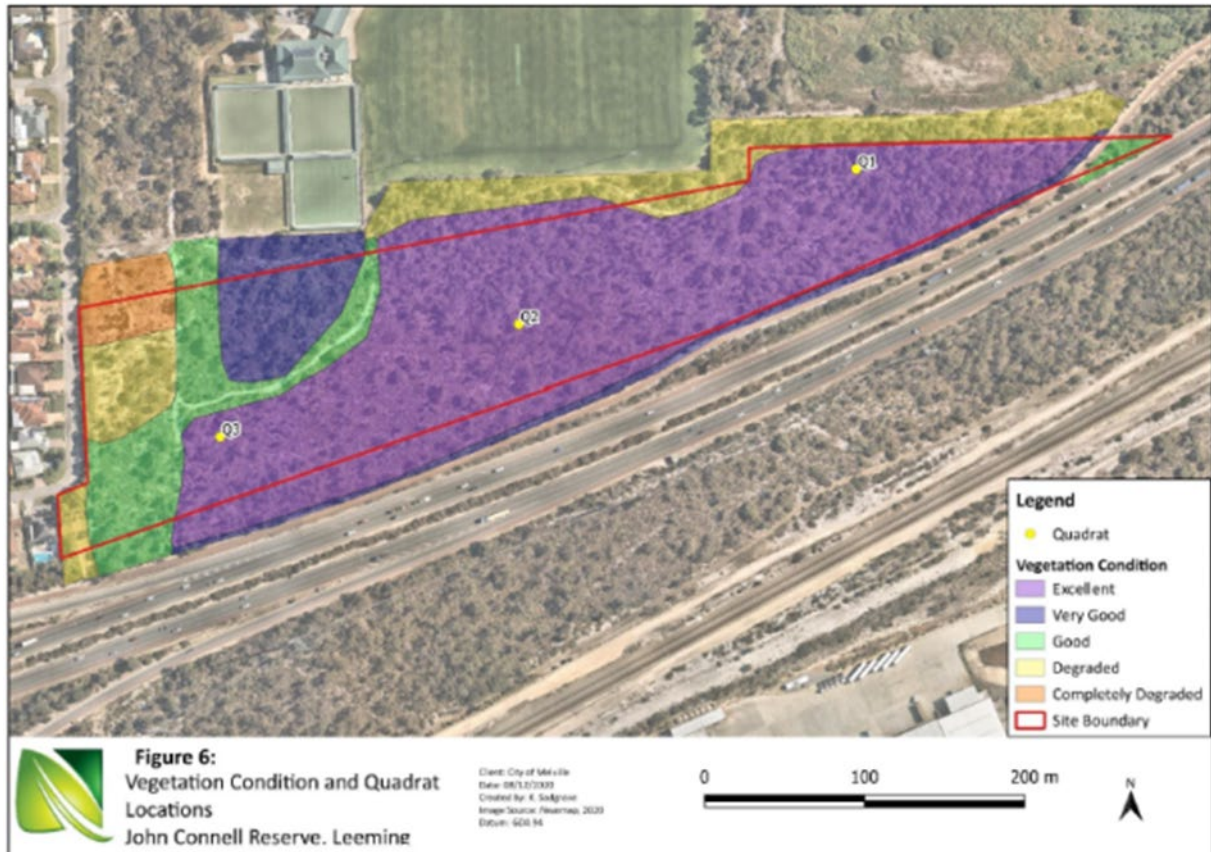
In addition to the Flora, Vegetation and Fauna Assessment of the area proposed to be cleared for the proposed oval extension, the consultants also undertook an assessment of the bushland to the south of the John Connell Reserve as shown in the below diagram.

The Flora, Vegetation and Fauna assessment report is attached for reference.

[3978 John Connell South Bushland Assessment](#)
[3978 John Connell Flora and Fauna Survey](#)

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENTS)

City of Melville
John Connell Reserve – Threatened Ecological Community Assessment



The key outcome of the assessment of this section of bushland immediately to the south is classified as part of the Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community (TEC).

Clearing Permit Process

An application for a vegetation clearing permit from the Department of Water and Environment Regulation (DWER) would be required to accommodate the oval extension. It is understood that it is likely to take between 6 to 9 months to secure a vegetation clearing permit.

As noted previously, the adjacent bushland to the south of the area to be cleared for the oval extension is classified as Banksia Woodland Threatened Ecological Community (TEC). Any proposal that may impact on the classified TEC vegetation type would require referral to the Federal Government, Department of Agriculture Water and the Environment (DAWE) as to whether this area can be cleared or not under the *Environment Protection and Biodiversity Conservation* (EPBC) Act.

Although the area proposed to be cleared for the proposed oval extension ranges from 0.6ha (minimum) to 0.9ha (maximum) and therefore may not trigger the minimum 1ha. clearing area, DWER may choose to refer the application to the Federal Department for assessment due to the proximity of the Banksia Woodland TEC immediately to the south. A referral to the Federal Department for assessment under the EPBC Act is likely to take 12 to 18 months for a decision.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENTS)

DWER recognises that timing of surveys is important and may require additional surveys if considered necessary and at specified times to capture known declared rare flora species that may occur at the location. The initial flora survey commissioned by the City was undertaken in November 2020 (late spring) and a follow up survey in mid-spring was undertaken in October 2021, however it is possible that DWER may request that a further survey (e.g. late winter or early spring) be undertaken to ensure that no declared rare flora will be impacted.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The preparation of the John Connell Reserve Masterplan is about to commence and will involve a comprehensive and structured stakeholder engagement plan, similar to that undertaken for the Attadale Alfred Cove Foreshore Master Plan project. Although there is support amongst sporting associations and clubs consulted to date for the vegetation clearing to facilitate the oval extension, the City has not canvassed the wider community for feedback on the proposal and there may be some community opposition from an environmental perspective.

There are a number of options available in regards to stakeholder engagement associated with the oval extension proposal.

- ***Option 1 – Undertake the consultation as part of the Masterplan and initiate a vegetation clearing application should the information gathered and analysis justify this for the oval extension prior to completion of the Masterplan.***

This is an option that could fast track the vegetation clearing application process, prior to the finalisation of the Masterplan, should the information gathered an analysis of data during the development of the Masterplan demonstrate support for this action.

- ***Option 2 –Undertake a separate consultation exercise for the oval extension proposal outside of the Masterplan consultation process.***

This is not preferred as separate consultation exercises undertaken at a similar time may create confusion in the community and negatively impact on the outcome of either or both stakeholder engagement activities.

- ***Option 3 – Do not undertake wider community consultation and progress the vegetation clearing application process based on the support expressed by stakeholders and sporting clubs that utilise the reserve***

This is the least preferred option as in is not consistent with the City's values and good practice stakeholder engagement. In addition, it does not promote transparency and openness in the decision making process, which was one of the community concerns raised with respect to the Wave Park proposal.

II. OTHER AGENCIES / CONSULTANTS

The Department of Water and Environment Regulation (DWER) will need to be consulted and approve the vegetation clearing permit application.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENTS)

STATUTORY AND LEGAL IMPLICATIONS

A Vegetation Clearing Permit will be required to enable the removal of vegetation associated with the oval extension in accordance with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

FINANCIAL IMPLICATIONS

The fee for submitting a vegetation clearing application to DWER is \$600.

Initial estimates from the ARIS indicated the implementation of the John Connell Reserve Masterplan to be approximately \$2.1 million, including the additional oval. This estimate was provided in 2020 pre-COVID and without detailed site investigations. A separate cost estimate would be required to determine current costs of the oval extension works as a separate project.

The Federal ALP candidate for the Seat of Tangney (Sam Lim) has committed to contribute \$650,000 to the Clubs for the oval extension if successful in the upcoming Election.

Any remediation works of the former tip site that could possibly occur as a result of the oval extension project would be funded by the City's Refuse Facilities Reserve.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk*	Risk Treatment
Opportunity will be lost to conduct a thorough review of the entire John Connell Reserve if the process to commence with the clearing permit is given.	Moderate consequence and almost certain, resulting in a High level of risk	Follow the Master planning process which may identify other options for the provision of additional active playing grounds.
Clearing of bushland to accommodate additional sporting infrastructure may create community opposition on environmental grounds or if considered in advance of the Masterplan process.	Moderate consequence and almost certain, resulting in a High level of risk	Adequate community engagement occurs to ensure any environmental or other concerns acknowledged. Proactive revegetation program implemented as part of the oval extension project if progressed.
To not progress with the clearing permit process as any delays would impact the Clubs desire to expand the playing surfaces in the desired timeframe.	Moderate consequence and likely, resulting in a High level of risk	Submit clearing permit application to DWER.
City will lose ownership of the clearing permit application and construction process if authority given to the Clubs to manage these processes and risks.	Moderate consequence and likely, resulting in a High level of risk	City manages the process and associated risks.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENTS)**POLICY IMPLICATIONS**

The key policies related to this report include:

- Urban Forest and Green Space Policy (CP-102) – To protect, preserve and enhance aesthetic character and realise the benefits of trees and vegetation
- Physical Activity Policy (CP-028) – To increase opportunities for physical activities and improve health and wellbeing of the community
- Improving Public Spaces Policy (CP-103) – To improve livability, quality, usability, amenity and safety of public spaces

ALTERNATE OPTIONS AND THEIR IMPLICATIONSAlternative Option 1 – Club manages vegetation clearing permit and construction works

This alternative involves the Club managing the vegetation clearing permit process with a yet to be determined community consultation process. This option would meet the Clubs desire to progress with the vegetation clearing permit application in a suitable time frame and give them assurance the Council is committed to the oval expansion proposal.

There are potential risks associated with this option related to the quality of required documentation for various applications, approvals and plans, adequate coordination and management of work activities (design, planning, contractual, cost controls) and achievement of compliance requirements.

Alternative Option 2 – Undertake separate community consultation for the vegetation clearing application process

This alternative would involve the City progressing a separate community consultation process in regards to the vegetation clearing for oval extension prior to, or in parallel with, the Masterplan consultation process. This would allow the City to gain an understanding of broader community sentiment related to the oval extension proposal prior to the lodgement of a vegetation clearing application. The City could progress with a vegetation clearing application in a shorter timeframe compared to consideration as part of the more comprehensive Masterplan community consultation and report preparation process, which is likely to take 12 to 15 months.

Initiating a separate community consultation exercise for the vegetation clearing proposal does present some risks and may cause confusion in the community, as the outcome may potentially conflict with the broader Masterplan objectives and disenfranchise members of the community who do not support the oval extension but are keen to be involved in the Masterplan community consultation process.

CONCLUSION

The Clubs for a number of years have been seeking to extend their facilities and playing grounds to meet the needs of the increasing numbers of participants, particular in regards to woman's teams. Allowing the group to manage the clearing permit process and construction works may meet the Clubs desire for the extension project to be completed in the shortest possible timeframe, but presents a range of issues and risks that the City would need to manage.

T22/3978 – JOHN CONNELL OVAL EXTENSION (REC) (ATTACHMENTS)

Although there is support amongst sporting groups for the oval extension and associated vegetation clearing, there may be concerns raised by other stakeholders and members of the community yet to be consulted regarding environmental impacts and other issues.

The Masterplan process would investigate the entire John Connell Reserve as a whole and may present other opportunities for additional oval developments which may in fact be a better result for the club and the area in the longer term. The outcomes of the Masterplan are yet to be determined and will benefit from broader consultation and engagement with the community, key stakeholders and State agencies

Consideration also needs to be given to the fact that the outcome of the Federal election is unknown and the funding committed by the Federal ALP candidate for the Seat of Tangney may not be forthcoming if not successful in the election. If Federal funding is not available and the clearing permit is approved, it is assumed the City would be required to fund any development of the site in the coming financial years.

The officers recommendation is that the John Connell master planning process is initiated before any decision is made on the oval extension and vegetation clearing application.

There is the option to instigate the vegetation clearing application process prior to the completion of the Masterplan, should there be a demonstrated need for an additional oval at this location to justify this course of action based on the information gathered and analysis of data undertaken during the Masterplan development. Alternatively, Council could resolve to undertake a separate consultation exercise for the vegetation clearing application to fast track the oval extension proposal, noting that this is not recommended by the officers given it may create confusion in the community and potentially undermine the Masterplan stakeholder engagement process.

OFFICER RECOMMENDATION (3978)**REFUSAL****That the Council:**

- 1. Not proceed immediately with the initiation of a vegetation clearing application for the oval extension as requested by the Clubs and considers the oval extension proposal and associated vegetation clearing as part of the John Connell Master Plan.**
- 2. Direct the CEO to advise the Clubs that it is the City's preference to manage the vegetation clearing application, planning, design and construction works associated with the oval extension, should this proceed.**

Procedural Motion**COUNCIL RESOLUTION**

At 7:27pm Cr Spanbroek moved, Seconded Cr Woodall –

That T22/3978 – John Connell Oval Extension be deferred to the 21 June 2022 Ordinary Meeting of Council.

At 7:27pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

Disclosure of Interest

Member Cr Wheatland
 Type of Interest Interest under the Code of Conduct
 Nature of Interest Social Member of the Willagee Bears Rugby Club
 Request Stay, Discuss, Vote
 Decision Leave Stay, Discuss, Vote

CD22/8147 - WEBBER RESERVE MASTER PLAN (REC) (ATTACHMENT)

Ward : Palmyra – Melville - Willagee
 Category : Strategic
 Subject Index : Recreation
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Geoff Edwards
 Leisure Planning Officer

AUTHORITY / DISCRETION

DEFINITION

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

CD22/8147 – WEBBER RESERVE MASTER PLAN (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The Active Reserve Infrastructure Strategy (ARIS) (2020) identified that there are opportunities to increase use and capacity of Webber Reserve.
- These opportunities are compromised due to a number of ad hoc and ageing developments which have occurred over time.
- The ARIS (2020) recommended that a Master Plan should be developed for Webber Reserve to document any further development of the reserve and provide a planning frame work for future projects.
- The Webber Reserve Master Plan has been produced in consultation with key stakeholders.
- Through all stages of engagement feedback has been positive and supportive.
- The Master Plan is being presented to the Council for endorsement.

BACKGROUND

The City acknowledges that Webber Reserve is on Whadjuk land, Local Indigenous Elder, Uncle Neville Collard explained to the City that the land was a natural drainage point for the surrounding hills, where emu would frequent and were subsequently hunted. Much like the surrounding suburb of Willagee, red ochre was also found in abundance in this area.

Webber Reserve is an irregular shaped sport and recreation space located in the City's west in the suburb of Willagee and is a total 4.72 hectares in area. Since its development into a sport and recreation space in 1965, where cricket was the first sport played at Webber Reserve, there have been a variety of sports played including cricket, baseball, tennis and Rugby League, which is the predominant sport played there today.

Webber Reserve is located approximately 17 kilometres from Perth's CBD and situated near the intersection of two primary distributor roads in Leach Highway and Stock Road and as such has excellent road and public transport access. The reserve is also adjacent to two local retail precincts.

The reserve is owned by the State of Western Australia and managed by the City of Melville for the purpose of Recreation. It provides for a diverse range of sport, recreation and leisure opportunities for residents, local business employees and visitors from neighbouring suburbs and local government authorities. Webber Reserve also serves to manage stormwater locally via the compensation basin located in the North West corner of the reserve and underground drainage infrastructure.

Webber Reserve is home to the Willagee Bears Rugby League Football Club, made up of both male and female teams and who also provide a social darts club targeting an older demographic. The club continues to support cultural diversity through association with Rugby League Samoa WA. Webber Reserve is also a secondary sport space for the Bicton Junior Cricket Club (summer season) and Winnacott Junior Football Club (pre-winter season), noting there is no primary summer season user, with ample capacity to facilitate this. The reserve is highly valued for informal recreation and leisure including but not limited to dog exercise, walking/running, playground use, basketball, riding and BBQ's.

CD22/8147 – WEBBER RESERVE MASTER PLAN (REC) (ATTACHMENT)

During the development of the City of Melville's Active Reserve Infrastructure Strategy (ARIS), in 2020, the City of Melville's change room renewal program, through the Infrastructure Strategy, saw the refurbishment and extension to the existing Webber Reserve club room and change room facilities that are located in the southern portion of the reserve. This project helped ensure that contemporary, functional and unisex facilities were made available to reserve users however did not resolve a number of other matters to be addressed on the site.

Additionally the new floodlighting infrastructure identified by ARIS for construction in 2021/2022 was brought forward to 2020/2021 as a part of the COVID 19 stimulus package. ARIS recognised that an outcome for the Webber Reserve was to have the majority of the sport space lit for night training to facilitate greater usage on the reserve; this lighting project was completed January 2022. The project budget of \$398,408 has been entirely funded through the Local Roads and Community Infrastructure Program (Department of Infrastructure, Transport, Regional Development and Communications).

The completed ARIS (2020) has identified that there are opportunities to increase use and capacity of the reserve though these opportunities are compromised due to a number of ad hoc and ageing developments which have occurred over time.

More effective and efficient use of the reserve can be achieved through the development of a site Master Plan.

To arrive at this recommendation the ARIS assessed the following:

- Demographics
- Trends in sport
- Passive recreation requirements
- Equality of access
- Active reserve catchments
- Existing infrastructure
- Community feedback
- Club feedback
- City of Melville strategies, policy and plans
- State and National sport related strategies, plans and guidelines

The Master Plan will document the vision for further developments of the Webber Reserve and provide a coherent planning framework for future projects. Given the ARIS is a recent document the information contained is considered as relevant for the purposes of this Master Plan.

A summary of ARIS recommendations for Webber Reserve are as follows:

- Master planning the reserve in 2020/2021
- New floodlighting in 2021/2022
- Additional parking in 2022/2023, which will be incorporated into the Master Plan;
- Implementation of the Master Plan (see 'Implementation').

A copy of the ARIS can be located on the City website by accessing the publications and forms page and searching for ARIS.

CD22/8147 – WEBBER RESERVE MASTER PLAN (REC) (ATTACHMENT)**DETAIL**

The [8147 Webber Reserve Master Plan Report](#) provides a summary analysis of the future vision for Webber Reserve to meet local community needs and aspirations.

The following Vision and Principles for the Master Plan were developed following community engagement for the project and echo sentiment provided through this process whilst also considering project objectives and strategic alignment to key City of Melville plans.

Vision

To secure the future of Webber Reserve in the vibrant and growing suburb of Willagee through a considered approach to improved accessibility, connectivity and activation of this highly valued park land.

Principles

1. Sustainable Open Space
 - Improve the environmental and landscape values of the reserve and enhance Melville's Urban Forest.
 - Continue to proactively manage storm water and drainage on site.
 - Environmentally sustainable design.
 - Efficient investment into infrastructure tailored to the size and function of Webber Reserve.
2. Connected Communities
 - Provide opportunities to activate the reserve for increased sport, recreation and leisure activities for all abilities.
 - Improve accessibility and inclusiveness for all abilities through contemporary infrastructure.
 - Establish cultural recognition through interpretation and art.
 - Improve the network of shared use path ways and links to neighbouring retail precincts.
 - Introduce open space technologies to support reserve use.
3. Healthy Lifestyles
 - Revitalize ageing infrastructure to;
 - i. Provide a contemporary, safe and inviting space that removes barriers to participation in physical activity and enables enhanced health and wellbeing through outdoor activity.
 - ii. Provide a place that encourages social connection.
4. Safety
 - Improve safety and the perception of safety by following Crime Prevention through Environmental Design (CPTED) principles.
5. Partnerships
 - Ensure any further development allows the City to partner with and align to known opportunities for external grant funding to offset the cost of development to the City and therefore, community.

CD22/8147 – WEBBER RESERVE MASTER PLAN (REC) (ATTACHMENT)

The vision and principles underpin the key elements of the depicted Master Plan and concept for the North-Eastern recreation space, which include:

- Reserve wide accessible path with connections to existing networks.
- Outdoor fitness and seating nodes along path network.
- Reserve wide expansion of native and indigenous flora.
- Expanded and refurbished play space offering a range of play options.
- Cultural interpretation.
- Multi-use games court.
- Skate Avenue.
- Pump track.
- Scooter track.
- Picnic node with shade shelters and BBQ.
- Additional formal and informal parking.
- A new patio and terraced seating adjacent to existing club pavilion.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

A summary of the engagement for Webber Reserve Master Plan is contained below, for further details visit: <https://www.melvillecity.com.au/our-city/connect-with-us/melville-talks/engagements/webber-reserve-master-plan>

Snapshots of all stages of engagement are Appendices of the Webber Reserve Master Plan Report, link in the 'Detail' section of this item. The snapshots are also on the Melville Talks page for the project, linked above.

Purpose

- To engage with the community early in the project lifecycle to ensure that the outcomes of the Webber Reserve Master Plan are 'owned' and driven by the community.
- The City has sought to deliver the project based on what the community values as the most important activities for the area.
- The outcomes of the engagement form the scope for the design process.
- Findings of the stages of engagement to be shared with the community.
- Feedback on the draft designs to be collated, analysed and integrated into the final Master Plan designs.

Methods

The following stages of engagement were implemented to ensure the purpose was met.

1. Idea Sharing (July – August 2021)
 - We asked community members what they love about Webber Reserve and what new things they would like explore as a part of the master planning process. 89 ideas were shared and 48 surveys were received.

CD22/8147 – WEBBER RESERVE MASTER PLAN (REC) (ATTACHMENT)

2. Stakeholder Meetings (July – August 2021)
 - In person meetings held with Local Aboriginal Elder, Neville Collard and the Willagee Bears Rugby League Club. Local businesses notified, including Webber Gardens Retirement Village.
3. Walkable Workshop (August 2021)
 - An interactive onsite 'walk-shop' was held on Saturday, 21 August 2021. 16 members of the local community and their children attended, we explored opportunities, challenges and ideas.
4. Survey & Work pack (August – September 2021)
 - Replicating the in-person activities conducting at the 'walk-shop', the local community were invited to share their feedback via an opportunities and priorities survey and work pack. 27 surveys and one designer work pack were received.
5. Public Comment (November 2021)
 - In September 2021, the Project Team (including City of Melville officers and Ecoscape architects) held two design workshops, using engagement feedback, to shape the draft Master Plan.
 - In November 2021 the community was invited to view the Master Plan and concept options and provide feedback. 80 submissions were received.
 - City of Melville officers attended a movie screening at Webber Reserve on Friday, 26 November 2021 to talk about the Master Plan with locals attending the event.

STATUTORY AND LEGAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

There is no up-front cost for endorsing the master plan.

Subsequent to the Master Plan being endorsed, a request for \$195,000 (ex. GST) will be presented to Council at the Special Meeting of Council in June 2022, as a part of the Annual Budget. These funds will allow design development to occur and for project management.

Following a successful design process it is estimated a budget request for 2023-2024 will be made to facilitate the construction of that which is currently envisaged in the Master Plan.

CD22/8147 – WEBBER RESERVE MASTER PLAN (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement & Consequence	Level of Risk	Risk Treatment
Infrastructure is either ageing and not fit for purpose or non-existent resulting in key community outcomes not being met.	Moderate consequences which are likely, resulting in an High level of risk	Implement recommendations from the Webber Reserve Master Plan.
Developments continue to be delivered on an ad hoc basis resulting in inefficient spend and allocation of resources.	Moderate consequences which are possible, resulting in a Medium level of risk.	Webber Reserve Master Plan to be adopted by Council, promoting a strategic and clearly articulated approach.
Not continuing to invest in Willagee resulting in an unbalanced investment across suburbs.	Moderate consequences which are possible, resulting in a Medium level of risk.	Implement recommendations from the Webber Reserve Master Plan.
Reduced likelihood of grant funding due to not having a strategic approach to planning for Webber Reserve.	Major consequences which are possible, resulting in a High level of risk.	Webber Reserve Master Plan to be adopted by Council, promoting a strategic and clearly articulated approach.

POLICY IMPLICATIONS

An extensive documentation review was conducted in the development of the Active Reserve Infrastructure Strategy for City of Melville related documents, policies and strategies as well as a review of State and National guidelines, Plans and Strategies. This research is considered relevant for the purpose of the Webber Reserve Master Plan.

In addition to this research a summary review of current key strategic documents for the City of Melville is contained in the attached Webber Reserve Master Plan Report on pages 9 – 12.

The following Council Policies have also been identified as relevant to the Webber Reserve Master Plan:

- CP-002 Stakeholder Engagement Policy
- CP-028 Physical Activity Policy
- CP-029 Tree Policy
- CP-031 Asset Management Policy
- CP-033 Path Policy
- CP-037 Community Hub Policy
- CP-057 Sustainability Policy
- CP-084 Disability Access and Inclusion Policy
- CP-102 Urban Forest and Green Space Policy
- CP-103 Improving Public Spaces Policy
- CP-109 Cultural Awareness Policy

CD22/8147 – WEBBER RESERVE MASTER PLAN (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

An alternate option would be to not endorse the Webber Reserve Master Plan however this will impact on the City's ability to meet community aspirations identified in the Strategic Community Plan for the City of Melville (2020 – 2030) and the City's asset management planning.

Not endorsing the Master Plan will discount evidence, research and engagement that have informed this strategic planning document, and risks adhoc decisions and approaches to the planning and delivery of infrastructure at Webber Reserve.

CONCLUSION

The City of Melville's Active Reserve Infrastructure Strategy provides the research and justification for Master Planning the Webber Reserve to secure the future of the reserve in the vibrant and growing suburb of Willagee. The Master Plan has been developed through a considered approach to improved accessibility, connectivity and activation of this highly valued park land.

The Master Plan takes a holistic view of the reserve and its catchment to provide a high degree of confidence that the needs of the community can be met in an efficient manner.

Capacity for additional sport use exists in the summer season and any infrastructure restrictions have been resolved in this regard, an ongoing club user/s should be allocated reserve use and integrated into the pavilion.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8147)**APPROVAL**

At 7:27pm Cr Wheatland moved, seconded Cr Fitzgerald –

That the Council:

- 1. Endorses the attached [8147 Webber Reserve Master Plan](#) as the future vision for the reserve.**
- 2. Notes any future request for funding (for design and/or construction) will be subject to the Council approval in Annual Budgets.**

At 7:31pm, the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

M22/5899 – LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022 – REPORT OF PUBLIC SUBMISSIONS (AMREC) (ATTACHMENTS)

Ward	: All
Category	: Legislative
Subject Index	: 2.01 5A Acts, Statutes and Local Laws
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 M16/5474 – Local Law Review – April 2016 Item M16/5467 – Conclusion of Local Law Review 2016 – August 2016. Item 16.1 – Motion with notice - Review of Meeting Procedures Local Law 2017 – June 2020 Item M20/5786 – Report of Review of Meeting Procedures Local Law – November 2020 Item M21/5866 – Local Government (Meeting Procedures) Local Law 2022 – Approval to Consult – December 2021
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Anne Hill Governance Project Officer

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>

M22/5899 – LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022 – REPORT OF PUBLIC SUBMISSIONS (AMREC) (ATTACHMENTS)**KEY ISSUES / SUMMARY**

- Council on 14 December 2021 approved the CEO giving local public notice of the proposed *Local Government (Meeting Procedures) Local Law 2022*.
- Local public notice was given on 6 January 2022 and public comment was invited until 28 February 2022.
- 2 submissions were received on the proposed local law, with comments also received from the Department of Local Government, Sport and Cultural Industries.
- Minor revisions have been made to the draft local law to reflect submissions and Departmental comments. The revised version of the proposed local law is not considered to be significantly different to that proposed in the local public notice
- As part of the ongoing local government reforms, the State has proposed to standardise meeting procedures for all local governments by publishing a model local law, which would supersede existing local government meeting procedure local laws, either in whole or in part.
- No detail relating to the potential content or timeframe of any State-published model meeting procedure local law is available, and it is not clear whether it would cover all the matters currently included in existing local laws. There is currently no certainty if or when this proposal will be implemented.
- The potential benefits of making the new local law now are considered to outweigh the disadvantages of it potentially being superseded by State legislation in the future.
- It is recommended that Council make the *Local Government (Meeting Procedures) Local Law 2022*.

BACKGROUND

At its Ordinary Meeting of Council held on 16 June 2020, Council directed the CEO to initiate a review of the City's *Meeting Procedures Local Law 2017*. This review was undertaken in accordance with section 3.16 of the *Local Government Act 1995* (the Act), and the results were presented to Council on 24 November 2020.

As a result of the review, Council resolved to repeal the existing local law and replace it with a new meeting procedures local law, taking into account the points raised during the review, and Elected Member views that were expressed during workshops held in March and June 2021.

On 14 December 2021, Council approved the publication of the draft *City of Melville Local Government (Meeting Procedures) Local Law 2022* for public consultation in accordance with section 3.12 of the Act.

That consultation is complete and as a consequence, minor amendments have been made to the draft local law.

The **purpose** of the proposed *City of Melville Local Government (Meeting Procedures) Local Law 2022* is to provide rules for the conduct of meetings of the Council, its committees and electors.

M22/5899 – LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022 – REPORT OF PUBLIC SUBMISSIONS (AMREC) (ATTACHMENTS)

The **effect** of the proposed *City of Melville Local Government (Meeting Procedures) Local Law 2022* is to facilitate:

- (a) effective decision making by the Council and committees;
- (b) the orderly conduct of meetings dealing with the Council business;
- (c) better understanding of the process of conducting meetings; and
- (d) efficient and effective use of time at meetings.

Council is now invited to consider the submissions and make the *City of Melville Local Government (Meeting Procedures) Local Law 2022* under section 3.12(4) of the Act.

DETAIL

At the Ordinary Meeting of Council held on 16 June 2020, Council resolved that:

“The Council directs the CEO to initiate a review of the *Meeting Procedures Local Law 2017* in compliance with Section 3.12* of the *Local Government Act 1995*. This includes giving local public notice of the City of Melville’s intention to amend the local law and to invite suggested amendments from the public, City administrators and elected members”.

(*The relevant section relating to local law review is 3.14, and the review was conducted in accordance with that section.)

Local public notice was given of the review on 20 August 2020, with public submissions invited until 5 October 2020. The review report to Council on 24 November 2020 considered the submissions received, published guidance and specific comments from the Department of Local Government, Sport and Cultural Industries, relevant Council policies, and previously proposed amendments raised at the Special Meeting of Electors held on 20 August 2018 and the Ordinary Meeting of Council on 20 November 2018.

After considering the review report, Council resolved at the Ordinary Meeting of Council on 24 November 2020 to repeal the *Meeting Procedures Local Law 2017* and replace it with a new local law, with the drafting process to include a Council forum to discuss and agree on matters to be addressed.

Independently facilitated workshops were held for Elected Members on 30 March and 2 June 2021, during which Members extensively discussed key issues and provisions and provided direction on the content of the new draft local law. The draft was made available on the Elected Members Portal for Elected Members to comment further if they wished.

At the Ordinary Meeting of Council held on 14 December 2021, a copy of the consultation version of the proposed *Local Government (Meeting Procedures) Local Law 2022* was considered and Council was advised of the key differences between the proposed local law and the existing *Meeting Procedures Local Law 2017*.

The Council resolved on 14 December 2021:

That the Council authorises the CEO to implement the procedure set out in section 3.12(3) of the *Local Government Act 1995* with respect to the proposed *City of Melville Local Government (Meeting Procedures) Local Law 2022*.

M22/5899 – LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022 – REPORT OF PUBLIC SUBMISSIONS (AMREC) (ATTACHMENTS)

Local public notice was given on 6 January 2022, with public submissions invited until 28 February 2022. The consultation version of the local law was annotated with specific quotes from the Act, *Local Government (Administration) Regulations 1996* (Regulations) and other legislation cited in the local law. These quotes were clearly identified as being for the convenience of the reader and not part of the proposed local law.

Local public notice of the proposed *City of Melville Local Government (Meeting Procedures) Local Law 2022* (proposed local law) was given in accordance with sections 1.7 and 3.12(3)(a) of the Act:

- on the City's *Melville Talks* web page (6 January 2022),
- in the *Melville Gazette (Perth Now)* (6 January 2022),
- on the City's Facebook page (6 January 2022),
- on noticeboards in the City's libraries and the Civic Centre (6 January 2022), and
- in the *Melville Matters* e-newsletter (7 January 2022).

A copy of the proposed local law and proof of the local public notice were given to the Minister on 7 January 2022 in accordance with section 3.12(3)(b) of the Act.

The Minister for Local Government forwarded the proposed local law to the Department of Local Government, Sport and Cultural Industries, which provided comments received on 11 February 2022.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Community stakeholder engagement on the proposed local law was undertaken in accordance with section 3.12 of the Act, which requires a minimum six-week public consultation period. Public submissions were invited by local public notice in accordance with section 1.7 of the Act on 6 January 2022 and closed on 28 February 2022 (54 days).

Two submissions were received on the proposed local law (one from a member of the public and one from a staff member), and appear in the [5899 \(Att 1\) Summary of submissions - Local Government \(Meeting Procedures\) Local Law 2022 - Summary of submissions](#)

Public submissions on the proposed *Local Government (Meeting Procedures) Local Law 2022*

In accordance with section 3.12(4) of the Local Government Act, Council is required to consider the submissions.

The following responses are made to the suggestions included in submissions:

Submission 1

Clause 17 - insert a new subclause: "Wherever possible, record all meetings and make them available to the public within 5 days".

M22/5899 – LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022 – REPORT OF PUBLIC SUBMISSIONS (AMREC) (ATTACHMENTS)

- As standard operational practice, the audio record of Council meetings is routinely published on the City's website by the Friday following the meeting, i.e. within 3 days although this is not a legislative obligation.
- The State's [5899 \(Att 2\) Extract from Local Government Reform consultation paper](#) include a requirement for larger local governments to livestream meetings and to publish the audio-video records of Council meetings that are open to the public. This would over-ride any provision made in the proposed local law.
- To avoid potential conflict between the proposed local law and the proposed Act amendments, it is recommended that this suggestion be dealt with as a policy matter until the State's legislative changes are clear.
- **Recommendation:** Amend *CP-088 Creation, Access and Retention of Audio Recordings of Public Meetings of the Council* to address the creation, retention and timely publication of audio-visual records of public meetings of Council and of committees exercising delegated powers and duties.

Submission 2

Clause 6.14 - align the requirements for notification of public hearings with the requirements for special meetings of council (as prescribed in regulation 12(4) of the *Local Government (Administration) Regulations 1996*).

- A public hearing is a way for the community to be heard by Council about matters on which Council is due to deliberate. It is therefore comparable to a special meeting of Council.
- Due to the types of issues of significant public interest for which public hearings are likely to be required, the capacity to arrange them quickly to inform Council of the community's views is essential.
- Giving local public notice in accordance with section 1.7 would require utilisation of publications with a rigid production timetable, such as newspapers and e-newsletters, which require a relatively long lead time.
- This suggested amendment will achieve the same community outcome as the published clause: ensuring that the hearing is adequately publicised. It will not make the proposed local law "significantly different" from the version published for consultation for the purposes of section 3.12(4) of the Act.
- Provision for other forms of notification in addition to the website, such as social media, physical notices in libraries and targeted direct communication could be appropriately addressed through a policy.
- **Recommendation:** Amend clause 6.14(2)(b) by deleting the words "*give local public notice of the public hearing explaining how requests for deputations may be lodged*" and replacing it with: "*publish details for the public hearing and the purpose of the public hearing on the local government's official website as soon as practicable after the decision is made, with advice on how to lodge requests for deputations.*"

II. OTHER AGENCIES / CONSULTANTS

Section 3.12(b) of the Act requires provision of the proposed local law to the Minister(s) administering the Acts under which the local laws are proposed to be made, in this case, the *Local Government Act 1995*. The Minister referred the proposed local law to the Department of Local Government, Sport and Cultural Industries. The Department provided comments on 11 February 2022, which are summarised and addressed below.

M22/5899 – LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022 – REPORT OF PUBLIC SUBMISSIONS (AMREC) (ATTACHMENTS)

Consideration has also been given to the State's consultation document: [5899 \(Att 2\) Extract from Local Government Reform consultation paper](#) published on 10 November 2021 (submissions closed on 25 February 2022).

The Department provided the following advice:

- **Potential future standardised local government meeting procedures.** The next phase of local government reforms will investigate whether standing orders should be made more consistent between local governments, including whether a single set of standing orders should apply to all local governments. The City should be mindful that the local law may be over-ruled over the long term depending on future reform directions.

Response: There is no certainty yet whether this specific proposal will be implemented, and if so, the likely content and timeframe of any single set of standing orders. Proceeding with the reformed local law will deliver benefits until the standardised instrument is implemented. Legislative amendments are expected to expedite any consequential local law changes that may be required.

Recommendation: Proceed with the making of the local law to obtain the benefits, on the understanding that State legislation may make parts or all of it redundant in future years.

- **Clause 7.6 – Announcements without discussion.** The Delegated Legislation Committee has previously objected to this wording since it may inadvertently restrict the Council from debating urgent matters brought to their attention by the Presiding Member. It is suggested that the clause be amended by adding the phrase “unless the Council resolves otherwise”.

Recommendation: amend clause 7.6 by adding the words as suggested so that it reads: “*At any meeting of the Council or committee the Presiding Member may announce or raise any matter of interest or affecting the local government and there is to be no discussion on the matter unless the Council or committee resolves otherwise.*”

- **Clause 20.4(1)(d) – Point of order - false and misleading information.** The City may wish to consider whether this subclause is necessary or practical. It is possible the Delegated Legislation Committee may raise issues with this clause, since:
 - It is not strictly necessary for the orderly management of council meetings;
 - It may potentially restrict council debate; and
 - In many cases, the Presiding Member will not have access to sufficient evidence to determine the truthfulness of a particular statement.

Response: The Code of Conduct deals with false and misleading information and the local law states that it should be interpreted in the context of the Act, Regulations and Code of Conduct. Deletion of the subclause will not affect the application of the Code of Conduct. The clause currently reads:

“20.4 Point of order

- (1) *The following are to be recognised as valid points of order-*
 - (a) *that the discussion is of a matter not before the Council or committee;*
 - (b) *that a breach of these meeting procedures or the Code of Conduct has been committed by a Member;*
 - (c) *that a breach of any written law, policy or any other local law of the local government has been committed by any person;*
 - (d) *that false or misleading information has been presented by a speaker.”*

Recommendation: Delete clause 20.4(1)(d) as suggested.

M22/5899 – LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022 – REPORT OF PUBLIC SUBMISSIONS (AMREC) (ATTACHMENTS)**STATUTORY AND LEGAL IMPLICATIONS**

In making a local law a local government must follow the procedure described in section 3.12 of the Local Government Act, in the sequence in which it is described.

The City has complied with sections 3.12(2) and 3.12(3). This report relates to section 3.12(4), which states:

“(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.”*

The amendments proposed as a result of the public consultation process and Departmental comments are minor. The [5899 \(Att 3\) Local Government \(Meeting Procedures\) Local Law 2022 - approval version](#) submitted for approval here is considered to be not significantly different from what was proposed in the consultation version of the local law for the purposes of section 3.12(4).

If Council resolves by absolute majority to make this local law, it will come into operation 14 days after publication in the *Government Gazette*.

Following publication, under section 3.12(5), (6) and (7) of the Local Government Act, the City must give a copy to the Minister, give local public notice of the published local law, including publishing it on the City’s website, and submit it to the Parliamentary Joint Standing Committee on Delegated Legislation with prescribed supporting and explanatory material.

The Parliamentary Committee may seek amendments or disallowance if they consider any part of the local law inappropriate.

FINANCIAL IMPLICATIONS

There are no significant financial implications arising from the recommendations of this report. Minor costs will be incurred in publishing the local law in the *Government Gazette*. These costs will be met under the existing budget.

M22/5899 – LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022 – REPORT OF PUBLIC SUBMISSIONS (AMREC) (ATTACHMENTS)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no environmental management implications arising from the making of the proposed local law.

Risk Statement & Consequence	Level of Risk	Risk Treatment
<p>The proposed local government reforms announced by the Minister on 10/11/21 include investigation of the merits of a standard set of legislated meeting procedures (standing orders) that will apply to all local governments. If implemented, this may over-rule parts or all of the local law.</p> <p>The risk of not making the local law is that the identified flaws in the existing local law will not be rectified unless and until the State legislation is in place.</p>	<p>It is difficult to assess this risk until the State provides more detailed information. Expected to be minor consequences which are possible, resulting in a low level of risk.</p> <p>Minor consequences which are certain, resulting in a low level of risk.</p>	<p>Since any changes will affect all WA local governments, the State is expected to introduce measures to streamline necessary local law actions.</p> <p>None. The existing local law will continue to operate.</p>
<p>Outdated local laws may cause confusion and not meet their intended purpose</p>	<p>Medium consequences which are unlikely, resulting in a low level of risk.</p>	<p>Review, amend or repeal local laws regularly to ensure they continue to be relevant and effective.</p>
<p>The Joint Standing Committee on Delegated Legislation may determine that the proposed local law as made differs from the proposed local law as advertised.</p>	<p>Minor consequences which are unlikely, resulting in a low level of risk.</p>	<p>Clarify the reasons for the revisions in the explanatory memorandum to the Joint Standing Committee on Delegated Legislation, and demonstrate that they do not significantly change the effect of the local law.</p>

POLICY IMPLICATIONS

There are no strategic policy implications associated with this item.

M22/5899 – LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022 – REPORT OF PUBLIC SUBMISSIONS (AMREC) (ATTACHMENTS)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

1. The Council could choose not to make the proposed local law and reconsider the need for it after the State's legislative reform intentions are known in more detail. This would mean that the existing *City of Melville Meeting Procedures Local Law 2017* would continue to operate in its current form. The existing local law is functional, although provisions identified as unsatisfactory would not be addressed and new provisions supported by council members would not be implemented. The cost of the proposed local law is largely sunk (time and labour costs, and costs of public advertising have already been incurred), but the cost of publication in the *Government Gazette* (approximately \$1500) would be avoided.
2. The Council may determine that the proposed local law as revised in light of submissions is significantly different from the proposed local law advertised for public comment and resolve to recommence the public consultation process under section 3.13 of the Local Government Act. This would delay the local law reform by approximately 4 months, and incur further costs to advertise and repeat the public consultation process. The Parliamentary Committee does not provide advice on proposed local laws until after the law has been made and published, but in the past has generally sought amendments rather than disallowance for matters not related to breach of process.
3. The Council may resolve to repeal the existing local law and not replace it, opting instead for a policy approach as the City of Fremantle has done. This would require the development of a suitable policy and a new public consultation process. It would also result in the council having no enforceable provisions relating to the conduct of meetings or meeting attendees or options (including adjournment) to deal with disorderly conduct, which may result in less efficient and effective meetings. The Joint Standing Committee on Delegated Legislation may disallow a repeal local law if no appropriate replacement is proposed.

CONCLUSION

Departmental comments and two submissions have been received in relation to the proposed *City of Melville Local Government (Meeting Procedures) Local Law 2021*.

Minor amendments have been made in response to those submissions, but these do not significantly alter the practical effect of the proposed local law for which local public notice was given.

A member of the public proposed, through a published newspaper article, that the Council repeal the existing *Meeting Procedures Local Law 2017* and replace it with an unenforceable policy and a series of community-based committees. This was assessed as inappropriate and unlikely to address the needs of the City.

It is possible that as part of the most recent phase of local government reform, the State will legislate for a standardised set of meeting procedures to apply to all Western Australian local governments. The State has not yet completed its investigation into the merits of this proposal and is not yet known whether it will choose to implement the proposal, and if so, when and in what form.

M22/5899 – LOCAL GOVERNMENT (MEETING PROCEDURES) LOCAL LAW 2022 – REPORT OF PUBLIC SUBMISSIONS (AMREC) (ATTACHMENTS)

If the State legislates to introduce standard local government meeting procedures, then if the legislation is inconsistent with the City's *Local Government (Meeting Procedures) Local Law 2022*, the local law will be inoperable and the State legislation will prevail to the extent of the inconsistency.

Making this local law now will enable the City to benefit from the reforms until the State's intentions are known and implemented.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5899)**ABSOLUTE MAJORITY**

At 7:31pm Cr Macphail moved, seconded Cr Barber –

That the Council:

1. **Considers the public submissions received on the proposed *City of Melville Local Government (Meeting Procedures) Local Law 2022* as required by section 3.12(4) of the *Local Government Act 1995*; and**
2. **Resolves to make the [5899 \(Att 3\) Local Government \(Meeting Procedures\) Local Law 2022 - approval version](#) as attached, incorporating the minor amendments recommended in this report; and**
3. **Authorises the affixing of the common seal to the *City of Melville Local Government (Meeting Procedures) Local Law 2022*; and**
4. **Authorises the CEO, in accordance with section 3.12 of the *Local Government Act 1995*, to:**
 - a) **Publish the *City of Melville Local Government (Meeting Procedures) Local Law 2022* in the *Government Gazette*; and**
 - b) **Give a copy of the local law to the Minister for Local Government; and**
 - c) **Give local public notice of the publication of the local law; and**
 - d) **In accordance with the Minister's directions, provide a copy of the local law and required explanatory material to the Joint Standing Committee on Delegated Legislation in the Western Australian Parliament.**
5. **Directs the CEO to amend *CP-088 Creation, Access and Retention of Audio Recordings of Public Meetings of the Council* to address the creation, retention and timely publication of audio-visual records of public meetings of Council and of committees exercising delegated powers and duties.**

At 7:32pm, the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (13/0)

M22/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and 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 17 February 2022 up to and including 17 March 2022 for the Council's noting.

M22/5000 – 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
CS2194	City of Melville and Lany Sutijono and Sutisna Tionowidjaja	Temporary Withdrawal of Caveat to allow a replacement Caveat to be lodged over lot 3 (25C) Fletcher Street, Applecross	6779949
CS2195	City of Melville and Minister for Planning	Adoption of Amendment No.12 to Local Planning Scheme No. 6. The amendment proposes to amend Local Planning Scheme 6 by removing the restricted use (R4) classification (to 2-6 Webber Street; replacing the existing restricted use (R4) classification with a wider range of restricted uses permitted on 71-77 Leach Highway and introducing an additional site requirement pursuant to Clause 33 of LPS6 to restrict the extent of retail use within the centre.	6797891
CS2196	City of Melville, Benjamin Carder and Rebecca Carder	Deed of Release and Indemnity Agreement – 119 Darley Circle, Bull Creek	6824143

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

M22/5000 – 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.

M22/5000 – COMMON SEAL REGISTER (REC)**CONCLUSION**

This is a standard report for the Elected Members' that details the documents to which the City of Melville Common Seal has been applied for the period from 17 February 2022 up to and including 17 March 2022 for the Council's noting.

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

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 17 February 2022 up to and including 17 March 2022 for the Council's noting.

At 7:34pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 28 February 2022 for the Council's information and noting.

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

BACKGROUND

The City has cash holdings as a result of timing differences between the collection of revenue and its expenditure. The City also has holds funds in reserve which are required for future asset renewal/asset replacement or required for a future liability.

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 28 February 2022.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 28 FEBRUARY 2022		
SUMMARY BY FUND		
Municipal		\$47,526,787
Reserve		\$151,628,617
Trust		\$-
Citizen Relief		\$224,057
TOTAL		\$199,379,462
SUMMARY BY INVESTMENT TYPE		
11AM		\$17,256,938
31Days at Call		\$6,000,000
60Days at Call		\$2,000,000
90Days at Call		\$16,600,000
Term Deposit		\$157,522,523
TOTAL		\$199,379,462
SUMMARY BY CREDIT RATING		
AAA Category	AAA	
AA Category (AA+ to AA-)	AA-	\$138,378,746
	A+	\$11,500,716
A Category (A+ to A-)	A	
	A-	
BBB+ Category	BBB+	\$49,500,000
TOTAL		\$199,379,462

C22/6000 - INVESTMENT STATEMENTS FOR 28 FEBRUARY 2022 (REC)

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

Investment with financial institutions						
Institution	Credit Rating	Credit Rating Category	Funds held at period end	Actual %	Limit Per Policy	
ANZ	AA-	AA Category	\$ 27,000,000	13.54%	30.00%	✓
AMP	BBB+	BBB+ Category	\$ -	0.00%	15.00%	✓
Bankwest	AA-	AA Category	\$ -	0.00%	30.00%	✓
Bank of Queensland	BBB+	BBB+ Category	\$ 24,500,000	12.29%	15.00%	✓
ING Bank	A-	A Category	\$ -	0.00%	25.00%	✓
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 25,000,000	12.54%	15.00%	✓
CBA	AA-	AA Category	\$ 21,500,000	10.78%	30.00%	✓
Macquarie	A+	A Category	\$ 3,000,716	1.51%	25.00%	✓
NAB	AA-	AA Category	\$ 50,537,186	25.35%	30.00%	✓
St George	AA-	AA Category	\$ -	0.00%	30.00%	✓
Suncorp	A+	A Category	\$ 8,500,000	4.26%	25.00%	✓
Westpac	AA-	AA Category	\$ 39,341,560	19.73%	30.00%	✓
TOTAL			\$ 199,379,462	100%		

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

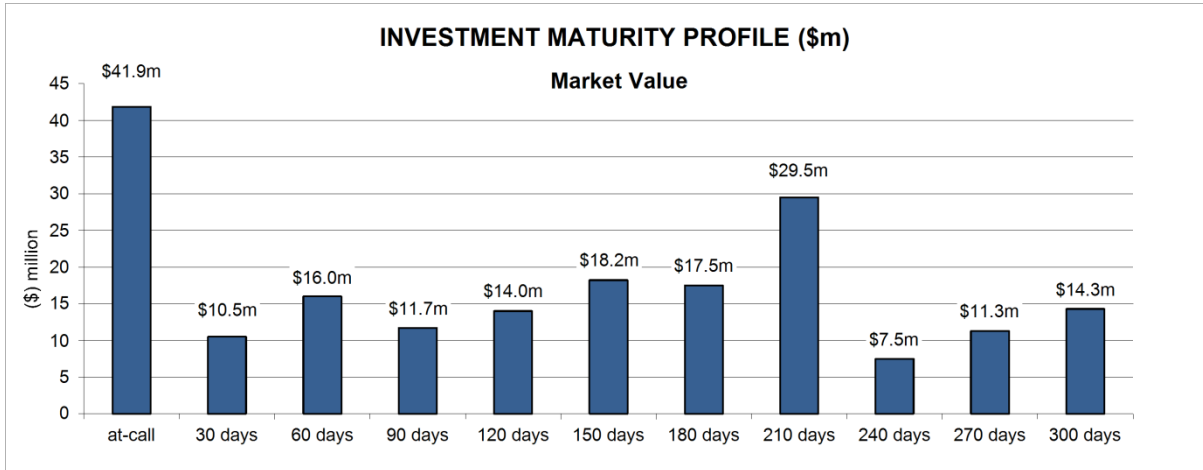
The City's investments were invested within the limits allowed within each category rating for February 2022.

Maximum Percentage of Average Investment Portfolio Balance				
Long Term Rating	Funds held at period end \$	Actual %	Limit Per Policy	
AAA Category	\$ -	0%	100%	✓
AA Category (AA+ to AA-)	\$ 138,378,746	69%	80%	✓
A Category (A+ to A-)	\$ 11,500,716	6%	50%	✓
BBB+ Category	\$ 49,500,000	25%	25%	✓
TOTAL	\$ 199,379,462	100%		

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

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

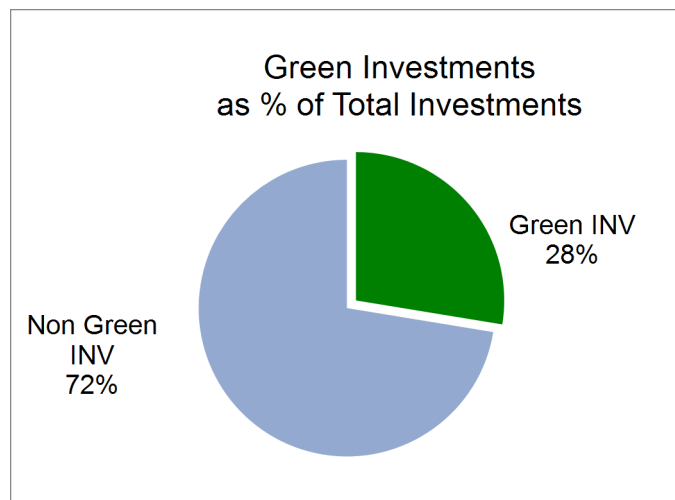
The below graph summarises the maturity profile of the City’s investments at market value as at 28 February 2022. The immediacy of the demand for funds depends on the particular Fund or Reserve Account(s) of the City. The maturity profile provided in the table above meets the liquidity requirements of the Council policy.



“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 28 February 2022 was \$55,000,000 or 28% of total investment holdings being in non-fossil fuels institutions, compared to \$73,500,000 (36%) in January 2022. The decline in green investment is due to a change in products available through the CBA. A new ESG (Environmental Social Governance) term deposit product with CBA has been evaluated and the City has commenced purchasing this product in March 2022.

The total investments holding for February and January were \$199,379,462 and \$202,679,462 respectively.



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

Green Investment with financial institutions			
Institution	Credit Rating	Credit Rating Category	Funds held at period end
Bendigo & Adelaide	BBB+	BBB+ Category	\$ 25,000,000
CBA	AA-	AA Category	\$ 21,500,000
Suncorp	A+	A Category	\$ 8,500,000
TOTAL			\$ 55,000,000

Green investments are invested in three banks listed above, in accordance with the council credit rating policy.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

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

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

FINANCIAL IMPLICATIONS

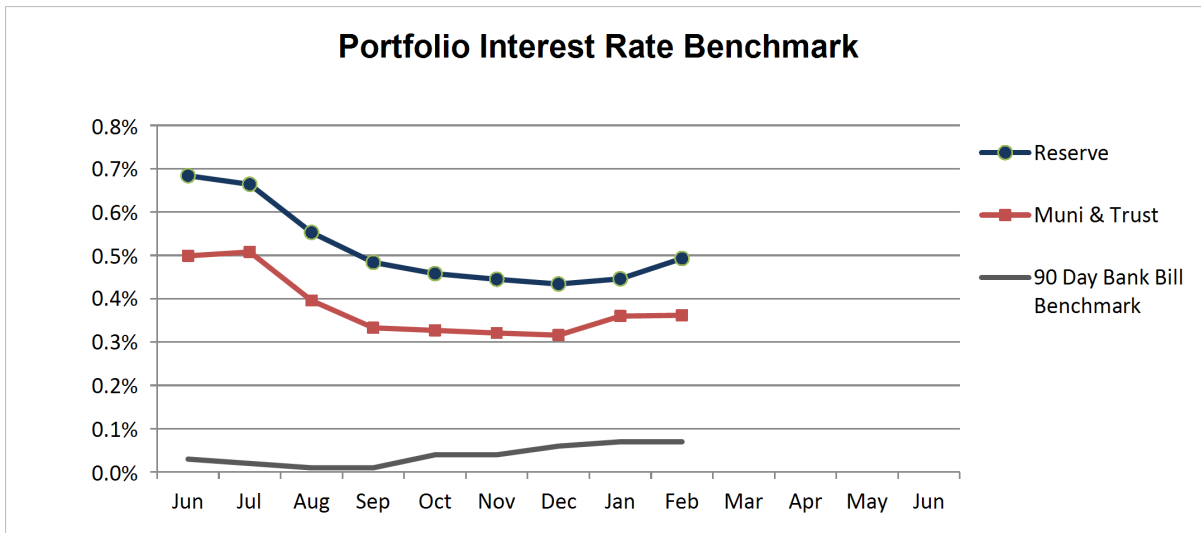
For the period ending 28 February 2022:

- Investment earnings on Municipal and Trust Funds were \$81,625 against a year to date budget of \$102,455 representing a negative variance of \$20,830.

The weighted average interest rate for Municipal and Trust Fund investments as at 28 February 2022 was 0.36% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.07%.

- Investment earnings on Reserve accounts were \$470,245 against a year to date budget of \$481,333 representing a negative variance of \$11,089.

The weighted average interest rate for Reserve account investments as at 28 February 2022 was 0.49% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 0.07%.



STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Strategic

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

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

Risk

The Council’s Investment of Funds Policy CP-009 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.

C22/6000 - INVESTMENT STATEMENTS FOR FEBRUARY 2022 (REC)**Environmental**

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report only presents information for noting.

CONCLUSION

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.36% to 0.49% which exceeds the benchmark three month bank bill swap (BBSW) reference rate of 0.07%.

28% 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 36% in January 2022.

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

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

That the Council notes the Investment Report for the period ending 28 February 2022.

At 7:34pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

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

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

BACKGROUND

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

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 February including Payment Register numbers, Cheques: 813-814, Electronic Funds Transfers batches: 750-754, Trust Payments, Card Payments and Payroll was distributed to the Elected Members of the Council on 1 April 2022.

A total of \$9,894,607 direct creditor payments were paid during the month, of which, 21% of payments (excluding \$1,720,704 of payment of ESL payment to DFES) were paid to suppliers located within the City of Melville and 33% to suppliers within the South West Group, compared to 20% and 32% of total of \$7,114,598 direct creditor payments made over January 2022 respectively. The biggest payment of \$1,720,704 made during the month was the ESL payment to the Department of Fire and Emergency Services (DFES). Approximately 96% of supplier invoices are paid within 30 days of receipt of the invoices.

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

SCHEDULE OF PAYMENTS MADE FEBRUARY 2022		
<i>Payments made under Delegated Authority DA-035</i>		
MUNICIPAL FUNDS - DIRECT CREDITOR PAYMENTS		
Cheques	Chq Payment Register No. 813 and 814	\$892.16
	Chq Payment on Restricted Funds Register No.	\$0.00
	Less Cancelled Chqs	(\$746.46)
Electronic Funds Transfers	EFT Payment Register No. 751,753 and 754	\$9,463,965.47
	EFT Payment on Restricted Funds Register No. 750,752 and 117	\$444,313.45
	Less Cancelled EFTs	(\$13,817.50)
	\$9,894,607.12	
Direct Debits	Bank Fees	\$18,342.41
	Ampol Fuel	\$101,951.65
Direct Payments		\$12,447.79
	Total Direct Creditor Payments	\$10,027,348.97
Payroll	Total Pay 16 and 17	\$3,867,241.72
	Total Payroll	\$3,867,241.72
Cards	Westpac Corporate Cards	\$20,319.57
	Westpac Purchase Cards	\$57,366.69
	American Express	\$9,640.62
	Total Card Payments	\$87,326.88
Total Direct Creditor Payments from Municipal Account		\$13,981,917.57

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

Schedule of Payments Made continued.

INTERFUND & INVESTMENT TRANSACTIONS		
<i>Interfund Transfers</i>		
Loan		\$0.00
Citizen Relief Trust		\$0.00
Citizen Relief Operating		\$0.00
Municipal		(\$19,474,051.00)
Reserve		\$19,474,051.00
Trust		\$0.00
Total Interfund Transfers		\$0.00
<i>New Municipal Investments</i>		
Westpac Bank	1/02/2022	\$1,500,000.00
NAB Bank	2/02/2022	\$1,500,000.00
ANZ Bank	3/02/2022	\$1,500,000.00
Westpac Bank	8/02/2022	\$1,200,000.00
ANZ Bank	8/02/2022	\$1,500,000.00
Westpac Bank	14/02/2022	\$2,000,000.00
ANZ Bank	18/02/2022	\$1,000,000.00
Westpac Bank	18/02/2022	\$3,000,000.00
ANZ Bank	22/02/2022	\$2,000,000.00
ANZ Bank	22/02/2022	\$2,000,000.00
ANZ Bank	23/02/2022	\$1,500,000.00
ANZ Bank	23/02/2022	\$1,500,000.00
Total New Investments		\$20,200,000.00
Grand Total		\$34,181,917.57

Details of the payments are shown in attachment [6001 Payment Details February 2022](#). Any payment over and above \$25,000 has been highlighted under the Payment Amount column in the attachment to this statement named 'Listing of Payments made under Delegated Authority'.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

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

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable as this report presents information for noting only.

CONCLUSION

The Schedule of Payments for the month totals \$34,181,917.57.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001)**NOTING**

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

At 7:34pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2022 (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 Nature or Type and Rate Setting Statement by Program and Nature or Type, for the period ending 28 February 2022 and recommends that they be noted by the Council. • The variances for the month of 28 February 2022 and recommends that they be noted by the Council. • The Budget amendments required for the month of 28 February 2022 and recommends that they be adopted by Absolute Majority decision of the Council.

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2022 (AMREC)
(ATTACHMENTS)****BACKGROUND**

The Statements of Financial Activity for the period ending 28 February 2022 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

OVERALL SUMMARY OF THE CITY'S FINANCIAL POSITION

- The City's total investments holding for February were \$199.4m of which the Municipal cash balance at the end of the month was \$47.5m and \$151.9m was held in reserve accounts, which are restricted to the defined purpose for which the reserve account was established.
- The Green investment in authorised banking institutions as at 28 February 2022 was \$55m or 28% of total investment holdings, compared to \$73.5m (36%) in January 2022. Additional green investment products have been made available by the CBA and the City has begun to invest in these in March 2022.
- Rates raised as at February 2022 were \$92.06m with a positive variance of \$0.35m compared to the approved budget of \$91.7m. This increase is mainly due to interim rate adjustments processed on various residential improved properties.
- Total debtor collections for February 2022 equalled \$5.9m. The Rates collection target is 85.8% and the actual collection is tracking slightly higher at 86.7%. The year to date total outstanding debtors (including all rates and sundry debtors) is \$17.65m.

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 Nature or Type
Provides details on the Nature or Type classifications.

Variances

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

[6002B Rate Setting Nature Type February 2022](#): Rate Setting Statement by Nature or Type

[6002H Statement of Variances February 2022](#): Statement of Variances in Excess of \$100,000

C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2022 (AMREC)
(ATTACHMENTS)
Revenue

Rates raised as at February were \$92,063,627 compared to a year to date budget of \$91,708,690. The variance of \$354,937 is due to interim rate adjustments processed on various residential improved properties.

Rates Collection

SUMMARY OF RATE DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	6,491,862	6,491,862	0%	9,142,487	-29%
Debtors Raised	118,458,117	118,367,636	0%	102,158,688	16%
Payments Received	(107,291,544)	(102,110,858)	5%	(90,569,259)	18%
Closing Balance	17,658,435	22,748,641	-22%	20,731,916	-15%

Total rate debtor collections for the month equalled \$5,180,685.

Sundry Debtor Movement

SUMMARY OF SUNDRY DEBTOR MOVEMENT					
Detail	Actuals Current Month YTD	Actuals Previous Month YTD	% Diff Current Mth to Previous Mth	Actuals This Month Last Year YTD	% Diff Current Mth to Current Mth Last Yr
Opening Balance - 1 July	882,151	882,151	0%	1,238,865	-29%
Invoices Raised	4,407,745	3,896,580	13%	4,114,277	7%
Receipts	(4,568,896)	(3,804,397)	20%	(4,373,657)	4%
Prepayments	(32,602)	(28,989)	12%	22,722	-243%
Closing Balance	688,398	945,345	-27%	1,002,208	-31%

Sundry debtor balances decreased by \$256,947 over the course of February from \$945,345 to \$688,398 of which total 90 day sundry debtors over \$1,000 for the month is \$152,372, representing 22% of total sundry debtors.

Money Expended in an Emergency and Unbudgeted Expenditure

A small fire in the Civic Centre on 9th August 2021 resulted in emergency and unbudgeted expenditure. Urgent expenditure was required to make the building fit for re-occupation by the staff, Elected Members and members of the public as soon as possible.

As per the Local Government Act 1995 Section 6.8, this was authorised in advance by the Mayor but is also required to be reported to the next Ordinary Meeting of Council.

C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2022 (AMREC)
(ATTACHMENTS)

The total spend to February 2022 was \$249,122, which is expected to be the total cost of repairs. The City has lodged an insurance claim with Local Government Insurance Services (LGIS) for expenditure in excess of \$50,000 which is the City's insurance excess on property claims. The claim is expected to be finalised in March 2022.

Budget Amendments

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

Variances greater than \$100,000 processed in February 2022 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. There were no debts written off for the month of February 2022.

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

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

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2022 (AMREC)
(ATTACHMENTS)****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;
- (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.

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2022 (AMREC)
(ATTACHMENTS)**

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

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

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

FINANCIAL IMPLICATIONS**Variances**

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 28 February 2022.

**C22/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2022 (AMREC)
(ATTACHMENTS)**

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

That the Council:

- Notes the Rate Setting Statement and Statements of Financial Activity for the month ending 28 February 2022 as detailed in the following attachments:**

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

- By Absolute Majority Decision adopts the budget amendments, as detailed in the attached Budget Amendment Reports for February 2022 [6002j Budget Amendments February 2022](#)**

At 7:34pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

15. EN BLOC ITEMS

COUNCIL RESOLUTION

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

That the recommendations for the following items be carried En Bloc:

- M21/5000 Common Seal Register**
- C21/6000 Investment Statements for February 2022**
- C21/6001 Schedule of Accounts Paid for February 2022**
- C21/6002 Statements of Financial Activity for February 2022**

At 7:34pm, the Mayor declared the motion

CARRIED EN BLOC BY ABSOLUTE MAJORITY (13/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

An officer advice note has been circulated for the Motion with Notice 16.1 Proposal to Establish a City of Melville Significant Tree Register – [Advice Note](#)

16.1 Proposal to Establish a City of Melville Significant Tree Register

COUNCIL RESOLUTION

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

That Council request the CEO to initiate a community consultation process seeking feedback on a proposal to establish a City of Melville Significant Tree Register - with a report on the outcomes to be presented at a future EMES.

At 7:50pm, the Mayor declared the motion

CARRIED (10/3)

Yes	10	Cr Barber, Cr Edinger, Cr Fitzgerald, Cr Macphail, Cr Robins, Cr Sandford, Cr Wheatland, Cr Woodall, Mayor Gear, Cr Ross
No	3	Cr Mair, Cr Pazolli, Cr Spanbroek

Reasons for the Motion as provided by Cr Barber

1. The City of Melville has teamed up with 10 other local governments to help celebrate the value of trees during the inaugural WA Tree Festival during April. It is a perfect time to for the Council to show it is committed to celebrating trees in our community.
2. There is much community support of preserving and increasing the tree canopy in Melville.
3. This provides an avenue for community feedback about the preservation of significant trees on private and public property.

16.2 Removal of Trees 23A St Michael Terrace, Mount Pleasant

At 7:50pm Cr Ross moved, seconded Cr Sandford –

That the Council directs the CEO to arrange for the immediate removal of the two trees (Queensland Box Tree and Melaleuca Tree) on the front verge of the property at 23A St Michael Terrace, Mount Pleasant that are within 500mm of the front fence that surrounds the swimming pool in the front yard of the property.

At 7:57pm Cr Spanbroek electronically disconnected from the meeting and reconnected at 8:02pm.

Amendment

COUNCIL RESOLUTION

At 8:01pm Cr Pazolli moved seconded Cr Woodall –

That the following words be included at the end of the motion:

“as per Council Policy CP-029 – Tree Policy.”

At 8:12pm, the Mayor declared the motion

CARRIED (11/2)

Yes	11	Cr Barber, Cr Fitzgerald, Cr Pazolli, Cr Macphail, Cr Mair, Cr Robins, Cr Sandford, Cr Spanbroek, Cr Wheatland, Cr Woodall, Mayor Gear,
No	2	Cr Ross, Cr Edinger

Substantive Motion as Amended

At 7:50pm Cr Ross moved, seconded Cr Sandford –

That the Council directs the CEO to arrange for the immediate removal of the two trees (Queensland Box Tree and Melaleuca Tree) on the front verge of the property at 23A St Michael Terrace, Mount Pleasant that are within 500mm of the front fence that surrounds the swimming pool in the front yard of the property as per the Tree Policy CP-029

At pm, the Mayor declared the motion

LOST (6/7)

Yes	6	Cr Edinger, Cr Pazolli, Cr Mair, Cr Ross, Cr Sandford, Cr Spanbroek,
No	7	Cr Barber, Cr Fitzgerald, Cr Macphail, Cr Robins, Cr Wheatland, Cr Woodall, Mayor Gear

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**17.1 Community Reference Group Recommendations – CBACP****Item Brought Forward.**

See Page 31.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**Procedural Motion****COUNCIL RESOLUTION**

At 8:21pm Cr Sandford 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(2)(c) of the Local Government Act 1995, to be discussed behind closed doors.

At 8:21pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

18.1 Confidential Item M22/5890 – Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant – Alternate Motion

This Alternate Motion was deferred from the Ordinary Meeting of Council held 15 February 2022, the Report and Council resolution associated with this matter - Confidential Extract from 15 February 2022 OMC was distributed to Elected Members on 1 April 2022 under confidential cover.

In accordance with section 13.5(4) of the City of Melville Meeting Procedures Local Law 2017, Cr Sandford spoke to introduce the motion, which included an extension of time, and section 9.12 of the Meeting Procedures Local Law applies as follows:

“9.12 Speaking twice

A Member is not to address the Council more than once on any motion or amendment except-

(a) as the mover of a substantive motion, to exercise a right of reply;

(b) to raise a point of order; or

(c) to make a personal explanation.”

Alternate Motion

At 8:40pm (15 February 2022) Cr Sandford moved, seconded Cr Ross –

That the CEO forthwith inform the proposed lessee of 13 The Esplanade/64 Kishorn Road, Mt Pleasant that the Council of the City of Melville does not agree to the proposed ground lease terms and terminates all lease negotiations, including with any third parties.

18.1 Confidential Item M22/5890 – Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant – Alternate Motion

At 8:28pm the mover along with the seconder consented to the deletion of the words “*including with any third parties*” and replace with the words “*and that all documents in relation to this matter be made public*”.

Alternate Motion

At 8:40pm (15 February 2022) Cr Sandford moved, seconded Cr Ross –

That the CEO forthwith inform the proposed lessee of 13 The Esplanade/64 Kishorn Road, Mt Pleasant that the Council of the City of Melville does not agree to the proposed ground lease terms and terminates all lease negotiations, and that all documents in relation to this matter be made public.

At 8:32pm the mover along with the seconder consented to the amendment of the words “*and that all documents in relation to this matte be made public*” to the words “*and that all documents considered by Council in closed sections of meetings in relation to this matter be made public*”.

Alternate Motion as Amended

COUNCIL RESOLUTION

At 8:40pm (15 February 2022) Cr Sandford moved, seconded Cr Ross –

That the CEO forthwith inform the proposed lessee of 13 The Esplanade/64 Kishorn Road, Mt Pleasant that the Council of the City of Melville does not agree to the proposed ground lease terms and terminates all lease negotiations, and that all Council documents considered by the Council in closed sections of meetings in relation to this matter be made public.

At 8:38pm, the Mayor declared the motion

CARRIED (11/2)

Yes	11	Cr Barber, Cr Edinger, Cr Fitzgerald, Cr Pazolli, Cr Robins, Cr Ross, Cr Sandford, Cr Spanbroek, Cr Wheatland, Cr Woodall, Mayor Gear
No	2	Cr Macphail, Cr Mair

Reasons for the Alternate Motion as provided by Cr Sandford

1. After 14 months of lease negotiations with the proposed lessee, the terms of the draft lease remain unfavorable to the City, including due to: the high risk of increased delays by the lessee in meeting the pre-conditions to the lease; the 2% cap on rent increases at both CPI and 10-yearly market review dates; and the 12 year CPI Indexation freeze on top of a generous rent-free period;
2. There remains significant concern by the community about the 24/7 increased traffic and parking congestion which will be generated by the proposed nursing home/childcare commercial use in this already busy area, which will become more congested with increasing density in the CBACP over time;

Procedural Motion**COUNCIL RESOLUTION**

At 8:38pm Cr Wheatland moved, seconded Cr Barber –

That the meeting comes out from behind closed doors.

At 8:38pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

No members of the public returned to the meeting.

At 8:39pm, The Mayor advised the meeting that in relation to Confidential Item M22/5890 – Ground Lease Redevelopment Agreement 13 The Esplanade and 64 Kishorn Road, Mt Pleasant – Alternate Motion as amended was carried 11/2 and is as follows:

“That the CEO forthwith inform the proposed lessee of 13 The Esplanade/64 Kishorn Road, Mt Pleasant that the Council of the City of Melville does not agree to the proposed ground lease terms and terminates all lease negotiations, and that all Council documents considered by the Council in closed sections of meetings in relation to this matter be made public.”

19. CLOSURE

There being no further business to discuss, Mayor Gear confirmed Cr Pazolli, Cr Wheatland, Cr Spanbroek, Cr Robins, Cr Fitzgerald, Cr Edinger and Cr Woodall were still in attendance electronically and declared the meeting closed at 8:41pm.